

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, September 9, 2009 at 6:00 pm

**PRESENT:** Chair G. Giles,  
Directors K. Cossey, M. Dorey, L. Duncan,  
B. Harrison, D. Haywood, R. Hutchins <6:05 pm>,  
L. Iannidinardo, P. Kent, K. Kuhn, M. Marcotte,  
T. McGonigle, I. Morrison, G. Seymour and T. Walker

**ALSO** Warren Jones, Administrator  
**PRESENT:** Joe Barry, Corporate Secretary

#### **APPROVAL OF AGENDA**

**09-463** It was moved and seconded that the agenda be amended with the addition of New Business item NB1 - Resolution regarding BC Hydro Power Surge, and that the agenda, as amended, be approved.

**MOTION CARRIED**

#### **ADOPTION OF MINUTES**

**09-464** It was moved and seconded that the minutes of the August 12, 2009 Regular Board meeting be adopted.

**MOTION CARRIED**

**09-465** It was moved and seconded that the minutes of the August 26, 2009 Special Board meeting be adopted.

**MOTION CARRIED**

**6:05 pm** Director Hutchins joined the meeting at 6:05 pm.

#### **REPORT OF CHAIRPERSON**

**RC1** The Chair reported that she was accompanied by a number of Directors to a meeting held earlier in the day with The Honourable Kevin Falcon, Minister of Health Services.

Director Kent provided an overview of the meeting for the Directors who had not been present at the meeting.

- 09-466** It was moved and seconded that the CVRD send a letter to The Honourable Kevin Falcon, Minister of Health Services, thanking him for meeting with the CVRD's delegation on September 9, 2009, and confirming the CVRD's desire to establish an ongoing consultation process between the Vancouver Island Health Authority (VIHA) and the Cowichan Valley Regional Hospital (CVRHD) Board, and further, that a need to plan for equitable funding within the province be recognized.

**MOTION CARRIED**

## **COMMITTEE REPORTS**

- CR1** The report and recommendations of the Regional Services Committee meeting of August 26, 2009 listing two items were considered.

*(Amended from original Committee recommendation:)*

It was moved and seconded:

1. That the Board Chair send a letter to The Honourable Gordon Campbell, Premier of the Province of British Columbia and to The Honourable Dr. Margaret MacDiarmid, Minister of Education and Minister Responsible for Early Learning and Literacy, advising that the CVRD is disappointed with the Provincial government's cutbacks to public library funding.

- 09-467** It was moved and seconded:

1. That the motion be amended by adding "*and request the Province to restore full public library funding in the near future.*"

Opposed: Chair Giles, Directors Cossey, Dorey, Duncan, Harrison, Haywood, Hutchins, Iannidinardo, Kent, Kuhn, Marcotte, McGonigle, Morrison, Seymour and Walker

**MOTION DEFEATED**

- 09-468** **VOTING RESUMED ON THE ORIGINAL MOTION**

Motion restated for clarification:

It was moved and seconded:

1. That the Board Chair send a letter to The Honourable Gordon Campbell, Premier of the Province of British Columbia and to The Honourable Dr. Margaret MacDiarmid, Minister of Education and Minister Responsible for Early Learning and Literacy, advising that the CVRD is disappointed with the Provincial government's cutbacks to public library funding.

**MOTION CARRIED**

**09-469**                      **It was moved and seconded:**

- 2. That the CVRD provide tax exemption to the Capital Regional District for 2010 and that Bylaw No. 3318 be forwarded to the Board for consideration of three readings and adoption.**

**MOTION CARRIED**

**CR2**                      The report and recommendations of the Electoral Area Services Committee meeting of September 1, 2009 listing eleven items were considered.

**09-470**                      **It was moved and seconded:**

- 1. That one additional experienced Planner be hired immediately on a temporary full-time basis, and that a report be prepared which addresses the long term staffing requirements of the planning function and related resources required for consideration in the 2010 budget.**

*(Amended from original Committee recommendation:)*

- 2. That a Grant-in-Aid request (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of \$600 be given to Palsson Elementary School PAC to assist with costs associated with their “Stream of Dreams” education project.**

*(Amended from original Committee recommendation:)*

- 3. That a Grant-in-Aid request (Electoral Area I – Youbou) in the amount of \$600 be given to Palsson Elementary School PAC to assist with costs associated with their “Stream of Dreams” education project.**
- 4. That a Grant-in-Aid request (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of \$1,250 be given to Mesachie Lake Volunteer Fire and Rescue Association to assist with costs in completing their next year’s projects.**
- 5. That a Grant-in-Aid request (Electoral Area B – Shawnigan Lake) in the amount of \$700 be given to 1<sup>st</sup> Shawnigan Lake Scouts to assist with costs to clean up Millicent Road Park.**

**MOTION CARRIED**

09-471

It was moved and seconded:

6. That Application No. 3-E-09DVP by Stephen and Christina Cander for a variance to Section 7.6(b)(4) of Zoning Bylaw No. 1840, by decreasing the setback to a front parcel line for a residential structure from 7.5 metres (24.6 ft) to 4.81 metres (15.8 ft), on Lot 1, Section 9, Range 9, Sahtlam District, Plan 26014 (PID: 002-710-285), be approved, subject to the applicant providing a survey confirming compliance with the approved setback.
7.
  1. That Application No. 1-H-08RS (Clifford/Wiggins) proceed to the bylaw stage and that the draft Zoning Amendment Bylaw be amended to add the following words to section (c)9 of the proposed R-11 Zone: "If for any reason, the property is deemed to be excess to the North Oyster Fire Department requirements, the property shall revert to the community by way of being added to the Area H Community Parkland Inventory or another appropriate community land bank."
  2. That the OCP Amendment Bylaw, and Zoning Amendment Bylaw (as amended) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings.
  3. That following the submission of an archaeological overview assessment, a public hearing be scheduled and that Directors Marcotte, Dorey and Kuhn be delegated to the Hearing.
  4. That the referral of this application to the Ministries of Transportation and Infrastructure, Community and Rural Development, the Agricultural Land Commission, School District 68, Chemainus First Nation, Shell Beach Water Utility, North Oyster Volunteer Fire Department and CVRD Parks Recreation and Culture, be approved.
8. That Application No. 4-E-09DVP (Tim and Laurice Mock) for a variance to section 7.3(b)(4) and (5) of Zoning Bylaw No. 1840 by decreasing the setback of an agricultural building to a watercourse from 30 metres to 15 metres, and decreasing the setback to a side parcel line from 15 metres to 10 metres, on Lot A, Section 9, Range 2, Quamichan District, Plan 11002, be approved, subject to the applicant providing a survey confirming compliance with the approved setbacks.
9. That Application No. 1-G-09DP be approved, and that a development permit be issued to Ender Ilkay of Seaside Woods Estates for Strata Lot 6 of District Lot 27, Oyster District, VIS6144, to permit the removal of 7 trees, as indicated on the site plan dated June 23, 2009, subject to:

- a) Compliance with the recommendations for tree removal noted in the March 12, 2009 report by Levelton Consultants,
- b) Receipt of a remedial landscaping plan of low-lying native vegetation prepared by a registered professional biologist or BCLSA member,
- c) Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 120% of the landscape costs, to be refunded after two years only if the plantings are successful and to the satisfaction of the registered professional biologist or BCLSA member.

10. That June Laraman, Geoff Johnson, Archie Staats and Ken Waldron be appointed to the South Cowichan OCP Steering Committee.

11. Further to a previous response to the Integrated Land Management Bureau respecting lease referral #3020-01-1405511 (Area D - Hokanson), that a letter be forwarded to the ILMB reiterating existing zoning regulations and permitted uses, and advising that the CVRD opposes the lease for reasons that the District is currently reviewing the Cowichan Bay Official Community Plan and encourages environmentally friendly practices in that area.

#### MOTION CARRIED

CR3

The report and recommendations of the Engineering & Environmental Services Committee meeting of August 26, 2009 listing ten items were considered.

09-472

It was moved and seconded:

1. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Water System Service Area be received.
- .2 That the boundaries of the Kerry Village Water System area be amended to include "*Section 1, Range 8, Shawnigan District, Except That Part In Plan 2485, VIP78819 and VIP79958*".
- .3 That "CVRD Bylaw No. 3298 – Kerry Village Water System Service Amendment Bylaw, 2009", be forwarded to the Board for consideration of three readings and adoption.
2. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Sewer System Service Area be received.
- .2 That the boundaries of the Kerry Village Sewer System area be amended to include "*Section 1, Range 8, Shawnigan District, except That Part in Plan 2485, VIP78819 and VIP79958*".

3. That "CVRD Bylaw No. 3299 – Kerry Village Sewer System Service Amendment Bylaw, 2009", be forwarded to the Board for consideration of three readings and adoption.
3. 1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Sentinel Ridge Sewer System Service Area be received.
  - 2 That the boundaries of the Sentinel Ridge Sewer System area NOT be amended to include "*Lot A, District Lot 101, Plan VIP 76899, Malahat District*".
4. That the following bylaws be forwarded to the Board for consideration of three readings and adoption:
  1. CVRD Bylaw No. 3244 – Bald Mountain Sewer System Management Bylaw, 2009
  2. CVRD Bylaw No. 3245 – Bald Mountain Water System Management Bylaw, 2009
  3. CVRD Bylaw No. 3304 – Bald Mountain Drainage System Management Bylaw, 2009.
5. That Cowichan Valley Regional District Bylaw No. 3319 – Lambourn Estates Water System Management Amendment Bylaw, 2009, amending Schedule B – Metered Water Rates and Charges, be forwarded to the Board for consideration of three readings and adoption.
6.
  1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a Sewer System Service Area and authorizing the borrowing of up to \$265,000.00, be received.
  2. That Service Establishment and Loan Authorization bylaws be prepared and forwarded to the Board for consideration of three readings, and following provincial approval, adoption.
  3. That, following adoption of the service establishment and loan authorization bylaws, a Capital Reserve Fund Establishment Bylaw and a Parcel Tax Roll Bylaw be prepared for the Brulette Place Sewer System and further that these bylaws forwarded to the Board for consideration of three readings and adoption.
7. That a backyard burning regulation bylaw be prepared, which would apply to all small hand-piled fires; not regulated under CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2009; and further would incorporate a phased in approach and regulate the following:
  1. Fire size

2. Permissible property size
3. Burn season window
4. Materials burned
5. Method of burning

and that this direction be presented to local Fire Chiefs at their September 2009 meeting.

8. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Water System Service Area be received.
  - .2 That the boundaries of the Kerry Village Water System area be amended to include "*Lot 1, Section 1, Range 8, Shawnigan District, Plan VIP79958*".
  - .3 That "CVRD Bylaw No. 2491 – Kerry Village Water System Service Establishment Bylaw, 2004", be further amended to include Lot 1, and be forwarded to the Board for consideration of three readings and adoption
9. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Sewer System Service Area be received.
  - .2 That the boundaries of the Kerry Village Sewer System area be amended to include "*Lot 1, Section 1, Range 8, Shawnigan District, Plan VIP79958*".
  - .3 That "CVRD Bylaw No. 2489 – Kerry Village Sewer System Service Establishment Bylaw, 2004", be further amended to include Lot 1, and be forwarded to the Board for consideration of three readings and adoption.
10. That the Board support application to the Ministry of Community and Rural Development for an infrastructure planning grant for two-thirds funding up to a maximum of \$10,000 to complete a Tri-regional Waste-to-Energy Viability Study.

#### MOTION CARRIED

CR4

The report and recommendations of the Health Authority Advisory Committee meeting of August 12, 2009 listing three items were considered.

09-474

It was moved and seconded:

1. That the CVRD Board does not endorse the resolution presented by the Fair Health Funding for Cowichan NOW Coalition.

2. That a letter be written to VIHA CEO Mr. Howard Waldner notifying him that the CVRD Board fully supports VIHA's plans to establish a comprehensive consultative network in the Cowichan Valley to address health funding and service disparities and other issues as suggested by Mr. Waldner; and further, that the CVRD Regional Hospital Board looks forward to participating in a consultation process with representatives of the community including the Fair Health For Cowichan Now Coalition, that will lead to the improved delivery of health care in the Cowichan Region.

*(Amended from original Committee recommendation:)*

3. That a letter be written to the Fair Health For Cowichan Now Coalition thanking them for their efforts to improve health care in the Cowichan Valley and stating the Board's position regarding the Coalition's presentation to the Regional Services Committee.

Opposed: Director Morrison

**MOTION CARRIED**

## **STAFF REPORTS**

**SR1** Staff Report from the Deputy Corporate Secretary dated August 19, 2009 re: Results of Alternative Approval Process - Bylaw No. 3085 - Cobble Hill Drainage was considered.

**09-475** It was moved and seconded that the *Certificate of Results*, confirming that the CVRD Board may proceed to adopt Bylaw No. 3085, be received.

**MOTION CARRIED**

**SR2** Staff Report from the Deputy Corporate Secretary dated August 19, 2009 re: Results of AAP - Bylaw No. 3272 - Sahtlam Fire Protection Loan Authorization was considered.

**09-476** It was moved and seconded that the *Certificate of Results*, confirming that the CVRD Board may proceed to adopt Bylaw No. 3272, be received.

**MOTION CARRIED**

**SR3** Staff report from the Acting General Manager Public Safety dated August 26, 2009 re: West Nile Virus Update was considered.



**09-477**

**It was moved and seconded:**

- 1. That the Regional District continue to monitor the incidence of West Nile Virus in the area;**
- 2. That upon a change in the incidence of West Nile Virus in the Regional District, the issue be brought forward to the Board of Directors.**

**MOTION CARRIED**

**BYLAWS**

**B1  
09-478**

**It was moved and seconded that "CVRD Bylaw No. 3085 - Cobble Hill Drainage System Service Establishment Bylaw, 2008" be adopted.**

**MOTION CARRIED**

**B2  
09-479**

**It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3244 - Bald Mountain Sewer System Management Bylaw, 2009" be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.**

**MOTION CARRIED**

**B2  
09-480**

**It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3244 - Bald Mountain Sewer System Management Bylaw, 2009" be adopted.**

**MOTION CARRIED**

**B3  
09-481**

**It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3245 - Bald Mountain Water System Management Bylaw, 2009" be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.**

**MOTION CARRIED**

**B3  
09-482**

**It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3245 - Bald Mountain Water System Management Bylaw, 2009" be adopted.**

**MOTION CARRIED**

**B4  
09-483**

**It was moved and seconded that "CVRD Bylaw No. 3272 - Sahtlam Fire Protection Service Loan Authorization Bylaw, 2009" be adopted.**

**MOTION CARRIED**

**B5  
09-484**

**It was moved and seconded that "CVRD Bylaw No. 3291 - Cowichan Bay Sewer Service Area Amendment Bylaw, 2009", be adopted.**

**MOTION CARRIED**

**B6  
09-485**                      It was moved and seconded that "CVRD Bylaw No. 3293 - Lake Cowichan Fire Protection Service Area Amendment Bylaw, 2009", be adopted.

**MOTION CARRIED**

**B7  
09-486**                      It was moved and seconded that "CVRD Bylaw No. 3296 - Brulette Place Sewer System Service Establishment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B8  
09-487**                      It was moved and seconded that "CVRD Bylaw No. 3297 - Brulette Place Sewer System Service Loan Authorization Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B9  
09-488**                      It was moved and seconded that "CVRD Bylaw No. 3298 - Kerry Village Water System Service Amendment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B10  
09-489**                      It was moved and seconded that "CVRD Bylaw No. 3299 - Kerry Village Sewer System Service Amendment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B11  
09-490**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3304 - Bald Mountain Drainage System Management Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B11  
09-491**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3304 - Bald Mountain Drainage System Management Bylaw, 2009", be adopted.

**MOTION CARRIED**

**B12  
09-492**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3318 - Tax Exemption (Permissive) Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B13  
09-493**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3319 - Lambourn Estates Water System Management Amendment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B13  
09-494**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3319 - Lambourn Estates Water System Management Amendment Bylaw, 2009", be adopted.

**MOTION CARRIED**

**B14  
09-495**                      It was moved and seconded that "CVRD Bylaw No. 3320 - Cowichan Aquatic Centre Annual Contribution Service Establishment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B15  
09-496**                      It was moved and seconded that "CVRD Bylaw No. 3321 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Land and Central Parks Projects) Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B15  
09-497**                      It was moved and seconded that "CVRD Bylaw No. 3321 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Land and Central Parks Projects) Bylaw, 2009", be adopted.

**MOTION CARRIED**

**B16  
09-498**                      It was moved and seconded that consideration of 3<sup>rd</sup> reading of "CVRD Bylaw No. 3282 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Cowichan River Bible Camp), be referred to a future Board meeting.

**MOTION CARRIED**

**B17  
09-499**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3316 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (Clifford/Wiggins), 2009", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

**MOTION CARRIED**

**B18  
09-500**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3317 - North Oyster/ Diamond Zoning Amendment Bylaw (Clifford/Wiggins), 2009", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

**MOTION CARRIED**

**NEW BUSINESS**

**NB1**                              Director Morrison discussed the issue of the power surge that occurred on June 30, 2009 and the losses suffered by the claimants in the Cowichan Lake area.

**09-501**                      **It was moved and seconded that the CVRD Board supports a fair and equitable resolution for claimants in their dispute with BC Hydro for losses suffered as a result of the June 30, 2009 power surge.**

**MOTION CARRIED**

**RESOLVING INTO  
CLOSED SESSION**

**09-502**                      **It was moved and seconded that the meeting be closed to the public in**  
**7:17 pm**                      **accordance with the Community Charter Part 4, Division 3, Section**  
**90, Subsection (1) (g).**

**MOTION CARRIED**

**RISE FROM  
CLOSED SESSION**

**09-505**                      **It was moved and seconded that the Board rise without report and**  
**7:25 pm**                      **return to the Regular portion of the meeting.**

**MOTION CARRIED**

**ADJOURNMENT**

**09-506**                      **It was moved and seconded that the Regular Board meeting be**  
**7:25 pm**                      **adjourned.**

**MOTION CARRIED**

The meeting adjourned at 7:25 pm

Certified Correct:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary

Dated: \_\_\_\_\_