

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, July 14, 2010 at 6:03 pm.

PRESENT: Chair G. Giles,
Directors K. Cossey, M. Dorey, L. Duncan,
B. Harrison, D. Haywood, R. Hutchins,
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
Rob Conway, Manager, Development Services Division

**APPROVAL OF
AGENDA**

10-361 It was moved and seconded that the agenda be amended with the addition of a New Business item:

NB1 Director Marcotte re: development permit area for protection of the Great Blue Heron habitat along Christie Road;

and the deletion of agenda items CR5, B11, B12 and CSCR2; and that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

10-362 It was moved and seconded that the minutes of the June 9, 2010 Regular Board meeting be adopted.

MOTION CARRIED

10-363 It was moved and seconded that the minutes of the June 23, 2010 Special Board meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING
FROM MINUTES**

There was no business arising.

DELEGATIONS There were no delegations.

REPORT OF THE CHAIRPERSON

RC1 Chair Giles acknowledged the gift of the Cowichan Valley Spirit Stage from the Cowichan 2008 North American Indigenous Games Society to the Cowichan Tribes and the Cowichan Valley Regional District in joint-partnership.

CORRESPONDENCE

CR1 Correspondence from Jean Crowder, MP (Nanaimo-Cowichan), dated June 22, 2010 re: Federal legislation for transit and other green commuter choices was considered.

10-364 It was moved and seconded that the CVRD send a letter supporting Bill C-466, which facilitates green commuter choices for Canadians by making employer-provided benefits for transit, carpooling and bicycle commuting tax-free at the federal level, to the Prime Minister and Denise Savoie, MP (Victoria).

MOTION CARRIED

COMMITTEE REPORTS

CR1 The report and recommendations from the Regional Services Committee meeting held June 23, 2010 listing four items, were considered.

It was moved and seconded:

10-365

- 3. That four (4) workshops, to be hosted by the CVRD, at a total cost of \$20,000 (Gas Tax funds previously allocated), in support of Cowichan Watershed Board initiatives be approved.**
- 4. That "Cowichan Valley Regional District Bylaw No. 3400 - Security Issuing (Loan Authorization Bylaw No. 2092, Loan Authorization Bylaw No. 2973, Loan Authorization Bylaw No. 3062, Loan Authorization Bylaw No. 3063, and Loan Authorization Bylaw No. 3277) Bylaw, 2010" be considered for three readings and adoption.**

MOTION CARRIED

10-366 It was moved and seconded:

- 1. That the following six actions be initiated as the first phase of the establishment of the CVRD's Environmental Lens process:**
 - 1. Implement a sustainability checklist review system for new development applications;**
 - 2. Implement the Cowichan Regional Area Agricultural Plan;**
 - 3. Develop a plan to ensure that the CVRD complies with the BC Climate Action Charter by the year 2012;**

4. Develop and implement a green subdivision servicing bylaw;
5. Develop a green team corporate employee engagement plan; and
6. Establish an EcoDepot in South Cowichan to promote recycling and responsible waste management.

MOTION CARRIED

10-367

It was moved and seconded:

2. That a regional sustainability planning process be initiated as the first phase of the establishment of the CVRD's Environmental Lens process.

Opposed: Director Duncan

MOTION CARRIED

CR2

The report and recommendations from the Electoral Area Services Committee meeting held July 6, 2010 listing 12 items were considered.

It was moved and seconded:

10-368

2. That the Ministry of Transportation and Infrastructure be requested to place the upgrading and paving of Barnjum Road, Electoral Area E, West of Duncan, on their priority list.
3. That the proposal for habitat restoration work in Sh-hwuykweslu (Busy Place Creek) within Polkey Road Park in Electoral Area E be approved, with funding for the works to be provided by the Ministry of Transportation and Infrastructure, Living Rivers, the Pacific Salmon Foundation and in-kind contributions.
4. That a grant in aid (Area F) be given to Cowichan Lake and River Stewardship Committee in the amount of \$250 to assist with start up costs with forming a Society.
5. That a grant in aid (Area I) be given to Cowichan Lake and River Stewardship Committee in the amount of \$250 to assist with start up costs with forming a Society.
6. That the Board Chair write a letter to the Chairperson of other BC Regional Districts expressing interest in a Regional District coordinated approach regarding boat safety, enforcement, and regulations on BC lakes; and further, that submission of a resolution to UBCM be supported.
7. That the Mesachie Lake Tourism Pullout be constructed within Mesachie Lake Park between Bear Lake Road and the Mesachie Lake Skydome ballfield outfield fence, inclusive of flyball warning signage and additional net fencing to address the risk of potential errant flyballs landing within the information pullout area.

MOTION CARRIED

10-369

It was moved and seconded:

1. That a \$100 per diem for CVRD Fire Department volunteers for training/conference purposes be implemented, and that the Vadim payroll system be used for payment of all per diems and stipends.

MOTION CARRIED

10-370

It was moved and seconded:

8. That Application No. 2-G-10DP be approved, and that a development permit be issued to Edward and Patricia Hart for Lot 12, District Lot 34, Oyster District, Plan 13071, subject to the following:
 - Compliance with the recommendations for eagle nest noted in the May 4, 2010 report by Sally Leigh-Spencer of Ecologic Consulting;
 - Maintain the existing forested buffer around the nest tree in its natural condition.
9. That Application No. 5-G-10DP be approved, and that a development permit be issued to Saltair Properties for Lot A, District Lot 31, Oyster District, Plan VIP 54245 and Lot 9, District Lot 31, Oyster District, Plan 4039 except part in plan 41287, to permit a boundary adjustment subdivision, subject to the following:
 - development substantially complies with the plan of proposed subdivision;
 - receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded after two years only if the plantings identified on the Landscape Plan are successful and to the satisfaction of the CVRD.
10. That Development Permit Application No. 8-E-09DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Buckerfield's Ltd. with respect to Lot 3, Section 14, Range 6, Quamichan District, Plan 15507 to allow for an addition to the existing building, subject to;
 - a) The proposed "Buckerfield's" signage on the pergola being replaced with a "B" only;
 - b) The proposed signage on the gable of the new addition being consistent with proposed warehouse signage and installation of a half-moon vent above the sign;
 - c) The LED sign is static and follows design specifications as per attachment A10a;
 - d) Provision of landscape security in the form of an irrevocable letter of credit, equal to 125% of the value of the landscaping;

- e) Oil interceptor installed for all parking lot drainage;
 - f) Installation of green or black fencing in conjunction with attachment A4;
 - g) Compliance with landscaping plan as per attachment A5;
 - h) Wood fence posts be installed along the property front to mimic the look of the proposed pergola.
11. That Zoning Amendment Bylaw No. 3404 (Fisher Road I-1C Industrial Area), Area C, be referred to Cobble Hill Improvement District, Miller Water Supply, and Braithwaite Improvement District for comment; and that a three week reply period be allowed for.

MOTION CARRIED

10-371

(Amended from original Committee recommendation):

It was moved and seconded:

12. That the request by Brian and Betty Town for a bathtub in addition to a sink and toilet within an accessory building on Lot 3, Shawnigan Lake Suburban Lots, Malahat District, Plan 13231 (2163 Angus Road), be approved, subject to the land owner registering a covenant to include a clause that cooking facilities are not allowed and affirming that the structure will not be used as a dwelling.

MOTION CARRIED

CR3

The report and recommendations from the Engineering & Environmental Services Committee meeting held June 23, 2010 listing four items, were considered.

10-372

It was moved and seconded:

2. .1 That "CVRD Bylaw No. 2138 - Electoral Area B - Shawnigan Lake Critical Location Streetlighting Service Establishment Bylaw, 2010", be amended to increase the maximum requisition limit from \$1,000. to \$3,000.
 - .2 That amendment Bylaw No. 3403 be forwarded to the Board for consideration of three readings and, following provincial and voter approval, be considered for adoption.
 - .3 That voter approval for adoption of Bylaw No. 3403 be obtained through an Alternative Approval Process.
3. That "CVRD Bylaw No. 3396 – Bings Creek Solid Waste Management Complex Reserve Fund Amendment Bylaw, 2010", be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

10-373

(Amended from original Committee recommendation):

It was moved and seconded:

1. .1 That the *Certificates of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Water and Sewer System Service Areas be received.
- .2 That the boundaries of the Kerry Village Water and Sewer System service areas be extended to include "Lot A, Section 2, Range 7, Shawnigan Land District, Plan 45532".
- .3 That "CVRD Bylaw No. 2491 – Kerry Village Water System Service Establishment Bylaw, 2004", be amended to include Lot A, and be forwarded to the Board for consideration of three readings and adoption.
- .4 That "CVRD Bylaw No. 2489 – Kerry Village Sewer System Service Establishment Bylaw, 2004", be amended to include Lot A, and be forwarded to the Board for consideration of three readings and adoption, and further
5. That inclusion be limited to one residential connection only.

MOTION CARRIED

10-374

It was moved and seconded:

4. .1 That a working group be formed to review the implementation and enforcement of CVRD Bylaw No. 2020 – *Landclearing Management Regulation Bylaw, 2009*, and to assist in the development of a backyard burning regulation applying to small hand-piled fires not regulated under CVRD Bylaw No. 2020 – *Landclearing Management Regulation Bylaw, 2009*; and further
- .2 That the working group consist of representatives from the following stakeholder groups:
 - Local improvement Districts (3 members);
 - CVRD Electoral Areas (3 members);
 - CVRD Environment Commission (1 member); and
 - Fire commissioner as a technical advisor (1)
 - Community members at large (6 members)
 - CVRD staff be available, but not members of committee.

MOTION CARRIED

CR4

The report and recommendations from the Transit Committee meeting held June 9, 2010 listing five items were considered.

10-375

It was moved and seconded:

2. That current transit tickets be accepted as full fare when the rates are increased on July 1, 2010.

3. That the CVRD Board approve 2-year extensions to the BC Transit Annual Operating Agreements and further that the Board Chair and Corporate Secretary be authorized to sign the extension agreements.
4. That the CVRD accept the BC Transit proposed standardized metal bus shelters, subject to those municipalities or Electoral Areas wishing to being exempted and to submit their own desired designs for approval.
5. That staff write to UBCM requesting that the funding agreement for transit shelters be revised from 32 to 24 shelters, due to the underestimated cost of the necessary infrastructure.

MOTION CARRIED

10-376

It was moved and seconded:

1. That customers reaching 100 years of age be provided a pass to ride free on the CVRD handyDart and conventional bus systems.

MOTION CARRIED

10-377

It was moved and seconded that the Transit Committee investigate how Transit can provide affordable bus service to seniors who lose their driver's license due to age.

MOTION CARRIED

CR5

Deleted upon Adoption of Agenda.

CR6

The report and recommendation from the Cowichan Lake Recreation Commission meeting held June 24, 2010 listing one item was considered.

10-378

It was moved and seconded that the resignation of Larry Olson from the Cowichan Lake Recreation Commission be accepted and that a letter of appreciation be forwarded to Mr. Olson.

MOTION CARRIED

CR7

The report and recommendations from the Shawnigan Lake Community Centre Commission meeting held July 5, 2010 listing two items were considered.

10-379

It was moved and seconded:

1. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$20,000 from Reserve Fund Bylaw No. 1704 (Shawnigan Lake Community Centre Capital Reserve Fund Bylaw, 1995) for the purpose of purchasing a bus, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

2. That up to a maximum of \$30,000 in short term borrowing for the purchase of a bus be approved and that the loan be paid back over five years under the Liability under Agreement Section of 175 of the Community Charter.

MOTION CARRIED

CR8

The report and recommendations of the Parks Committee meeting of July 14, 2010 listing four items was considered.

10-380

It was moved and seconded:

1. That the application from the Ceevacs RoadRunners to use an approximately 4.0 kilometre section of the Cowichan Valley Trail for the Shawnigan-Kinsol Half Marathon running event on Sunday October 31, 2010, be approved subject to the following conditions:
 1. Proof of a minimum \$2.0 million liability insurance coverage be provided by the organizers, which covers the event and which also includes the CVRD as an additional insured;
 2. A route plan is submitted to the CVRD for review and approval detailing the section(s) of the Cowichan Valley Trail proposed for use as part of the Half Marathon course;
 3. A Course Marshall Plan is submitted prior to the event for CVRD review and approval;
 4. Confirmation that there will be appropriate flag persons at all road crossings along sections of the Cowichan Valley Trail corridor used for the event;
 5. Confirmation that there will be notices of the event posted along the trail in advance of, and during the day of, the event that will advise other trail users of the race, with such notice wording and locations pre-approved by the Regional District.

MOTION CARRIED

10-381

It was moved and seconded:

3. That the relocation of the Sandy Pool Regional Park drift boat launch to a new site 30 metres downstream be approved, with funding to complete the work (estimated under \$5,000) provided under the Regional Parks Minor Capital, and furthermore that rehabilitation of the river embankment at the existing launch site be undertaken this fall or in 2011 with grant funding received and/or contributions from the British Columbia Drift Boat Fisherman's Association.

4. That the Board Chair and Corporate Secretary be authorized to execute the required documents to enter into an agreement with SVI Rail Link (Southern Rail) for the installation and ongoing operation of a public pedestrian railway crossing to access the Cowichan Valley Trail at the Chemainus Train Station.

MOTION CARRIED

10-382

It was moved and seconded:

2. That the Municipality of North Cowichan be advised in response to their letter dated May 20, 2010, that consideration of an Outdoor Recreation Park for All-terrain vehicles is being deferred by the Regional District pending implementation of Provincial legislation governing off-road vehicle legislation in order to fully assess the implications with respect to opportunities and constraints for all-terrain vehicle recreation within the Cowichan Region.

MOTION CARRIED

STAFF REPORTS

SR1

The Staff Report from the Legislative Services Coordinator dated July 6, 2010 re: Results of Alternative Approval Process - Bylaw No. 3344 - Shawnigan Creek Drainage Services Establishment Bylaw was considered.

10-383

It was moved and seconded that the *Certificate of Results* confirming that the CVRD Board must not proceed to adopt Bylaw No. 3344, unless it receives the assent of the electors, be received.

MOTION CARRIED

SR2

Staff Report from the Manager, Development Services Division dated July 7, 2010 re: Cowichan Bay Estates - Request for Sanitary Sewer Units was considered.

10-384

It was moved and seconded that an agreement be prepared for the transfer of up to 90 sewer units from the Eagle Heights Sewer Service Area and up to 36 sewer units from the North Cowichan Sewer System to the Cowichan Bay Sewer Service Area and assignment of the units to Parcel B (DD 47244I) of Range 6 and Lot 1, Section 5, both of Range 4, Cowichan District (Cowichan Bay Estates).

Opposed: Directors Marcotte and Morrison

MOTION CARRIED

SR3 Staff Report from the Corporate Secretary dated July 8, 2010 re: Cowichan Sportsplex - Annual Financial Contribution was considered.

10-385 **It was moved and seconded that this matter be referred to the August 25, 2010 Regional Services Committee meeting for discussion.**

Opposed: Directors Dorey and Marcotte

MOTION CARRIED

PUBLIC HEARINGS

PH1 The Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3387 and Zoning Amendment Bylaw No. 3388 (Baranti Developments), applicable to Electoral Area A - Mill Bay/Malahat were considered.

10-386 **It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3387 and Zoning Amendment Bylaw No. 3388 (Baranti Developments), applicable to Electoral Area A - Mill Bay/Malahat be received.**

MOTION CARRIED

BYLAWS

B1 **It was moved and seconded that "CVRD Bylaw No. 3382 - Douglas Hill Water System Service Establishment Bylaw, 2010", be adopted.**

10-387

MOTION CARRIED

B2 **It was moved and seconded that "CVRD Bylaw No. 3383 - Douglas Hill Water System Loan Authorization Bylaw, 2010", be adopted.**

10-388

MOTION CARRIED

B3 **It was moved and seconded that "CVRD Bylaw No. 3392 - Shawnigan Lake Historical Society Annual Contribution Service Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.**

10-389

MOTION CARRIED

B4 **It was moved and seconded that "CVRD Bylaw No. 3396 - Bings Creek Solid Waste Management Complex Reserve Fund Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.**

10-390

MOTION CARRIED

B4 **It was moved and seconded that "CVRD Bylaw No. 3396 - Bings Creek Solid Waste Management Complex Reserve Fund Amendment Bylaw, 2010", be adopted.**

10-391

MOTION CARRIED

**B5
10-392** It was moved and seconded that "CVRD Bylaw No. 3397 - Kerry Village Water System Service Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B6
10-393** It was moved and seconded that "CVRD Bylaw No. 3398 - Kerry Village Sewer System Service Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B7
10-394** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3400 - Security Issuing (Loan Authorization Bylaw No. 2902, Loan Authorization Bylaw No. 2973, Loan Authorization Bylaw No. 3062, Loan Authorization Bylaw No. 3063, and Loan Authorization Bylaw No. 3277), Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

**B7
10-395** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3400 - Security Issuing (Loan Authorization Bylaw No. 2902, Loan Authorization Bylaw No. 2973, Loan Authorization Bylaw No. 3062, Loan Authorization Bylaw No. 3063, and Loan Authorization Bylaw No. 3277), Bylaw, 2010", be adopted.

MOTION CARRIED

**B8
10-396** It was moved and seconded that "CVRD Bylaw No. 3401 - Cowichan Community Centre Capital Project Reserve Fund Expenditure (Sound Board) Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B8
10-397** It was moved and seconded that "CVRD Bylaw No. 3401 - Cowichan Community Centre Capital Project Reserve Fund Expenditure (Sound Board) Bylaw, 2010", be adopted.

MOTION CARRIED

**B9
10-398** It was moved and seconded that "CVRD Bylaw No. 3402 - Honeymoon Bay Fire Protection Local Service Area Capital Reserve Fund Expenditure (Roof Repair) Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B9
10-399** It was moved and seconded that "CVRD Bylaw No. 3402 - Honeymoon Bay Fire Protection Local Service Area Capital Reserve Fund Expenditure (Roof Repair) Bylaw, 2010", be adopted.

MOTION CARRIED

**B10
10-400** It was moved and seconded that "CVRD Bylaw No. 3403 - Area B - Shawnigan Lake Critical Location Streetlighting Service Amendment Bylaw, 2010", be granted 1st, 2nd and 3 reading.

MOTION CARRIED

B11 Deleted upon Adoption of Agenda.

B12 Deleted upon Adoption of Agenda.

**B13
10-401** It was moved and seconded that "CVRD Bylaw No. 3362 - Area G - Saltair/Gulf Islands Official Community Plan Amendment Bylaw (Parkinson), 2010", be adopted.

MOTION CARRIED

**B14
10-402** It was moved and seconded that "CVRD Bylaw No. 3363 - Area G - Saltair/Gulf Islands Zoning Amendment Bylaw (Parkinson), 2010", be adopted.

MOTION CARRIED

**B15
10-403** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3387 - Area A - Mill Bay/Malahat Official Community Plan Amendment Bylaw (Baranti Developments), 2010", be granted 3rd reading.

Opposed: Director Marcotte

MOTION CARRIED

10-404 It was moved and seconded:

1. That prior to adoption of Official Community Plan Amendment Bylaw No. 3387 and Zoning Amendment Bylaw No. 3388, staff provide clarification regarding potential trail routes through the subject property and connections to existing or potential trails in the neighbourhood.
2. That a letter be sent to the Ministry of Transportation and Infrastructure requesting that future subdivision approval of lands between Sentinel Ridge and the southern boundary of the Ocean Terrace lands include provision for the southern extension of Rozon Road and Sangster Road.

MOTION CARRIED

**B16
10-405** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3388 - Area A - Mill Bay/Malahat Zoning Amendment Bylaw (Baranti Developments), 2010", be granted 3rd reading.

Opposed: Directors Marcotte and Morrison

MOTION CARRIED

RESOLUTIONS

**RES1
10-406** **It was moved and seconded that the following appointments to the Electoral Area D - Cowichan Bay Advisory Planning Commission be approved:**

**Term to expire November 30, 2011:
Linden Collette
Dave Paras**

MOTION CARRIED

NEW BUSINESS

NB1 Director Marcotte advised that Planning & Development staff have been working on the issue of protection of the Great Blue Heron habitat in the Diamond area along Christie Road.

10-407 **It was moved and seconded:**

- 1. That staff prepare a Development Permit Area for protection of the Great Blue Heron habitat in the Diamond area along Christie Road.**
- 2. That the proposed Development Permit Area be referred to the Ministry of Environment Rate and Endangered Species Biologist, Ministry of Community and Rural Development, the Ministry of Transportation and Infrastructure, CVRD Engineering & Environmental Services Department, and the Diamond Improvement District for comment.**

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

**10-408
7:28 pm** **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, Subsections (1) (e) Land Acquisition, and (a) Personal Information.**

MOTION CARRIED

7:28 pm Director Hutchins left the meeting at 7:28 pm.

Director Dorey left the Board Room at 7:28 pm.

**RISE FROM
CLOSED SESSION**

**10-412
8:02 pm**

It was moved and seconded that the Board rise with report regarding the appointment of Jenn George under Item CSSR1 Personal Information, and return to the Regular portion of the meeting.

MOTION CARRIED

**CSSR1
Personal
Information
{Sub (1) (a)}
10-411**

It was moved and seconded that the Board approve the appointment of Jenn George, representing First Nations, to the Economic Development Commission for a term to expire June 20, 2012.

MOTION CARRIED

ADJOURNMENT

**10-413
8:02 pm**

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

MOTION CARRIED

The meeting adjourned at 8:02 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____