

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, November 4, 2008 at 5:30 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC

**PRESENT**

Director M. Marcotte, Chair  
Director J. Allan, Vice-Chair  
Director G. Giles  
Director K. Cossey  
Director B. Hodson  
Director M. Dorey  
Director M. Tansley  
Director L. Duncan  
Director M. Walker

**CVRD STAFF**

Tom Anderson, Manager  
Mike Tippett, Deputy Manager  
Rob Conway, Assistant Manager  
Brian Farquhar, Parks Manager  
Cathy Allen, Recording Secretary

**APPROVAL OF  
AGENDA**

The Chair noted changes to the agenda, which included one add-on item to Delegations, one item to Staff Reports, one item to Parks and one item to Closed Session, and two items of New Business.

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 October 14, 2008 EASC meeting be accepted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

**DELEGATIONS**

**D1 – Linda Emrick**

Linda Emrick was present regarding Application No. 6-E-08DP/RAR that was referred back to EASC at the Regional Board meeting of October 8, 2008.

Ms. Emrick advised that she spoke with her neighbour regarding their opposition to the variance and noted that they are now clear on what is proposed and have no concerns.

A question and answer session occurred.

Director Duncan advised that drainage issues have been resolved.

It was Moved and Seconded

That Development Permit with Variance Application No. 6-E-08DP/RAR by Linda Emrick for a development permit and variance to Section 5.18 of Electoral Area E Zoning Bylaw No. 1840 to decrease the minimum setback from a watercourse from 20 metres down to 10 metres for placement of a new dwelling and 6.7 metres for the existing deck on Lot A, Section 10, Range 9, Sahtlam District, Plan 49420, be approved.

**MOTION CARRIED**

**D2 – Matthew Loken**

Mark Loken was present on behalf of Matthew Loken regarding Application No. 15-B-07RS to rezone one hectare on Shawnigan Lake Road from I-1B (Sawmill) to I-1A (Light Industrial).

Mr. Loken explained the proposal.

There were no questions to the applicant.

It was Moved and Seconded

1. That Rezoning Application No. 15-B-07RS(Loken) be approved;
2. That a zoning amendment bylaw to rezone Lot 1, District Lot 132, Malahat District, Plan VIP75146 from I-1B (Sawmill) to I-1A (Light Industrial) be prepared and forwarded to the Regional Board for consideration of first and second reading;
3. That an Official Community Plan Amendment Bylaw to designate Lot 1, District Lot 132, Malahat District, Plan VIP 75146 as an Industrial Development Permit Area for form and character and the protection of the natural environment be prepared and forwarded to the Regional Board for consideration of first and second reading;
4. That a public hearing be scheduled and that the Directors for Electoral Areas B, C and D be delegated to the hearing.

**MOTION CARRIED**

**D3 – Glen Livingstone** Glen Livingstone was present regarding Application No. 4-F-07RS (Bahler) to rezone 8.1 hectares at 6020 Paldi Road from F-1 to F-2A to permit subdivision into two parcels.

Mr. Livingstone stated that he had nothing to add to the staff report.

There were no questions to the applicant.

It was Moved and Seconded

1. That Rezoning Application No. 4-F-07RS (Bahler) be approved;
2. That a Zoning Amendment Bylaw to rezone Lot 10, Section 10, Range 4, Sahtlam District, Plan 46107 from F-1 (Forestry Resource 1) to F-2A (Forestry Residential) be prepared and forwarded to the Regional Board for consideration of first and second reading;
3. That a public hearing be scheduled and that the Directors for Electoral Areas E, F and I be delegated to the hearing.

MOTION CARRIED

NOTE: The Committee requested that Application No. 4-F-07RS (Bahler) be forwarded to the Board after review by the Area F Parks Commission.

**D4 – Shaw Nicholson** Director Giles left the meeting at this point and declared a potential conflict of interest respecting Application No. 1-F-07RS as the applicant made a donation to her last campaign.

Brent Taylor was present on behalf of Shawn Nicholson respecting Application No. 1-F-07RS to rezone 8.641 hectares located at 7705 Old Lake Cowichan Road from F-1 to F-2 to allow subdivision into two lots.

Mr. Taylor noted that the previous proposal to allow subdivision into five lots was referred. He stated that they are willing to have a RAR assessment done and would consider a covenant rather than park dedication.

There were no questions to the applicant.

It was Moved and Seconded

1. That Rezoning Application No. 1-F-07RS (Polaris/Nicholson) be approved;
2. That a zoning amendment bylaw to rezone Lot 3, Block 29, Cowichan Lake District, plan 47390 from F-1 (Forestry Resource 1) to F-2 (Secondary Forestry Resource 2) be prepared and forwarded to the Regional Board for consideration of first and second reading;
3. That a public hearing be scheduled and that the Directors for Electoral Areas E, F and I be delegated to the hearing.

MOTION CARRIED

Director Giles returned to the meeting at this point.

**D5 – Clyde Olgilvie**

Clyde Olgilvie was present regarding Revised Application No. 6-A08DVP (Site Plan) to decrease the front setback of a residential building at 643 Hunter Place.

Mr. Olgilvie stated that he had nothing to add to the staff report.

There were no questions to the applicant.

It was Moved and Seconded

That *Revised* Application No. 6-A-08DVP (revised site plan), by Lynne and Clyde Olgilvie, to vary Section 8.4.A(b)(3) of Zoning Bylaw No. 2000, by decreasing the setback of a residential building to a front parcel line from 7.5 metres (24.6 ft) to 5.17 metres (16.9 ft), on Lot 7, District Lot 101, Malahat District, Plan 47155, be approved.

MOTION CARRIED

**D6 – Beverly Stewart**

Beverly Stewart was present regarding Application No. 3-E-08ALR to allow a second dwelling at 3202 Doupe Road.

Ms. Stewart stated that she had nothing further to add to the staff report.

There were no questions to the applicant.

Director Duncan noted that this is a permitted use in the Zoning Bylaw.

It was moved and Seconded

That Application No. 3-E-08ALR (Beverly Stewart) for a second dwelling in the A-1 Zone be forwarded to the Agricultural Land Commission with a recommendation to approve.

MOTION CARRIED

**D7 – Gina MacKay**

Gina MacKay was present regarding Application No. 2-B-05RS to rezone 16 hectares on Baldy Mountain Road from A-1 to A-2 to allow subdivision into seven fee simple lots.

Ms. MacKay stated that she had nothing further to add to the report.

A question and answer session occurred.

It was Moved and Seconded

1. That Rezoning Application No. 2-B-05RS (Cottyn Development Ltd) to amend Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985 to rezone Lot 3, District Lot 96, Malahat District, Plan 32725 from Primary Agricultural (A-1) to Secondary Agricultural (A-2), be approved, subject to receipt of the following information prior to a public hearing:

- A survey plan illustrating the 25 metre wide vegetated buffers along the northern, western, and southern property boundaries of the subject property and the 30 metre wide vegetated buffer along the eastern boundary of the property, and
  - A draft vegetation protection covenant for allocated buffered areas to ensure all trees and vegetation are retained within the buffered areas.
2. That a Zoning Amendment Bylaw be prepared that would amend the Shawnigan Lake Zoning Bylaw No. 985 by rezoning Lot 3, District Lot 96, Malahat District, Plan 32725 from Primary Agricultural (A-1) to Secondary Agricultural (A-2), and that the Zoning Amendment Bylaw be forwarded to the Regional Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings.
  3. That Application No. 2-B-05RS be referred to the Electoral Area B Parks and Recreation Commission for comment.
  4. That the application referrals to the Vancouver Island Health Authority; the Ministry of Transportation; the Shawnigan Lake Volunteer Fire Department, the School District No. 79, and the Agricultural Land Commission be accepted.
  6. That a public hearing be arranged and that the Directors for Electoral Areas B, C and D be delegated to the hearing.

MOTION CARRIED

**D8 – Colin Mann**

Danny Carrier was present on behalf of Colin Mann regarding Application No. 1-I-08DP for a five lot subdivision on 13.4 hectares located on Blackwood Heights Road.

Mr. Carrier had nothing further to add to the staff report.

A question and answer session occurred.

It was Moved and Seconded

That Application No. 1-I-08DP be approved, and the Planning Division be authorized to issue a development permit to Colin Mann for the purposes of a 5-lot subdivision of Lot 2, Block 180, Cowichan Lake District, Plan VIP78710, subject to the following conditions:

1. Strict compliance with the measures described in Riparian Areas Report #646 by Thomas Roy, RP Bio, including:
  - *Protection of the Streamside Protection and Enhancement Area (SPEA) on lots 1 to 5, identified as 30 metres from the 164 metre high water mark of the lake and 10 metres from the unnamed stream.*
  - *Fencing to be installed at SPEA boundary to protect SPEA from encroachment, and to be constructed in accordance with RAR Report # 646 to allow for wildlife movement.*
  - *Installation of sediment fencing outside the SPEA boundary prior to the initiation of works on all lots.*

2. Residential development or construction within 30 metres of a watercourse following the subdivision of the subject property will be subject to the Riparian Areas Regulations

MOTION CARRIED

**D9 – Thomas Kreilein** Thomas Kreilein was present regarding Application No. 3-I-06RS (Youbou Lands).

Mr. Kreilein noted that the staff report was provided to give an update on the application and to advise of agency referral responses. He also noted the late response from MOTI.

There were no questions to the applicant.

The Staff Report was for information only.

**STAFF REPORTS**

**R1 – Reserve Fund Bylaw** It was Moved and Seconded  
That a Building Inspection Reserve Fund Bylaw be prepared for the purchase of a replacement vehicle for the Building Inspection Division for an amount not to exceed \$25,000 including all applicable taxes.

MOTION CARRIED

**R2 – Dog Control Contract** It was Moved and Seconded  
That the Cowichan Valley Regional District award the Dog Control Contract to the BCSPCA Cowichan and District Branch for a term of three (3) years starting January 1, 2009; that the contract price for 2009 be \$76,841, including GST, which is to be paid out on a monthly basis; and, that the Canadian Consumer Price Index be used to award monetary increases in 2010 and 2011.

MOTION CARRIED

**R3 – Vicious Dog Bylaw Review** It was Moved and Seconded  
That the staff report dated October 29, 2008, from Nino Morano, Bylaw Enforcement Officer, regarding review of Vicious Dog regulations, be received for information.

MOTION CARRIED

**R4 – Sale of Pickup Truck**

It was Moved and Seconded  
That the CVRD Board accepts the highest bid of \$3,201 from Paul Dale of Shawnigan Lake, BC for the 2001 GMC Sonoma pick-up truck as advertised in both local newspapers.

MOTION CARRIED

**CORRESPONDENCE**

**C1 – Grant-in-Aid**

It was Moved and Seconded  
That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$500 be given to Cowichan Foundation to assist with their bursaries program.

MOTION CARRIED

**APC**

**AP1 – Minutes**

It was Moved and Seconded  
That the Area A Advisory Planning Commission minutes of October 15, 2008, be referred back to the APC for clarification of members present.

MOTION CARRIED

**PARKS**

**PK1 - Minutes**

It was Moved and Seconded  
That the Area A Parks Commission minutes of October 2, 2008, be referred back to the Parks Commission for completion of full names of members present.

MOTION CARRIED

**PK2 - Minutes**

It was Moved and Seconded  
That the minutes of the Area I Parks Commission meeting of September 9, 2008, be received and filed.

MOTION CARRIED

**PK3 – Minutes**

It was Moved and Seconded  
That the minutes of the Area I Parks Commission meeting of September 23, 2008, be received and filed.

MOTION CARRIED

**PK4 – Minutes**

It was Moved and Seconded  
That the minutes of the Area I Parks Commission meeting of October 7, 2008, be received and filed.

MOTION CARRIED

**PK5 – Parks & Trails  
Master Plan**

It was Moved and Seconded

1. That the Community Parks and Trails Master Plan for Electoral Area A - Mill Bay/Malahat be received for adoption by Bylaw as the basis to define the future direction, policies, priorities, and actions of the Community parks and trails program in Electoral Area A over the next a ten to twenty years (2008 – 2028).
2. That the Community Parks and Trails Master Plan for Electoral Area D – Cowichan Bay be received for adoption by Bylaw as the basis to define the future direction, policies, priorities, and actions of the Community parks and trails program in Electoral Area D over the next ten to twenty years (2008-2028).

MOTION CARRIED

**PK6 – Transfer to  
Reserve Fund**

It was Moved and Seconded  
That the transfer of 2008 yearend surplus amounts be approved for an amount not to exceed the following from Electoral Area Community Parks budgets 231 (Area A), 234 (Area D), 235 (Area E), 236 (Area F) and 237 (Area G) :

- Area A Community Parks Capital Reserve Fund - \$60,000
- Area D Community Parks Capital Reserve Fund - \$40,000
- Area E Community Parks Capital Reserve Fund - \$50,000
- Area F Community Parks Capital Reserve Fund - \$28,000
- Area G Community Parks Capital Reserve Fund - \$30,000

MOTION CARRIED

**INFORMATION**

**IN1 - Conference**

It was Moved and Seconded  
That any interested Electoral Area Director be permitted to attend the upcoming BC First Nations & The United Nations Declaration on the Rights of Indigenous Peoples conference to be held on November 29, 2008, in Victoria, and that costs associated with attending the conference be approved.

MOTION CARRIED

**NEW BUSINESS**

**1 – Sea Breeze Power** Director Cossey inquired about the project proposed by Sea Breeze Power Corp. for Knob Hill Wind Farm. Mr. Anderson stated that he will try to find out more information on the project.

**2 - UBCM** Director Cossey recognized the efforts of Director Duncan that allowed him to speak to the Minister at UBCM regarding Elsie Mills School.

**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 7:01 pm.

**RISE** The Committee rose without report.

**ADJOURNMENT** It was Moved and Seconded  
That the meeting be adjourned.

**MOTION CARRIED**

The meeting adjourned at 7:10 pm.

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Chair

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Recording Secretary