

Minutes of the Regular meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, April 11, 2012 at 3:30 pm.

PRESENT: Chair R. Hutchins
Directors L. Iannidinardo, M. Dorey <4:05 pm>,
L. Duncan <3:33 pm>, B. Fraser, G. Giles, R. Hartmann,
P. Kent, J. Lefebure, M. Marcotte, T. McGonigle,
I. Morrison, M. Walker, P. Weaver and
Alternate Director A. Siebring

ALSO

PRESENT: Warren Jones, Chief Administrative Officer
Joe Barry, Corporate Secretary
Tom Anderson, General Manager, Planning & Development
Brian Dennison, General Manager
Engineering & Environmental Services
Rob Conway, Manager, Development Services
Bob McDonald, Manager, Recycling & Waste Management
Jason Adair, Superintendent, Solid Waste Operations
Ilse Sarady, Environmental Technologist II

ABSENT: Director B. Lines

**APPROVAL OF
AGENDA**

12-172

It was moved and seconded that the agenda be amended with the:

Addition of the following New Business items:

NB1 Appointment to the Cowichan Lake Recreation Commission
CSNB1 Potential Litigation {Sub (1) (g)} and Law Enforcement {Sub (1) (f)}
NB2 Director Kent - Island Railway Corridor
NB3 Director Iannidinardo - Cowichan Bay Announcements

and that the agenda, as amended, be approved.

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

**12-173
3:32 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) (a) Potential Appointment; {Sub (1) (k)} Provision of a Municipal Service; {Sub (1) (i)} Receipt of Advice that is Subject to Solicitor-Client Privilege; {Sub (1) (g)} Potential Litigation and {Sub (1) (f)} Law Enforcement.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

12-185 **It was moved and seconded that the Board rise with report on items**
5:36 pm **CSCR1 and CSCR2 Potential Appointments during the Chair's**
 Report, and return to the open portion of the Board meeting.

MOTION CARRIED

RECESS

12-186 **It was moved and seconded that the Board meeting recess until 6:00**
5:36 pm **pm.**

MOTION CARRIED

MEETING **The regular Board meeting was reconvened at 6:02 pm with all Directors**
RECONVENED **in attendance as at the beginning of the meeting.**
6:02 pm

**ADOPTION OF
MINUTES**

12-187 **It was moved and seconded that that the Regular Board meeting**
 minutes of March 14, 2012 be adopted.

MOTION CARRIED

12-188 **It was moved and seconded that the Special Board meeting minutes**
 of March 21, 2012 be adopted.

MOTION CARRIED

12-189 **It was moved and seconded that the Special Board meeting minutes**
 of March 28, 2012 be adopted.

MOTION CARRIED

REPORT OF CHAIRPERSON

The Chair reported that the Board made the following appointments during the Closed Session.

CSCR1
Potential
Appointment
{Sub (1) (a)}

12-177 **It was moved and seconded that George Robbins be appointed as the**
 Economic Development Commission representative to the Regional
 Agricultural Advisory Commission.

MOTION CARRIED

**CSCR2
Potential
Appointment
{Sub (1) (a)}**

12-178 It was moved and seconded that Judy Stafford be appointed the Environment Commission representative to the Regional Agricultural Advisory Commission; and further, that Pete Keber be appointed the alternate representative.

MOTION CARRIED

COMMITTEE REPORTS

CR1 The report and recommendations from the Regional Services Committee meeting of March 28, 2012 listing three items were considered.

12-190 It was moved and seconded:

- 1. That the CVRD Integrated Regional Sustainability Plan Terms of Reference be forwarded to the Environment, Economic Development and Regional Agricultural Advisory Commissions, District of North Cowichan, City of Duncan, Town of Ladysmith, Town of Lake Cowichan, First Nations and Electoral Areas' Area Planning Commissions for comment and support.**
- 2. That the CVRD Climate Action Plan Terms of Reference be forwarded to the Environment, Economic Development and Regional Agricultural Advisory Commissions for comment and support; and further, that the CVRD Climate Action Plan be undertaken as a part of the more comprehensive Integrated Regional Sustainable Plan.**
- 3. That the Board endorse the Inter-Regional Initiative on rainwater management and support the associated Comox Valley Regional District Gas Tax Capacity Building Grant Application to fund related inter-regional education and learning activities in the Capital Regional District, Cowichan Valley Regional District, Regional District of Nanaimo and Comox Valley Regional District.**

MOTION CARRIED

CR2 The report and recommendations from the Electoral Area Services Committee meeting of March 20, 2012 listing seven items were considered.

12-191 It was moved and seconded:

- 1. That the CVRD provide a letter of support to the World Sikh Organization supporting the recognition of the Paldi Sikh Temple as a national historic site.**
- 2. That the Regional Board seek clarification from the Provincial government on their response to the CVRD 2011 UBCM resolution regarding Protection of Lakes and Rivers.**

3. That a grant in aid, Area E – Cowichan Station/Sahtlam/Glenora, in the amount of \$1,000 be given to Cowichan Green Community to assist with producing the 2012 Cowichan Food Map.
4. That a grant in aid, Area E – Cowichan Station/Sahtlam/Glenora, in the amount of \$1,500 be given to Bench Elementary School to assist with construction of an accessible playground at Bench School.

MOTION CARRIED

12-192

It was moved and seconded:

5. That Application No. 1-E-12ALR, submitted by Colten Ellison, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling on the subject property for the purpose of providing a residence for a family member/ farm helper, be forwarded to the Agricultural Land Commission with a recommendation to approve the application.
6. That Application No. 2-B-11DVP (Arbutus Mountain Estates) for a variance to Section 9.21 of the CVRD's Mobile Home Park Bylaw No. 275 to remove the requirement for an outdoor storage area be approved, subject to the following conditions:
 - provision of an electrically-serviced storage building, no less than 15 square metres in area, at a location chosen by the strata council;
 - expansion of the designated common property recreation area at the south west corner of Phase 3 from 472 square metres to a minimum of 1100 square metres;
 - provision of a fully-fenced playground to CSA standards - including playground equipment, benches, tables and other amenities of no less than \$30,000 plus installation cost;
 - landscaping of the park at the developer's cost.
7. That the CVRD refer plans or applications for structures exceeding 15 metres in height within a 4 km radius of the Nanaimo Airport (YCD) to the Nanaimo Airport Commission.

MOTION CARRIED

CR2

The report and recommendations from the Electoral Area Services Committee meeting of April 3, 2012 listing 29 items were considered.

12-193

It was moved and seconded:

1. That a grant in aid, Area C – Cobble Hill, be given to South Cowichan Rotary Association in the amount of \$1,500 to assist with an addition to the CMS Food Bank.
2. That a grant in aid, Area C – Cobble Hill, be given to Cowichan Therapeutic Riding Association in the amount of \$500 to assist with their program.
4. That a grant in aid, Area C – Cobble Hill, be given to The Cowichan Spirit of Women Women's Resource Centre in the amount of \$250 to assist educational programs.

5. That a grant in aid, Area C – Cobble Hill, be given to the Ecole Mill Bay Elementary School in the amount of \$500 to assist in the organization of the 2012 Ecostravaganza.
6. That a grant in aid, Area I – Youbou/Meade Creek, be given to Cowichan Lake Lady of the Lake Society in the amount of \$500 to assist with the 2012 Lake of the Lake ambassador expenses.
7. That a grant in aid, Area I – Youbou/Meade Creek, be given to Lake Cowichan Secondary School in the amount of \$500 to assist with their 2012 scholarship/bursary program.
8. That a grant in aid, Area I – Youbou/Meade Creek, be given to Cowichan Lake and River Stewardship Society in the amount of \$500 to assist with their ongoing fish habitat signage project.
9. That a grant in aid, Area I – Youbou/Meade Creek, be given to Cowichan Lake Salmonid Enhancement Society in the amount of \$500 to assist with their fry salvage program.
10. That a grant in aid, Area I – Youbou/Meade Creek, be given to Cowichan Lake District Chamber of Commerce in the amount of \$7,500 to assist with the visitor centre operating expenses.
11. That a grant in aid, Area D – Cowichan Bay, be given to the Cowichan Wooden Boat Society in the amount of \$1,000 to assist with expenses for the annual Prawn Festival.
12. That a grant in aid, Area D – Cowichan Bay, be given to the Cowichan Family Caregivers Support Society in the amount of \$500 to assist with their support program.
13. That a grant in aid, Area F – Cowichan Lake South/Skutz Falls, be given to Honeymoon Bay Community Society in the amount of \$500 to assist with hosting the 2012 Heritage Days event.
14. That a grant in aid, Area G – Saltair/Gulf Islands, be given to Chemainus Harvest House Society in the amount of \$500 to assist with their food bank program.
15. That a grant in aid, Area D – Cowichan Bay, be given to Cowichan Land Trust in the amount of \$1,000 to assist with costs of the opening celebrations of the Cowichan Estuary Nature Centre.
16. That a grant in aid, Area D – Cowichan Bay, be given to Kerry Park Men's Curling League in the amount of \$250 to assist with costs to attend the Pacific International Cup Event.
17. That a grant in aid, Area C- Cobble Hill, be given to Kerry Park Men's Curling League in the amount of \$250 to assist with costs to attend the Pacific International Cup Event.
18. That a grant in aid, Area A – Mill Bay/Malahat, be given to Kerry Park Men's Curling League in the amount of \$250 to assist with costs to attend the Pacific International Cup Event.

20. That the 2012 Major and Minor Capital Work Program Schedule for Community and Sub-Regional Parks be endorsed as the order and priority list for undertaking completion of capital project work approved in the 2012 budget
21. That the building permit fee for the proposed 380 sq.ft. addition to the CMS Food Bank on Lashburn Road be waived.
22. That the General Manager, Planning and Development Department, be directed to forward a letter to the Minister of Transportation and Infrastructure outlining concerns regarding lack of appropriate Ministry action respecting loss of public access to private properties due to a washout at the end of Doupe Road in Cowichan Station and request that the appropriate action be taken.
23. That Gordon Dickinson be appointed to the vacant elected position on the Area C Parks Commission for a term to expire December 31, 2012, and that the appropriate information be provided to Mr. Dickinson.

MOTION CARRIED

12-194

(Amended from original Committee recommendation):

3. That a grant in aid, Area C – Cobble Hill, be given to Cowichan Family Caregivers Support Society in the amount of \$530 to assist with their support program; and that a letter accompany the grant funds stating that the additional \$30 was for registration to a Cowichan Communities Health Network health event.

MOTION CARRIED

12-195

It was moved and seconded that the Electoral Areas Curbside Collection project be eliminated from the gas tax funding list and the \$300,000 be allocated to Tier I and Tier II projects; and further, that staff be directed to recommend to the Committee how all Tier I and II projects could fit within the available 2012-2014 gas tax funding envelope.

MOTION CARRIED

12-196

It was moved and seconded:

25. That Application No. 2-F-11DVP by Stan Van Basten to vary Section 3.22 of Zoning Bylaw No. 2600 on Lot 34, Section 35, Renfrew District, (situate in Cowichan Lake District), Plan 40628 by reducing the minimum setback from a water course from 15 metres to 3 metres for the purpose of constructing a cantilevered deck and dormers, be approved.
26. That Application No. 1-A-11 TUP submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for a Temporary Use Permit on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 proceed to a public meeting in accordance with South Cowichan Official Community Plan Policy 12.23.

27. That Application No. 2-E-12ALR by Douglas Williams made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite on the subject property, be forwarded to the Agricultural Land Commission with a recommendation to approve the application subject to decommissioning of the existing cabin.
28. That Application No. 5-E-12DP/RAR/VAR by Donna Corby for a variance to Section 5.18 of Bylaw No. 1840 in order to reduce the required Streamside Protection and Enhancement Area setback from 7.5 metres down to 2.8 metres on Lot B, Section 8, Sahtlam District, Plan VIP53018 (PID: 017-475-503) be approved, subject to compliance with the recommendations of RAR Report No. 2294.
29. That CVRD Zoning Bylaws No. 2000, 985,1405, 1015, 1840, 2600, 1020 and 2465 be amended to remove recycling and composting uses from all zones, while simultaneously developing a new recycling/ composting zone that may be applied to appropriate parcels upon successful rezoning application, and that a public hearing be held in the north, south, central and west sectors of the Regional District; and further, that the following referral agencies be notified of the proposed amendment: Ministry of Transportation and Infrastructure, Ministry of Environment, Regional District of Nanaimo, Capital Regional District, City of Duncan, Town of Lake Cowichan, Town of Ladysmith, North Cowichan District, Stz'uminus First Nation, Lake Cowichan First Nations, Ditidaht First Nation, Cowichan Tribes and Malahat First Nation.

MOTION CARRIED

6:25 pm Director Marcotte declared a potential conflict of interest as she had a longstanding family relationship with the applicant and left the Board Room at 6:25 pm.

12-197 **It was moved and seconded:**

24. That Development Permit No. 3-H-90DP (Kiwi Cove Lodge/ Kolosoff) be extended for one year until April 14, 2013.

MOTION CARRIED

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

CR3 The report and recommendations from the Engineering & Environmental Services Committee meeting of March 28, 2012 listing four items were considered.

12-198 **It was moved and seconded:**

1. That CVRD Bylaw No. 3591 – Solid Waste Management Charges and Regulations Amendment Bylaw, 2012 be forwarded to the Board for consideration of three readings and adoption.

2. That a bylaw be prepared to amend "CVRD Bylaw No. 2790 – Sentinel Ridge Sewer System Service Establishment Bylaw, 2006", to increase the maximum requisition from \$42,400 to \$53,125; and that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
3. That two *critical location streetlights* be installed at the following locations in Electoral Area C:
 1. Intersection of Cobble Hill Road and Empress Avenue
 2. Intersection of Cobble Hill Road and Fisher Roadand further that priority for installation be given to item Number 1 above.
4.
 1. That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Lambourn Estates sewer service area be received.
 2. That CVRD Bylaw No. 3052 – Lambourn Estates Sewer System Service Establishment Bylaw, 2008, be amended to include "*PID 002-802-651, Lot 7, Section 4, Range 6, Cowichan District, Plan 24679, except part in Plans 39250 and VIP60753.*"
 3. That the amendment bylaw be forwarded to the Board for consideration of three readings.
 4. That the amendment bylaw not be considered for adoption until the following conditions have been met:
 - i. A covenant be registered on title of this property, addressing CVRD Planning concerns.
 - ii. A Lambourn Estates Sewer and Water Servicing Agreement be executed by the Developers and the CVRD.

MOTION CARRIED

CR4 There were no recommendations forthcoming from the Transit Committee meeting of April 11, 2012.

CR5 The report and recommendation from the Cowichan Lake Recreation Commission meeting of March 22, 2012 listing one item was considered.

12-199 It was moved and seconded That the CVRD Board, accept, with regret, the letter of resignation from Sheila McFarlane and that a letter of appreciation be sent to Ms. McFarlane for her years of dedication and service to the Cowichan Lake Recreation Commission.

MOTION CARRIED

CR6 The report and recommendation from the Kerry Park Recreation Centre Commission meeting of March 29, 2012 listing one item was considered.

12-200 It was moved and seconded that the CVRD Chair and Corporate Secretary be authorized to enter into a three year agreement with Coca Cola Refreshments Canada on behalf of the CVRD for the Kerry Park Recreation Centre for the provision of soft drinks for the period of April 1, 2012 to March 31, 2015.

MOTION CARRIED

STAFF REPORTS

SR1 The Staff Report from the Manager, Cowichan Lake Recreation, dated April 3, 2012 re: Temporary Extension of Licensed Areas for Special Events was considered.

12-201 It was moved and seconded:

1. That staff be authorized to proceed with the liquor license extension application process for the following events:
 - a) Extension of Liquor Primary Liquor License #163104 – Curling Lounge, to cover the annual Lake Days Dance to be held Saturday, June 9, 2012 in the Cowichan Lake Sports Arena;
 - b) Extension of Liquor Primary Liquor License #300537 – Youbou Community Bowling Alley, to cover the annual Youbou Regatta Dance to be held on Saturday, August 11, 2012 and the New Year's Eve Dance to be held Monday, December 31, 2012 in the Youbou Hall.
2. That the CVRD Board has no objection should the Liquor Distribution Branch approve the request for an extension of both licenses for the events listed and takes into account:
 - The potential for noise if the applications are approved: Noise is kept at a minimum for all events as they are all held indoors. There have been no problems with noise complaints from past events.
 - The impact on the community if the applications are approved: These are annual community events that provide great community benefit. Members of the community will be involved through participation and volunteer activities.

For event (a) there will be security on the premises; event hosts will be in place throughout the facility; a designated driving program will be in place; and the local RCMP will be invited to have a presence at this event.

For event (b) event hosts will be in place throughout the facility and the local RCMP will be invited to have a presence at both of these events.

 - Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose: Both facilities as identified for events (a) and (b) will be operated as a Liquor Primary facility for the purposes of these events.
3. That the Board Chair and Corporate Secretary be authorized to sign the extension application on behalf of the CVRD.

MOTION CARRIED

SR2 The Staff Report from the Manager, Development Services Division, dated April 4, 2012 re: Bamberton Bylaws and Covenants was considered.

12-202 It was moved and seconded that the Board considers:

1. the final version of the Bamberton covenants to be consistent with their intended purposes and objectives in relation to South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498 (Bamberton Business Park/Industrial);
2. there to be no material deviations from the resolution of February 8, 2012, and the amendments to the covenants to be acceptable; and
3. that the Chair and Corporate Secretary were properly authorized to execute the covenants;

and, as such, the Covenants and their execution are expressly ratified.

MOTION CARRIED

PUBLIC HEARINGS

PH1 The Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3445 (Bill 27), applicable to Electoral Area F – Cowichan Lake South/Skutz Falls were considered.

12-203 It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3445 (Bill 27), applicable to Electoral Area F – Cowichan Lake South/Skutz Falls be received.

MOTION CARRIED

BYLAWS

B1
12-204 It was moved and seconded that "CVRD Bylaw No. 3467 – Sentinel Ridge Drainage Service Amendment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B2
12-205 It was moved and seconded that "CVRD Bylaw No. 3468 – Sentinel Ridge Street Lighting Service Amendment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B3
12-206 It was moved and seconded that "CVRD Bylaw No. 3581 – Brulette Place Sewer System Service Amendment Bylaw, 2012", be adopted.

MOTION CARRIED

**B4
12-207** It was moved and seconded that "CVRD Bylaw No. 3591 – Solid Waste Management Charges and Regulations Amendment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B4
12-208** It was moved and seconded that "CVRD Bylaw No. 3591 – Solid Waste Management Charges and Regulations Amendment Bylaw, 2012", be adopted.

MOTION CARRIED

**B5
12-209** It was moved and seconded that "CVRD Bylaw No. 3593 – Electoral Area I – Youbou/Meade Creek Critical Location Streetlighting Service Amendment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B6
12-210** It was moved and seconded that "CVRD Bylaw No. 3594 – Twin Cedars Sewer System Service Amendment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B7
12-211** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3445 – Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Bill 27), 2010", be granted 3rd reading.

MOTION CARRIED

**B7
12-212** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3445 – Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Bill 27), 2010", be adopted.

MOTION CARRIED

**B8
12-213** It was moved and seconded that "CVRD Bylaw No. 3511 – South Cowichan Official Community Plan Amendment Bylaw (Bamberton Business Park/Industrial), 2011", be adopted.

Opposed: Director Duncan

MOTION CARRIED

**B9
12-214** 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 adopted.

Opposed: Director Duncan

MOTION CARRIED

RESOLUTIONS

**RES1
12-215** It was moved and seconded that the following appointments to the Youbou Fire Service Commission be approved:

Elected for a Term to Expire March 31, 2014:

George de Lure

Bill Gibson

Gerry Walker

Appointed for a Term to Expire March 31, 2013:

Betty Abbott

MOTION CARRIED

**RES2
12-216** It was moved and seconded that the following appointments to the Shawnigan Lake Community Centre Commission be approved:

Elected for a Term to Expire March 31, 2013:

Barb Shultz

Sarah Malerby

Marion Davies

Shelagh Bell-Irving

MOTION CARRIED

NEW BUSINESS

**NB1
12-217** It was moved and seconded that the following appointment to the Cowichan Lake Recreation Commission be approved:

Appointed for a Term to Expire December 31, 2012:

Eva Fearon

MOTION CARRIED

NB2 **Island Railway Corridor**

Director Kent commented on the E&N announcement of \$15M in funding (\$7.5M each from the federal and provincial governments) and how important this funding was to the future of rail on the Island.

NB3 **Cowichan Bay Announcements**

Director Iannidinardo invited the Board to attend the following events being held in Cowichan Bay:

1. Low Tide Day on May 5
2. the Nature Centre Grand Opening on April 21
3. the Prawn Festival from May 11 to 13.

**RESOLVING INTO
CLOSED SESSION**

**12-218
6:56 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 (i)) Receipt of Advice that is Subject to Solicitor-Client Privilege; {Sub (1) (g)} Potential Litigation and {Sub (1) (f)} Law Enforcement.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

12-229 **It was moved and seconded that the Board rise without report and**
9:14 pm **return to the open portion of the Regular Board meeting.**

MOTION CARRIED

ADJOURNMENT

12-230 **It was moved and seconded that the Regular Board meeting be**
9:14 pm **adjourned.**

MOTION CARRIED

The meeting adjourned at 9:14 pm.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____