

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, August 3, 2010 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

Director M. Marcotte, Vice Chair
Director K. Kuhn
Director M. Dorey
Director G. Giles
Director L. Iannidinardo
Director L. Duncan
Director I. Morrison
Alternate Director R. Burgess
Director K. Cossey (arrived at 3:45 pm)

Absent:

Director B. Harrison

CVRD STAFF

Tom R. Anderson, General Manager
Mike Tippett, Manager
Rob Conway, Manager
Tanya Soroka, Parks & Trails Planner
Sybille Sanderson, Acting General Manager
Jill Collinson, Planning Technician
Maddy Koch, Planning Assistant
Dave Leitch, Manager, Water Management Division
Rachelle Moreau, Environmental Analyst
Nino Morano, Bylaw Enforcement Official
Jennifer Hughes, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding two items of New Business [NB1 & NB2 and NB3 (Grant-in-Aid, Area C)] and one Closed Session New Business Item (CSSR5).

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 July 6, 2010, EASC meeting, be amended by noting in New Business 1 – Foreshore Protection, Area A, “That Electoral Areas F, D, H and C are also interested in being included in any future discussion and information that deals with foreshore information, and that the Minutes, as amended, be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 – Kuwert

Maddy Koch, Planning Assistant, presented Application No. 4-A-10DVP (Kuwert), to vary the setback to the interior side parcel line by 2.8 metres (9.2 feet) at 2473 Mill Bay Road.

Eric Kuwert, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Development Variance Permit Application No. 4-A-10DVP by Eric Kuwert for a variance to Section 8.4.A(b)(3) of Zoning Bylaw No. 2000, to decrease the setback to the interior side parcel line from 3.0 metres to 0.2 metres on Lot 5, District Lot 47, Malahat District, Plan 6695 (*PID 005-773-610*), be approved, subject to a legal survey confirming compliance with approved setbacks.

MOTION CARRIED

D2 - Tuit

Mike Tippett, Manager on behalf of Alison Garnett, Planner, presented Application No. 1-F-10DVP (Tuit), to vary the height limit of a residence by one metre located at 9995 March Road.

Paul Tuit, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 1-F-10DVP by Paul Tuit to increase the permitted height of a residence from 7.5 metres to 8.5 metres not be approved, respecting Lot 1, Section 34, Renfrew District Plan 42592.

MOTION CARRIED

D3 – Bennefield

Jill Collinson, Planning Technician, presented Application No. 1-D-10DVP (Bennefield) to vary the rear parcel line setback in the R-2 Zone of Zoning Bylaw No. 1015 from 4.5 metres to 2 metres located at 1415 Cherry Point Road, Cowichan Bay.

Blue Bennefield, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Development Variance Permit Application No. 1-D-10DVP by Blue and Raina Bennefield for a variance to Section 8.1 (b)(3) of Zoning Bylaw No. 1015 by reducing the minimum rear parcel line setback from 4.5 metres to 2 metres for Lot 7, Section 4, Range 6, Cowichan District, Plan 24679, except part in Plans 39250 and VIP 60753, be approved, subject to the applicant providing a survey confirming compliance with approved setbacks.

MOTION CARRIED

D4 - Lamont

Jill Collinson, Planning Technician, presented Application No. 3-G-10DVP (Lamont) to increase the maximum permitted height for an accessory building from 6 metres to 6.782 metres located at 10758 Guilbride Drive.

Kevin Lamont, applicant, was present and provided further information to the application.

There were no questions directed to staff or to the applicant.

Director Cossey arrived (3:45 pm) at the meeting.

It was Moved and Seconded

That Development Variance Permit Application No. 3-G-10DVP by Kevin Lamont, on behalf of Stephen and Susan Odell, for a variance to Section 5.3(5) of Zoning Bylaw No. 2524, increasing the permitted height for an accessory building from 6 metres to 6.782 metres be approved, subject to the applicant providing a survey confirming compliance with approved height.

MOTION CARRIED

D5 – Urquhart/CCLC Holdings Ltd.

Jill Collinson, Planning Technician, presented Application No. 1-A-10DP (Urquhart/CCLC Holdings Ltd.) to consider the issuance of a Development Permit for construction of an addition to the Mill Bay Vet Clinic, situated within the Mill Bay Development Permit Area and Trans Canada Highway Development Permit Area located at 840 Deloume Road.

Dr. Claire Tompkins, Veterinarian, was present on behalf of the applicant, Chris Urquhart, and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Development Permit Application No. 1-A-10DP be approved, and that a Development Permit be issued to CCLC Holdings for Lot A, Section 2, Range 8, Shawnigan District, Plan VIP54860, for construction of an addition to a veterinary clinic.

MOTION CARRIED

D6 – Merrett/J.E. Anderson and Associates

Jill Collinson, Planning Technician, presented Application No. 1-G-10DP (John Merrett c/o J.E. Anderson and Associates) to remove a tree, construct a 50 metre trail and building a retaining wall within the Ocean Shoreline Development Permit Area located on a strata lot on Clifcoe Road (Strata Lot 5, District Lot 27, Oyster District, Plan VIS6144, PID: 026-874-504).

David Wallace, applicant, was present and provided further information to the application.

There were no questions directed to staff or the applicant.

It was Moved and Seconded

That Application No. 1-G-10DP be approved, and that a development permit be issued to John Merrett for Strata Lot 5, District Lot 27, Oyster District, Strata Plan VIS6144, to permit removal of 1 tree , construction of a 50 metre trail and building of a riprap retaining wall, subject to:

- Compliance with the recommendations noted in the December 18th, 2009 report by C.N. Ryzuk and Associates 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 after two years only if the plantings are successful and to the satisfaction of the registered professional biologist or BCLSA member;
- Receipt of a stormwater management plan by a professional engineer prior to the issuance of a building permit.

MOTION CARRIED

D7 – Partridge

Acting Chair Marcotte stated that Craig Partridge and Ron Sharpe, applicants for Application No. 1-B-09RS (Partridge) have requested that their rezoning application be referred to the September 7, 2010, EASC meeting.

D8 – Rachelle Moreau, Project Update

Rachelle Moreau, Environmental Analyst, Regional Environmental Policy Division, was present to give Committee members an update on the Municipal Green Buildings Leaders project.

The Committee directed questions to staff.

It was Moved and Seconded

That the CVRD continue with Phase 2 of the Municipal Green Building Leaders project to develop policies that would achieve increased energy efficiency and renewable energy requirements in buildings by:

- 1) Working with existing local government tools;
- 2) Working with the provincial government to obtain clearer local government jurisdiction;
- 3) Working with the provincial government to advance provincial policies; and
- 4) That staff also explore the possibility of using the Development Approval Information tool under Section 920.01 of the *Local Government Act*.

MOTION CARRIED

STAFF REPORTS

SR1 – Malahat Fire Protection Service Area Expansion – Elkington Estates

Sybille Sanderson, Acting General Manager, Public Safety, presented staff report dated July 27, 2010, regarding Malahat Fire Protection Service Area Expansion – Elkington Estates.

It was Moved and Seconded

1. That the *Certificate of Sufficiency* confirming that the petitions for inclusion in the Malahat Fire Protection Service Area are sufficient, be received.
2. That CVRD Bylaw No. 2414 be amended to extend the boundaries of the Malahat Fire Protection Service Area to include the following five properties:
 - Block 270, Malahat Land District (PID 009-395-156);
 - District Lot 201, Malahat Land District (PID 009-395-130);
 - Block 281, Malahat Land District (PID 009-395-172);
 - That part of Block 201, Malahat Land District including part of amended Parcel A (DD189674I) of said Block, shown outlined in red on Plan 1522R (PID 009-395-075); and
 - Lot 26, Block 201, Plan VIP78459, Malahat Land District, PID: 026-226-537.
3. That the Malahat Fire Protection Service Area amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

SR2 – Dogwood Ridge Capital Works Upgrade

Dave Leitch, ASCT, Manager, Water Management Division, presented staff report dated July 27, 2010, regarding Dogwood Ridge Capital Works Upgrades.

It was Moved and Seconded

That an additional \$100,000 of Community Works funding be allocated for upgrades to the Dogwood Ridge Water System to reduce the annual costs charged to customers of the system and that this funding be allocated from the Future Priorities list and removed from the identified Electoral Areas Curbside Program (3Trucks, Organic, Garbage and Recycling Bins).

MOTION CARRIED

SR3 – Agricultural Advisory Committee

Tom R. Anderson, General Manager, presented staff report dated July 28, 2010, regarding Agricultural Advisory Committee.

It was Moved and Seconded

That the Agricultural Advisory Committee Terms of Reference be approved with the addition of adding to the Membership List one member from the Economic Development Commission and one member from Farm Credit Canada and changing Duncan Farmer’s Market representative to Farmer’s Market representative.

MOTION CARRIED

**SR4 – Ocean
Shoreline
Development Permit
Area**

Mike Tippett, Manager, presented staff report dated July 23, 2010, regarding Ocean Shoreline Development Permit Area, Area A.

It was Moved and Seconded

- 1) That the proposed amendment bylaw that would introduce an Ocean Shoreline Development Permit Area to the Mill Bay/Malahat Official Community Plan be approved and that the Draft Bylaw be forwarded to the Board for consideration of 1st and 2nd Readings;
- 2) That the proposed bylaw be referred to Fisheries and Oceans Canada, School District 79, Capital Regional District, Ministry of Transportation and the Malahat First Nation, in the form of a written referral only with a 3 week response period; and
- 3) That a Public Hearing be held with Directors Harrison, Giles and Duncan named as delegates of the Board.

MOTION CARRIED

It was Moved and Seconded

- 1) That staff be directed to prepare draft amendment bylaws to Electoral Areas C, D, F and H Official Community Plans that would create Ocean Shoreline Development Permit Areas, along with a referring agency list and bring back to the EASC for review; and
- 2) That a separate Public Hearing be held for amendments to Electoral Area H – North Oyster/Diamond Official Community Plan.

MOTION CARRIED

5:11 pm

Director Cossey declared a conflict due to his employer's perspective and he left the meeting at 5:11 pm.

**SR5 – Update on
Bamberton Bylaw
Preparation Process**

Mike Tippett, Manager, presented staff report dated July 23, 2010, regarding Update on Bamberton Bylaw Preparation Process.

Mr. Tippett updated the Committee on the Bamberton Bylaw preparation process. He further advised that there is a legal matter that he would like to address within the Closed Session of the meeting that does not relate to application but has a relation to the general area.

Questions were directed to Mr. Tippett from the Committee.

It was Moved and Seconded

That the Staff Report dated July 23, 2010, regarding Update on Bamberton Bylaw Preparation Process be received for information.

MOTION CARRIED

5:20 pm

Director Cossey returned to the meeting at 5:20 pm.

**SR6 – Bill 27
Requirement to
Introduce Greenhouse
Gas Emission
Reduction Targets
into all CVRD Official
Community Plans**

Mike Tippett, Manager, presented on behalf of Alison Garnett, Planner, staff report dated June 28, 2010, regarding Bill 27 Requirement to Introduce Gas Emission Reduction Targets into all CVRD Official Community Plans.

It was Moved and Seconded

1. That the Bill 27 Bylaws for Electoral Areas D, G, and I proceed to the Board for 1st and 2nd Readings;
2. That a Public Hearing be scheduled for the Amending Bylaw in Electoral Area D – Cowichan Bay with Directors Iannidinaro, Duncan and Giles appointed as delegates;
3. That a Public Hearing be scheduled for the Amending Bylaw in Electoral Area I – Youbou/Meade Creek with Directors Morrison, Kuhn and Marcotte appointed as delegates;
4. That a Public Hearing be scheduled for the Amending Bylaw in Electoral Areas G – Saltair/Gulf Islands, with Directors Dorey, Marcotte and Morrison appointed as delegates;
5. That the Bill 27 Bylaws for Electoral Areas D, G, and I 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, School Districts No. 68 and 79 for comment.

MOTION CARRIED

It was Moved and Seconded

That the draft Bill 27 Bylaw for Electoral Area H be referred to the Electoral Area H – North Oyster/Diamond APC for further review and when the time comes a separate public hearing be held for Electoral Area H – North Oyster/Diamond.

MOTION CARRIED

**SR7 – 10519 Knight
Road – Saltair Pub**

Tom R. Anderson, General Manager presented staff report dated July 28, 2010, regarding 10519 Knight Road, Saltair Pub.

It was Moved and Seconded

That the CVRD not object to the temporary change to the existing liquor license request of the Saltair Pub located at 10519 Knight Road for live outdoor music entertainment and seating on the following dates and occupancy limit:

- Aug. 13, 2010, Aug. 14, 2010, Sept. 11, 2010, June 4, 2011, June 25, 2011 & July 16, 2011. Hours: 5pm to 11pm
- Sundays: June 12, 2011 & July 24, 2011. Hours: 2pm to 8pm
- Occupancy maximum of 175 persons

MOTION CARRIED

**APC
AP1 - Minutes**

It was Moved and Seconded
That the Minutes of the Area G APC meeting of July 7, 2010 be received and filed.

MOTION CARRIED

**PARKS
PK1 and PK2 -
Minutes**

It was Moved and Seconded
That the following minutes be received and filed:

- Minutes of Area I Parks Commission meeting of June 8, 2010
- Minutes of Area I Parks Commission meeting of July 13, 2010

MOTION CARRIED

**INFORMATION
IN1 – 2010 UBCM
Convention**

It was Moved and Seconded
That the letter dated July 13, 2010, from Premier Gordon Campbell with regard to the 2010 UBCM Convention be received and filed.

MOTION CARRIED

**IN2 – Discussion
Topics for Electoral
Area Director’s
Forum**

It was Moved and Seconded
That the Member Release dated July 26, 2010, with regard to Discussion Topics for Electoral Area Director’s Forum be received and filed.

MOTION CARRIED

**IN3 – June, 2010
Building Report**

It was Moved and Seconded
That the June, 2010, Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

**1 – North Oyster &
Area Historical
Society Building**

Mike Tippett, Manager, presented staff report dated July 29, 2010, regarding North Oyster & Area Historical Society Building.

It was Moved and Seconded

1. That a Zoning Amendment Bylaw be prepared to amend the Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 by amending the minimum parcel area provisions of the P-2A Zone, by lowering the standard to 0.6 hectares for all levels of services.
2. That the Amendment Bylaw be forwarded to the Regional Board for consideration of 1st and 2nd Readings and that a Public Hearing be waived under Section 890(4) of the *Local Government Act*.
3. That the proposed amendment be referred to the Vancouver Island Health Authority and staff contact them in person or by telephone with respect to the proposed amendment.

MOTION CARRIED

2 – Grant-in-Aid – Area F

It was Moved and Seconded
That a Grant-in-Aid (Area F) be given to the Caycuse Volunteer Fire Department in the amount of \$3,500 to assist with replacement of necessary equipment.

MOTION CARRIED

3 – Grants-in-Aid – Electoral Areas C, A, B and D

It was Moved and Seconded
That a Grant-in-Aid (Area C) be given to the Shawnigan Cobble Hill Farmers Institute in the amount of \$300 to assist with the advertising for the 101st Annual Cobble Hill Fall Fair.

MOTION CARRIED

It was Moved and Seconded
That a Grant-in-Aid (Area A) be given to the Shawnigan Cobble Hill Farmers Institute in the amount of \$300 to assist with the advertising for the 101st Annual Cobble Hill Fall Fair.

MOTION CARRIED

It was Moved and Seconded
That a Grant-in-Aid (Area B) be given to the Shawnigan Cobble Hill Farmers Institute in the amount of \$300 to assist with the advertising for the 101st Annual Cobble Hill Fall Fair.

MOTION CARRIED

It was Moved and Seconded
That a Grant-in-Aid (Area D) be given to the Shawnigan Cobble Hill Farmers Institute in the amount of \$300 to assist with the advertising for the 101st Annual Cobble Hill Fall Fair.

MOTION CARRIED

QUESTION AND ANSWER

Sheila Paul, Shawnigan Lake, asked for clarification with regard to SR5.

Director Cossey declared a conflict due to his employer's perspective and he left the meeting at 5:40 pm.

Ms. Paul asked for clarification with regard to the Bamberton application with regard to the developer being forthright in giving information in a timely fashion and asked why the discussion will now be going into a Closed Session that she will not be privy to.

Mr. Tippett stated that the Closed Session discussion has nothing to do with the Bamberton rezoning application, the phased development agreement or official community plan amendment application as it is a matter related to that site but

has nothing to do with the application.

Ms. Paul thanked Mr. Tippet for his response and alleviating her concerns.

Balu Tatacheri, Chair of Friends of Saanich Inlet, stated that he felt there was no need to move into Closed Session if there is no relation to the application to discuss related issues with regard to SR5.

Mr. Tippet stated that the Closed Session discussion has nothing to do with Bamberton rezoning application but it has to do with a bylaw enforcement issue on another site that has potential implications for the Bamberton site and that has to be dealt with in Closed Session.

Chair Marcotte stated that if the Committee deemed there was no need for the item to be in Closed Session the Committee could rise with report but noted at the present time the issue must be dealt with in Closed Session.

Mr. Tippet stated that the matter came up just prior to the start of the EASC meeting and he spoke briefly with Alternate Director Burgess on the matter and there was not enough time to insert it into the late agenda items and it was felt that the best time to raise it was when the site was being discussed generally and further stated that the issue is unrelated to the Bamberton rezoning application.

Alternate Director Burgess also confirmed that the discussion in Closed Session has nothing to do with the Bamberton rezoning application and it relates to a potential bylaw enforcement issue that has to be dealt with in the Closed Session.

Mr. Tatacheri stated that if the matter has nothing to do with SR5 he sees no need to move into Closed Session. Alternate Director Burgess stated that the issue of Bylaw Enforcement has to be dealt with in Closed Session.

Acting Chair Marcotte thanked Ms. Paul and Mr. Tatacheri for attending the EASC meeting.

Director Cossey returned to the meeting at 5:45 pm.

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 5:45 pm.

BREAK

The Committee took at 10 minute break at 5:45 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 7:05 pm.

Chair

Recording Secretary