

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, September 15, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mike Tippett, Manager
Rachelle Moreau, Planning Technician
Alison Garnett, Planning Technician
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included add-on correspondence to agenda item D6, three items of New Business, and one closed session item.

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 September 1, 2009, EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Stenberg

Alison Garnett, Planning Technician, presented Application No. 5-I-09DP (Gerald and Florenda Stenberg) to construct an addition to the existing residence located at 8720 North Shore Road.

The Committee directed questions to Ms. Garnett.

The applicant, Gerald Stenberg, was present. He added that both neighbours have been contacted and advised that they have no concerns regarding the application.

It was Moved and Seconded

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.

MOTION CARRIED

D2 - Cameron

Alison Garnett, Planning Technician, presented Application No. 1-C-09ALR (Bertha and William Cameron) to construct a second residence at 3501 Telegraph Road.

The Committee directed questions to Ms. Garnett.

It was Moved and Seconded

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.

MOTION CARRIED

D3 - Poyntz

Alison Garnett, Planning Technician, presented Application No. 3-I-09DP (Ian Poyntz/Goat Island Holdings) to construct a single family dwelling on Island 3 on Cowichan Lake.

The Committee directed questions to staff.

The applicant, Ian Poyntz, was present. Mr. Poyntz reviewed his proposal and answered questions from Directors.

It was Moved and Seconded

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.

MOTION CARRIED

It was Moved and Seconded

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.

MOTION CARRIED

D4 - Nelson

Rachelle Moreau, Planning Technician, presented Application No. 3-A-09DVP (Sheena Nelson) to vary rear and side parcel line setback of accessory building at 962 Deloume Road.

There were no questions to staff from Committee members.

It was Moved and Seconded

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.

MOTION CARRIED

D5 – Kolenosky/Jones

Rachelle Moreau, Planning Technician, presented Application No. 10-E-07DP (Russ Crawford) to permit construction of an industrial business park at 4885 Waters Road.

Bill Jones spoke respecting the negative impact the proposed development would have on Glenora residents. He cited groundwater as their main concern. He noted that the proposal is contrary to the Official Community Plan and stated that they support the CVRD staff recommendation.

Dianne Kolenosky added that 70 other residents would have been present to show their objection to the proposal but due to other commitments were unable to attend.

There were no questions to the delegates from Committee members.

D6 - Crawford

Richard Margetts, solicitor, on behalf of Russ Crawford, was present regarding Application No. 10-E-07DP.

Mr. Margetts distributed and reviewed a Memorandum of Rocky Point Metalcraft Ltd. He stated that the applicant has gone out of his way to develop a proposal allowed under the zoning bylaw and noted the various uses permitted in the I-2 zone. Mr. Margetts stated that the CVRD has no basis for rejecting the application and suggested that Option 1 of the Staff Report be endorsed.

The Committee directed questions to the delegate and to Rick Loyal, Civil Engineer.

It was Moved and Seconded

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.

MOTION CARRIED

STAFF REPORTS

**SR1 – Public Safety
Budget Report**

It was Moved and Seconded

That the Staff Report dated August 27, 2009, from Sybille Sanderson, Acting General Manager, regarding Public Safety Mid-year Budget Status Report, be received and filed.

MOTION CARRIED

**SR2 – First
Responder Agencies
Consent**

It was Moved and Seconded

That the Chair and Corporate Secretary be authorized to sign the First Responder Consent and Indemnity Agreement from the Emergency and Health Services Commission.

MOTION CARRIED

**SR3 – Ticket Bylaw
Amendments**

It was Moved and Seconded

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.

MOTION CARRIED

**SR4 – Permit
Construction Value**

It was Moved and Seconded

That the following Building Permit Construction Value Schedule, dated September 9, 2009, be approved:

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

MOTION CARRIED

**SR5 – Woodland
Shores Covenant**

It was Moved and Seconded

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 serviced 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.

MOTION CARRIED

APC

AP1 to AP2 - Minutes

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area C APC meeting of August 25, 2009
- Minutes of Area I APC meeting of September 2, 2009

MOTION CARRIED

AP3 - Resignation

It was Moved and Seconded

That the resignation of Lillian Talbot from the Area D Advisory Planning Commission, be accepted, and that a letter of appreciation be forwarded to Ms. Talbot.

MOTION CARRIED

INFORMATION

IN1 – Building Report

It was Moved and Seconded

That the August 2009 Building Report, be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – Mill Bay Road connections

It was Moved and Seconded

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.

MOTION CARRIED

It was Moved and Seconded

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.

MOTION CARRIED

NB2 – Youth Parliament

Director Giles advised that the BC Youth Parliament's 81st Parliament will be held in Victoria from December 27 to 31, 2009, and suggested that the CVRD encourage eligible youth in the Valley to apply to sit as a member of the Youth Parliament.

General discussion ensued.

It was Moved and Seconded

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.

MOTION CARRIED

NB3 – Pre-emption Lights, Mill Bay

Director Harrison reported that the Mill Bay Co-Op has committed to donate \$20,000 towards installation of the pre-emption lights on the TCH in Mill Bay, and also advised that a separate developer will be contributing towards another light at Frayne Road.

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 4:55 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:55 pm.

Chair

Recording Secretary