

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, June 22, 2011 at 6:02 pm.

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

ALSO

PRESENT: Warren Jones, Administrator
Kathleen Harrison, Deputy Corporate Secretary
Tom Anderson, General Manager, Planning & Development
Mike Tippett, Manager, Community & Regional Planning
Sybille Sanderson, Acting General Manager, Public Safety
Kate McIntosh, Manager, Human Resources

ABSENT: Director G. Seymour

**APPROVAL OF
AGENDA**

11-325

It was moved and seconded that the agenda be amended with the addition of New Business Item CSNB1 Labour Relations {Sub (1) (c)}, and that the agenda, as amended, be approved.

MOTION CARRIED

COMMITTEE REPORTS

CR1

The report and recommendations of the Electoral Area Services Committee meeting of June 21, 2011 listing ten items were considered.

6:05 pm

Director Cossey declared a potential conflict of interest due to his consideration of the issue from his employer's perspective. Director Cossey left the Board Room at 6:05 pm.

11-326

It was moved and seconded:

6. That Rezoning Application No. 1-A-11RS (Bamberton Business Park) submitted by Bamberton Properties LLP be approved and the Mill Bay/Malahat Official Community Plan be amended by redesignating the proposed Business Park and adjacent light industrial park as Industrial on the Plan Map, that the OCP also be amended by allowing Forestry-designated lands to the east of the Highway to be developed for lease-only light industrial use without redesignation, that the appropriate areas of the subject lands be rezoned to allow for a mix of light industrial use, business park and outdoor recreation uses, and that the appropriate bylaws be presented to the Board for consideration of two readings, with eventual consideration of adoption being subject to a covenant on

all lands to be rezoned as I-3, I-3A, I-4 and F-1A, that would require that no building, subdivision or land clearing occur without the CVRD's express written consent until:

1. a Riparian Assessment is done on all rezoned lands,
2. the subject land presently not in a fire protection area is added to Mill Bay Improvement District's Service Area;
3. a Sensitive Ecosystem Inventory assessment of lands to be rezoned to Industrial and delineation of the affected areas is completed by a registered professional biologist, and a BC Land Surveyor provides mapping indicating the extent of riparian areas and other SEI areas that should be protected from development, either by the covenant or by the dedication of these areas to the CVRD as parkland;

(Amended from original Committee recommendation):

4. that a system be put in place that would monitor both the quantity and quality of water within the aquifer in the vicinity of Inlet Drive/Malahat First Nation and other users near Inlet Drive subdivision *including* Oceanview Improvement District water service; that an appropriate amount of security also be put in place to ensure there is a way of dealing with any deficiencies that may arise with respect to water quality and quantity and further that a hydrological report be prepared for the John's Creek watershed system;

(Amended from original Committee recommendation):

5. a lease agreement *or other methods* be investigated with respect to the Southlands to ensure the preservation and protection of these sensitive lands.

and that the proposed bylaws be referred to a public hearing, with Directors Harrison, Giles, Dorey, Kuhn and Duncan delegated to the hearing in accordance with Section 891 of the *Local Government Act*, and further that the referral of this application to Malahat First Nation, Cowichan Tribes, Tsarlip First Nation, Tsawout First Nation, Pauquachin First Nation, Ministry of Transportation and Infrastructure, BC Transit, Ministry of Environment, Ministry of Community, Sport and Cultural Development, CVRD Engineering and Environmental Services, Capital Regional District, Vancouver Island Health Authority, School District No. 79, Mill Bay Improvement District (Fire Department) be approved.

Opposed: Director Duncan

MOTION CARRIED

6:13 pm Director Cossey returned to the Board Room at 6:13 pm.

6:18 pm Director Duncan left the Board Room at 6:18 pm.

11-327

It was moved and seconded:

1. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$7,000 from the Community Parks General Reserve Fund (Area A – Mill Bay/Malahat) for the purpose of developing a new park located in Mills Springs inclusive of landscaping pathways and a sport court; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.
2. That a grant in aid, Area C – Cobble Hill, be given to Garden House Foundation (Victoria Foundation), in the amount of \$500.00 to support those in need in the south-end.
3. That a grant in aid, Area C – Cobble Hill, be given to Shawnigan Cobble Hill Farmers Institute, in the amount of \$400.00 to assist in community celebration.
4. That a letter be sent to the Real Estate Foundation of BC on behalf of Bird Studies Canada stating the CVRD's support for their application for project funding.

MOTION CARRIED

6:25 pm

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

11-328

It was moved and seconded:

5. That Application No. 1-E-11DVP submitted by Ben & Margie Van Boven for a variance to Section 7.3 (b)(4) of Zoning Bylaw No. 1840 by reducing the minimum interior-side parcel line setback from 15 metres to 2 metres for Lot 4, Sections 3, 4 and 5, Range 7, Quamichan District, Plan 1233 (PID: 000-151-432), be approved subject to the applicant providing a legal survey confirming compliance with approved setbacks.
7.
 1. That draft amendment bylaws for OCP and Rezoning Amendment Application 1-E-11RS (Alderlea Farm) be forward to the CVRD Board for first and second reading.
 2. That application referrals to the Ministry of Transportation and Infrastructure, Vancouver Island Health Authority, Agricultural Land Commission, Cowichan Tribes and Duncan Volunteer Fire Department be accepted.
 3. That a public hearing be scheduled with Directors Duncan, Marcotte and Kuhn appointed as Board delegates.
 4. That a covenant be required as a condition of the proposed zoning amendment to exclude kennel as a permitted use on the subject property.
8. That Application No. 5-E-11DP/RAR/VAR be approved, and that a development permit with variance be issued to Jason and Andrea Waldron for the construction of a single family dwelling 20 metres from the natural boundary of Glenora Creek at Lot 1, Section 9, Range 3, Quamichan District, Plan 9569 (PID 026-302-322), subject to:

1. Compliance with the measures and recommendations outlined in RAR assessment report No. 1981, prepared by Kelly Schellenberg, RPF;
2. Construction of a permanent cedar fence along the SPEA boundary within 15 metres of the dwelling.

MOTION CARRIED

11-329

It was moved and seconded:

9. That Development Permit Application No. 18-B-10DP/RAR/VAR (Dowell) be revised to locate development within the RAR compliant area of the property as shown in draft Riparian Areas Assessment Report No. 1819 REV3 by Qualified Environmental Professional Craig Barlow and that the previously disturbed areas within the SPEA be restored.

Opposed: Directors Dorey and Duncan

MOTION CARRIED

11-330

It was moved and seconded:

10. 1. That the proponent be informed that the Regional District does not approve of the application to construct a Telecommunications Tower at the location identified at 820 Sheppard Road, Mill Bay as the proposed cell tower is at direct odds with the Trans Canada Highway Development Permit Area Guidelines of the Mill Bay/Malahat Official Community Plan which were established to protect the visual aesthetics of the Trans Canada Highway corridor. And, that the proponent be requested to find a less visible location to locate such a tower.
2. That the Staff Report and background information be forwarded to School District No. 79 and Jean Crowder, MP, for information.
3. That the proponent of the proposed telecommunications tower hold a public meeting to receive public input.

MOTION CARRIED

STAFF REPORTS

SR1

The Staff Report from the Manager, Finance Division, dated June 15, 2011 re: Fall Security Issuing Bylaw No. 3516 was considered for information.

BYLAWS

B1

11-331

It was moved and seconded that "CVRD Bylaw No. 3514 – Thetis Island Wharf Regulation Bylaw, 2011", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

- B1**
11-332 It was moved and seconded that "CVRD Bylaw No. 3514 – Thetis Island Wharf Regulation Bylaw, 2011", be adopted.
- MOTION CARRIED**
- B2**
11-333 It was moved and seconded that "CVRD Bylaw No. 3516 – Security Issuing (Loan Authorization Bylaw No. 3281, Loan Authorization Bylaw No. 3287, and Loan Authorization Bylaw No. 3289) Bylaw, 2011", be granted 1st, 2nd and 3rd reading.
- MOTION CARRIED**
- B2**
11-334 It was moved and seconded that "CVRD Bylaw No. 3516 – Security Issuing (Loan Authorization Bylaw No. 3281, Loan Authorization Bylaw No. 3287, and Loan Authorization Bylaw No. 3289) Bylaw, 2011", be adopted.
- MOTION CARRIED**
- 6:29 pm** Director Cossey declared a potential conflict of interest due to his consideration of the issue from his employer's perspective. Director Cossey left the Board Room at 6:29 pm.
- B3**
11-335 It was moved and seconded that "CVRD Bylaw No. 3497- Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Bamberton Business Park/Industrial), 2011", be granted 1st and 2nd reading.
- Opposed: Director Duncan
- MOTION CARRIED**
- B4**
11-336 It was moved and seconded that "CVRD Bylaw No. 3498 – Electoral Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Bamberton Business Park Industrial), 2011", be granted 1st and 2nd reading.
- Opposed: Director Duncan
- MOTION CARRIED**
- B5**
11-337 It was moved and seconded that "CVRD Bylaw No. 3511 – South Cowichan Official Community Plan Amendment Bylaw (Bamberton Business Park/Industrial), 2011", be granted 1st, and 2nd reading.
- Opposed: Director Duncan
- MOTION CARRIED**
- 6:31 pm** Director Cossey returned to the Board Room at 6:31 pm.
- 6:32 pm** During the Question Period Director Cossey declared a potential conflict of interest due to his consideration of the issue from his employer's perspective, and Director Cossey left the Board Room at 6:32 pm.

**RESOLVING INTO
CLOSED SESSION**

11-338
6:39 pm It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90, Subsection (1) (c) Employee and Labour Relations.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

11-340
8:10 pm It was moved and seconded that the Board rise without report and return to the Regular portion of the meeting.

MOTION CARRIED

ADJOURNMENT

11-341
8:10 pm It was moved and seconded that the Special Board meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 8:10 pm.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____