

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, April 7, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC

PRESENT

Director M. Marcotte, Acting Chair
Director L. Iannidinaro
Director G. Giles
Director L. Duncan
Director I. Morrison
Director K. Kuhn
Director K. Cossey
Alt. Director R. Burgess
Alt. Director M. Dietrich
Absent: Director B. Harrison, Director M. Dorey

CVRD STAFF

Tom Anderson, General Manager
Mike Tippett, Manager, Community & Regional Planning
Rob Conway, Manager, Development Services Division
Rachelle Moreau, Planning Technician
Dana Beatson, Planner
Brian Duncan, Chief Building Inspector
Nino Morano, Bylaw Enforcement Officer
Brian Farquhar, Parks and Trails Manager
Ron Austen, General Manager
Dan Derby, General Manager
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included five items to Correspondence, one item to Parks, one item to APC, two items to Closed Session, and one item of New Business.

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

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
That the minutes of the March 17, 2009 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no Business Arising.

DELEGATIONS

D1 – Budding

Rachelle Moreau, Planning Technician, presented Application No. 2-E-09DVP by Paul Budding (Pakulak) to increase the maximum size of an accessory building located at 4409 Akira Road, from 100 m to 222 m.

Paul Budding, applicant, was present, and provided further information to the application.

It was Moved and Seconded

That Application No. 2-E-09DVP by Paul Budding on behalf of Andrew and Cindy Pakulak for a variance to Section 5.2(e) of Zoning Bylaw No. 1840 to increase the maximum size of an accessory building from 100 m² to 222 m² on Lot A, Section 8, Range 9, Sahtlam District, Plan VIP60591 (PID 023-017-376), be approved, subject to registration of a restrictive covenant prohibiting home occupation use in the accessory building.

MOTION CARRIED

D2 - Cantwell

Rachelle Moreau, Planning Technician, presented Application No. 1-A-09DVP (Robert & Jodi Cantwell) to increase the maximum permitted height of a single family dwelling on Cooper's Hawk Rise in Sentinel Ridge, from 7.5 m to 10 m.

Mrs. Nagy, was present on behalf of Jodi and Robert Cantwell, applicants, and provided further information to the application.

A question and answer session ensued.

It was Moved and Seconded

That Development Variance Permit Application 1-A-09DVP by Robert and Jodi Cantwell for a variance to Section 8.4.A(b)(2) of Zoning Bylaw No. 2000, by increasing the maximum permitted height of a single family dwelling from 7.5 metres (24.61') to 10 metres (32.81') on Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300), be denied.

MOTION DEFEATED

It was Moved and Seconded

That Development Variance Permit Application 1-A-09DVP by Robert and Jodi Cantwell for a variance to Section 8.4.A(b)(2) of Zoning Bylaw No. 2000, by increasing the maximum permitted height of a single family dwelling from 7.5 metres (24.61') to 10 metres (32.81') on Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300), be approved subject to restricting the height elevation to not higher than height of Lot 52

It was Moved and Seconded

That Application No. 1-A-09DVP (Robert Cantwell) be referred back to staff for clarification.

MOTION CARRIED

D3 – Cherry Blossom

Rob Conway, Manager, presented Application No. 7-E-07RS (Cherry Blossom Park) to permit development of an 50 unit strata title manufactured home park at 5611 Culverton Road.

Robin Mayo, applicant, was present, and provided further information to the application.

A question and answer session ensued.

It was Moved and Seconded

1. That the appropriate amendment bylaws be prepared respecting OCP and Zoning Amendment Application No. 7-E-07RS (Cherry Blossom Park) and that the bylaws be forwarded to the Regional Board for consideration of first and second readings.
2. That a public hearing be arranged and that Directors Duncan, Morrison and Kuhn be delegated to the public hearing.
3. That the applicant provide a traffic impact assessment, a hydrological assessment and a preliminary riparian area assessment for the amended application prior to scheduling of the public hearing.
4. That the applicant provide confirmation of a certificate of compliance or approval in principle for remediation of the subject property from the Ministry of Environment prior to consideration of bylaw adoption.

MOTION CARRIED

D4 – Hayes/Logan

Dana Beatson, Planner, presented Application No. 3-B-08RS (Bill Hayes/Jacqueline Logan) to allow the subject property located at 1714 Thain Road to be subdivided into two parcels.

Bill Hayes, applicant, was present and provided further information to the application.

There were questions directed to staff from committee members

It was Moved and Seconded

1. That the appropriate amendment bylaws be prepared regarding Rezoning Application No. 3-B-08RS (Bill Hayes & Jacqueline Logan) and that the bylaws be forwarded to the Regional Board for consideration of first and second readings.
2. That prior to a public hearing being scheduled that the property owners provide in writing to the Cowichan Valley Regional District their commitment regarding park land dedication.

3. That a public hearing be scheduled and that Directors Cossey, Giles, and Iannidinardo be delegated to the hearing.

MOTION CARRIED

D5 - Cooper

Dana Beatson, Planner, presented Application No. 1-F-06RS (Paul Cooper) to permit residential uses on a portion of the property located near Kapoor Road and Old Lake Cowichan Road.

Paul Cooper, applicant, was present and provided further information to the application.

There were questions directed to staff and the applicant.

It was Moved and Seconded

That Rezoning Application 1-F-06RS (Cooper) be approved subject to park dedication;

That a Zoning Amendment Bylaw to rezone a portion of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984, from Forestry Resource 1 (F-1) to Rural Residential 1 (R-1) be prepared and forwarded to the Regional Board for first and second reading;

That a Zoning Amendment Bylaw to rezone a portion of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984, from Forestry Resource 1 (F-1) to Forestry/Residential (F-2A) be prepared and forwarded to the Regional Board for first and second reading;

That an amendment to the Cowichan Koksilah (Electoral area E and Part of Electoral Area F) Official Community Plan Bylaw No. 1490 be made redesignating a portion of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984 from Forestry to Suburban Residential be prepared and forwarded to the Regional Board for first and second reading;

That a public hearing be scheduled for the Zoning and OCP Amendment Bylaws with Directors Morrison, Marcotte, and Dorey named as delegates.

MOTION DEFEATED

It was Moved and Seconded

That Application No. 1-F-06RS (Paul Cooper) be referred back to staff for further clarification.

MOTION CARRIED

STAFF REPORTS

**SR1 – Area E Parks
Service Bylaw**

It was Moved and Seconded
That CVRD Bylaw No. 3260 – Electoral Area E Community Parks Service
Amendment Bylaw, 2009, be forwarded to the Board for consideration of three
readings and adoption.

MOTION CARRIED

**SR2 – Sahtlam Fire
Area**

It was Moved and Seconded

1. That a loan authorization bylaw be prepared for an amount up to \$130,000,
financed over a ten year period, for the purpose of purchasing a new mobile
water tender for the Sahtlam Fire Protection Service Area, and that the
bylaw be forwarded to the Board for consideration.
2. That the necessary Request for Proposal documents be prepared for the
purchase a new mobile water tender for the Sahtlam Fire Protection Service
Area following voter approval for the Loan Authorization Bylaw.
3. That a reserve fund expenditure bylaw be prepared authorizing the
expenditure of \$70,000 from Sahtlam Fire Protection Specified Service
Area Capital Reserve Fund Bylaw No. 1452 for the purpose of assisting
with the purchase a new mobile water tender, and that the bylaw be
forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**SR3 –Relocated Home
Policy**

It was Moved and Seconded
That the following Regional Board Policy be adopted:
*“That relocated modular and mobile homes must be manufactured under the
CSA Z-240, Standard for Mobile Homes, or A-277, Standard for Manufactured
homes. Further, that homes manufactured under the A-277 Standard, when
relocated within the CVRD electoral areas, must be placed on a permanent
foundation. Z-240 Mobile Homes, single and doublewide, are permitted to be
placed on strip footings and blocking.”*

MOTION CARRIED

SR4 – Dog Control

It was Moved and Seconded
That the staff report dated March 31, 2009, from Nino Morano, Bylaw
Enforcement Officer, regarding dog control (File 4-B-09BE) be received and
filed.

MOTION CARRIED

RECESS

The Committee recessed for a short break.

SR5 – CRD Bylaws

It was Moved and Seconded

That the Capital Regional District be advised that the CVRD Planning and Development Department has reviewed the CRD proposed Rural Resource Lands OCP Bylaw No. 3591 and proposed Land Use Bylaw No. 3602, and resolve that our Interests are Unaffected.

MOTION CARRIED

SR6 – Air Pollution Bylaw

Staff Report dated March 31, 2009, from Tom Anderson, General Manager, regarding Air Pollution Control Establishment Bylaw No. 3258 was received for information purposes only.

SR7 – No. 2-I-07RS (Youbou Lands)

Director Iannidinardo left the meeting due to perceived conflict of interest as her son is the Executive Director for Timberwest.

It was Moved and Seconded

1. That the previous delegating resolution No. 08-541 for the hearing for Bylaws 3213, 3214 and 3242 be rescinded and that Directors Kuhn, Morrison and Giles be named as delegates to the hearing for Bylaws 3213, 3214 and 3242; and further that a public meeting be held a few weeks prior to the public hearing to give the public an opportunity to become familiar with the proposed bylaws.
2. That second reading of Bylaws 3213, 3214 and 3242 be rescinded.
3. That Bylaws 3213, 3214 and 3242 be amended by removing the following extraneous legal descriptions from the list of legal descriptions in each of those bylaws:
 - i) Block A, District Lot 64, Cowichan Lake District;
 - ii) Section 46, Renfrew District (situated in Cowichan Lake District), except that part shown coloured red on Plan 1210 OS;
 - iii) That Part of District Lot 31, Cowichan Lake District, containing 6.24 acres, more or less, and shown coloured red on Plan Deposited under DD 31052I.
4. That Bylaw No. 3214 be amended by deleting the permitted uses of the proposed I-3 Zone and replace with permitted uses that list more specific industrial uses.
5. That Bylaw No. 3242 (Phased Development Agreement) be amended as follows:
 - a) Change the term of agreement from 10 years to 20 years;
 - b) Delete the alphabetical phasing requirement;
 - c) Schedule B - Adjust the timing for construction of the trail through the Arbutus Park extension
 - d) Schedule B – Clarify that “alternate pedestrian network improvements” referred to in Section 11 are for crossing of Cottonwood Creek
6. That Bylaws 3213, 3214 and 3242, as amended, be considered for second reading.

MOTION CARRIED

Director Iannidinardo returned to the meeting at this point.

**C1-C5 and NB1-3
Grants-in-Aid**

It was Moved and Seconded

That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$200 be given to Kerry Park Men’s Curling League to assist with travel costs to attend the Pacific International Playdowns.

That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$200 be given to Kerry Park Women’s Curling League to assist with travel costs to attend the Pacific International Playdowns.

That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$2,000 be given to Frances Kelsey Secondary School to provide four bursaries to graduating students at \$500 each.

That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$400 be given to Kerry Park Men’s Curling League to assist with travel costs to attend the Pacific International Playdowns.

That a grant-in-aid (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of \$500 be given to Honeymoon Bay Community Society to help with costs to host the 2009 Heritage Days event.

That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$300 be given to Bard@ Brentwood to assist in production of the Bard at Brentwood.

That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$500 be given to BC Coalition for Health Promotions to assist in building healthy communities.

That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$800 be given to Cobble Hill LERN to assist with costs of their emergency preparedness program.

MOTION CARRIED

**CORRESPOND-
ENCE**

PARKS

PK1 & PK3 - Minutes

It was Moved and Seconded

That the minutes of the Area A Parks Commission meeting of March 19, 2009, be received and filed.

That the minutes of the Area H Parks Commission meeting of February 19, 2009, be received and filed.

MOTION CARRIED

PK2 - Minutes

It was Moved and Seconded
That the minutes of the Area E Parks Commission meeting of March 5, 2009, be received and filed.

MOTION CARRIED

PK4 – Priority List

It was Moved and Seconded
That the staff report dated April 2, 2009, from Brian Farquhar, Parks and Trails manager, regarding 2009 Community Parks & Trails Program Priority List, be received and filed.

MOTION CARRIED

PK5 – Campground Closures

It was Moved and Seconded
That a letter be forwarded to the Ministry of Environment responding to their letter dated March 25, 2009, regarding closure of Skutz Falls Campground and Koksilah River Campground, stating that there was a lack of consultation process respecting the closures and that the CVRD requests that the subject campgrounds be re-opened.

MOTION CARRIED

PK6 - Minutes

It was Moved and Seconded
That the minutes of the Area D Parks Commission meeting of February 24, 2009, be received and filed.

MOTION CARRIED

APC

AP1 to AP3 - Minutes

It was Moved and Seconded
That the minutes of the Area I APC meeting of March 5, 2009, be received and filed.

That the minutes of the Area A APC meeting of March 4, 2009, be received and filed.

That the minutes of the Area H APC meeting of March 12, 2009, be received and filed.

MOTION CARRIED

NEW BUSINESS

1 – Mclay Gravel Pit

It was Moved and Seconded

That a letter be forwarded to the Ministry of Energy, Mines and Petroleum Resources reiterating the concerns noted in the CVRD's letter dated February 16, 2006, respecting the proposed extraction of gravel on Lot 1, Section 11, Range 4, Quamichan District, Plan 41787 (McLay Gravel Pit).

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 6:25 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:40 pm

Chair

Recording Secretary