

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, September 8, 2010 at 6:00 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 PRESENT: Tom Anderson, Acting Administrator
Joe Barry, Corporate Secretary
Ron Austen, General Manager
Parks, Recreation & Culture
Kate McIntosh, Manager, Human Resources
Kate Miller, Manager, Regional Environmental Policy
Jacob Ellis, Manager, Corporate Planning

APPROVAL OF AGENDA

10-478

It was moved and seconded that the agenda be amended with the addition of New Business items:

**NB1 Staff Report from the Legislative Services Coordinator
Re: Electoral Area B - Shawnigan Lake Critical Location
Streetlighting Service - Notice of Alternative Approval
Process and Elector Response Form**

**NB2 "Cowichan Valley Regional District Bylaw No. 3419 - Tax
Exemption (Permissive) Bylaw, 2010", 1st, 2nd, 3rd reading
and adoption**

**NB3 Kerry Park Recreation Commission - Director Iannidinardo
Report and Recommendation of Meeting of August 17, 2010**

CSNB1 Legal Opinion {Sub (1) (i)} and

CSNB2 Land Acquisition {Sub (1) (e)};

**the deletion of CR3, and changing CSCR1 Third Party Negotiations
{Sub (1) (b)} to Land Acquisition {Sub (1) (e)};**

and that the agenda as amended be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

10-479 **It was moved and seconded that the minutes of the August 11, 2010 Regular Board meeting be adopted**

MOTION CARRIED

10-480 **It was moved and seconded that the minutes of the August 25, 2010 Special Board meeting be adopted.**

MOTION CARRIED

REPORT OF CHAIRPERSON

RC1 The Royal Canadian Legion - Chemainus Branch #191

The Chair reported that she has received an invitation from The Royal Canadian Legion - Chemainus Branch #191 to attend their Remembrance Day wreath laying ceremony on November 11, 2010 at the Chemainus Cenotaph and that she is unable to attend.

Director Dorey will attend and represent the CVRD on November 11, 2010 at the Chemainus Cenotaph.

RC2 Agricultural Advisory Committee - Appointments

The Chair advised, that in accordance with the Terms of Reference adopted by the Board at its regular meeting of August 11, 2010, the following appointments to the Agricultural Advisory Committee:

Directors Marcotte, Duncan, Iannidinardo, Seymour and Giles.

RC3 Cowichan Communities Health Network - Project Proposal
- Community Environmental Health Profiles - Respiratory Health

The Chair asked Director Hutchins to provide the Board with the background and overview of the project proposed by the Cowichan Communities Health Network.

10-481 **It was moved and seconded that the CVRD send a strong letter of support to the BC Lung Association encouraging their undertaking the Cowichan Communities Health Network air quality proposal.**

MOTION CARRIED

CORRESPONDENCE

C1 Correspondence from the City of Duncan dated August 27, 2010 re: City of Duncan Public Health Smoking Protection Bylaw No. 2084, 2010 was considered.

10-482 It was moved and seconded that the correspondence from the the City of Duncan dated August 27, 2010 be referred to the Electoral Area Services Committee and the member municipalities with a covering letter enquiring whether council is supportive of consideration of taking a regional approach to implementing a Public Health Smoking Protection bylaw.

Opposed: Director Haywood

MOTION CARRIED

COMMITTEE REPORTS

CR1 The report and recommendations from the Regional Services Committee meeting held August 25, 2010 listing five items were considered.

10-483 It was moved and seconded:

1. That Resolution No. 10-129.1. (pertaining to the creation of an Annual Financial Contribution Service for the Chesterfield Sports Society) be rescinded.
3. That the CVRD participate in the Provincial SmartTool Pilot Program currently underway to monitor and track corporate greenhouse gas emissions.
4. That the Board support the proposed Tier Two and Tier Three Cowichan-Koksilah Integrated Flood Management Plan Emergency Management BC funding applications that are being developed by CVRD and North Cowichan staff as outlined in the Regional Environmental Policy Manager's August 18, 2010 staff report.
2. That the 2011 Budget timeline and schedule be approved.

MOTION CARRIED

10-484 It was moved and seconded that staff be directed that the Regional Budgets for 2011, excluding Parkland Acquisition, be limited to a combined 2% requisition increase.

MOTION CARRIED

10-485

*(Amended from original Committee recommendation)***It was moved and seconded:**

5. 1. That the Chair of the CVRD Board be requested to establish a committee comprised of Directors and staff to develop a public consultation process regarding the sub-regional recreational funding model for the Board's consideration; and
2. That the committee report back to the Board prior to October 30, 2010; and further
3. That staff be directed to commission an independent third party financial report on the model as soon as possible.

Opposed: Directors Kuhn, Duncan, Harrison, Morrison, Marcotte, Dorey
and McGonigle

MOTION CARRIED**CR2**

The report and recommendations from the Electoral Area Services Committee meeting held September 7, 2010, listing 29 items were considered.

10-486

It was moved and seconded:

1. That a Notice against Land Title be filed for the property owned by Robert and Lan Hockridge and Satellite Holdings Ltd. located at 780 Kilmalu Road legally described as: PID 002-285-991, Lot 5, Sections 4 & 5, Range 9, Shawnigan District, Plan 28093, Except part in Plan VIP52025 (File No. 9-A-06BE).
2. That legal action against the land owner of 2200 Sylvester Road be continued, and that a Notice against Land Title be filed for the property owned by Roger Brammall located at 2200 Sylvester Road legally described as Lot A, District Lot 49, Malahat District, Plan 33779, PID 000-257-630 and, District Lot 49, Malahat District, Except in Plan 33779, PID 003-952-576 (File No. 36-B-04BE).
3. That a letter be forwarded to the Ministry of Transportation and Infrastructure advising that the CVRD does not object to the release of Covenant EH138168 on strata lot 2 Plan 3436, located at 10894 Loyalist Lane, Electoral Area G - Saltair.
4. That a letter be forwarded to the Nanaimo Regional District advising that the CVRD declines comment respecting the NRD Regional Growth Strategy Amendment Application at 2610 Myles Lake Road.
5. That the request by the Sylvan United Church to waive building permit fees for the construction of a gazebo at the Shawnigan Cemetery, be approved.

- 6. That the Regional Board approve the use of Community Planning Reserve funds in the amount of \$22,000 for the purpose of funding a new photocopier that has been purchased by the Planning and Development Department.**
- 7. That CVRD Bylaw No. 3418 – Malahat Fire Protection Service Amendment Bylaw, 2010, be forwarded to the Regional Board for consideration of three readings and adoption.**
- 8. That a Grant-in-Aid (Area D – Cowichan Bay) be given to the Cowichan Valley Naturalists’ Society in the amount of \$500 for their Estuary Protection Fund for on-going work to protect the waters of Cowichan Bay.**
- 9. That a Grant-in-Aid (Area D – Cowichan Bay) be given to the Cowichan Bay Maritime Centre in the amount of \$400 to assist with the costs of a development permit application.**
- 10. That the Board Chair and Corporate Secretary be authorized to sign the necessary documents related to execution of a license agreement with the Kerry Village Residents Association Strata (KVRA) permitting the CVRD to construct and maintain a public footpath on a portion of the KVRA’s common property between Bourbon Road and Hollings Creek Park in Electoral Area A, legally described as “Common Property, Part of Lot A, Sections 1 and 2, Range 7, Shawnigan District, VIS 1337”.**
- 11. That a Grant-in-Aid (Area A- Mill Bay/Malahat) be given to the Mill Bay Community Tennis Club in the amount of \$2,500 to assist with costs to resurface the two tennis courts.**
- 12. That a Grant-in-Aid (Area B – Shawnigan Lake) be given to the Cowichan Green Community in the amount of \$100 to assist with the third annual fall harvest and sustainability festival.**
- 13. That a Grant-in-Aid (Area A – Mill Bay/Malahat) be given to the Shawnigan Cemetery in the amount of \$500 to assist with the costs of constructing a gazebo on the property.**
- 14. That a Grant-in-Aid (Area B – Shawnigan Lake) be given to the Shawnigan Cemetery in the amount of \$500 to assist with the costs of constructing a gazebo on the property.**
- 15. That a Grant-in-Aid (Area C – Cobble Hill) be given to the Shawnigan Cemetery in the amount of \$500 to assist with the costs of constructing a gazebo on the property.**

MOTION CARRIED

10-487

It was moved and seconded:

17. That Application No. 1-E-10DP be approved, and that a development permit be issued to Cowichan Terrazzo and Ceramic Tile Ltd. for Lot 1, Section 13, Range 7, Quamichan District, Plan VIP87500 for an addition and exterior alterations, subject to:
 - a. Installation of underground wiring;
 - b. Landscaping installed in accordance with BCSLA standards, including an underground irrigation system;
 - c. Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the August 18, 2010 site plan; and an assessment of the value of the landscaping be done by a qualified landscape architect for bonding purposes.
18. That Application No. 6-G-10DP be approved, and that a development permit be issued to Sue Perrey for Lot 1, District Lot 34, Oyster District, Plan 22516 to legalize and finish construction of a retaining wall and landscape the area atop the retaining wall, subject to:
 - Compliance with the recommendations noted in the June 26, 2010 report by Ground Control Geotechnical Engineering Ltd.
 - Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded upon completion of the landscaping plan; and landscape plans not to include ivy or periwinkle.
19. That application No. 1-D-10DP be approved, and that a development permit be issued to the Cowichan Wooden Boat Society for District Lots 173 and 2063, Cowichan District (1761 Cowichan Bay Road) to allow for construction of an addition to the Cowichan Bay Maritime Centre.
20. That Application No. 1-C-10ALR submitted by H.J. Kmit, on behalf of Olive Luscombe, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling be forwarded to the Agricultural Land Commission with a recommendation to approve, subject to decommission of the existing cottage.
21. That Application No. 4-E-10ALR, submitted by John and Athena Archer, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a fourth dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve.
22. That Application No. 2-C-10DVP by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, to decrease the setback to the rear parcel line from 7.5 metres (24.61 ft.) to 6.66 metres (21.85 ft.) be approved, subject to:

- applicant to provide a survey confirming compliance with approved setbacks; and
 - receipt of an irrevocable letter of credit in a form suitable to the CVRD equivalent to 125% of value of the landscaping plan, that includes irrigation, to be submitted by the applicant prior to issuance of the permit.
23. That Application No. 2-B-10 DVP by Dale Sheppard for a variance to Section 4.1 (a) of Bylaw No. 1001, to reduce the number of required parking spaces from 35 to 19 and the number of off-street loading spaces from 5 to 1 on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan VIP55254 (*PID 017-973-961*) be approved, subject to:
- Secure bicycle parking being created, as shown on the site plan;
 - Improvements being made to the existing disability parking space by repainting lines, repainting the wheelchair symbol, installing protective barriers and installing signs, to the satisfaction of the Building Inspector;
 - The above conditions being met prior to issuance of a building permit.
25. That the request by Greg Bianchini and Heidi Derhousoff to allow a shower and kitchen sink, as well as the permitted bathroom sink and toilet, within a converted accessory building at 13100 Magdalena Drive (Lot 24, Block 567, Oyster District, Plan VIP71713, be approved, subject to registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.
26. That the request by David Lestock-Kay to allow one bathing facility (shower) in the planned agricultural accessory building located at 3086 Wilkinson Road (Section 6, Range 7, Shawnigan District (PID 024-091-596), be approved, subject to registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.
27. That Development Permit No. 1-D-08DP (1838 Cowichan Bay Road) issued to Silver Catch Processing Inc. Lapsing on December 10, 2010, be extended until December 10, 2011.
28. That Development Permit No. 5-A-07DP (2650 Partridge Road) issued to Dwain Walerius, which lapsed on November 28, 2009, be renewed until November 28, 2011.
29. 1. That proposed CVRD Bylaw No. 3421 (Bill 27/Greenhouse Gas Emissions) for Electoral Areas H proceed to the Board for consideration of 1st and 2nd readings;

2. That a public hearing be held for the amending bylaw in Electoral Area H- North Oyster/Diamond with Directors Marcotte, Dorey and Morrison named as delegates of the Board;
3. That the proposed bylaw be referred to the City of Duncan, Town of Lake Cowichan, District of North Cowichan, Town of Ladysmith, Nanaimo Regional District, Cowichan Tribes, Chemainus First Nation, Ministry of Community and Rural Development, and School Districts No. 68 and 79, for comment, in the form of a written referral, with a three week response period.

MOTION CARRIED

10-488

(Amended from original Committee recommendation)

It was moved and seconded:

16. 1. That Application No. 1-B-09RS (Craig Partridge) proceed and that the applicant be requested to provide a wildland urban interface assessment and confirm commitments with respect to park land dedication.
2. That application referrals be sent to the Ministry of Transportation and Infrastructure, the Central Vancouver Island Health Authority, the Ministry of Environment, Ministry of Forests; Malahat First Nations, Cowichan Tribes, School District 79, and Shawnigan Lake Fire Improvement District.
3. That draft bylaws be prepared and presented at a future EASC meeting for review.

MOTION CARRIED

10-489

It was moved and seconded that Recommendation No. 24 regarding Jan and Marilyn van de Have, 2645 Mill Bay Road, be referred back to the Electoral Area Services Committee.

MOTION CARRIED

CR3

Deleted upon Adoption of Agenda.

STAFF REPORTS

SR1

The Staff Report from the Administrator dated August 24, 2010 re: Letter of Support for Recreation Infrastructure Renewal In British Columbia was considered.

10-490

It was moved and seconded that the Board acknowledge that B.C.'s parks, recreation, arts and culture facilities are in urgent need of upgrade or replacement, and that the Board respectfully request that the Government of Canada and the Province of British Columbia make recreation infrastructure renewal throughout the Province a funding priority.

MOTION CARRIED

SR2 The Staff Report from the Legislative Services Coordinator dated August 25, 2010 re: Shawnigan Lake Historical Society Annual Financial Contribution Service - Notice of Alternative Approval Process and Elector Response Form was considered.

10-491 **It was moved and seconded that the *Notice of Alternative Approval Process* and the *Elector Response Form* for CVRD Bylaw No. 3392, be approved.**

MOTION CARRIED

SR3 The Staff Report from the Manager, Corporate Planning dated August 31, 2010 re: Corporate Strategic Plan was considered.

10-492 **It was moved and seconded that the Board approve and endorse the Corporate Strategic Plan as a guide to establish corporate priorities.**

Opposed: Director Duncan

MOTION CARRIED

BYLAWS

B1 **It was moved and seconded that "CVRD Bylaw No. 3412 - Lambourn**
10-493 **Estates Sewer System Service Amendment Bylaw, 2010", be adopted.**

MOTION CARRIED

B2 **It was moved and seconded that "CVRD Bylaw No. 3418 - Malahat**
10-494 **Fire Protection Service Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.**

MOTION CARRIED

B3 **It was moved and seconded that "CVRD Bylaw No. 3423 - Electoral**
10-495 **Area D Community Parks Capital Reserve Fund Expenditure (\$25,000) Bylaw, 2010", be granted 1st, 2nd, and 3rd reading.**

MOTION CARRIED

7:32 pm Director Seymour left the Board Room at 7:32 pm.

B3 **It was moved and seconded that "CVRD Bylaw No. 3423 - Electoral**
10-496 **Area D Community Parks Capital Reserve Fund Expenditure (\$25,000) Bylaw, 2010", be adopted.**

MOTION CARRIED

B4 **It was moved and seconded that "CVRD Bylaw No. 3424 - Electoral**
10-497 **Area D Community Parks Park Land Acquisition Reserve Fund Expenditure (\$20,000.) Bylaw, 2010", be granted 1st, 2nd and 3rd reading.**

MOTION CARRIED

**B4
10-498** It was moved and seconded that "CVRD Bylaw No. 3424 - Electoral Area D Community Parks Park Land Acquisition Reserve Fund Expenditure (\$20,000.) Bylaw, 2010", be adopted.

MOTION CARRIED

**B5
10-499** It was moved and seconded that "CVRD Bylaw No. 3426 - Kerry Village Sewer System Capital Reserve Fund Expenditure (\$10,620.) Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B5
10-500** It was moved and seconded that "CVRD Bylaw No. 3426 - Kerry Village Sewer System Capital Reserve Fund Expenditure (\$10,620.) Bylaw, 2010", be adopted.

MOTION CARRIED

**B6
10-501** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3421 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (Bill 27), 2010", be granted 1st and 2nd reading.

MOTION CARRIED

RESOLUTIONS

**RES1
10-502** It was moved and seconded that following appointment to the Electoral Area H - North Oyster/Diamond Advisory Planning Commission be approved:

Term to expire November 30, 2011:
Gordon Wyndlow

MOTION CARRIED

NEW BUSINESS

NB1 The Staff Report from the Legislative Services Coordinator dated September 7, 2010 re: Electoral Area B - Shawnigan Lake Critical Location Streetlighting Service - Notice of Alternative Approval Process and Elector Response Form was considered.

10-503 It was moved and seconded that the *Notice of Alternative Approval Process* and the *Elector Response Form* for CVRD Bylaw No. 3403, be accepted.

MOTION CARRIED

**NB2
10-504** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3419 - Tax Exemption (Permissive) Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

7:35 pm Director Seymour returned to the Board Room at 7:35 pm.

NB2 It was moved and seconded that "Cowichan Valley Regional District
10-505 Bylaw No. 3419 - Tax Exemption (Permissive) Bylaw, 2010, be adopted.

MOTION CARRIED

NB3 The report and recommendation from the Kerry Park Recreation
Commission meeting held August 17, 2010 listing one item was considered.

10-506 It was moved and seconded that staff at the Kerry Park Recreation
Centre be authorized to expend an additional \$25,000 for the HVAC
project, and further, that the 2010 budgeted transfer to Reserve Fund
be reduced by \$25,000.

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

10-507 It was moved and seconded that the meeting be closed to the public in
754 pm accordance with the Community Charter Part 4, Division 3, Section 90,
Subsection (1) (e) Land Acquisition, (i) Legal Opinion, and (c)
Employee Relations.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

10-512 It was moved and seconded that the Board rise with report on CSNB1
9:26 pm Eco Depot PowerPoint Presentation to be made Thursday to the South
Cowichan Chamber of Commerce, and return to the Regular portion of
the meeting.

MOTION CARRIED

ADJOURNMENT

10-513 It was moved and seconded that the Regular Board meeting be
9:26 pm adjourned.

MOTION CARRIED

The meeting adjourned at 9:26 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____