

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, June 9, 2010 at 6:09 pm.

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

ALSO PRESENT: Warren Jones, Administrator
Joe Barry, Corporate Secretary
Rob Conway, Manager, Development Services Division

ABSENT: Director P. Kent

APPROVAL OF AGENDA

10-303

It was moved and seconded that the agenda be amended with the deletion of Agenda Items D2 and SR2, and the addition of New Business items:

NB1 Island Savings Centre Commission Report and
Recommendation of Meeting of May 13, 2010
NB2 Kinsol Trestle Revitalization Committee Report and
Recommendation of Meeting of June 8, 2010
NB3 "CVRD Bylaw No. 3399 - Kerry Park Recreation Centre
Reserve Fund Expenditure Bylaw (Replacement Boiler
System), 2010", 1st, 2nd, 3rd reading and adoption.
CSNB1 Land Acquisition Update {Sub (1) (e)}

and that the agenda, as amended, be approved.

MOTION CARRIED

ADOPTION OF MINUTES

10-304

It was moved and seconded that the minutes of the May 12, 2010 Regular Board meeting be adopted.

MOTION CARRIED

10-305

It was moved and seconded that the minutes of the May 25, 2010 Special Board meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING
FROM MINUTES**

There was no business arising.

DELEGATIONS**D1**

LCdr Michael Lawless, Executive Officer, representing the Victoria Naval Reserve Division HMCS MALAHAT recognized the former three vessels named "Cowichan" - HMCS *Cowichan* (1st of the name) (J146), HMCS *Cowichan* (2nd of the name) (147) and HMCS *Cowichan* (3rd of the name) (162); and invited those in attendance to join the HMCS MALAHAT and Canada's Navy in celebrating the Canadian Navy's 100th Anniversary.

CVRD Chair Giles was presented with a framed print depicting the three *Cowichan* vessels with a brief history of each mine sweeper and its service.

D2

Deleted at Adoption of Agenda.

COMMITTEE REPORTS**CR1**

The report and recommendations from the Regional Services Committee meeting held May 26, 2010 listing six items, were considered.

10-306

It was moved and seconded:

- 1. That the Cowichan Valley Regional District's 2009 Financial Statements be received.**
- 2. That the Directors' 2009 Statement of Remuneration and Expenses be received.**
- 3. That the Audit Findings Report dated April 19, 2010 be received.**
- 4. That the Lower Cowichan/Koksilah River Integrated Flood Management Plan Final Report, prepared by Northwest Hydraulic Consultants dated September 2009, be received.**
- 5. That CVRD staff work with member municipalities and Cowichan Tribes to provide appropriate information from the Lower Cowichan/Koksilah River Integrated Flood Management Plan Final Report to communities.**
- 6. That the CVRD enter into a contribution agreement with the University of Victoria to acquire digital photography and LIDAR data for the Region for research purposes and that the Chair and Corporate Secretary be authorized to sign the agreement.**

MOTION CARRIED

CR2

The report and recommendations from the Electoral Area Services Committee meeting held May 18, 2010 listing eight items were considered.

10-307

It was moved and seconded:

- 1. 1. That an annual financial contribution service be created for the Cowichan Station Area Association with a maximum requisition limit of \$20,000.00 to assist with costs associated with the operation and maintenance of buildings and lands located at 2375 Koksilah Road (former Cowichan Station School Site) and the delivery of community based programs and services, heritage projects and community events.**
- 2. That "CVRD Bylaw No. 3389 – Cowichan Station Area Association Annual Financial Contribution Service Establishment Bylaw, 2010", be forwarded to the Board for consideration of first three readings, and following provincial and voter approval, be considered for adoption.**
- 3. That voter approval to establish the Cowichan Station Area Association Annual Financial Contribution Service be obtained through an alternative approval process.**
- 2. That a Reserve Fund expenditure bylaw be prepared authorizing expenditure of no more than \$6,400 from the Honeymoon Bay Fire Protection Local Service Area Capital Reserve Fund (CVRD Establishment Bylaw No. 1897, cited as the Honeymoon Bay Fire Protection Local Service Area Capital Reserve Fund Establishment Bylaw, 2000) for the purpose of repairing the roof of the Honeymoon Bay Fire Hall, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.**
- 3. That a grant-in-aid (Area D) be given to Cowichan Bay Improvement Association in the amount of \$500 to provide funding support for their Low Tide Day event, May 15, 2010.**
- 4. That a grant-in-aid (Area F) be given to Cowichan Lake Salmonid Enhancement Society in the amount of \$1,000 to provide funding support for their annual Fry Salvage Program.**
- 5. That a grant-in-aid (Area G) be given to Saltair Ratepayers Association in the amount of \$1,000 to provide funding support for their Saltair Centennial Celebration, August 15, 2010.**
- 6. That a grant-in-aid (Area B) be given to Shawnigan Lake Community Association in the amount of \$750 to provide funding support for their Canada Day celebration.**

7. That a letter be forwarded to the Building and Safety Standards Branch, Ministry of Housing and Social Development, requesting that the CVRD be included in the list of local government jurisdictions that will be “Solar Hot Water Ready”.

MOTION CARRIED

10-308

It was moved and seconded:

8. That Application No. 2-B-09DP by Ramina Dhillon for a variance to Section 5.14(a) of Zoning Bylaw No. 985, to decrease the setback from Shawnigan Lake from 15 metres (49.2 feet) to 9.8 metres (32.1 feet) at 2024 Cullin Road, Lot A, Shawnigan Lake Suburban Lots, Plan 22742, (PID 000-105-759), be approved, subject to
 - Approval from the Department of Fisheries and Oceans,
 - Compliance with RAR Report by QEP Adam Compton,
 - Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded if the plantings are successful and to the satisfaction of a Qualified Environmental Professional,
 - Survey confirming compliance with the approved setback of 9.8 metres.

MOTION CARRIED

CR2

The report and recommendations from the Electoral Area Services Committee meeting held June 1, 2010 listing eight items were considered.

10-309

It was moved and seconded:

1. That the Cowichan Valley Regional District support the SLAM Street Festival proposed by the Matoto Multicultural Arts Society in Shawnigan Lake Village on September 18, 2010.
2. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to release Covenant EV117674 in favour of the Cowichan Valley Regional District, concurrent with the registration of the subdivision of District Lot 151, Malahat District (PID 002-019-817).
3. That a grant in aid (Area E) be given to Cowichan Station Area Association in the amount of \$2000 to assist with repair and restoration costs for the Cowichan Station train station.
4. That the application from the MS Society of Canada to hold their 10th annual RONA MS Bike Tour event on August 14th and 15th in the Cowichan Valley, including having a rest stop in West Shawnigan Lake Park and a lunch stop in Hecate Park, be

approved, subject to the following conditions:

1. Proof of a minimum \$2 million liability insurance coverage be provided by the organizers which covers the event and also includes the CVRD as an additional insured;
 2. A Course Marshall Plan is submitted prior to the event for CVRD review and approval;
 3. Confirmation that there will be appropriate flag persons at all road crossings along sections around West Shawnigan Lake Park and Hecate Park in Cowichan Bay.
5. 1. That the request from the Developer of Briarwood Green for installation of a Terasen gas service adjacent to the existing water and sewer utilities previously authorized by the CVRD Board through Hollings Creek Park in Electoral Area A, be approved.
2. That the Board Chair and Corporate Secretary be authorized to execute the necessary legal land registration documents as required in favour of Terasen Gas for a utility gas corridor through Hollings Creek Park for the gas service.

MOTION CARRIED

10-310

It was moved and seconded:

6. That Application No. 1-A-10DVP by David Grisdale and Isabel Grondin for a variance to Section 8.4.A(b)(3) of Zoning Bylaw No. 2000 to decrease the setback to the front parcel line from 7.5 metres to 4.5 metres, and to decrease the setback to the side exterior parcel line from 4.5 metres to 3.18 metres on Lot 1, District Lot 18, Malahat District, Plan 21362 (*PID 002-706-849*), be approved, subject to a legal survey confirming compliance with approved setbacks.
7. 1. That Application No. 5-D-09DP/VAR by Peter Fitzpatrick for a development permit on District Lots 199 and 200, Cowichan District, for the construction of a dwelling be approved, subject to:
- a) Construction in strict compliance with the attached plans by Pacific West Home Design Ltd., dated May 26, 2010,
 - b) Construction in compliance with the recommendations and mitigation measures specified by the Cowichan Estuary Environmental Management Committee, and the Castor Consultants report, dated October 9, 2009,
 - c) That non-combustible building materials be used for the platform supports, deck and building sides of the proposed structure,
 - d) That the underside of the floor system be constructed at 2.95 metre elevation, and that approval from a geotechnical engineer is required prior to building permit

- to ensure the proposal is safe for the intended use.
2. And that the following variances be granted regarding Application No. 5-D-09DP/VAR:
 - a) Relax Section 12.7 (b)(3) of Zoning Bylaw 1015 to reduce the front parcel line from 7.5 metres to zero, the west and east side parcel lines from 1.5 metres to zero to allow for construction of the deck, and
 - b) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family home from two to zero.
 8. 1. That the draft OCP amendment bylaw respecting Application No. 3-A-09RS (Koutougos) be amended by deleting the words "It is recommended that" under #2 of the Duplex Development guidelines; and that the draft amendment bylaws (as amended) be referred to the Regional Board for consideration of 1st and 2nd readings.
 2. That the following be provided prior to a public hearing:
 - Draft Section 219 Covenant which requires the appropriate disposal of invasive plants, roots systems and soil of affected areas, under the direction of a qualified invasive plant species biologist, prior to the development of the land.
 - Draft Section 219 Covenant which requires a 3 metre wide trail dedication along Mill Bay Road.
 3. That a public hearing be scheduled with Directors Harrison, Morrison and Giles appointed as Board delegates.
 4. That application referrals to the Ministry of Transportation and Infrastructure, Malahat First Nation, Mill Bay Waterworks, Mill Bay VFP, School District No. 79, the Vancouver Island Health Authority, the Ministry of Community and Rural Development, the CVRD's Parks, Recreation and Culture Department, and Engineering and Environmental Services Department, be accepted.

MOTION CARRIED

CR3

The report and recommendations from the Engineering & Environmental Services Committee meeting held May 26, 2010 listing seven items, were considered.

10-311

It was moved and seconded:

1. That a *critical location* streetlight be installed on the hydro pole adjacent to the Malahat Fire Hall, 935 Whittaker Road in Electoral Area A – Mill Bay/Malahat, as requested in a petition from local residents.

2. That "CVRD Bylaw No. 3390 – Honeymoon Bay Water System Management Amendment Bylaw, 2010" be forwarded to the Board for three readings and adoption.
3.
 - .1 That "CVRD Bylaw No. 3382 – Douglas Hill Water System Service Establishment Bylaw, 2010", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
 - .2 That "CVRD Bylaw No. 3383 - Douglas Hill Water System Loan Authorization Bylaw, 2010", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
 - .3 That it be recommended to the Board that, in order to provide service area residents with the option of paying their portion of borrowing costs up front, the necessary Parcel Tax Roll Bylaw include terms and conditions for waiving or reducing the parcel tax charge.
4. That the CVRD request that the Ministry of Environment have the Koksilah River at Cowichan Station (08HA003) hydrometric gauge converted from an “active, archival” gauge to an “active, real-time telemetry” gauge.
5. That the CVRD Board approve 100% funding to carry out an engineering assessment of the Shellwood Improvement District Water System, to a maximum cost of \$15,000 with the funding coming from the CVRD Electoral Area Feasibility Study Function, and that, if a new water service area function is created, these funds be paid back to the study function by the newly created service area.
6. That the Board authorize staff time to continue with the process of investigating takeover of the Sylvania Improvement District Water System, located in Electoral Area A, as requested by Sylvania Improvement Trustees, subject to the following conditions and with the understanding that nothing is intended by this approval to fetter future CVRD Board decisions on required bylaws:
 - All lands on which infrastructure works are located will be placed within registered Statutory Rights-of-way, using the CVRD's standard charge terms;
 - A utility transfer agreement be executed between the CVRD and the owners;
 - A CVRD review of the system be undertaken in order to address deficiencies in the water system.
 - The owner of utility be willing to sell and/or transfer the system to the CVRD;
 - A public consultation process regarding CVRD takeover be undertaken;
 - A petition process be carried out and completed by at least

50% of the owners of parcels within the proposed service area with the total value of the parcels representing at least 50% of the net taxable value of all land and improvements in the service area.

- This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed

and further that an assessment of the system be carried out, funded to a maximum cost of \$15,000, with \$5,000 from the CVRD Feasibility Study Function and \$10,000 through a Provincial Feasibility Study Grant; and that, upon completion of a successful petition process, bylaws be prepared to create a service area for this utility.

7. That the CVRD Board approve short term borrowing, to be paid back over 5-years under the Liabilities Agreement, Section 175 of the Community Charter, for the following items:
 - 1) Up to \$75,000.00 for the purchase of a mini Excavator
 - 2) Up to \$76,000.00 for the purchase of two Hybrid vehiclesand further that the 2010 Engineering and Environmental Services Control Budget 575 be amended accordingly.

MOTION CARRIED

CR4

The report and recommendations from the Kerry Park Recreation Commission meeting held May 25, 2010 listing two items were considered.

10-312

It was moved and seconded:

1. That the Board request that the Liquor Control and Licensing Branch (LCLB) approve the temporary change to the Primary Liquor License for the July 3, 2010 Annual Summer Bonspiel;
2. That, as required by the Liquor Control and Licensing Board, the Board of the Cowichan Valley Regional District has considered the following items:
 - a. The potential for noise: The event, with 30 years previous experience without complaint, is held inside the facility. The license change is from the Curling Lounge and McLean Room to the Arena floor area;
 - b. Impact on the Community: Historically, the event has been well received and supported by the community with community participation.
 - c. Purpose: The amendment is consistent with the purpose of the original license with the change being a temporary relocation to facilitate the event; and
 - d. Impact on Residents: No visible impact as the change is contained within the Kerry Park Recreation Centre Building.

2. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of a maximum of \$100,000 from Reserve Fund Bylaw No. 351 (Mill Bay Recreation Centre Capital Project Reserve Fund Bylaw, 1978) for the purpose of funding the replacement of the boiler system within the Kerry Park Recreation Centre, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

CR5 The report and recommendation from the Cowichan Lake Recreation Commission meeting held January 28, 2010 listing one item was considered.

10-313 It was moved and seconded that the Board approve entering into the year two contract, of the three-year option, with Pepsi Bottling Group for the provision of soft drinks for Cowichan Lake Recreation for the period of September 2, 2010 to August 31, 2011, and that the Chair and Corporate Secretary be authorized to execute the contract documents on behalf of the CVRD.

MOTION CARRIED

STAFF REPORTS

6:35 pm Director Iannidinardo declared a conflict of interest as her son is a Manager at TimberWest and left the meeting at 6:35 pm.

SR1 The Staff Report from the Manager, Development Services Division dated June 2, 2010 re: Youbou Lands was considered for information.

6:38 pm Director Iannidinardo returned to the meeting at 6:38 pm.

SR2 Deleted upon Adoption of the Agenda.

PUBLIC HEARINGS

PH1 The Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3362 and Zoning Amendment Bylaw No. 3363 (Parkinson), applicable to Electoral Area G - Saltair/Gulf Islands were considered.

10-314 It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3362 and Zoning Amendment Bylaw No. 3363 (Parkinson), applicable to Electoral Area G - Saltair/Gulf Islands be received.

MOTION CARRIED

BYLAWS

**B1
10-315** It was moved and seconded that "CVRD Bylaw No. 3348 - Brulette Place Sewer System Service Area Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

**B2
10-316** It was moved and seconded that "CVRD Bylaw No. 3381 - Shawnigan Lake North Water System Service Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

**B3
10-317** It was moved and seconded that "CVRD Bylaw No. 3382 - Douglas Hill Water System Service Establishment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B4
10-318** It was moved and seconded that "CVRD Bylaw No. 3383 - Douglas Hill Water System Service Loan Authorization Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B5
10-319** It was moved and seconded that "CVRD Bylaw No. 3389 - Cowichan Station Area Association Annual Financial Contribution Service Establishment Bylaw, 2010" be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B6
10-320** It was moved and seconded that "CVRD Bylaw No. 3390 - Honeymoon Bay Water System Management Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B6
10-321** It was moved and seconded that "CVRD Bylaw No. 3390 - Honeymoon Bay Water System Management Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

**B7
10-322** It was moved and seconded that "CVRD Bylaw No. 3391 - CVRD Economic Development Commission Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B7
10-323** It was moved and seconded that "CVRD Bylaw No. 3391 - CVRD Economic Development Commission Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

**B8
10-324** It was moved and seconded that "CVRD Bylaw No. 3394 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Lake Park Ball Field Expansion Upgrade) Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B8
10-325** It was moved and seconded that "CVRD Bylaw No. 3394 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Lake Park Ball Field Expansion Upgrade) Bylaw, 2010", be adopted.

MOTION CARRIED

**B9
10-326** It was moved and seconded that "CVRD Bylaw No. 3395 - Bings Creek Solid Waste Management Complex Reserve Fund Expenditure Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B9
10-327** It was moved and seconded that "CVRD Bylaw No. 3395 - Bings Creek Solid Waste Management Complex Reserve Fund Expenditure Bylaw, 2010", be adopted.

MOTION CARRIED

6:42 pm Director Iannidinardo declared a conflict of interest as her son is a Manager at TimberWest and left the meeting at 6:42 pm.

**B10
10-328** It was moved and seconded that "CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", be adopted.

MOTION CARRIED

**B11
10-329** It was moved and seconded that "CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009", be adopted.

MOTION CARRIED

**B12
10-330** It was moved and seconded that "CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008", be adopted.

MOTION CARRIED

6:44 pm Director Iannidinardo returned to the meeting at 6:44 pm.

**B13
10-331** It was moved and seconded that "CVRD Bylaw No. 3324 - Area D - Cowichan Bay Official Settlement Plan Amendment Bylaw (Parhar), 2010", be adopted.

MOTION CARRIED

B14
10-332 It was moved and seconded that "CVRD Bylaw No. 3325 - Area D - Cowichan Bay Zoning Amendment Bylaw (Parhar), 2010", be adopted.

MOTION CARRIED

B15
10-333 It was moved and seconded that "CVRD Bylaw No. 3362 - Area G - Saltair/Gulf Islands Official Community Plan Amendment Bylaw (Parkinson), 2010", be granted 3rd reading.

MOTION CARRIED

B16
10-334 It was moved and seconded that "CVRD Bylaw No. 3363 - Area G - Saltair/Gulf Islands Zoning Amendment Bylaw (Parkinson), 2010", be granted 3rd reading.

MOTION CARRIED

B17
10-335 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3378 - Area A - Mill Bay/Malahat Official Community Plan Amendment Bylaw (Koutougos), 2010", be granted 1st and 2nd reading.

MOTION CARRIED

B18
10-336 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3379 - Area A - Mill Bay/Malahat Zoning Amendment Bylaw (Koutougos), 2010", be granted 1st and 2nd reading.

MOTION CARRIED

UNFINISHED No unfinished business
BUSINESS

NOTICES OF No notices of motion
MOTION

NEW BUSINESS

NB1 The report and recommendation from the Island Savings Centre Commission meeting held May 13, 2010 listing one item was considered.

10-337 It was moved and seconded that a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of a maximum of \$61,600 from Reserve Fund Bylaw No. 755 (Cowichan Community Centre Capital Project Reserve Fund, 1983) for the purpose of funding the purchase of a new Cowichan Theatre sound board and that the bylaw be forwarded to the Board for consideration of three readings and adoption; and further that the Reserve Fund be replenished in 2011.

MOTION CARRIED

NB2 The report and recommendation from the Kinsol Trestle Revitalization Committee meeting held June 8, 2010 listing one item was considered.

10-338 It was moved and seconded that a maximum \$100,000 contract be issued to MacDonald and Lawrence Timber Framing for the advance purchasing of materials and supplies required for the historic Kinsol Trestle timber rehabilitation work, on the condition this contract be included as part of the Guaranteed Maximum Price (GMP) for the Phase II timber rehabilitation work on the project.

MOTION CARRIED

NB3 It was moved and seconded that "CVRD Bylaw No. 3399 - Kerry
10-339 Park Recreation Centre Reserve Fund Expenditure Bylaw (Replacement Boiler System), 2010, be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

NB3 It was moved and seconded that "CVRD Bylaw No. 3399 - Kerry
10-340 Park Recreation Centre Reserve Fund Expenditure Bylaw (Replacement Boiler System), 2010, be adopted.

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

10-341 It was moved and seconded that the meeting be closed to the public in
6:58 pm accordance with the Community Charter Part 4, Division 3, Section 90, Subsections (1) (e) Land Acquisition, (c) Employee Relations, and (a) Personal Information.

MOTION CARRIED

6:58 pm Director Duncan left the Board Room at 6:58 pm.

**RISE FROM
CLOSED SESSION**

10-347 It was moved and seconded that the Board rise without report and
8:05 pm return to the Regular portion of the meeting.

MOTION CARRIED

ADJOURNMENT

**10-348
8:05pm**

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

MOTION CARRIED

The meeting adjourned at 8:05 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____