



ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE

WEDNESDAY, JULY 22, 2009 - 3:30 P.M.

CVRD BOARDROOM, 175 INGRAM STREET

AGENDA

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6. <u>NEW BUSINESS:</u>	

7. **PRESS/PUBLIC QUESTIONS PERIOD**

8. **CLOSED SESSION**

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

SM1 Minutes of the April 22, 2009 closed session meeting. 46 - 47

SSR1 {Sub (1) (e)} – land acquisition PowerPoint Presentation

9. **NEXT MEETING: August 26, 2009**

10. **ADJOURNMENT:**

Distribution:

Director Cossey, Chair
Director Haywood, Vice-Chair
Director Dorey
Director Duncan
Director Giles
Director Harrison
Director Kuhn

As Well As:

Director Iannidinardo, Electoral Area D
Director Kent, City of Duncan
Director Marcotte, Electoral Area H
Director Morrison, Electoral Area F
Warren Jones, Administrator
Brian Dennison, General Manager, Engineering & Environmental Services
Bob McDonald, Manager, Recycling & Waste Diversion
Dave Leitch, AScT., Manager, Water Management
Kate Miller, Manager, Regional Environmental Policy
Mark Kueber, Treasurer

Agenda Cover Only:

Directors Hutchins, McGonigle, Seymour, Walker
Tom Anderson, General Manager, Planning & Development
Joe Barry, Corporate Secretary

The Full Agenda Package is available on-line at: <http://cvrld.bc.ca/Archive.asp?AMID=50>

Minutes of the regular meeting of the Engineering & Environmental Services Committee held in the CVRD Boardroom, 175 Ingram Street, Duncan, on June 24, 2009 at 3:30 p.m.

PRESENT: Director Cossey, Chair
Director Haywood, Vice-Chair
Directors Dorey, Duncan, Giles, Harrison, Iannidinardo
Kuhn, Morrison

ALSO

PRESENT: B. Dennison, P. Eng., General Manager, E & E
D. Leitch, ASCT., Manager, Water Management
K. Miller, Manager, Regional Environmental Policy
Harmony Huffman, Environmental Technologist
Lynda Lee, Recording Secretary

**APPROVAL
OF AGENDA**

The following items were added to the agenda:

R5 – Revised

NB1 A staff report regarding CVRD takeover of a sewer system by inclusion into the Cowichan Bay Sewer System, Electoral Area D.

It was moved and seconded that the Agenda be approved as amended.

MOTION CARRIED

**ADOPTION
OF MINUTES**

It was moved and seconded that the minutes of the May 27, 2009 regular Engineering & Environmental Services Committee meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING
OUT OF MINUTES**

BA1

Staff provided a verbal update regarding the Bench Make a Difference Club video.

It was moved and seconded that it be recommended to the Board that a letter be sent to Bench School Make a Difference Club congratulating them on their award and informing them of actions that the CVRD is taking to advance their cause.

MOTION CARRIED

The following resolutions were referred back to the Engineering & Environmental Services Committee from the Board.

It was moved and seconded:

1. That "CVRD Bylaw No. 3278 – Solid Waste Management Loan Authorization (Operations Facility) Bylaw, 2009", be forwarded to the Board for consideration of 3 readings and, following Provincial and voter approval, be adopted.
2. That it be recommended to the Board that voter approval for CVRD Bylaw No. 3278 be obtained through an alternative approval process over the entire service area.

MOTION CARRIED

R3

A staff report was received regarding establishment of a service area for Arbutus Ridge water, sewer and drainage systems (Electoral Area C) was considered.

It was moved and seconded that it be recommended to the Board:

1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a Water System Service Area and authorizing the borrowing of up to \$100,000.00, be received.
2. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a Sewer System Service Area and authorizing the borrowing of up to \$125,000.00, be received.
3. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a Drainage System Service Area.
4. That Service Establishment and Loan Authorization bylaws be prepared for the Arbutus Ridge water, sewer and drainage systems and forwarded to the Board for consideration of three readings, and following provincial approval, adoption.
5. That, following adoption of the service establishment and loan authorization bylaws, Capital Reserve Fund Establishment Bylaws, Parcel Tax Roll Bylaws and Service Management Bylaws be prepared for each of these systems and forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

R4

A staff report regarding establishment of a CVRD Service Area for Dogwood Ridge Water System (Electoral Area E) was considered.

It was moved and seconded that it be recommended to the Board:

1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a Water System Service Area and authorizing the borrowing of up to \$220,000.00, be received.

2. That Service Establishment and Loan Authorization bylaws be prepared for the Dogwood Ridge Water System and forwarded to the Board for consideration of three readings and, following Provincial approval, adoption.
3. That, following adoption of the Service Establishment and Loan Authorization Bylaws, a Capital Reserve Fund Establishment Bylaw, a Parcel Tax Roll Bylaw and a Service Management Bylaw be prepared and forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

R5

A staff report was considered concerning establishment of a service area of Shawnigan Lake waterfront properties for looking after cleanout of Shawnigan Creek and restoration of natural function.

It was moved and seconded that it be recommended that an Alternative Approval Process be carried out to obtain consent of the voters to create a service area of the Shawnigan Lake waterfront properties in Electoral Area B, for the purpose of cleanout of the creek bottom at the mouth of Shawnigan Creek to allow drainage and restoration of the natural system function; and further that an establishment bylaw be created for this service area.

MOTION CARRIED

NEW BUSINESS

NB1

A staff report was considered regarding CVRD takeover of a sewer system for Four Way Properties Ltd's proposed subdivision by inclusion into the Cowichan Bay Sewer System service area, Electoral Area D.

It was moved and seconded that it be recommended that the Board receive the petitions for inclusion into Cowichan Bay Sewer Service Area, located in Electoral Area D, by extending the boundaries to include the properties described as;

- *PID: 001-321-463, Lot 1, Section 4, Range 5, Cowichan District, Plan 20768*
- *PID: 000-140-571, Lot 1, Section 4, Range 5, Cowichan District, Plan 18449*
- *PID: 003-579-301, Lot 1, Section 4 & 5, Range 5, Cowichan District, Plan 20693*
- *PID: 003-437-116, Lot A, Section 4, Range 5, Cowichan District, Plan 21381*
- *PID: 011-721-031, Lot A, Section 4, Range 5, Cowichan District, Plan 47087*

as requested by Four Ways Properties Ltd., for a strata development, subject to the following conditions:

- 1) Previous Board resolution No. 07-773, providing approval in principle for takeover of a 50 unit sewer system for this development, approved in 2007, be rescinded;
- 2) The size of this development be limited to 36 unit residential strata units;

- 3) Thirty six Joint Utility Board Sewer Capacity Units be transferred from Eagle Heights Sewer System to Cowichan Bay Sewer System for this development;
- 4) The developer pay sewer connection fees of \$3,500 per connection;
- 5) The developer pay for a re-routing of the Cowichan Bay Sewer System from Pritchard Road to Fenwick Road to reduce loading of the sewer main along Cowichan Bay Road, estimated at \$30,000;
- 6) The preliminary concepts, detailed design and installation of service works must be approved by Engineering and Environment staff to ensure compliance with CVRD Design Standards, and Subdivision Bylaw 1215;
- 7) All lands on which infrastructure works are located are transferred to the CVRD except where not practical, in which case will be placed within registered Statutory Rights-of-way, using the CVRD's standard charge terms;
- 8) The owner of utility be willing to transfer the service works including emergency generator to the CVRD;
- 9) The developer undertakes to provide a two-year warranty on the completed service works, backed by a letter of credit;
- 10) The Four Ways Properties Ltd. development be designed in such a way as to permit access via a strata road to an adjacent parcel of land that is the subject of a development proposal by Kim Johannsen.

and further that an amendment bylaw to extend the boundaries of the Cowichan Bay Sewer System service area be prepared and forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:15 pm

Chair

Recording Secretary

Dated: _____

005



C·V·R·D

STAFF REPORT

R1

ENGINEERING AND ENVIRONMENTAL SERVICES COMMITTEE MEETING OF JULY 22, 2009

DATE: July 14, 2009

Bylaw Nos.: 3286 & 3287
3288 & 3289

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

SUBJECT: Arbutus Ridge Water and Sewer System Service Establishment Bylaws and Loan Authorization Bylaws.

Recommendations:

1. That "CVRD Bylaw No. 3286 – Arbutus Ridge Water System Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
2. That "CVRD Bylaw No. 3287 – Arbutus Ridge Water System Loan Authorization Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
3. That "CVRD Bylaw No. 3288 – Arbutus Ridge Sewer System Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
4. That "CVRD Bylaw No. 3289 – Arbutus Ridge Sewer System Loan Authorization Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
3. That it be recommended to the Board that following adoption of Bylaw Nos. 3286, 3287, 3288 and 3289, the necessary Asset Transfer Agreements be prepared and the Chair and Corporate Secretary be authorized to sign the agreements.

Purpose: To introduce Bylaw Nos. 3286, 3287, 3288 and 3289. Bylaw Nos. 3286 & 3287 establish a water system service in a portion of Electoral Area C – Cobble Hill and authorize borrowing up to \$100,000.00 to complete the capital work necessary to upgrade the works to a municipal standard. Bylaw Nos. 3288 & 3289 establish a sewer system service in a portion of Electoral Area C – Cobble Hill and authorize borrowing up to \$120,000.00 to complete the capital work necessary to upgrade the works to a municipal standard.

Financial Implications: The annual cost to property owners for providing both water and sewer services is to be recovered through user fees in three categories: 1) Residential; 2) Commercial; and 3) Agricultural Recreational, to be fixed by separate bylaw. The total estimated cost to property owners in categories one and two is \$326.00 and category three is 11,592.00 annually. The cost to complete the capital work necessary to upgrade the water system to a municipal level is estimated at \$100,000.00 with the total estimated annual cost to property owners calculated at \$8,860.00 (included in the user fee).

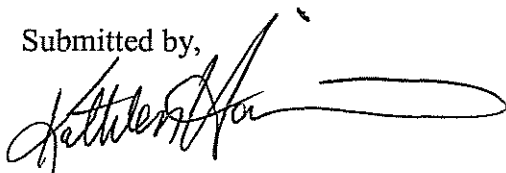
The cost to complete the capital work necessary to upgrade the sewer system to a municipal level is estimated at \$125,000.00 with the total estimated cost to property owners calculated at \$11,075.00 (included in the user fee) annually. At the request of the property owners, both sums are to be financed over a twenty year period.

Interdepartmental/Agency Implications: The Inspector of Municipalities and service area electors must give their approval prior to Bylaw Nos. 3286, 3287, 3288 and 3289 being adopted. In cases where a sufficient petition for services has been received, voter approval may be obtained by the Area Director consenting in writing to the adoption of the bylaws. Under the *Local Government Act*, if a board proposes to borrow money for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purposes of obtaining public approval, be dealt with as if they were one bylaw. Engineering Services is responsible for the operation and administration of the services.

Background: At its meeting held July 8, 2009, the CVRD Board received a sufficient petition for services from property owners within the service area. The Board endorsed Resolution No. 09-355-3-4 that authorized bylaws to be drafted that establish a water and sewer service within a portion of Electoral Area C – Cobble Hill to be known as the Arbutus Ridge Water System Service and the Arbutus Ridge Sewer System Service and to borrow the funds necessary to upgrade the capital works for each service to a municipal standard. The Board further resolved that following adoption of the establishment bylaws, the necessary parcel tax roll bylaws and service management bylaws be created. At that time the Board would also have the authority to proceed with asset transfer agreements for each utility.

Therefore Bylaw No. 3286 creates a water system service area and Bylaw No. 3287 authorizes the borrowing of no more than \$100,000.00 to assist with the costs to upgrade the water works to a municipal standard. Bylaw No. 3288 creates a sewer system service area and Bylaw No. 3289 authorizes the borrowing up to \$120,000.00 to assist complete the capital work necessary to upgrade the sewer works to a municipal standard and all four bylaws are attached for consideration.

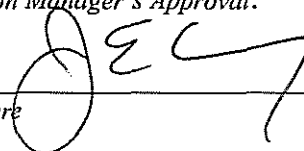
Submitted by,



Kathleen Harrison
Legislative Services Coordinator
Corporate Secretariat Division

Division Manager's Approval:

Signature



Attachments: Bylaw Nos. 3286 & 3287
Bylaw Nos. 3288 & 3289



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3286

A Bylaw to Establish a Water Service in a Portion of Electoral Area C – Cobble Hill

WHEREAS pursuant to Sections 796(1) and 800(1) of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a water service in a portion of Electoral Area C – Cobble Hill;

AND WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS pursuant to Section 797.4 of the *Local Government Act* the Board of the Cowichan Valley Regional District has received a sufficient "*petition for services*";

AND WHEREAS the Director of Electoral Area C – Cobble Hill has consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3286 – Arbutus Ridge Water System Service Establishment Bylaw, 2009".

2. SERVICE BEING ESTABLISHED

The service being established under the authority of this bylaw is the service of the provision, distribution and treatment of water.

3. SERVICE AREA BOUNDARIES

The boundaries of the service area are that portion of Electoral Area C – Cobble Hill shown outlined in Schedule A of this bylaw. The service area shall be known as the "Arbutus Ridge Water System Service Area".

4. PARTICIPATING AREA

Electoral Area C – Cobble Hill is the only participating area for this service.

5. METHOD OF COST RECOVERY

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

- (a) the imposition of fees and other charges that may be fixed by separate bylaw; and
- (b) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall not exceed Two Hundred Nineteen Thousand Six Hundred and Eighty-Three Dollars (\$219,683.00).

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3286 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

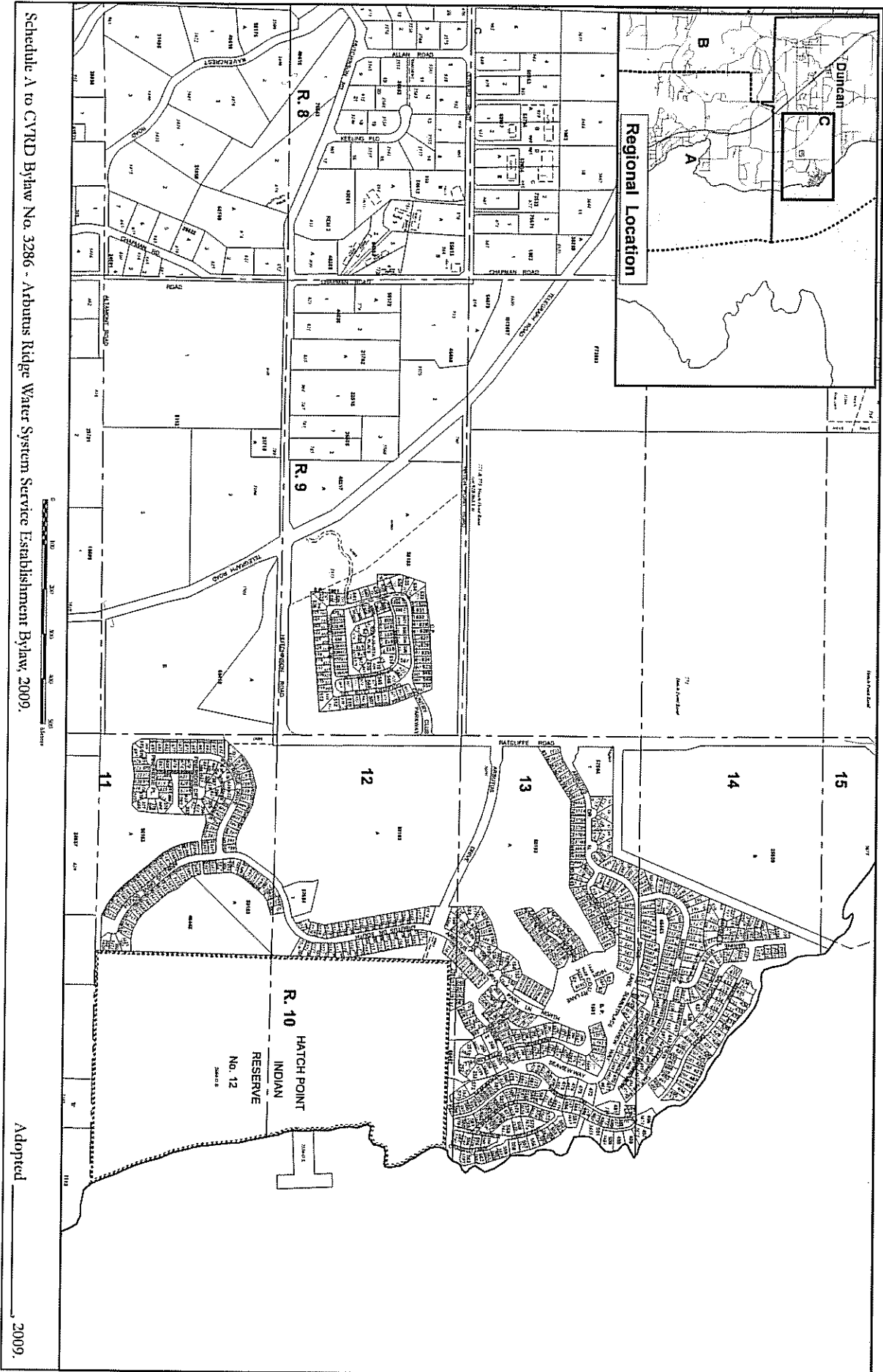
APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

_____ day of _____ 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 3286 - Arbuthus Ridge Water System Service Establishment Bylaw, 2009.

Adopted _____, 2009.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3287

**A Bylaw to Authorize the Borrowing of Funds to Upgrade the Works of the
Arbutus Ridge Water System to Municipal Standards**

WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS the Board of the Cowichan Valley Regional District established a *Water Service Area* pursuant to CVRD Bylaw No. 3286 cited as "CVRD Bylaw No. 3286 – Arbutus Ridge Water System Service Establishment Bylaw, 2009" for the provision, distribution and treatment of water within a portion of Electoral Area C – Cobble Hill;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to borrow money to complete the capital work necessary to upgrade the Arbutus Ridge Water System to a municipal standard;

AND WHEREAS the estimated total cost of upgrading the works of the Arbutus Ridge Water System is One Hundred Thousand Dollars (\$100,000.00);

AND WHEREAS the sum to be borrowed is not to exceed One Hundred Thousand Dollars (\$100,000.00), which is the amount of debt to be created by this bylaw;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which it is adopted;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors for this bylaw and Bylaw No. 3286 in accordance with the *Local Government Act* and *Community Charter*;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3287 – Arbutus Ridge Water System Service Loan Authorization Bylaw, 2009".

2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to complete the capital work necessary to upgrade the Arbutus Ridge Water System in general accordance with the plans on file in the Regional District office, and to do all things necessary in connection therewith and, without limiting the generality of the foregoing:

- a) to borrow upon the credit of the Regional District a sum not exceeding One Hundred Thousand Dollars (\$100,000.00);
- b) to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the designing and constructing of the water works.

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 years;

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

This bylaw relates to the *Arbutus Ridge Water System Service Area* established pursuant to CVRD Bylaw No. 3286, cited as "CVRD Bylaw No. 3286 – Arbutus Ridge Water System Service Establishment Bylaw, 2009".

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3287 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day
of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3288

A Bylaw to Establish a Sewer Service in a Portion of Electoral Area C – Cobble Hill

WHEREAS pursuant to Sections 796(1) and 800(1) of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a sewer service in a portion of Electoral Area C – Cobble Hill;

AND WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS pursuant to Section 797.4 of the *Local Government Act* the Board of the Cowichan Valley Regional District has received a sufficient "*petition for services*";

AND WHEREAS the Director of Electoral Area C – Cobble Hill has consented, in writing, to the adoption of this bylaw;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3288 – Arbutus Ridge Sewer System Service Establishment Bylaw, 2009**".

2. **SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is the service of the collection, conveyance, treatment and disposal of sewage.

3. **SERVICE AREA BOUNDARIES**

The boundaries of the service area are that portion of Electoral Area C – Cobble Hill shown outlined in Schedule A of this bylaw. The service area shall be known as the "Arbutus Ridge Sewer System Service Area".

4. PARTICIPATING AREA

Electoral Area C – Cobble Hill is the only participating area for this service.

5. METHOD OF COST RECOVERY

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

- (a) the imposition of fees and other charges that may be fixed by separate bylaw; and
- (b) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall not exceed Two Hundred Twenty Thousand Five Hundred and Fifty-Eight Dollars (\$220,558.00).

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3288 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

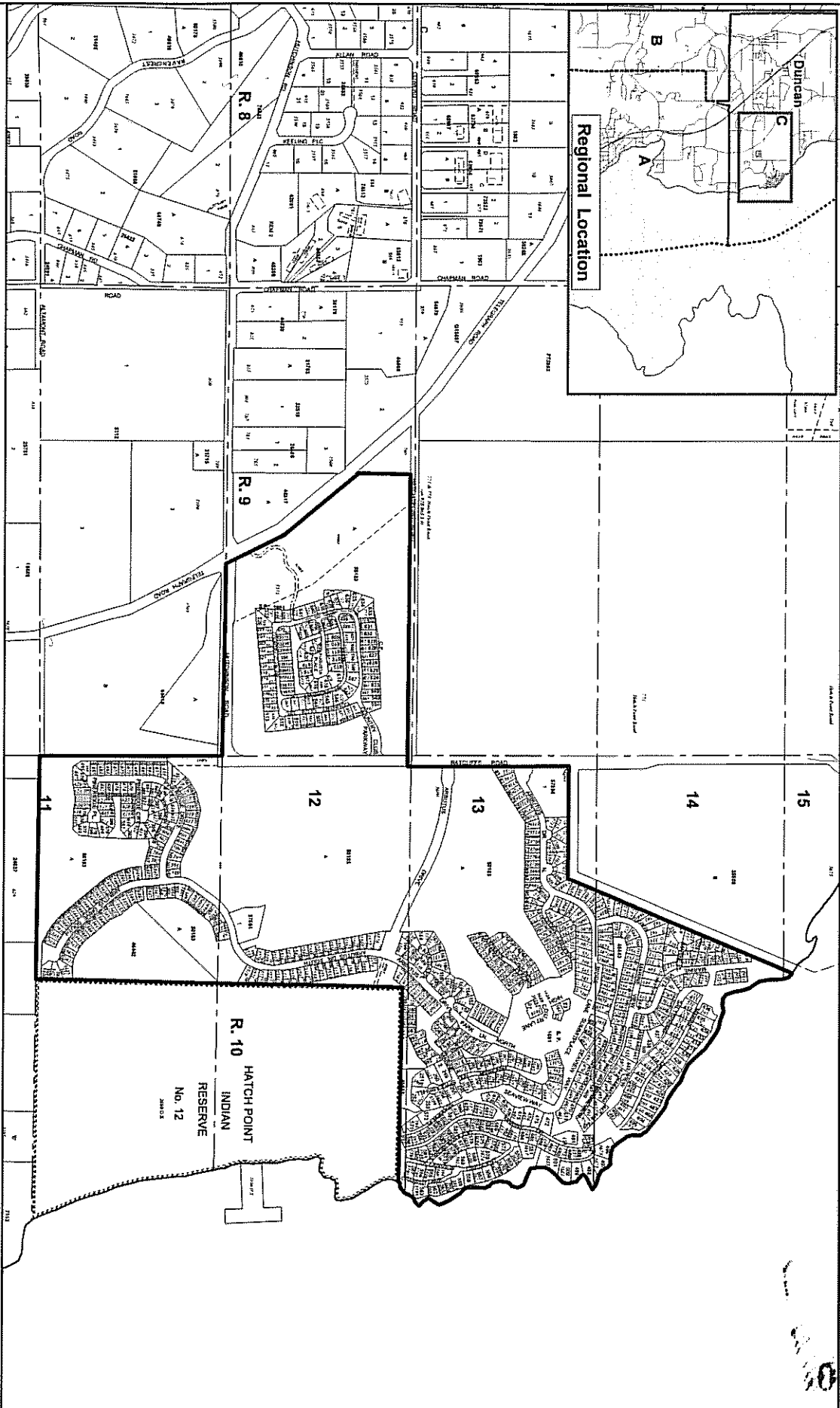
APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

_____ day of _____ 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3289

**A Bylaw to Authorize the Borrowing of Funds to Upgrade the Works of the
Arbutus Ridge Sewer System to Municipal Standards**

WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS the Board of the Cowichan Valley Regional District established a *Sewer Service Area* pursuant to CVRD Bylaw No. 3288 cited as "CVRD Bylaw No. 3288 – Arbutus Ridge Sewer System Service Establishment Bylaw, 2009" for the collection, conveyance, treatment and disposal of sewage within a portion of Electoral Area C – Cobble Hill;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to borrow money to complete the capital work necessary to upgrade the Arbutus Ridge Sewer System to a municipal standard;

AND WHEREAS the estimated total cost of upgrading the works of the Arbutus Ridge Sewer System is One Hundred Twenty-Five Thousand Dollars (\$125,000.00);

AND WHEREAS the sum to be borrowed is not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000.00), which is the amount of debt to be created by this bylaw;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which it is adopted;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors for this bylaw and Bylaw No. 3288 in accordance with the *Local Government Act* and *Community Charter*;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3289 – Arbutus Ridge Sewer System Service Loan Authorization Bylaw, 2009".

2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to complete the capital work necessary to upgrade the Arbutus Ridge Sewer System in general accordance with the plans on file in the Regional District office, and to do all things necessary in connection therewith and, without limiting the generality of the foregoing:

- a) to borrow upon the credit of the Regional District a sum not exceeding One Hundred Twenty-Five Thousand Dollars (\$125,000.00);
- b) to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the designing and constructing of the sewer works.

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 years;

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

This bylaw relates to the *Arbutus Ridge Sewer System Service Area* established pursuant to CVRD Bylaw No. 3288, cited as "CVRD Bylaw No. 3288 – Arbutus Ridge Sewer System Service Establishment Bylaw, 2009".

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3289 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day
of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



C·V·R·D

STAFF REPORT

R2

ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE MEETING
OF JULY 22, 2009

DATE: July 10, 2009

Bylaw No: 3290

FROM: Kathleen Harrison, Legislative Service Coordinator, Corporate Secretariat Division

SUBJECT: Arbutus Ridge Drainage System Service Establishment Bylaw.

Recommendation:

That "CVRD Bylaw No. 3290 – Arbutus Ridge Drainage System Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.


Purpose: To introduce Bylaw No. 3290 that establishes a drainage service in a portion of Electoral Area C – Cobble Hill.

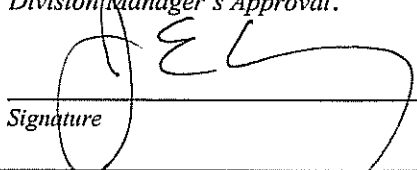
Financial Implications: The annual cost of providing drainage service is to be recovered through property value taxes to be requisitioned and collected on the basis of the net taxable value of land and improvements within the proposed service area and is estimated at \$31,104.00.

Interdepartmental/Agency Implications: Before Bylaw No. 3290 can be adopted, the Inspector of Municipalities and service area electors must give their approval. In cases where a sufficient petition for services has been received, voter approval may be obtained by the Area Director consenting, in writing, to the adoption of the Bylaw. Engineering Services is responsible for the operation and administration of this service.

Background: At its meeting held July 8, 2009, the Board endorsed resolutions that direct that the necessary bylaws to create, tax and manage a drainage system for Arbutus Ridge be prepared. This decision was based on a successful *petition for services* and a staff report from L. Knodel-Joy, Engineering Technologist to the Engineering & Environmental Services Committee Meeting of June 22, 2009. Therefore, the attached bylaw to establish a drainage service has been drafted for consideration, as directed.

Submitted by,


Kathleen Harrison
Legislative Services Coordinator
Corporate Secretariat Division

Division Manager's Approval:

Signature

Attachment: Bylaw No. 3290



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3290

**A Bylaw to Establish a Drainage Service in a Portion of
Electoral Area C – Cobble Hill**

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

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a drainage system service in a portion of Electoral Area C – Cobble Hill;

AND WHEREAS pursuant to section 797.4 of the *Local Government Act* the Board has received a sufficient "*petition for services*";

AND WHEREAS the Director of Electoral Area C – Cobble Hill has consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3290 – Arbutus Ridge Drainage System Service Establishment Bylaw, 2009**".

2. SERVICE BEING ESTABLISHED

The service being established under the authority of this bylaw is the operation and maintenance of a drainage service system.

3. SERVICE AREA BOUNDARIES

The boundaries of the service area are that portion of Electoral Area C – Cobble Hill shown outlined in Schedule A of this bylaw. The service area shall be known as the "Arbutus Ridge Drainage System Service Area".

4. PARTICIPATING AREA

Electoral Area C – Cobble Hill is the only participating area for this service.

5. METHOD OF COST RECOVERY

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

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

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$31,104.00 or an amount that equals the amount raised by applying a property value tax rate of \$0.0995 per \$1,000.00 to the net taxable value of land and improvements in the service area.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3290 as given Third

Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

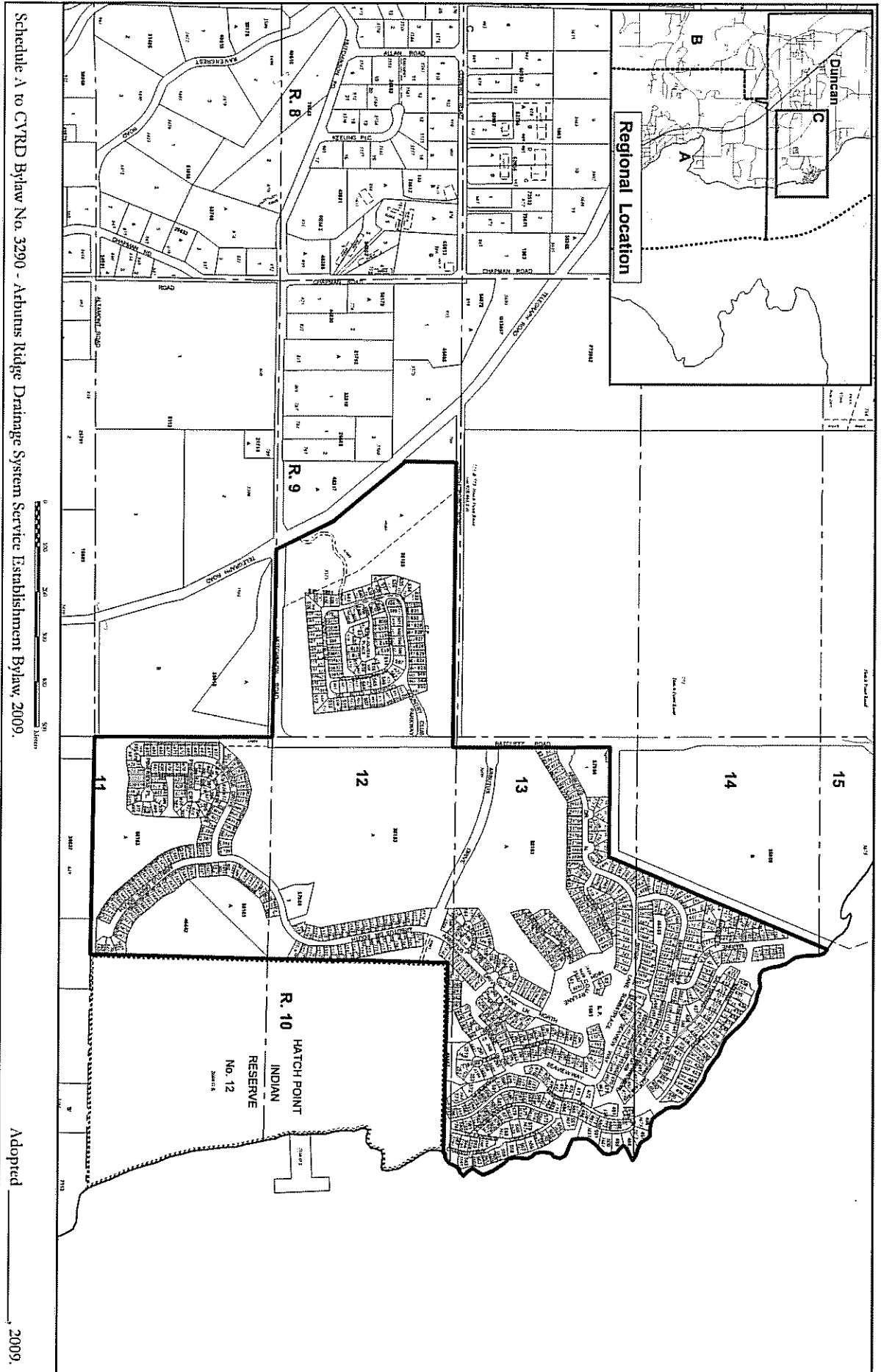
APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

_____ day of _____ 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary





C·V·R·D

STAFF REPORT

R3

ENGINEERING AND ENVIRONMENTAL SERVICES COMMITTEE MEETING OF JULY 22, 2009

DATE: July 9, 2009 **Bylaw Nos.:** 3280 & 3281
FROM: Kathleen Harrison, Legislative Services Coordinator, Corporate Secretariat Division
SUBJECT: Dogwood Ridge Water System Service Establishment Bylaw No. 3280, Loan Authorization Bylaw No. 3281 and Asset Transfer Agreement.

Recommendations:

1. That "CVRD Bylaw No. 3280 – Dogwood Ridge Water System Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
2. That "CVRD Bylaw No. 3281 – Dogwood Ridge Water System Loan Authorization Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
3. That it be recommended to the Board that following adoption of Bylaw Nos. 3280 and 3281, an Asset Transfer Agreement be prepared and the Chair and Corporate Secretary be authorized to sign the agreement.

Purpose: To introduce Bylaw Nos. 3280 and 3281 which establish a water system service in a portion of Electoral Area E – Cowichan Station/Sahtlam/Glenora and authorize borrowing up to \$220,000.00 to complete the capital work necessary to upgrade the works to a municipal standard.

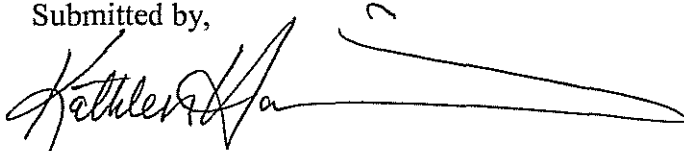
Financial Implications: The annual cost to property owners for providing the service is to be recovered through: 1) parcel taxes (\$173.00), to be requisitioned and collected on the basis of the parcel tax roll; and 2) user fees (\$600.00), to be fixed by separate bylaw. The total estimated cost to property owners is \$773.00 annually. The cost to complete the capital work necessary to upgrade the water system to a municipal level is estimated at \$220,000.00 with the total estimated cost to property owners calculated at an additional \$527.00 annually, or a one-time fee of \$6,667.00. At the request of the property owners, this sum is to be financed over a twenty-five year period.

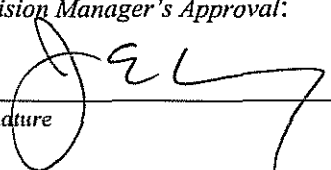
Interdepartmental/Agency Implications: Before Bylaw Nos. 3280 and 3281 can be adopted, the Inspector of Municipalities and service area electors must give their approval. In cases where a sufficient petition for services has been received, voter approval may be obtained by the Area Director consenting, in writing, to the adoption of the Bylaws. Under the *Local Government Act*, if a board proposes to borrow money for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purposes of obtaining public approval, be dealt with as if they were one bylaw. Engineering Services is responsible for the operation and administration of the service.

Background: At its meeting held July 8, 2009, the CVRD Board received a sufficient petition for services from property owners within the service area. The Board endorsed Resolution No. 09-355-4-2 that authorized bylaws to be drafted that establish a water service within a portion of Electoral Area E – Cowichan Station/Sahtlam/Glenora to be known as the Dogwood Ridge Water System Service and to borrow the funds necessary to upgrade the capital works to a municipal standard. The Board further resolved that following adoption of Bylaw Nos. 3280 and 3281, the necessary parcel tax roll bylaws and service management bylaws be created. The Board also has the authority to proceed with the transfer of ownership and therefore an Asset Transfer Agreement has been drafted and attached for consideration.

Therefore Bylaw No. 3280 creates a water system service area and Bylaw No. 3281 authorizes the borrowing of no more than \$220,000.00 to pay for the costs to upgrade the capital works to a municipal standard and both bylaws are attached for consideration.

Submitted by,


Kathleen Harrison
Legislative Services Coordinator
Corporate Secretariat Division

Division Manager's Approval:

Signature

Attachments: Bylaw Nos. 3280 & 3281



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3280

A Bylaw to Establish a Water Service in a Portion of Electoral Area E – Cowichan Station/Sahtlam/Glenora

WHEREAS pursuant to Sections 796(1) and 800(1) of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a water service in a portion of Electoral Area E – Cowichan Station/Sahtlam/Glenora;

AND WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS pursuant to Section 797.4 of the *Local Government Act* the Board of the Cowichan Valley Regional District has received a sufficient "*petition for services*";

AND WHEREAS the Director of Electoral Area E – Cowichan Station/Sahtlam/Glenora has consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3280 – Dogwood Ridge Water System Service Establishment Bylaw, 2009**".

2. SERVICE BEING ESTABLISHED

The service being established under the authority of this bylaw is the service of the provision, distribution and treatment of water.

3. SERVICE AREA BOUNDARIES

The boundaries of the service area are that portion of Electoral Area E – Cowichan Station/Sahtlam/Glenora shown outlined in Schedule A of this bylaw. The service area shall be known as the "Dogwood Ridge Water System Service Area".

.../2

4. PARTICIPATING AREA

Electoral Area E – Cowichan Station/Sahtlam/Glenora is the only participating area for this service.

5. METHOD OF COST RECOVERY

The annual cost of providing this service shall be recovered by:

- (a) parcel taxes, to be requisitioned and collected by imposing the tax on the appropriate parcels within the participating area, on the basis of the parcel tax roll; and
- (b) the imposition of fees and other charges that may be fixed by separate bylaw.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall not exceed Twenty Three Thousand One Hundred Dollars (\$23,100.00).

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3280 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

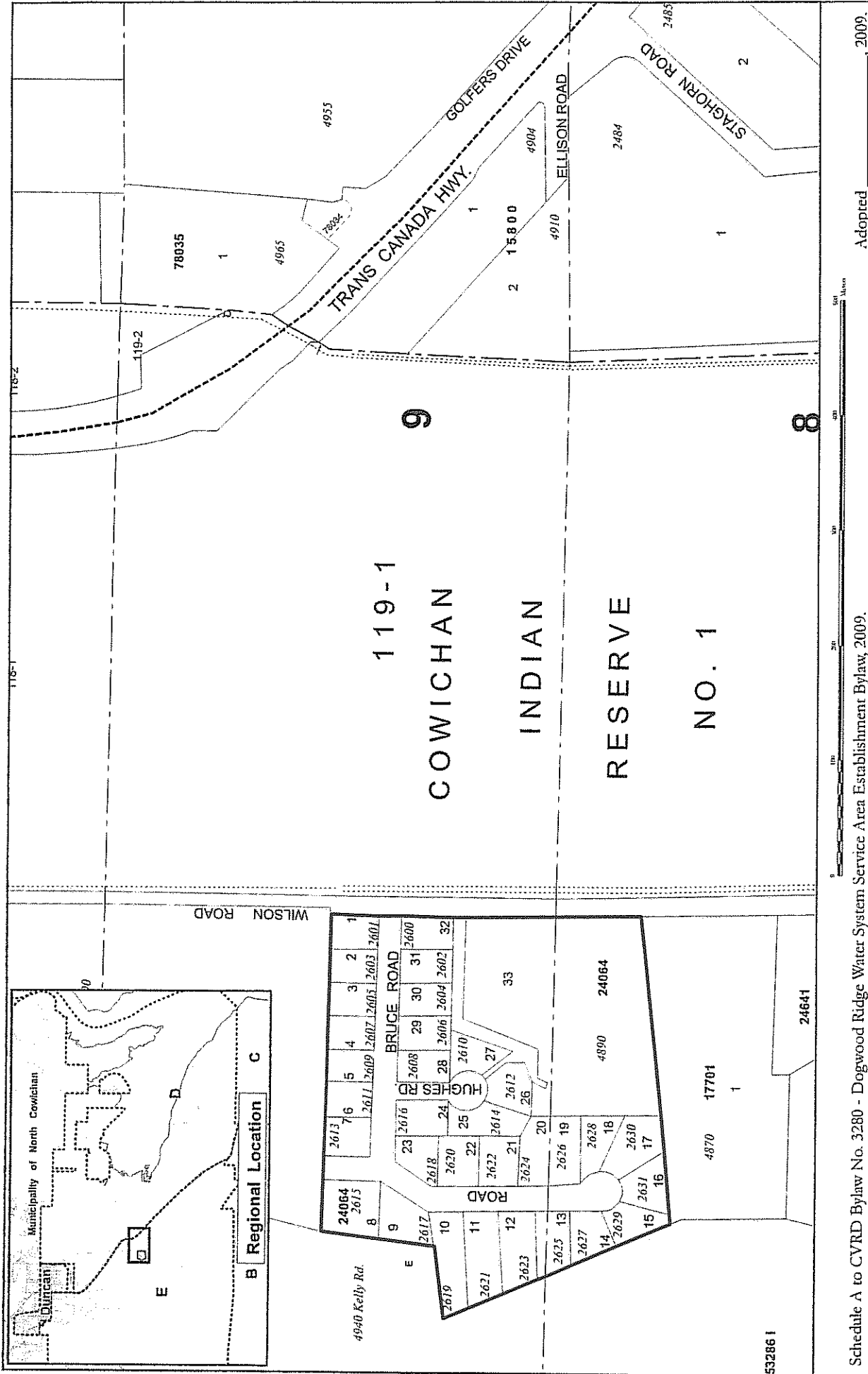
APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

_____ day of _____ 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3281

**A Bylaw to Authorize the Borrowing of Funds to Upgrade the Works of the
Dogwood Ridge Water System to Municipal Standards**

WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS the Board of the Cowichan Valley Regional District established a *Water Service Area* pursuant to CVRD Bylaw No. 3280 cited as "CVRD Bylaw No. 3280 – Dogwood Ridge Water System Service Establishment Bylaw, 2009" for the provision, distribution and treatment of water within a portion of Electoral Area E – Cowichan Station/Sahtlam/Glenora;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to borrow money to complete the capital work necessary to upgrade the Dogwood Ridge Water System to a municipal standard;

AND WHEREAS the estimated total cost of upgrading the works of the Dogwood Ridge Water System is Two Hundred Twenty Thousand Dollars (\$220,000.00);

AND WHEREAS the sum to be borrowed is not to exceed Two Hundred Twenty Thousand Dollars (\$220,000.00), which is the amount of debt to be created by this bylaw;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which it is adopted;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors for this bylaw and Bylaw No. 3280 in accordance with the *Local Government Act* and *Community Charter*;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3281 – Dogwood Ridge Water System Service Loan Authorization Bylaw, 2009".

2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to complete the capital work necessary to upgrade the Dogwood Ridge Water System in general accordance with the plans on file in the Regional District office, and to do all things necessary in connection therewith and, without limiting the generality of the foregoing:

- a) to borrow upon the credit of the Regional District a sum not exceeding Two Hundred Twenty Thousand Dollars (\$220,000.00);
- b) to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the designing and constructing of the water works.

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this bylaw is 25 years;

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

This bylaw relates to the *Dogwood Ridge Water System Service Area* established pursuant to CVRD Bylaw No. 3280, cited as "CVRD Bylaw No. 3280 - Dogwood Ridge Water System Service Establishment Bylaw, 2009".

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3281 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day
of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



R4

STAFF REPORT

ENGINEERING AND ENVIRONMENTAL SERVICES COMMITTEE MEETING OF JULY 22, 2009

DATE: July 10, 2009 **FILE NO:** Bylaw No. 3291
FROM: Kathleen Harrison, Legislative Services Coordinator, Corporate Secretariat Division
SUBJECT: Cowichan Bay Sewer System Service Amendment Bylaw – Boundary Extension

Recommendation:

That "CVRD Bylaw No. 3291 – Cowichan Bay Sewer Service Amendment Bylaw, 2009", be forwarded to the Board for consideration of three readings and adoption.

Purpose: To introduce a bylaw that amends "CVRD Bylaw No. 2128 – Cowichan Bay Sewer System Service Establishment Bylaw, 2000", that extends the boundaries of the Cowichan Bay Sewer System Service Area to include five additional properties.

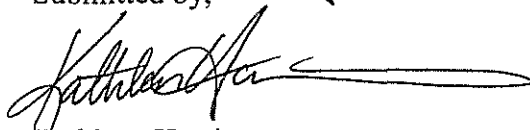
Financial Implications: Service costs are to be recovered through a combination of parcel taxes and user fees on the appropriate parcels within the participating area and the developer is responsible for all costs associated with extending the service area boundaries to include the five subject properties.

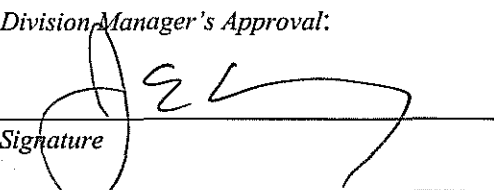
Interdepartmental/Agency Implications: This bylaw requires the approval of the service area voters before it can be adopted. In cases where a sufficient petition for services has been received, voter approval may be obtained by the Area Director consenting, in writing, to the adoption of the Bylaw. This bylaw also meets the criteria for exemption from obtaining the Inspector of Municipalities approval pursuant to the *Regional Districts Establishing Bylaw Approval Exemption Regulation, B.C. Reg. 113/2007*. Engineering Services is responsible for the operation and administration of this service.

Background:

The CVRD received a sufficient *petition for services* to include five parcels in the Cowichan Bay Sewer System Service Area. At its regular meeting held on July 8, 2009 the Board passed Resolution 09-357-6 which authorizes an amendment to the existing service area by extending the boundaries to include five subject properties. Therefore, an amendment bylaw has been prepared for consideration.

Submitted by,


Kathleen Harrison
Legislative Services Coordinator
Corporate Secretariat Division

Division Manager's Approval:

Signature

Attachment: Bylaw No. 3291

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COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3291

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 properties:

- PID #001-321-463, Lot 1, Plan 20768, Section 4, Range 5, Cowichan Land District;
- PID #000-140-571, Lot 1, Plan 18449, Section 4, Range 5, Cowichan Land District;
- PID #003-579-301, Lot 1, Plan 20693, Section 4 & 5, Range 5, Cowichan Land District;
- PID #003-437-116, Lot A, Plan 21381, Section 4, Range 5, Cowichan Land District; and
- PID #011-721-031, Lot A, Plan 47087, Section 4, Range 5, Cowichan Land District.

AND WHEREAS the property owner has 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 the Cowichan Valley Regional District enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3291 – Cowichan Bay Sewer System Service Area Amendment Bylaw, 2009**".

2. AMENDMENT

That Bylaw No. 2128 be amended as follows:

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

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READ A FIRST TIME this _____ day of _____, 2009.

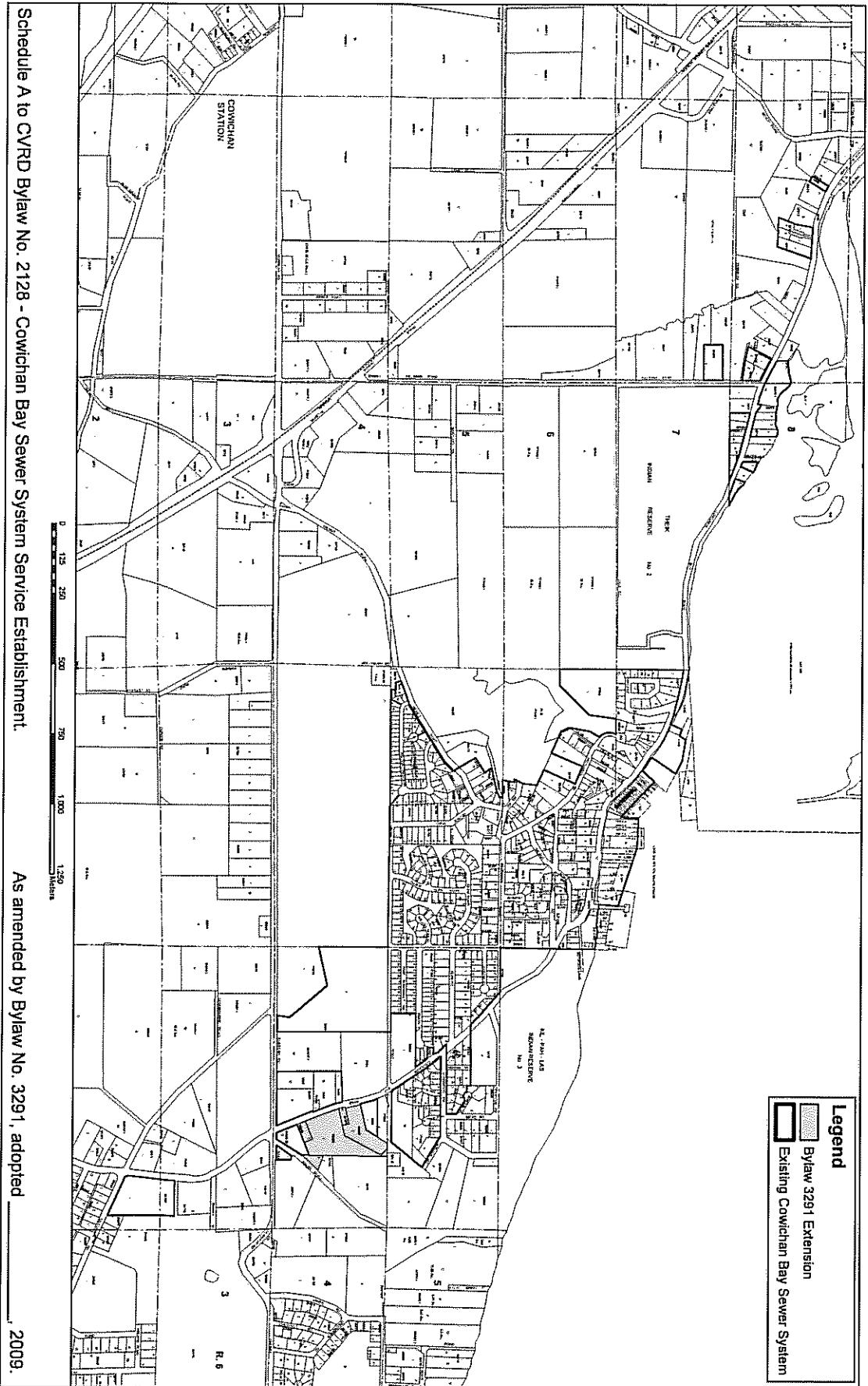
READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary





STAFF REPORT

R5

ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE MEETING OF JULY 22, 2009

DATE: July 15, 2009 **FILE NO:** 2020
FROM: Harmony Huffman, Environmental Technologist
SUBJECT: Adoption of Bylaw 2020 – Landclearing Management Regulations Bylaw, 2009

Recommendation:

That “CVRD Bylaw No. 2020 - Landclearing Management Regulation Bylaw, 2009” be forwarded to the Board for consideration of three readings and adoption.

Purpose: To consider adoption of a bylaw to regulate the open burning of land clearing debris.

Financial Implications: None at this time.

Interdepartmental/Agency Implications: Enforcement of the proposed bylaw will be carried out by CVRD bylaw officers in conjunction with Engineering and Environment Services staff.

Background: On July 8, 2009, the CVRD Board adopted Bylaw No. 3258 - Air Pollution Control Service Establishment Bylaw, 2009, for the purpose of controlling air pollution within the Cowichan Valley. The first regulatory bylaw proposed under this service is a bylaw to regulate the open burning of large quantities of land clearing debris. Draft Bylaw No. 2020 was originally presented to Committee on November 21, 2007 – at that time, the bylaw was proposed to apply within the Regional District and all member municipalities; however, attempting to apply the bylaw across jurisdictions resulted in several administrative and enforcement difficulties. As such, in February, 2009, draft Bylaw No. 2020 was revised to apply within electoral areas only.

Discussion: The attached Bylaw No. 2020 regulates the open burning of land clearing debris throughout CVRD electoral areas. The bylaw applies to land-clearing debris that is either machine piled, or meets the definition of a Category 3 fire. The bylaw cannot (as per Provincial regulations) apply to agricultural burning under the *Farm Practices Protection Act*, forest practices as defined by the *Forest and Range Practices Act*, or burning on private managed forest lands (property assessment class 7).

For clarity, the definition of a Category 3 is taken from the Provincial *Wildfire Act*, and is considered a fire that burns material in:

- a) three or more piles each not exceeding 2 m in height and 3 m in width;
- b) one or more piles each exceeding 2 m in height or 3 m in width;
- c) in one or more windrows;

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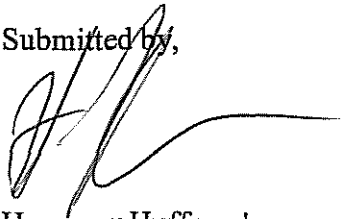
Thus, Bylaw No. 2020 will only apply to open burns of a significant size, such as those undertaken by property developers. As envisioned, the bylaw will not target, and is not intended to target, rural property owners undertaking seasonal yard clean-up.

Staff are proposing to commence enforcing Bylaw No. 2020 for the spring 2010 burn season. Delayed implementation will significantly increase the likelihood of compliance and reduce enforcement costs, as it allows the bylaw to be preceded by a public education and awareness campaign. Given the 'traditional' and widespread nature of open burning, the fact that many developers have already prepared fall burn plans, and the current limited availability of air curtain burners, a meaningful and targeted public education campaign is a key component to the overall effectiveness of Bylaw No. 2020.

The type of regulation proposed by Bylaw No. 2020 also reflects the direction that the Province is likely to move in over the next few years with regard to open burning. Further discussions regarding revisions to the *Open Burning Smoke Control Regulation* are scheduled to begin this fall, with potential implementation of changes during 2011/2012. Proposed changes would likely see the imposition of high/med/low sensitivity zones throughout the province, with significant restrictions on open burning imposed in high sensitivity zones, which would include much of the CVRD's most populated areas. Proposed restrictions will likely include requiring the use of air curtain burners for all Category 2 and 3 fires in high sensitivity zones, with a possible ban on all Category 2 and 3 fires in high sensitivity zones to follow. Adoption of Bylaw No. 2020 would allow the CVRD a head-start in regulating larger burns and would help to provide a seamless transition to future changes in Provincial regulations.

As directed in Board Resolution No. 07-850.3 of December 12, 2007, staff have begun drafting a bylaw to prohibit backyard burning in the CVRD. It is anticipated that a backyard burning bylaw will coordinate with Bylaw No. 2020 and existing municipal burning bylaws in order to provide a seamless regulatory environment to the greatest degree possible within the Cowichan Valley.

Submitted by,

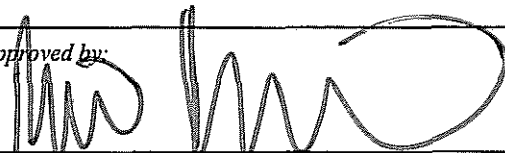


Harmony Huffman'
Environmental Technologist

HH:jlb

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Approved by:



Brian Dennison, General Manager,
Engineering and Environmental Services



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 2020

A Bylaw to Regulate Management of Landclearing Debris for the Purposes of Pollution Control in the Cowichan Valley Regional District

WHEREAS the Board of the Cowichan Valley Regional District established the service of control and regulation of air pollution under the provision of CVRD Bylaw No. 3258, cited as “CVRD Bylaw 3258 – Air Pollution Control Service Establishment Bylaw, 2009”, for the control and regulation of pollution, nuisances, unwholesome or noxious materials, odours and disturbances within the whole of the Cowichan Valley Regional District;

AND WHEREAS the Cowichan Valley Regional District is operating under a Solid Waste Management Plan that identifies the regulated management of *Landclearing Debris* as key to the reduction of local air pollution;

AND WHEREAS the Cowichan Valley Regional District wishes to address the concerns of residents whose health and well-being are adversely affected by smoke pollution;

NOW THEREFORE the Cowichan Valley Regional District, enacts as follows:

1. CITATION:

This bylaw may be cited for all purposes as “**CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2009**”.

2. DEFINITIONS:

“Air Curtain Burner” is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber, or earthen pit or trench made to function as the Fire Box, with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a re-circulating motion of air under the curtain;

“Bylaw Enforcement Officer” means the person designated by the Board to administer and enforce bylaws within the Cowichan Valley Regional District;

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“Composite Woodwaste” means wood that has been manufactured into dimensional lumber using glue and/or adhesives, such as particle board, strand board, plywood etc.;

“Fire Chief” means the Chief of the Fire Department in the jurisdiction where the **Open Burning** is occurring;

“Heavy Equipment” includes, but is not limited to, machines such as: backhoes, bulldozers, excavators, skid-steers, or tractors;

“Landclearing Debris” means any stumps, root mats, branches, brush, logs, or vegetation, but does not include **Composite Woodwaste**;

“Local Assistant” means a member of a fire department who is appointed under the *Fire Services Act* as a local assistant to the Fire Commissioner, in addition to the **Fire Chief** of that department;

“Machine-piled” means **Landclearing Debris** that has been piled or stacked by **Heavy Equipment**;

“Open Burning” means the combustion of material with or without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere;

“Operator Certification” means that the operator of the **Air Curtain Burner** has received certification in the safe and efficient maintenance and operation of **Air Curtain Burners** from a manufacturer of **Air Curtain Burners**;

“Parcel of Land” includes any contiguous land with the same owner;

“Regulated Quantities” means a quantity of **Landclearing Debris** in an amount equivalent to or greater than the following:

- a) three or more piles each not exceeding 2 m in height and 3 m in width;
- b) one or more piles each exceeding 2 m in height or 3 m in width;
- c) in one or more windrows;

but does not include stubble or grass.

“Smoke” means the gases, particulate matter and products of combustion emitted into the atmosphere when debris is subjected to **Open Burning**;

3. APPLICATION

- 1) This bylaw applies to the Cowichan Valley Regional District Electoral Areas: A - Mill Bay/Malahat; B - Shawnigan Lake; C - Cobble Hill; D - Cowichan Bay; E - Cowichan Station/Sahtlam/Glenora; F - Cowichan Lake South-Skutz Falls; H - North Oyster Diamond and I - Youbou/Meade Creek; except - that part of Electoral Area G located within the boundaries of the Thetis Island Improvement District.

- 2) Subject to subsection 3 (3), this bylaw applies to:
 - a) *Machine-piled Landclearing Debris*;
 - b) *Regulated Quantities of Landclearing Debris*.
- 3) This bylaw does not apply to:
 - a) persons carrying out “normal farm practices” within the meaning of the *Farm Practices Protection Act* (British Columbia);
 - b) a “forest practice” as defined by the *Forest and Range Practices Act* (British Columbia); and
 - c) lands classed as Property Assessment Class 7 by the *BC Assessment Authority*.

4. GENERAL REGULATIONS

- 1) No person shall cause or permit *Smoke* from the disposal of *Landclearing Debris* except in accordance with the following regulations:
 - a) Subject to subsection 3 (2), an *Air Curtain Burner* shall be used for all *Open Burning of Landclearing Debris*;
 - b) The use of an *Air Curtain Burner* for the disposal of *Landclearing Debris* must be registered with the Cowichan Valley Regional District Public Safety Department prior to the commencement of disposal activities, in accordance with Schedule A of this bylaw;
 - c) An operating *Air Curtain Burner* shall be supervised at all times by a person who has received *Operator Certification*;
 - d) Only *Landclearing Debris* shall be burned an *Air Curtain Burner*.
- 2) Nothing in this bylaw shall be interpreted as relieving a person from complying with
 - a) federal, provincial and local government regulations governing the various means of disposal of *Landclearing Debris*;
 - b) local fire restrictions established by a *Fire Chief* or *Local Assistant* or other person or authority having jurisdiction to control or prohibit *Open Burning*.

5. INSPECTIONS, ORDERS AND REMEDIAL ACTION

- 1) A *Bylaw Enforcement Officer* is authorized at all reasonable times to enter onto any property for the purposes established by 268 and 314.1 of the *Local Government Act*, and any other authority to enter property granted in the *Local Government Act*, the *Community Charter* or another *Act* in accordance with subsections 16(1) to (5) of the *Community Charter* or other conditions of entry if any, set out in the *Local Government Act*, the *Community Charter*, or another *Act*.

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- 2) If, in the opinion of a *Bylaw Enforcement Officer* or a *Fire Chief*, pollution is occurring from the *Open Burning of Landclearing Debris*, the *Bylaw Enforcement Officer* or *Fire Chief* may:
 - a) require that the *Open Burning* cease immediately;
 - b) require that no further material be added to the fire;
 - c) by public notice or written instruction, or both, order that the *Open Burning* be suspended on a *Parcel of Land* for a period not to exceed one month in duration;
 - d) require the owner or person carrying out the burning to take whatever actions or measures they consider necessary to combat, control, or suppress the *Open Burning*.
- 3) An owner or occupier of real property shall eliminate the contaminating of the atmosphere through the emission of *Smoke* where the *Smoke* results from the disposal of *Landclearing Debris* contrary to this bylaw.
- 4) Where an owner or occupier fails to comply with a requirement under subsection (2) or (3), the Cowichan Valley Regional District may carry out the required action in accordance with section 269 of the *Local Government Act*.

6. OFFENCE

- 1) Any person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses or omits or neglects to fulfill, observe, carry out or perform any duty imposed by this bylaw, shall be liable, on summary conviction, to a fine not exceeding Two Thousand Dollars (\$2,000.00).
- 2) Each day on which a contravention of this bylaw occurs constitutes a separate offence.

7. SEVERABILITY

- 1) If any section or lesser portion of this bylaw is held to be invalid, by a Court, such invalidity shall not affect the remaining portions of this bylaw.

.../5

8. FORCE AND EFFECT

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

READ A FIRST TIME THIS _____ day of _____, 2009.

READ A SECOND TIME THIS _____ day of _____, 2009.

READ A THIRD TIME THIS _____ day of _____, 2009.

ADOPTED THIS _____ day of _____, 2009.

Chairperson

Corporate Secretary

Schedule "A" to Bylaw No. 2020

CVRD Bylaw No. 2020 – Open Burn Registration Form

Date: _____ Please Check One: ☐ Property owner ☐ Authorized agent

Name of Applicant: _____ Telephone No.: (____) _____

Mailing Address: _____

Is This Burning Activity Occurring as Part of a Potential Development Project? ☐ Yes ☐ No

Organization/Principal Contractor Responsible for Development: _____
(if applicable)

Name of Development Project: _____
(if applicable)

Street Address of Burn Site: _____
(if different from above)

Legal Description of Burn Site:

Lot _____ Section _____ Range _____ Plan _____

District _____ Block _____

Contact Information During Burn: _____ (____) _____
Name Telephone No.

Estimated Start and Duration of Burn: _____ to _____
Start Date (mm/dd/yyyy) End Date (mm/dd/yyyy)

Applicant Checklist:

- ☐ I am aware of the provisions regulating the open burning of landclearing debris as described in CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2009.
- ☐ I am aware of Provincial requirements related to open burning as described by the Open Burning Smoke Control Regulation, including the requirement to check the ventilation index before ignition.
- ☐ I am planning to burn a **Regulated Quantity** of landclearing debris (equivalent to a Category 3 fire), and have obtained a burn registration number from Ministry of Forests and Range; my burn registration number is: _____
- ☐ I have checked for any restrictions on open burning, or the need to acquire a permit, with my local fire department.
Contact CVRD Public Safety Department at (250) 746-2561 for more information.
- ☐ I will notify the CVRD Public Safety Department upon commencing burn.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE CVRD PUBLIC SAFETY OFFICE PRIOR TO BURN IGNITION:

175 Ingram Street, Duncan, BC V9L 1N8
Ph: (250) 746-2561 / Fax: (250) 746-2563
Hours: M-F 8:00 am – 4:30 pm

Applicant Signature: _____ Date: _____

This registration is valid for a period of 3 months from the date on which it was signed.

ADMINISTRATIVE USE ONLY:

CVRD Burn Registration No.: _____ Local Fire Department: _____

MoFR Burn Registration number obtained? Yes / No Form forwarded to Central Island 911 on: _____

Registration Expiry: _____ Ignition Notification Received from Applicant on: _____



C·V·R·D

STAFF REPORT

R6

ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE MEETING
OF JULY 22, 2009

DATE: July 15, 2009

FROM: Kate Miller, Manager, Regional Environmental Policy Division

SUBJECT: Update on Watershed Protection issues

Recommendation: Information update and background only.

Purpose: Provide background information on drinking water policy and current provincial programs related to local government jurisdiction as a follow up to the discussions of surface water quality monitoring and local government responsibilities.

Financial Implications: Funding requirement not clarified at this time.

Interdepartmental/Agency Implications: Currently a number of opportunities exist for substantial collaboration and potential cost-sharing with the other members of the Interagency Vancouver Island Watershed Protection Steering Committee – Regional Drinking Water Team, formed under the 2006 Interagency MOU regarding the development of a regional drinking water – watershed protection plan (attached). The CVRD Environment commission has been designated as the CVRD technical committee in support of its objectives.

Legal implications The Drinking Water Protection Act (attached) highlights a number of areas in which the responsibility of water source monitoring is required by the water supplier (in this case the CVRD). Most notably, Part 2 Drinking water supply, Section 8 - Operating permits and requirements for water supply systems, Section 11 - Water Monitoring Requirements, Part 3 - Water System Assessments and Plans, Section 18 - Water Source and System Assessments.

Background:

Materials attached provide a summary background to current activities related to drinking water protection through source protection, land use planning and infrastructure. In summary: the Ipsos Reid Survey and other community consultation processes have identified water in general, and water supply and quality specifically, are of high importance to the residents of the Cowichan Region which are directly affected by human activity, including land use, changes to hydrological regimes, consumption and contamination. Resulting changes to quantity and quality can impact the health and the region's ecosystems as well as social and economic stability of the Region.

There are two key areas where the region and its municipal partners provide services related to issues that affect water: Land use planning and regulation, and drinking water utility services. There are many other factors that affect watershed and water supply, over which the CVRD has little or no jurisdiction, including surface water allocation (licensing), pollution control, farming, forestry, roads and highways, and wilderness recreation.

Responsibilities for managing these activities are dispersed among many agencies (Table 1), resulting in a patchwork of overlapping roles – but one in which no agency has the overall authority for ensuring watersheds and drinking water supplies are protected.

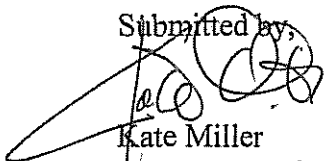
Jurisdiction	Who
Land use planning and regulation	CVRD, 3 municipalities, Islands Trust
Water service provision	CVRD, 3 municipalities, private purveyors, Improvement Districts, individual well owners
Surface water allocation/licensing	Ministry of Environment (MOE)
Drainage	CVRD, 3 municipalities, MOE, MOT, specific CVRD service areas
Drinking water (quality) protection	Ministry of Health and Vancouver Island Health Authority
Fisheries	Dept. of Fisheries and Oceans, MOE
Forestry	Ministry of Forests and Range, Private Managed Forest Lands Council
Pollutant discharge	Ministry of Environment (MOE)
Transportation (highways, roads)	Ministry of Transportation, municipal governments
Agriculture	Ministry of Agriculture and Lands
Mining	Ministry of Energy, Mines and Petroleum Resources
Wilderness recreation	Ministry of Tourism, Sports and Arts
Watershed/aquifer protection	No specific authority

Some action has been taken recently to systematically address these complex issues. Under the Province's Drinking Water Action Plan and the Drinking Water Act (attached), the Regional Drinking Water Coordinator, with the support of the Vancouver Island Health Authority (VIHA), have established a Vancouver Island-wide Watershed Committee (Annual Report and TOR attached). This committee is intended to facilitate coordinated regional and provincial actions related to watershed and drinking water protection. Six regional technical committees are also being formed under VIHA's direction to advise the Steering Committee on local drinking water and watershed issues. The CVRD Environment Commission has been delegated by the Board as the committee tasked with this work. This initiative is setting a model for the rest of the Province. The Regional Steering Committee has asked how the CVRD will be moving forward with the regional technical work.

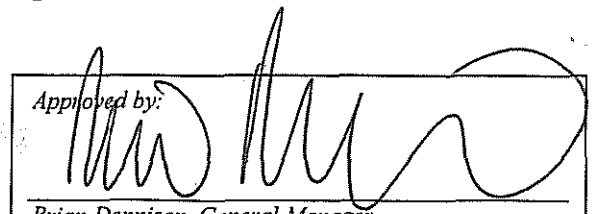
The Regional District of Nanaimo (RDN) has recently addressed this challenge and the increasing public pressure for water quantity and quality through the prioritization and development of a 2006 Drinking Water -Watershed Protection Stewardship Committee and the 2007 Drinking Water – Watershed Protection Action Plan and related functions that was approved in the Fall of 2008 referendum (attached).

Substantial new policy direction included in the Province's recently released "Living Water Smart" policy document will transform provincial water policy with the anticipated revitalization of the Water Act projected for this fall and development of groundwater regulations.

Submitted by:


Kate Miller
Manager, Regional Environmental Policy
KM:jlb

Approved by:


Brian Dennison, General Manager,
Engineering and Environmental Services



C·V·R·D

STAFF REPORT

R7

ENGINEERING AND ENVIRONMENTAL SERVICES COMMITTEE MEETING
OF JULY 22, 2009

DATE: July 13, 2009 FILE NO: 5330-20-Bru

FROM: Louise Knodel-Joy, Senior Engineering Technologist, Water Management Division

SUBJECT: Brulette Place Sewer System Service Establishment and Loan Authorization Bylaws,
Electoral Area A

Recommendation:

That it be recommended to the Board:

1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a Sewer System Service Area and authorizing the borrowing of up to \$265,000.00, be received.
2. That Service Establishment and Loan Authorization bylaws be prepared and forwarded to the Board for consideration of three readings, and following provincial approval, adoption.
3. That, following adoption of the service establishment and loan authorization bylaw, a Capital Reserve Fund Establishment Bylaw and a Parcel Tax Roll Bylaw be prepared for the Brulette Place Sewer System and further that these bylaws forwarded to the Board for consideration of three readings and adoption.

Purpose: To present the results of a *petition for services* that provides the CVRD with the authority to establish a sewer services area within a portion of Electoral Area A – Mill Bay/Malahat, and borrow up to \$265,000.00 to upgrade the capital works of the sewer system to a municipal standard.

Financial Implications: Service costs, estimated to be \$46,700 annually, are to be recovered through user fees and parcel taxes on the parcels within the participating service area.

Interdepartmental/Agency Implications: In cases where a sufficient petition for services has been received, voter approval may be obtained by the Area Director consenting, in writing, to the adoption of the Bylaw. Engineering and Environmental Services is responsible for the operation and administration of this service.

Background:

At their meeting of August 13, 2008, the Regional Board passed Resolution No.08-543-4, which granted approval in principle for CVRD takeover of the Brulette Place Sewer System, which includes sewer systems for two existing strata subdivisions, as well as one proposed 41-unit strata development and an ambulance station lot; and further that staff create a sewer service area for this utility.

On July 15, 2009, 54 of 59 petitions to establish a sewer service area and borrow up to \$265,000 were received equalling 91.5% of the property owners holding 89.6% of the net taxable value of all land and improvements.

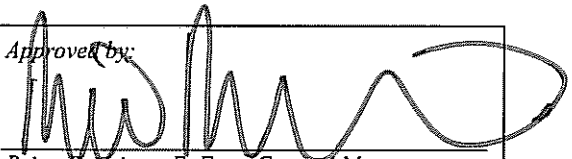
Pursuant to Section 797.4 of the *Local Government Act*, a petition is deemed sufficient if at least 50% of the owners of parcels within the proposed service area sign it, **and** the total value of their parcels represent at least 50% of the net taxable value of all land and improvements within the service area. In this case, the petitions received for the three proposed service areas are sufficient. Therefore the petitions are deemed sufficient and the CVRD has the authority to proceed with establishment of the service and borrowing up to \$265,000 for the sewer system. (Certificate of Sufficiency attached.)

Submitted by,



Louise Knodel-Joy, Senior Engineering Technologist
Water Management Division
Engineering & Environment

Approved by:



Brian Dennison, P. Eng., General Manager,
Engineering & Environment

LKJ:jlb

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**BRULETTE PLACE SEWER SYSTEM
CERTIFICATE OF SUFFICIENCY**

I hereby certify that the petition for the establishment of, and borrowing for, a *Sewer System Service Area* within a portion of Electoral Area A – Mill Bay/Malahat is sufficient, pursuant to Section 797.4 of the *Local Government Act*.

DATED at Duncan, British Columbia)
this 15th day of July, 2009)

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)
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)
Kathleen Harrison, Deputy Corporate Secretary

Brulette Place Sewer System Service Area

Total Number of Parcels in Service Area:	59
Net Taxable Value of All Land and Improvements in Service Area:	\$17,591,100.00
Number of Valid Petitions Received:	54
Net Taxable Value of Petitions Received (Land and Improvements):	\$15,762,000.00