

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, November 15, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

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

**CVRD STAFF**

Tom Anderson, General Manager  
Mike Tippett, Manager  
Rob Conway, Manager  
Brian Farquhar, Manager  
Dana Leitch, Planner II  
Alison Garnett, Planner I  
Rachelle Rondeau, Planner I  
Brian Duncan, Manager  
Nino Morano, Bylaw Enforcement Officer  
Cathy Allen, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included adding four items of listed New Business plus two items of additional new business.

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

MOTION CARRIED

**M1 - Minutes**

It was Moved and Seconded that the Minutes of the November 1, 2011, EASC meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING**

There were no business arising.

**STAFF REPORTS**

**R1 – Baranti Dev.**

Rachelle Rondeau, Planner I, presented staff report dated November 9, 2011, regarding Application No. 8-A-11DP/RAR (J.E. Anderson & Associates/Baranti Developments) to permit subdivision of five additional residential lots (16 lots) for Phase 1 subdivision located on Rozon Road and Sangster Road.

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

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That application No. 8-A-11 DP/RAR submitted by J.E Anderson & Associates on behalf of Baranti Developments Ltd. for subdivision of 5 lots on Parcel A (DD 36099I) of District Lots 77 and 80, Malahat District (PID: 009-358-137) be approved subject to:

- a) Compliance with conditions outlined in RAR report No. 435 prepared by Patrick Lucey R.P. Bio., dated April 25, 2007; and
- b) That a geotechnical setback be established by a geotechnical engineer for each lot containing steep slopes prior to issuance of the development permit, to be included within the development permit.

**MOTION CARRIED**

**R2 – Creelman/  
Beckett**

Dana Leitch, Planner II, presented staff report dated November 9, 2011, regarding Application No. 1-B-11RS (Beckett/Creelman) to rezone property located at 2657 Nora Place from R-1 to R-2 to subdivide into two lots.

John Beckett, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 1-B-11RS (Creelman/Beckett) be tabled for up to 60 days to give the applicant an opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the South Cowichan Official Community Plan.

**MOTION CARRIED**

**R3 – Day/Laurea**

Alison Garnett, Planner I, presented staff report dated November 8, 2011, regarding Application No. 2-I-11DP (Day/Laurea) to permit the restoration of the riparian area and construction of a home and garage on property located on Lot 33, Youbou Road.

The applicant was not present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 2-I-11DP (Day/Laurea) be approved, and that a development permit be issued to Spencer Day and Maria Laurea to permit the restoration of the riparian area and construction of a single family home and garage on Lot 33, Block 5, Cowichan Lake District, Plan VIP55729 (PID:018-058-795), subject to:

- Compliance with the measures and recommendations outlined in RAR assessment report No. 1702 by Madrone Environmental Services, dated June 2010.

- Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 50% of the landscape costs associated with SPEA restoration, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional.

**MOTION CARRIED**

**R4 - Bennefield**

Alison Garnett, Planner I, presented staff report dated November 8, 2011, regarding Application No. 3-D-10RS (Bennefield) to rezone property located at 1415 Cherry Point Road to permit a two lot subdivision.

Blue Bennefield, applicant was present.

The Committee directed questions to staff.

It was Moved and Seconded

1. That Application No. 3-D-10RS (Bennefield) be approved, with a new Semi Village Residential 2 Zone being introduced for the subject property, with a complementary amendment to the Official Settlement Plan to provide for the new zone, and thereby allow a two lot subdivision of the subject property, subject to the following:
  - Submission of a landscape plan, showing areas of existing natural soils and vegetation, prior to a public hearing;
  - Submission of an engineer's report which demonstrates how the proposed development will generate no net increase in rainwater runoff, prior to a public hearing;
  - And that the property is included in the Lambourne Estates Sewer Service Area, prior to consideration of fourth reading of the amendment bylaws.
2. That the draft amendment bylaws be forwarded to the Regional Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings.
3. That a public hearing be scheduled and that the Directors of Electoral Areas D, C and E be delegated to the hearing.
4. That the referral to Cowichan Tribes, Ministry of Transportation and Infrastructure, Cowichan Bay Volunteer Fire Department, Vancouver Island Health Authority, CVRD Parks & Trails Division, CVRD Engineering & Environment, and CVRD Public Safety is accepted.

**MOTION CARRIED**

**R5 - Lamont**

Alison Garnett, Planner I, presented staff report dated November 9, 2011, regarding Application No. 2-C-11ALR (Lamont/Motherwell) to subdivide a two hectare lot from property located at 3855 Trans Canada Highway.

The Committee directed questions to staff.

Kevin Lamont, applicant, was present and provided further information to the application.

It was Moved and Seconded

That Application No. 2-C-11ALR, submitted by Lamont on behalf of Motherwell, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a two hectare lot from Part of Section 16, Range 6, Shawnigan District, lying to the east of the Island Highway, except plans 14215, 41754, 49718, VIP65206 and 71048 (PID: 000-382-019), be forwarded to the Agricultural Land Commission with a recommendation to approve given the homesite severance aspect of the application.

MOTION CARRIED

**R6 – Green Building Strategy**

Rachelle Rondeau, Planner I, presented staff report dated November 9, 2011, regarding Private Sector Green Building Strategy.

It was Moved and Seconded

That, in consultation with the Environment and Economic Development Commissions, and a stakeholder committee, a private sector green building strategy be developed that would:

- a) provide financial incentives and recognition to builders/developers who build green, or establish a disincentive for non-green buildings, according to an established rating scheme or EnerGuide rating (e.g. 80 or above);
- b) establish higher standards for proposed development through a rezoning policy and Official Community Plan policies;
- c) continue integrating green building policies within planning documents.

MOTION CARRIED

**R7 - Fireworks**

Nino Morano, Bylaw Enforcement Officer, presented staff report dated November 9, 2011, regarding Fireworks update.

It was Moved and Seconded

That staff be directed to review and recommend changes to the current CVRD Fireworks Sale and Discharge Regulation Bylaw No. 39 with the intent of updating the bylaw.

MOTION CARRIED

**R8 –Raise Rd. permit**

Brian Farquhar, Manager, presented staff report dated November 10, 2011, from Graham Gidden, Parks and Trails Planner, regarding Enter into a permit to construct with BC MoT at Raise Road in Yellow Point, Area H.

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to obtain a permit to construct from the Ministry of Transportation and Infrastructure to develop a public beach access in the Raise Road right of way to be funded under the Electoral Area H Community Parks budget.

MOTION CARRIED

**R9 – Central Park agreement**

Brian Farquhar, Manager, presented staff report dated November 9, 2011, from Ryan Dias, Parks Operations Superintendent, regarding Enter into a land use agreement with the Honeymoon Bay Community Society for use of Central Park to be operated as a lawn bowling club.

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to enter into a renewable five-year Land Use Agreement for an annual fee of \$1 per year with the Honeymoon Bay Community Society for use of a portion of Central Park in Honeymoon Bay for the purpose of a lawn bowling green.

MOTION CARRIED

**INFORMATION**

**IN1 - Minutes**

It was Moved and Seconded

That the minutes of the Area I APC meeting of November 1, 2011, be received and filed.

MOTION CARRIED

**IN2 - Minutes**

It was Moved and Seconded

That the minutes of the Area A Parks and Recreation Commission meeting of October 20, 2011, be received and filed.

MOTION CARRIED

**IN3 - Minutes**

It was Moved and Seconded

That the minutes of the Shawnigan Lake Parks and Recreation Commission meeting of October 27, 2011, be received and filed.

MOTION CARRIED

**IN4 - Minutes**

It was Moved and Seconded

That the minutes of the Cobble Hill Parks and Recreation Commission meeting of October 24, 2011, be received and filed.

MOTION CARRIED

**IN5 - Minutes**

It was Moved and Seconded

That the minutes of the Area G Parks Commission meeting of October 3, 2011, be received and filed.

MOTION CARRIED

**IN6 – Building Permit**

It was Moved and Seconded

That the October, 2011, building report be received and filed.

MOTION CARRIED

**NEW BUSINESS**

**NB1 – Fireworks** Email sent November 4, 2011, from Shirley Walker, respecting agenda item R7, fireworks update, was received as information.

**NB2 – Court decision** Tom Anderson, General Manager, reviewed the Fisher Road Holdings v. CVRD Court decision noting that a decision has been rendered in favour of the CVRD and that CVRD bylaws have been upheld.

Director Giles complimented CVRD staff on the process and on ensuring that the public hearing was done in a fair way and all Local Government Act standards were met.

Discussion ensued.

**NB3 – Grant in Aid** It was Moved and Seconded  
That a grant in aid, Electoral Area G – Saltair/Gulf Islands, in the amount of \$500 be given to Chemainus Secondary School to assist with providing a bursary to a Saltair resident student.

MOTION CARRIED

**NB4 – Grant in Aid** It was Moved and Seconded  
That a grant in aid, Electoral Area G – Saltair/Gulf Islands, in the amount of \$500 be given to Nanaimo-Ladysmith Schools Foundation to assist with providing a Saltair Community Award to a Saltair resident student.

MOTION CARRIED

**NB5 – 946 applications** Director Duncan advised that his advisory planning commission has very strong feels regarding section 946 subdivision applications and noted that they will be recommending that the Motherwell application be denied.

Director Marcotte expressed concerns with giving an automatic denial and that applications should be dealt with on a case by case basis.

Mr. Anderson suggested that Area E have a policy included in their OCP respecting Section 946 applications.

**NB6 – Cherry Blossom Est.** Director Duncan provided an update respecting Cherry Blossom Estates amendment bylaws that are currently held at third reading with conditions such as resolving contaminated site issues prior to final reading. Also, questions have arisen respecting ownership of the property and there is uncertainty on how to proceed with the bylaws.

It was Moved and Seconded  
That staff be directed to provide a report to the January 2012 EASC meeting that will provide recommendations on how to proceed with Amendment Bylaws No. 3284 and 3285 (File No. 7-E-07RS - Cherry Blossom Estates).

MOTION CARRIED

**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 5:10 pm.

**RISE**

The Committee rose without report.

**ADJOURNMENT**

It was Moved and Seconded  
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:15 pm.

MOTION CARRIED

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Chair

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Recording Secretary