

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, November 23, 2011 at 7:09 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:** Warren Jones, Administrator  
Joe Barry, Corporate Secretary  
John Van Horne, Manager, Human Resources  
Kate Miller, Manager, Regional Environmental Policy

**APPROVAL OF  
AGENDA**

**11-638**

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

**NB1** "CVRD Bylaw No. 3572 – Electoral Area H Community Parks Capital Reserve Fund Expenditure (\$6,500) Bylaw, 2011", 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> reading and adoption;  
**NB2** Appointments to the Electoral Area C – Cobble Hill Parks & Recreation Commission;  
**NB3** Appointments to the Electoral Area C – Cobble Hill Advisory Planning Commission;  
**NB4** Business of the Board;  
**RC1** Report of the Chairperson;  
**CSNB1** Information Received in Confidence {Sub (2) (b)};  
**CSNB2** Labour Relations {Sub (1) (c)}; and  
the deletion of item CR1, and that the agenda, as amended, be approved.

**MOTION CARRIED**

**COMMITTEE REPORTS**

**CR1** Deleted upon adoption of the agenda.

**CR2** The report and recommendations of the Electoral Area Services Committee meeting of November 15, 2011, listing nine items, were considered.

**11-639**

**It was moved and seconded:**

- 1. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to obtain a permit to construct from the Ministry of Transportation and Infrastructure to develop a public beach access in the Raise Road right of way to be funded under the Electoral Area H Community Parks budget.**

2. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to enter into a renewable five-year Land Use Agreement for an annual fee of \$1 per year with the Honeymoon Bay Community Society for use of a portion of Central Park in Honeymoon Bay for the purpose of a lawn bowling green.
3. That a grant in aid, Electoral Area G – Saltair/Gulf Islands, in the amount of \$500 be given to Chemainus Secondary School to assist with providing a bursary to a Saltair resident student.
4. That a grant in aid, Electoral Area G – Saltair/Gulf Islands, in the amount of \$500 be given to Nanaimo-Ladysmith Schools Foundation to assist with providing a Saltair Community Award to a Saltair resident student.

**MOTION CARRIED**

**11-640**

5. That application No. 8-A-11 DP/RAR submitted by J.E Anderson & Associates on behalf of Baranti Developments Ltd. for subdivision of 5 lots on Parcel A (DD 36099I) of District Lots 77 and 80, Malahat District (PID: 009-358-137) be approved subject to:
  - a) Compliance with conditions outlined in RAR report No. 435 prepared by Patrick Lucey R.P. Bio., dated April 25, 2007; and
  - b) That a geotechnical setback be established by a geotechnical engineer for each lot containing steep slopes prior to issuance of the development permit, to be included within the development permit.
7. That Application No. 2-I-11DP (Day/Laurea) be approved, and that a development permit be issued to Spencer Day and Maria Laurea to permit the restoration of the riparian area and construction of a single family home and garage on Lot 33, Block 5, Cowichan Lake District, Plan VIP55729 (PID:018-058-795), subject to:
  - Compliance with the measures and recommendations outlined in RAR assessment report No. 1702 by Madrone Environmental Services, dated June 2010.
  - Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 50% of the landscape costs associated with SPEA restoration, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional.
8. 1. That Application No. 3-D-10RS (Bennefield) be approved, with a new Semi Village Residential 2 Zone being introduced for the subject property, with a complementary amendment to the Official Settlement Plan to provide for the new zone, and thereby allow a two lot subdivision of the subject property, subject to the following:
  - Submission of a landscape plan, showing areas of

- existing natural soils and vegetation, prior to a public hearing;
  - Submission of an engineer's report which demonstrates how the proposed development will generate no net increase in rainwater runoff, prior to a public hearing;
  - And that the property is included in the Lambourne Estates Sewer Service Area, prior to consideration of fourth reading of the amendment bylaws.
2. That the draft amendment bylaws be forwarded to the Regional Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings.
  3. That a public hearing be scheduled and that the Directors of Electoral Areas D, C and E be delegated to the hearing.
  4. That the referral to Cowichan Tribes, Ministry of Transportation and Infrastructure, Cowichan Bay Volunteer Fire Department, Vancouver Island Health Authority, CVRD Parks & Trails Division, CVRD Engineering & Environment, and CVRD Public Safety is accepted.
9. That, in consultation with the Environment and Economic Development Commissions, and a stakeholder committee, a private sector green building strategy be developed that would:
- a) provide financial incentives and recognition to builders/developers who build green, or establish a disincentive for non-green buildings, according to an established rating scheme or EnerGuide rating (e.g. 80 or above);
  - b) establish higher standards for proposed development through a rezoning policy and Official Community Plan policies;
  - c) continue integrating green building policies within planning documents.

**MOTION CARRIED**

11-641

It was moved and seconded:

6. That Application No. 2-C-11ALR, submitted by Lamont on behalf of Motherwell, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a two hectare lot from Part of Section 16, Range 6, Shawnigan District, lying to the east of the Island Highway, except plans 14215, 41754, 49718, VIP65206 and 71048 (PID: 000-382-019), be forwarded to the Agricultural Land Commission with a recommendation to approve given the homesite severance aspect of the application.

**Opposed: Directors Dorey, Duncan, Kuhn and Marcotte**

**MOTION CARRIED**

**CR2** The report and recommendations of the Electoral Area Services Committee meeting of November 23, 2011, listing six items, were considered.

**11-642** It was moved and seconded:

1. That Application No. 1-F-11DP (Hignell) be approved, and that a development permit be issued to permit the subdivision of Lot C, Section 7, Range 1, Sahtlam District, Plan 13363 except part in Plan VIP68383 (PID 004-471-661) subject to compliance with the measures and recommendations outlined in RAR assessment report No. 2145 by William Lucey, dated September 2011.
3. That Application No. 5-D-11DP submitted by Cowichan Community Land Trust for construction of the Cowichan Estuary Interpretive Nature Centre on property owned by the CVRD legally described as Lot 1, Sections 6 and 7, Range 4, Cowichan District, Plan 17353 (PID: 003-905-730) be approved, subject to compliance with the recommendations of the registered professional biologist's report prepared by Andrew MacInnis dated November 22, 2011.
4. That December 8, 2010, Board Resolution 10-621.9.2 be rescinded; and that a Public Hearing be scheduled for Amendment Bylaw No. 3445 (Bill 27) with Directors for Electoral Areas F, D and I appointed as delegates of the Board.

**MOTION CARRIED**

**11-643** It was moved and seconded:

2. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents for submission to the Province of BC Ministry of Community, Sport and Cultural Development Local Government Infrastructure and Finance Branch for Community Recreation Program funding of the CVRD Bright Angel Park (1<sup>st</sup> priority), Elsie Miles School (2<sup>nd</sup> priority), and Arbutus Park (3<sup>rd</sup> priority), Project upgrades.
6. That any interested Electoral Area Director be permitted to attend the 5<sup>th</sup> Edition Building Sustainable Communities Conference in Kelowna February 27 to March 1, 2012, at a cost of \$599 each (full registration) plus expenses, and that interested Directors contact Tom Anderson, General Manager, to get registered.

**MOTION CARRIED**

11-644 It was moved and seconded:

5. Pending formal approval being granted by the Province of BC under the terms and conditions of the 30 year Maple Grove Management Agreement, that the Board Chair and Corporate Secretary be authorized to enter into a nominal rent tenure renewable lease for up to 20 years with the Cowichan Land Trust to construct and operate a public nature centre within the Maple Grove Park land area in Electoral Area D leased from the Province, legally described as That portion of Block 2 (DD46279I) of Section 10, Range 2, Cowichan District, Plan 1725 encompassing approximately 2.0 hectares.

**MOTION CARRIED**

**BYLAWS**

B1  
11-645 It was moved and seconded that "CVRD Bylaw No. 3568 – Electoral Area C Community Parks Park Land Acquisition Reserve Fund Expenditure (\$27,000) Bylaw, 2011", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

B1  
11-646 It was moved and seconded that "CVRD Bylaw No. 3568 – Electoral Area C Community Parks Park Land Acquisition Reserve Fund Expenditure (\$27,000) Bylaw, 2011", be adopted.

**MOTION CARRIED**

B2  
11-647 It was moved and seconded that "CVRD Bylaw No. 3557 – South Cowichan Official Community Plan Amendment Bylaw (Logan), 2011" be granted 3<sup>rd</sup> reading.

**MOTION CARRIED**

B3  
11-648 It was moved and seconded that "CVRD Bylaw No. 3558 – Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Logan), 2011", be granted 3<sup>rd</sup> reading.

**MOTION CARRIED**

B4  
11-649 It was moved and seconded that "CVRD Bylaw No. 3569 – Area D – Cowichan Bay Official Settlement Plan Amendment Bylaw (Bennefield), 2011", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

**MOTION CARRIED**

B5  
11-650 It was moved and seconded that "CVRD Bylaw No. 3570 – Area D – Cowichan Bay Zoning Amendment Bylaw (Bennefield), 2011", be granted 1<sup>st</sup>, and 2<sup>nd</sup> reading.

**MOTION CARRIED**

**NEW BUSINESS**

**NB1  
11-651** It was moved and seconded that “CVRD Bylaw No. 3572 – Electoral Area H Community Parks Capital Reserve Fund Expenditure (\$6,500) Bylaw, 2011”, be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**NB1  
11-652** It was moved and seconded that “CVRD Bylaw No. 3572 – Electoral Area H Community Parks Capital Reserve Fund Expenditure (\$6,500) Bylaw, 2011”, be adopted.

**MOTION CARRIED**

**NB2  
11-653** It was moved and seconded that the following appointments to the Electoral Area C – Cobble Hill Parks & Recreation Commission be approved:

**Appointed for a Term to Expire December 31, 2013:**

Dennis Cage  
Ruth Koehn  
John Krug  
Bill Turner  
Lynn Wilson

**MOTION CARRIED**

**NB3  
11-654** It was moved and seconded that the following appointments to the Electoral Area C – Cobble Hill Advisory Planning Commission be approved:

**Appointed for a Term to Expire November 30, 2014:**

Rosemary Allen  
Tom Boughner  
Robin Brett  
Rod de Paiva  
David Hart  
Don Herriott  
Janice Hiles  
Brenda Krug  
Jens Liebgott  
Dave Lloyd  
Jerry Tomljenovic

**MOTION CARRIED**

**NB4** Director Cossey remarked that some information from a Closed Session of the Board was recently provided to the press.

**11-655** It was moved and seconded that staff prepare a report on options for preventing and addressing the willful disclosure of information that by law or accord with the Community Charter is intended to be held in confidence by Board members

**MOTION CARRIED**

**REPORT OF CHAIRPERSON**

**RC1** Chair Giles thanked the Board of Directors for their support over the past three years that she served as Chairperson and highlighted the many initiatives that were undertaken by the CVRD and the many accomplishments at the local level through community planning initiatives, park and trail improvements, and water, sewer and drainage services to specified areas. She also thanked the outgoing Directors for their many contributions.

**RESOLVING INTO  
CLOSED SESSION**

**11-656** It was moved and seconded that the meeting be closed to the public  
**7:50 pm** in accordance with the *Community Charter* Part 4, Division 3, Section 90, Subsection (1) (e) Land Acquisition; (2) (b) Information Received in Confidence; and (1) (c) Labour Relations.

**MOTION CARRIED**

**7:50 pm** Director Walker left the meeting at 7:50 pm.

**RISE FROM  
CLOSED SESSION**

**11-659** It was moved and seconded that the Board rise without report and  
**8:35 pm** return to the open portion of the meeting.

**MOTION CARRIED**

**ADJOURNMENT**

**11-660** It was moved and seconded that the Special Board meeting be  
**8:35 pm** adjourned.

**MOTION CARRIED**

The meeting adjourned at 8:35 pm.

Certified Correct:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary

Dated: \_\_\_\_\_