

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, March 1, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

Director L. Iannidinardo, Chair
Director B. Harrison, Vice-Chair
Director M. Dorey
Director G. Giles
Director I. Morrison
Director K. Kuhn
Director M. Marcotte
Alt. Director Buddy Bhandar
Absent: Director K. Cossey, Director L. Duncan

CVRD STAFF

Tom R. Anderson, General Manager
Brian Farquhar, Manager
Mike Tippett, Manager
Rob Conway, Manager
Brian Duncan, Chief Building Inspector
Carla Schuk, Planning Technician
Alison Garnett, Planner II
Rachelle Moreau, Planner I
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding six items of listed new business, and two items of additional new business.

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

MOTION CARRIED

MINUTES

M1 - Minutes

It was Moved and Seconded
That the minutes of the January 31, 2011 EASC meeting be adopted.

MOTION CARRIED

It was Moved and Seconded
That the minutes of the February 1, 2011, EASC meeting be adopted.

MOTION CARRIED

Business Arising

The Chair brought forward a question arising from the February 24th EASC budget meeting. Because not all areas use the feasibility study function to the same degree, do all areas need to participate in that function? The Chair noted that 90% of the function is used for water and sewer but can be used for other things such as fire departments as well. Director Dorey stated that he feels it requires more research and should be referred back to staff.

It was Moved and Seconded
That staff be requested to provide further information respecting electoral area participation in the feasibility study function.

MOTION CARRIED

DELEGATIONS

D1 - Franson

Hilding Franson was present regarding the Bamberton rezoning application. He stated that he has now had an opportunity to read the staff report submitted by Rob Conway, Manager, Development Services Division, and addressed concerns he had in that report. Mr. Franson presented his 11 page report dated March 1st and asked that the EASC reconsider their decision respecting the Bamberton application.

The Committee members provided comments to the delegate.

The Chair thanked Mr. Franson for appearing.

STAFF REPORTS

R1 - Walter

Mike Tippett, Manager, Community and Regional Planning Division, advised that Director Cossey wishes Application No. 1-B-10RS (M. Walter) to be referred to the Area B Parks Commission for comment.

It was Moved and Seconded
That Application No. 1-B-10RS (Michael Walter) be referred to the Area B Parks Commission for comment.

MOTION CARRIED

R2 - Fraser

Carla Schuk, Planning Technician, presented Application No. 1-D-10ALR (Gordon Fraser) to allow construction of an addition to the existing building at 4461 Trans Canada Highway for the storage of an antique fire truck and equipment maintenance.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded
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.

MOTION CARRIED

R3 - McKercher

Carla Schuk, Planning Technician, presented Application No. 2-D-10DVP (Peter and Margaret McKercher) to reduce the minimum required setback for the front parcel line from 7.5 metres to 5 metres to situate a new shop on their property located at 1145 Fairbanks Road.

There were no questions to staff or the applicant.

It was Moved and Seconded

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.

MOTION CARRIED

R4 - Casler

Carla Schuk, Planning Technician, presented Application No. 8-G-10DP (Dan Casler) to legitimize and finish construction of a single family dwelling at 11195 Chemainus Road, within the Ocean Shoreline DPA.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

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.

MOTION CARRIED

R5 - Lealand

Carla Schuk, Planning Technician, presented Application No. 1-G-11DP/VAR (Jerry Lealand/Cromp) to construct a two metre wide deck and wheelchair ramp onto the existing house located at 3900 Linton circle, within the Ocean Shoreline DPA.

The applicant was present and provided further information to the application.

There were no questions directed to staff or the applicant.

It was Moved and Seconded

That Application No. 1-G-11DP/VAR be approved, and that a development permit be issued to Brian and Sandra Cromp 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.

MOTION CARRIED

R6 - Hignell

Alison Garnett, Planner II, presented Application No. 1-F-10RS (David and Valerie Hignell) to rezone the subject property located at 5720 Riverbottom Road West, from C-4 to a residential River Corridor Zone to permit three lot residential subdivision.

The applicant was present and provided further information to the application. Mr. Hignell requested that the committee support Option B of the staff report.

There were no questions to staff or the applicant

It was Moved and Seconded

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

R7 - Brubaker

Alison Garnett, Planner II, presented Application No. 1-I-10DVP (Rick Brubaker/Tonn) to increase the height of an accessory building located at 8360 Sa-Seen-os Road.

Greg Hall was present on behalf of the applicant.

The Committee directed questions to the applicant.

It was Moved and Seconded

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.

MOTION CARRIED

R8 - Lindsay

Rachelle Moreau, Planner I, presented Application No. 4-B-10DVP (Jim and Lisa Lindsay) to reduce the required exterior side setback from 4.5 metres to 3 metres to build a workshop at 2180 Renfrew Road.

There were no questions to staff or the applicant.

It was Moved and Seconded

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 post construction survey indicating the location of the workshop complies with the variance.

MOTION CARRIED

R9 - Salmen

Rachelle Moreau, Planner I, presented a request by John Salmen to allow an accessory building fixture at 4465 Uphill Road.

The applicant was present and presented further information to the request.

The Committee directed questions to the applicant and staff.

It was Moved and Seconded

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.

MOTION CARRIED

R10 – Sidewalks

Tom Anderson, General Manager, presented staff report dated February 16, 2011, regarding Sidewalks within Ministry of Transportation road rights-of-way.

General discussion ensued.

It was Moved and Seconded

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.

MOTION CARRIED

**R11 – Fire
Department
Appointments**

It was Moved and Seconded

That the following appoints 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.

MOTION CARRIED

R12 – Fire Tender

It was Moved and Seconded
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.

MOTION CARRIED

**R13 – Bright Angel
Park booking**

It was Moved and Seconded
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.

MOTION CARRIED

R14 – Park Caretaker

It was Moved and Seconded
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.

MOTION CARRIED

**R15 – Special Event
Request**

It was Moved and Seconded
That staff report dated February 22, 2011, from Ryan Dias, Parks & Trails Operations Superintendent, regarding Half Iron Man Triathlon Special Event Request, be referred to the next meeting when the Area B Director is present.

MOTION CARRIED

**R16 – MTI
amendments**

It was Moved and Seconded
That staff report dated February 23, 2011, from Nino Morano, Bylaw Enforcement Officer, regarding MTI Ticketing amendments, be referred back to staff for a further detailed report.

MOTION CARRIED

**R17 – Floodplain
Mapping**

Mike Tippett, Manager, presented staff report dated February 17, 2011, regarding floodplain mapping for the lower Cowichan River.

It was Moved and Seconded
That staff be authorized to participate in the local government ad-hoc committee discussions regarding the new floodplain mapping for the lower Cowichan River, and to prepare a draft Floodplain Management Bylaw for the CVRD in conjunction with municipalities, for future consideration by the Electoral Area Services Committee.

MOTION CARRIED

**R18 – Bylaw 3460
Referrals**

It was Moved and Seconded
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

CORRESPONDENCE

**C1 to C6 – Grants in
aid**

It was Moved and Seconded
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.

MOTION CARRIED

INFORMATION

IN1 - Workshop

Tom Anderson, General Manager, advised of the free half day Coastal Douglas Fir Stewards Workshop being presented by the BC Ministry of Natural Resource Operations at three Vancouver Island locations in March 2011

It was noted that interested Directors need to send in their registration forms soon as space is limited.

**IN2 to IN11 & NB7 -
Minutes**

It was Moved and Seconded
That the following minutes be received and filed:

- Minutes of Area C Parks meeting of February 14, 2011
- Minutes of Area I Parks meeting of February 8, 2011
- Minutes of Area E Parks meeting of January 20, 2011
- Minutes of Area G Parks meeting of January 10, 2011
- Minutes of Area C Parks meeting of February 2, 2011
- Minutes of Area G APC meeting of February 10, 2011
- Minutes of Area B APC meeting of February 3, 2011
- Minutes of Area E APC meeting of January 20, 2011
- Minutes of Area I APC meeting of December 7, 2011
- Minutes of Area A APC meeting of February 8, 2011

- Minutes of Area H Parks AGM meeting of February 8, 2011

MOTION CARRIED

**IN6 – Evergreen
School agreement**

Motion extracted from IN6 Parks minutes:

It was Moved and Seconded
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.

MOTION CARRIED

**IN7 – Saltair Ocean
Shoreline DPA**

Motion extracted from IN7 APC minutes:

It was Moved and Seconded
That staff be directed to forward letters to approximately 140 Saltair ocean front owners located within the Ocean Shoreline Development Permit Area advising of the need to obtain development permits for retaining walls and other activities within the DP Area.

MOTION CARRIED

**IN12 – Building
Report**

It was Moved and Seconded
That the January 2011 Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

**NB1 – Notice of
Motion**

It was Moved and Seconded
That Notice of Motion regarding two separate Engineering Committees, be referred to the next meeting where Director Duncan will be present.

MOTION CARRIED

NB3

Additional public comments regarding Application No. 1-G-11DP (Agenda Item R5) was received for information.

NB4

Additional public comments regarding Application No. 1-I-10DVP (Agenda item R7) was received for information.

**NB5 – Fire Protection
Agreement**

It was Moved and Seconded
That it be recommended to the Board 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

NB6 – Ruxton Is. It was Moved and Seconded
That staff be directed to work with the Ruxton Water Conservation Society to prepare a draft Stewardship Agreement for Ruxton Island Community Park for consideration by the Electoral Area Services Committee and Board based on the proposal submitted by the Society dated February 17, 2011.

MOTION CARRIED

NB7 - Minutes Area H Parks AGM minutes - received under Information.

NB8 – Ministerial Approval Mike Tippett, Manager, advised of letter dated February 21, 2011, from the Ministry of Community, Sport and Cultural Development, advising of the Ministry’s acceptance of the CVRD’s offer to participate in the regional district land use bylaw exemption initiative. The CVRD is exempt from the requirement for ministerial approval for official community plan bylaws plus four other types of land use management bylaws for a period of two years. The exemption will speed up the bylaw adoption process.

The letter was received for information.

Mr. Anderson noted that the CVRD can ask for bylaws that were previously sent to the Province to be returned, and noted that Mr. Tippett and Mr. Conway will review and advise what bylaws can be returned.

NB9 – Burning Provisions Director Iannidinardo expressed concern regarding fires burning at construction sites in Cowichan Bay. Materials being burned are creating poor air quality. Contractors are not following the CVRD land clearing bylaw. There are fire department regulations that exist that are also not being followed. A backyard burning bylaw was introduced but not passed in 2000. There are examples of burning bylaws from several other districts that could be used to prepare a new draft.

It was Moved and Seconded
That the issue of drafting provisions to prohibit burning of construction materials be referred to the Engineering and Environmental Services Department for review.

MOTION CARRIED

NB10 – BC Ferry Board Director Giles advised Committee members that R. Dewar (formerly Island Savings Credit Union) who the CVRD nominated to the BC Ferry Board has been selected.

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

MOTION CARRIED

The Committee moved into Closed Session at 5:40 pm.

Minutes

It was Moved and Seconded
That the minutes of the Closed Session EASC meeting of February 1, 2011, be adopted.

MOTION CARRIED

Rise

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:41 pm.

Chair

Recording Secretary