

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 Thursday, November 12, 2009 at 6:12 pm.

PRESENT: Chair G. Giles,
Directors M. Dorey, L. Duncan, B. Harrison
D. Haywood, R. Hutchins, L. Iannidinardo,
K. Kuhn, M. Marcotte, T. McGonigle,
I. Morrison, G. Seymour and T. Walker and
Alternate Directors G. Gutensohn and R. Cadorette

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

ABSENT: Directors K. Cossey and P. Kent

**APPROVAL OF
AGENDA
09-568**

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

New Business

NBCR1 Environment Commission Report

NBSR1 Staff Report from the Administrator

Closed Session

CSNBR1 Bylaw Enforcement {Sub (1) (f)}

and that the agenda as amended be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES
09-569**

It was moved and seconded that the minutes of the October 14, 2009 Regular Board meeting be adopted as amended by replacing "Candace Spilsbury" with "Michelle Nowzek" under Resolution No. 09-517.

MOTION CARRIED

09-570

It was moved and seconded that the minutes of the October 28, 2009 Special Board meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING
OUT OF MINUTES**

Director Morrison distributed an item of correspondence dated October 15, 2009 questioning the change to the Board's adopted resolution.

The Administrator advised that he would look into the matter and advise Director Morrison of his findings.

COMMITTEE REPORTS

CR1 The report and recommendation of the Regional Services Committee meeting of October 28, 2009 listing one item was considered.

09-571 **It was moved and seconded that the following appointments to the Environment Commission be approved:**

Appointed for a term to expire December 31, 2010:
Chris Wood
Peter Keber
Rodger Hunter
Roger Wiles

MOTION CARRIED

CR2 The report and recommendations of the Electoral Area Services Committee meeting of October 20, 2009 listing nine items were considered.

09-572 **It was moved and seconded:**

- 1. That ticketing only be enforced respecting the “sale of fireworks” and “discharge of fireworks in public places” in accordance with CVRD Ticket Bylaw No. 3209; that the existing Fireworks Safety Awareness Information package be made available to the public and require that the Fireworks Operator form be signed and returned; and further, that the CVRD embark on setting up an education program and permit system for next year’s Halloween season.**
- 2. That the resignation of Gary Fletcher from the Area H Advisory Planning Commission be accepted and that a very “Special” letter of appreciation for his valuable and lengthy term of service be forwarded to Mr. Fletcher.**
- 3. That the resignation of John Bertinoli from the Area C Advisory Planning Commission be accepted and that a letter of appreciation be forwarded to Mr. Bertinoli.**

MOTION CARRIED

09-573

It was moved and seconded:

4. 1. That Application No. 4-I-09DP by Clem Huot for the construction of a single family dwelling on Lot 4, Section 45, Renfrew District, Plan 19229 be approved, subject to compliance with the measures and recommendations outlined in RAR assessment report No. 1327.
2. That Application No. 2-I-09DVP by Clem Huot for a variance to Section 5.1(5) of Zoning Bylaw No. 2465, by increasing the permitted height of a residence from 10 m to 11.5 m on Lot 4, Section 45, Renfrew District, Plan 19229, be approved, subject to the applicant providing a survey confirming compliance with the approved height limit.
6. 1. That Application No. 1-A-09DP (Aecom Canada Ltd./Phase 10, Mill Springs) be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for an 18 lot phase of subdivision on District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and strata Plan VIS4795 (Phase 3, and 5 to 9) and Except Plan VIP83878, and VIP85356 and VIP85745.
2. That the Ministry of Transportation and Infrastructure be requested to remove the fire gate at Deloume Road (west of Phase 10) and open the road to public traffic.
7. That Application No. 4-D-09DP (Craig Partridge/Ron Sharpe) be approved, and that a development permit be issued to 0708322 B.C. Ltd. for the construction of a 14-unit apartment building on Botwood Lane, Cowichan Bay, on Amended Lot 1 (DD 90309¹) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-325-298); Amended Lot 2 (DD EP44723) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-329-552); and Amended Lot 3 (DD EP44724) Block N, Section 6, Range 4, Cowichan District, Plan 79, except that part lying West of the East boundary of the Island Highway (PID: 009-329-889), subject to:
 - a. Submission of a suitable lighting plan which limits off-site glare, prior to permit issuance;
 - b. The protection of the building by sprinkling;
 - c. Access to the site being acceptable to Cowichan Bay Volunteer Fire Rescue, specifically NFPA 299 and 1141;
 - d. Consolidation of the three subject properties into a single lot.
8. That Application No. 1-F-07ALR submitted by Ian De Lisle of Hancock Forest Management made pursuant to Section 17(3) of the *Agricultural Land Commission Act* to include land within the Agricultural Land Reserve (ALR) be forwarded to the Agricultural Land Commission for their consideration with a

recommendation to approve the application and further if the application is approved that the portions of the subject properties within the ALR be re-designated from Forestry to Agriculture within the Official Community Plan.

9. That Application No. 3-F-08RS (CVRD for Ministry of Environment) to amend Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 by rezoning Lot 1, Section 37, Renfrew District (Situating in Cowichan Lake District) Plan VIP82826, be approved and that proposed Zoning Amendment Bylaw No. 2981 be forwarded to the Board for consideration of first and second reading; that a public notice process occur in place of a public hearing; and further that the referral to the Ministries of Transportation and Infrastructure, Community and Rural Development, and Environment, the Agricultural Land Commission, Ditidaht First Nation, Lake Cowichan First Nation, Hul'qumi'num Treaty Group be accepted.

MOTION CARRIED

Recommendation No. 5 was not dealt with as it appears on the EASC November 3, 2009 recommendations updated.

CR2

The report and recommendations of the Electoral Area Services Committee meeting of November 3, 2009 listing eight items were considered.

09-574

It was moved and seconded:

1. That the resignation of Kashmir Dasanjh from the Board of Variance be accepted, and that the CVRD proceed with the appropriate process to fill the vacant Board of Variance position.
2. That a Grant-in-Aid (Electoral Area I – Youbou/Meade Creek) in the amount of \$1800 be given to Me and You Nites Social Association, to assist with general costs and insurance for events.
3. That an amending bylaw be prepared for a naming change of “CVRD Bylaw No. 2473 – South End Parks Commission Establishment Bylaw, 2003” to rename the “South End Parks Commission” to the “South Cowichan Parks Commission”, and that the amending bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

09-575

It was moved and seconded:

4. That an amending bylaw be prepared for a naming change of “CVRD Bylaw No. 2232 – South End Parks Service (Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill, and D – Cowichan Bay, Establishment Bylaw, 2001” to

rename the “South End Parks Service” to the “South Cowichan Parks Service”, and that the amending bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

09-576

(Amended from original Committee recommendation)

It was moved and seconded:

5. That the request by Mill Bay Marina Residences Ltd. to extend the validity of CVRD Board Resolution No. 07-830 respecting Application No. 9-A-07DP, be approved, and that the applicants be given to April 30, 2010, to comply with the list of development permit conditions.

MOTION CARRIED

09-577

It was moved and seconded:

6. That Application No. 2-H-09ALR (Hobson) regarding a second dwelling on Lot A, District Lot 89, Oyster District, Plan 41057, be forwarded to the Agricultural Land Commission with a recommendation to approve. The ALC may wish to consider having the existing residence decommissioned when it is no longer required for farm or family use.

MOTION CARRIED

09-578

It was moved and seconded:

7. That Application No. 4-A-06RS (Bamberton) proceed as follows:
 - a. That detailed consultations with the Malahat First Nation, Ministry of Transportation and Infrastructure, and other agencies as appropriate, commence on the topic of the Bamberton application and that other local first nations on the original referral list plus Cowichan Tribes also be contacted regarding this application;
 - b. That a draft Official Community Plan amendment, Zoning amendment and Phased Development Agreement (PDA) be prepared in accordance with advice from the APC, staff and CVRD legal counsel over the coming months, and discussions with the applicants regarding proposed amenities be concluded in order to develop the PDA to draft stage;
 - c. That the draft documents and an accompanying detailed staff report including referral agency comments be brought before a future Electoral Area Services Committee with a recommendation as to whether it is appropriate to proceed with the amendments to the public meeting/public hearing stage.

MOTION CARRIED

09-579

It was moved and seconded:

8. That Amendment Bylaws for Application No. 2-E-08RS (Inwood Creek Estates) be forwarded to the Board for consideration of first and second reading ; that a public hearing be scheduled with Directors Duncan, Morrison and Iannidinardo appointed as delegates to the public hearing; and further, that the application referrals to the Ministry of Community Services, the Ministry of Transportation and Infrastructure, the Ministry of Forests, Sahtlam Volunteer Fire Department, Vancouver Island Health Authority, Cowichan Tribes and School District 79 be accepted.

MOTION CARRIED

CR3

The report and recommendations of the Engineering and Environmental Services Committee meeting of October 28, 2009 listing six items were considered.

09-580

It was moved and seconded:

1. That the 2009 Budget to *Transfer to Reserve* fund transfer for the Arbutus Mountain Sewer System be cancelled.
2. That the Board authorize short-term borrowing of \$50,000.00 for Honeymoon Bay Water System capital upgrades, to be paid back within 5-years under the Liabilities Agreement, Section 175 of the Community Charter.
3. That the Board authorize short-term borrowing of \$8,250.00 for Maple Hills Sewer System capital upgrades, to be paid back within 5-years under the Liabilities Agreement, Section 175 of the Community Charter.
5. That the Board authorize the *Transfer to Reserve* for Budget 800 – Cowichan Bay Sewer System be reduced in 2009 from \$56,295.00 to \$17,500.00.
6. .1 That the CVRD (in conjunction with The District of North Cowichan) undertake to develop an emergency plan for the disposal of Farmed Animal Carcasses and that an application be submitted to UBCM for funding of this initiative.
.2 That the CVRD Board approve award of a \$12,500 contract (including taxes) to St. John & Associates Projects Inc. for development of an emergency plan for Farmed Animal Mass Carcass disposal for the region.

MOTION CARRIED

09-581

It was moved and seconded:

4. That the Board authorize the allocation of funding under the 2007-2009 Community Works Fund for Mesachie Lake Sewer Collection and Disposal System Upgrade be deferred until the 2010-2014 Community Works Fund Program extension, and that the targeted funds of \$352,000 be allocated to the following three projects:

- 1) Extension of the Lambourn Outfall Extension (\$328,116)
- 2) Maple Hill Sewer Emergency RBC Repair (\$16,750)
- 3) Shawnigan Lake Weir Fish Ladder (\$7,134).

Opposed: Director Dorey

MOTION CARRIED

SR1

The Staff Report from the Corporate Secretary dated November 4, 2009 re: Cowichan Aquatic Centre Annual Contribution Service - Notice of Alternative Approval Process and Elector Response Form was considered.

09-582

It was moved and seconded that the *Notice of Alternative Approval Process* and the *Elector Response Form* for Bylaw No. 3320 be approved.

MOTION CARRIED

SR2

The Staff Report from the Manager, Community and Regional Planning Division dated October 28, 2009 re: Zoning Amendment Bylaw No. 3334 - Proposed amendment to the provisions of the Heavy Industrial 2 Zone (Electoral Area E) was considered.

09-583

It was moved and seconded that Zoning Amendment Bylaw No. 3334 be forwarded to the Board for consideration of 1st and 2nd readings; that a public hearing be arranged and that Directors Duncan, Iannidinardo and Giles be appointed as delegates to the hearing; and further that the amendment be referred to the Ministry of Forests, Ministry of Transportation and Infrastructure, Ministry of Rural and Community Development, and Cowichan Tribes.

MOTION CARRIED

SR3

The Staff Report from the General Manager, Planning and Development Department dated November 4, 2009 re: OCP Amendment Bylaw No. 3238 and Zoning Amendment Bylaw No. 3239 (Malahat Joint Ventures/ Lintaman) was received for information.

BYLAWS

**B1
09-584** It was moved and seconded that "CVRD Bylaw No. 3280 - Dogwood Ridge Water System Service Establishment Bylaw, 2009" be adopted.

MOTION CARRIED

**B2
09-585** It was moved and seconded that "CVRD Bylaw No. 3281 - Dogwood Ridge Water System Service Loan Authorization Bylaw, 2009" be adopted.

MOTION CARRIED

**B3
09-586** It was moved and seconded that "CVRD Bylaw No. 3332 - CVRD - Emergency Telephone Extended Service (E9-1-1) Capital Reserve Fund Expenditure (Mount Wood Repeater Tower) Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B3
09-587** It was moved and seconded that "CVRD Bylaw No. 3332 - CVRD - Emergency Telephone Extended Service (E9-1-1) Capital Reserve Fund Expenditure (Mount Wood Repeater Tower) Bylaw, 2009", be adopted.

MOTION CARRIED

**B4
09-588** It was moved and seconded that "CVRD Bylaw No. 3333 - Regional Park Reserve Fund Expenditure (Cowichan Valley Trail) Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B4
09-589** It was moved and seconded that "CVRD Bylaw No. 3333 - Regional Park Reserve Fund Expenditure (Cowichan Valley Trail) Bylaw, 2009", be adopted.

MOTION CARRIED

**B5
09-590** It was moved and seconded that "CVRD Bylaw No. 3335 - Electoral Area C Community Parks Capital Reserve Fund Expenditure (Cenotaph Project, Farmers Institute and Park Land Acquisition Costs) Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B5
09-591** It was moved and seconded that "CVRD Bylaw No. 3335 - Electoral Area C Community Parks Capital Reserve Fund Expenditure (Cenotaph Project, Farmers Institute and Park Land Acquisition Costs) Bylaw, 2009", be adopted.

MOTION CARRIED

**B6
09-592** It was moved and seconded that "CVRD Bylaw No. 3336 - Mesachie Lake Water System Capital Reserve Fund Expenditure (Well Protection Plan) Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B6
09-593** It was moved and seconded that "CVRD Bylaw No. 3336 - Mesachie Lake Water System Capital Reserve Fund Expenditure (Well Protection Plan) Bylaw, 2009", be adopted.

MOTION CARRIED

**B7
09-594** It was moved and seconded that "CVRD Bylaw No. 3238 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Malahat Joint Ventures/Lintaman), 2008", be adopted.

MOTION CARRIED

**B8
09-595** It was moved and seconded that "CVRD Bylaw No. 3239 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Malahat Joint Ventures/Lintaman), 2008", be adopted.

MOTION CARRIED

**B9
09-596** It was moved and seconded that "CVRD Bylaw No. 3241 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Cottyn Developments Ltd.), 2008", be adopted.

MOTION CARRIED

**B10
09-597** It was moved and seconded that "Cowichan Valley Regional District No. 3334 - Electoral Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Forest Industrial Use), 2009", be granted 1st and 2nd reading.

MOTION CARRIED

**B11
09-598** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3337 - Area E - Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Inwood Creek), 2009", be granted 1st and 2nd reading.

MOTION CARRIED

**B12
09-599** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3338 - Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Inwood Creek Estates), 2009", be granted 1st and 2nd reading.

MOTION CARRIED

RESOLUTIONS

RES 1 **It was moved and seconded that the following appointment to the**
09-600 **Electoral Area C - Cobble Hill Advisory Planning Commission be**
 approved:

Term to expire November 31, 2011:

Joanne Bond

MOTION CARRIED

NEW BUSINESS

NBCR1 **The report and recommendation from the Environment Commission**
 meeting of November 5, 2009 listing one item was considered.

09-601 **It was moved and seconded that the CVRD Board initiate a**
 Corporate Report on Energy Emissions so that they meet their
 obligations under the Climate Action Charter.

MOTION CARRIED

NBSR1 **The Staff Report from the Administrator dated November 10, 2009 re:**
 Pilot Project Program for Local Governments Supporting Treaty
 Implementation was considered.

09-602 **It was moved and seconded that the CVRD Board of Directors**
 supports the submission of an application to the Union of British
 Columbia Municipalities for funding for "TAC Operational
 Funding" for \$10,000. Under the Pilot Project Program for Local
 Governments Supporting Treaty Implementation.

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

09- 603 **It was moved and seconded that the meeting be closed to the public in**
7:01 pm **accordance with the Community Charter Part 4, Division 3, Section**
 90, Subsection (1) (g) Potential Litigation, (f) Bylaw Enforcement and
 Subsection (2) (b) Third Party Negotiations.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

**09- 607
8:40 pm** **It was moved and seconded that the Board rise with report and return to the Regular portion of the meeting.**

MOTION CARRIED

09-606 **It was moved and seconded that a zoning amendment bylaw be prepared to amend the Electoral Area E Zoning Bylaw No. 1840 to rezone existing I-2 (Heavy Industrial) zoned properties to a new Forest Industrial zone in order to achieve compliance with Electoral Area E Official Community Plan Bylaw No. 1490.**

MOTION CARRIED

ADJOURNMENT

**09-608
8:40 pm** **It was moved and seconded that the Regular Board meeting be adjourned.**

MOTION CARRIED

The meeting adjourned at 8:40 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____