

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, September 23, 2009 at 6:00 pm

**PRESENT:** Chair G. Giles,  
Directors K. Cossey, M. Dorey, L. Duncan,  
B. Harrison, D. Haywood, 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  
Mark Kueber, General Manager Corporate Services  
Tom Anderson, General Manager Planning & Development  
Ron Austen, General Manager, Parks, Recreation & Culture  
Sybille Saunderson, Acting General Manager Public Safety  
Kate Miller, Manager Regional Environmental Policy Div.  
Geoff Millar, Manager Economic Development Division  
Dominique Beesley, Secretary I

**ABSENT:** Director R. Hutchins

#### **APPROVAL OF AGENDA**

**09-507**

**It was moved and seconded that the agenda be approved as distributed.**

**MOTION CARRIED**

#### **COMMITTEE REPORTS**

**CR1**

The report and recommendations from the Electoral Area Services Committee of September 15, 2009 listing twelve items was considered.

**09-508**

**It was moved and seconded:**

- 1. That CVRD Bylaw No. 3209 – Ticket Information Authorization Bylaw, 2008, be amended by replacing the appropriate schedules that reflect changes to existing CVRD Bylaws No. 39, 2600, 2108, 2570, 1690, 1607, 1971, 1967, 1763, 1926, 2020, 2998, 3099, 2997, 3098, 3122, 2999, 3100, and 3123; and further that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.**
- 2. That the Chair and Corporate Secretary be authorized to sign the First Responder Consent and Indemnity Agreement from the Emergency and Health Services Commission.**

3. That the CVRD participate in the British Columbia Youth Parliament program with costs not to exceed \$400, and that the application process be referred to the Corporate Services Department for implementation.
4. That a letter be forwarded to the Ministry of Transportation and Infrastructure requesting that Deloume Road in Mill Bay be opened to provide better public and emergency vehicle access to the Mill Springs development.
5. That a letter be forwarded to the Ministry of Transportation and Infrastructure requesting that they make provision for Lilmac Road in Mill Bay to continue east and west when considering subdivision approvals.

Opposed: Director Marcotte

**MOTION CARRIED**

09-509

It was moved and seconded:

6. That the Board Chair and Corporate Secretary be authorized to discharge and sign as required the necessary easements, rights of way and covenants and other instruments related to engineering services infrastructure, flood construction level and community park dedication, park and trail/pathway construction and community fire hall site dedication with respect to Phase I of the Woodland Shores development in Electoral Area I (File No. 1-I-08SA), with the following comments specific to each proposed change or instrument:
  - Covenant on Proposed Lot 72 – *Required* for restricting use of lands dedicated for park as park: see comments under point 7 in this recommendation.
  - SRW over Proposed Lot 66 – *Required* for access to park; see comments under point 3 in this recommendation.
  - Easement over Proposed Lot 1 – *Required* for access to Uplands Park: see comment under point 2 in this recommendation.
  - Easement over Proposed Lot 68 – *Required* for access for parks and engineering purposes to and beyond water tower; see comments under Engineering Services near the end of this report.
  - Easement over Proposed Lot 71 (Area 1) – *Required* for underground electrical services; see comments under Engineering Division heading.
  - Easement over Proposed Lot 71 (Area 2) – *Required* for underground electrical services; see comments under Engineering Division heading.

- SRW over Proposed Lots 4 and 5 – *Required* for sewer mains;
- SRW over Proposed Lots 16, 17, 27, 28 – *Required* for storm drainage; see comments under Engineering Division heading.
- SRW over Proposed Lot 68 – *Required* for reservoir access; see comments under Engineering Division heading.
- Covenants, all non-waterfront proposed lots – *Required* for protection of wellhead areas see comments under Engineering Division heading.
- Covenants, all waterfront proposed lots - *Required* for protection of wellhead areas see comments under Engineering Division heading.
- Covenants, Proposed Lots 15 and 16 – CVRD *Requires* that the Provincial 167.33 m flood construction level is in a covenant on every title that is potentially affected by the floodplain; if this is done, Covenant EE13444 may be discharged.
- Covenant for two proposed waterfront lots that have fill on them – *Required*; this would support the CVRD Building Inspection Division.
- Discharge of Covenant EE13446 – *Required*; because this environmental covenant is out of date with respect to setbacks from the lake, and is redundant in any case.
- The CVRD *Declines* to be a party to any covenant that purports to describe a vegetation management regime in a riparian area.
- Modification of covenant FB109779 – *Required* in order to reschedule developer commitments for some amenities to Phase 2, subject to the following conditions:
  1. Modification of existing Restrictive Covenant FB109779 to reschedule the requirement for construction and dedication of the Lakefront Public Park – North Park by the Developer from the Phase I Subdivision stage to the Phase II Subdivision stage, and to include construction by the Developer of a walking pathway parallel to Meade Creek Road from Highway 18 to Marble Bay Road as part of the Phase II Subdivision stage, conditional upon the necessary approvals being received from the appropriate land authorities along the intended pathway route.
  2. Registration of an access easement over remainder Lot 1, Block 180 in favour of the Cowichan Valley Regional District for access to portions of Bald Mountain Peninsula Upland Community Park for the purposes of maintaining this park.
  3. Registration of a Statutory Right-of Way over portion of Lot 66 in favour of the Cowichan Valley Regional District for use of the SRW for park purposes, with provision for future transfer of the SRW land area to the Regional District as park.

- 4. Enactment of an agreement between the Cowichan Valley Regional District and the Developer with regards to outstanding Phase I park and trail improvements covered under Restrictive Covenant FB109779, inclusive of a letter of credit in the amount of 120 percent of the value of outstanding phase I works and maintenance of Phase I park improvements pending completion of outstanding works to the satisfaction of the Regional District.**
  - 5. Confirmation the lot adjacent Marble Bay Road being dedicated to the Cowichan Valley Regional District as part of the Phase I Subdivision for future fire hall purposes as per Restrictive Covenant FB109779 is fully services with water and sewer utility connections.**
  - 6. Receipt of a letter from Scouts BC/Yukon Division by the Cowichan Valley Regional District confirming the Scouts have no outstanding issues with relocation of the Marble Bay Scout Camp by the Developer as specified under Restrictive Covenant FB109779.**
  - 7. Concurrent registration of public park limitation covenants by the Cowichan Valley Regional District unto itself for all lands being dedicated for park purposes to the Regional District as part of the phase I Subdivision as per conditions of Restrictive Covenant FB109779 previously approved by the Regional Board as part of the Woodland Shores rezoning approval, inclusive of new Lots 72 (Lakefront Park South), 73 (Southern Playfield Park) and Lots 75 and 76 along with Blocks 876, 997, 1010, 1047 and 1505, Cowichan Lake District (all inclusive of the Uplands Natural Park).**
  - 8. Receipt of a biologist report from the Developer confirming the design, layout and construction of the stormwater drainage system on the north side of the main road in the vicinity of the Lakefront Public South Park will not have an adverse impact on the existing wetland pond complex noted as having high habitat value for native frogs.**
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- 7. That application No. 5-I-09DP be approved, and that a development permit be issued to Gerald and Florenda Stenberg for the construction of an addition to the existing residence on Lot B, District Lot 27, Cowichan Lake District, Plan 7339, subject to compliance with the measures and recommendations outlined in RAR assessment report No. 1295 by Lehna Malmkvist, R.P.Bio.**
  - 8. That application No. 1-C-09ALR (Cameron) to construct a second dwelling on Lot A, Section 11, Range, 9 Shawnigan District, Plan VIP69418, be forwarded to the Agricultural Land Commission with a recommendation to approve.**

9. 1. That application No. 3-I-09DP be approved, and that a development permit be issued to Ian Poyntz of Goat Island Holdings Ltd for the construction of a single family dwelling on Goat Island, Block 1454, Cowichan Lake District, Plan 40412, subject to compliance with the measures and recommendations outlined in RAR assessment report No. 1189 by Ted Burns, including the appropriate marking/flagging of the Streamside Protection and Enhancement Area to prevent encroachment.
  2. That an environmental protection covenant be registered, in perpetuity, on Goat Island, Block 1454, Cowichan Lake District, Plan 40412, restricting the use and storage of heating oil on the island.
10. That Application No. 3-A-09DVP by Sheena Nelson for a variance to Section 8.4(b)(3) of Zoning Bylaw No. 2000, by decreasing the setback to a rear and side parcel line for an accessory building from 3.0 metres (9.8 ft) to 0.6 metres (2 ft), on Strata Lot 35, District Lot 60, Malahat District, Strata Plan VIS4795 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (PID: 026-185-563), be approved, subject to the applicant providing a survey confirming compliance with the approved setback.
12. That the following Building Permit Construction Value Schedule, dated September 9, 2009, be approved:

<b>CONSTRUCTION VALUE SCHEDULE (SEPTEMBER 9, 2009)</b>	
	<b>VALUE (\$)</b>
<b>Main floor with full basement</b>	<b>100.00</b>
<b>Main floor with crawlspace</b>	<b>90.00</b>
<b>Main floor slab on grade</b>	<b>90.00</b>
<b>Second floor</b>	<b>60.00</b>
<b>Moved/Relocated building</b>	<b>50.00</b>
<b>Garage (finished)</b>	<b>30.00</b>
<b>Garage (unfinished)</b>	<b>25.00</b>
<b>Carport</b>	<b>20.00</b>
<b>Deck</b>	<b>20.00</b>
<b>Finished basement</b>	<b>40.00</b>

**MOTION CARRIED**

**09-510**

**It was moved and seconded:**

**11. That application No. 10-E-07DP be denied due to the uncertainties regarding the proposed uses and in the absence of information regarding the availability of groundwater on the site and the potential impact to neighbouring wells.**

Opposed: Director Marcotte

**MOTION CARRIED**

**ADJOURNMENT**

**09-511**

**6:10 pm**

**It was moved and seconded that the Special Board meeting be adjourned.**

Opposed: Director Cossey

**MOTION CARRIED**

The meeting adjourned at 6:10 pm.

Certified Correct:

\_\_\_\_\_  
Chairperson

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

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