

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, February 8, 2012 at 6:01 pm.

**PRESENT:** Chair R. Hutchins  
Directors M. Walker, B. Fraser, G. Giles,  
L. Duncan, I. Morrison, M. Dorey, M. Marcotte,  
P. Weaver, R. Hartmann, P. Kent, J. Lefebure,  
B. Lines, and T. McGonigle

**ALSO PRESENT:** Warren Jones, Chief Administrative Officer  
Joe Barry, Corporate Secretary  
Tom Anderson, General Manager,  
Planning & Development  
Brian Dennison, General Manager,  
Engineering & Environmental  
Rob Conway, Manager, Development Services

**ABSENT:** Director L. Iannidinardo

## **APPROVAL OF AGENDA**

The Corporate Secretary advised that Bob Smits wished to be a delegation re: "CVRD Bylaw No. 3573 - North Oyster Fire Protection Service Amendment Bylaw, 2011".

**12-037**

**It was moved and seconded that a third delegation be added to the agenda.**

Opposed: Directors Marcotte, McGonigle, Giles and Walker

**MOTION DEFEATED**

The Chief Administrative Officer advised that written notice was received from the applicant's legal counsel, Cox Taylor dated February 8, 2012, advising that the Khalsa Diwan Society would not be proceeding further with their Crematorium Rezoning Application.

**12-038**

**It was moved and seconded that the agenda be amended as follows:**

- **the order of the agenda be adjusted to move RC1 prior to Delegations;**
- **the deletion of Recommendation No. 20 from the Electoral Area Services Committee meeting of January 17, 2012;**

**and the addition of the following New Business items:**

**NB1 Appointments - Electoral Area A - Mill Bay/Malahat Parks & Recreation Commission**

**NB2 Appointments - Electoral Area C - Cobble Hill Parks and Recreation Commission**

**CSNB1 Potential Appointments {Sub (1) (a)}**

**CSNB2 Law Enforcement {Sub (1) (f)} and Land Acquisition  
{Sub (1) (e)}**

and that the agenda, as amended, be approved.

**MOTION CARRIED**

**ADOPTION OF  
MINUTES**

**12-039**

**It was moved and seconded that the minutes of the January 11, 2012 Regular Board meeting be adopted.**

**MOTION CARRIED**

**BUSINESS ARISING  
OUT OF MINUTES**

The Corporate Secretary advised the Board that the appointment of David Crowe to the Electoral Area A - Mill Bay/Malahat Advisory Planning Commission was in contravention of CVRD Bylaw No. 3544 - Advisory Planning Commission Establishment Bylaw, 2011 as he was later sworn in as the Alternate Director.

**12-040**

**It was moved and seconded that the January 11, 2012 appointment of David Crowe to the Electoral Area A - Mill Bay/Malahat Advisory Planning Commission be rescinded.**

**MOTION CARRIED**

**REPORT OF CHAIRPERSON**

**RC1**

**"State of the Enviro" Video Contest Winners**

The Chair introduced Janna Jorgensen, CVRD Environment Commission member, who provided a brief introduction to the winning videos and the criteria that was used to assess submitted videos. Due to audio difficulties with the first video, the video contest winners were asked to return to the next regular Board meeting scheduled in March.

**DELEGATIONS**

**D1**

Gretchen Hartley, Executive Director of the Cowichan Valley Hospice  
Re: Overview of the Cowichan Valley Hospice Services and Request Support of Regional Grant-In-Aid Application.

Gretchen Hartley provided an overview of: the services provided by the Cowichan Valley Hospice Society to the CVRD; how the Hospice Society is responding to the increasing need for good end of life care and bereavement care as the numbers of dependent elders in the CVRD increase; and to request Board support of the Hospice's Regional Grant-In-Aid request to enhance hospice care through a grief walking group.

**D2**

Bill Routley, M.L.A., Cowichan Valley  
Re: Pending Legislation Bill 20 Auditor General on *Local Government Act*.

Mr. Routley commented on the pending Bill 20 legislation regarding the establishment of a local government Auditor General and asked the Board if they supported Bill 20 generally, or if the Board has another opinion. Mr. Routley was advised that, while the Board has not taken a collective opinion on the issue, all of the Directors expressed their individual opinions at the 2011 UBCM Conference.

## **CORRESPONDENCE**

- C1** The correspondence from Kirsten Pedersen, District Manager and Executive Director, Vancouver Island District, Ministry of Transportation and Infrastructure, dated January 30, 2012 re: Mud and Dust Issues on Youbou Road was received as information.

## **COMMITTEE REPORTS**

- CR1** The report and recommendations from the Regional Services Committee meeting of January 25, 2012 listing two items were considered.

**12-041** **It was moved and seconded:**

1. That the Finance Division be authorized to proceed with Interim Borrowing through the Municipal Finance Authority in an amount not to exceed \$11,000,000. for operational purposes only; and that CVRD Bylaw No. 3575 - Cowichan Valley Regional District 2012 Revenue Anticipation Borrowing Bylaw be considered for three readings and adoption;
2. 1. That CVRD Bylaw No. 3571 - Security Issuing (Loan Authorization Bylaw No. 3449 and Loan Authorization bylaw No. 3458) Bylaw, 2012 be forwarded to the Board for consideration of three readings and adoption.  
2. That CVRD Bylaw No. 3577 - Security Issuing (Loan Authorization Bylaw No. 1763) Bylaw, 2012 be forwarded to the Board for consideration of three readings and adoption.  
3. That CVRD Bylaw No. 3578 - Security Issuing (Loan Authorization Bylaw No. 3475) Bylaw, 2012 be forwarded to the Board for consideration of three readings and adoption.

**MOTION CARRIED**

- CR2** The report and recommendations from the Electoral Area Services Committee meeting of January 17, 2012 listing 23 items were considered.

**12-042** **It was moved and seconded:**

1. That the Board Chair and Corporate Secretary be authorized to sign the five year Fire Protection and Emergency Response Services Agreement between the CVRD and the Capital Regional District.
2. 1. That the Regional Board accept transfer of ownership to the Cowichan Valley Regional District and Statutory Rights of Way access to two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324;

2. That the Chair and Corporate Secretary be authorized to execute the statutory rights of way to access two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324; and
3. That the Chair and Corporate Secretary be authorized to execute the Bill of Sale (Absolute) transferring ownership of the water storage tanks from Pat Lintaman Design Ltd (Inc. No. BC0338205), and Anchorage Projects Ltd (Inc. No. BC0787945) to the Cowichan Valley Regional District.
3. That the appointment of Keith Bird as Acting Fire Chief to the CVRD Honeymoon Bay Fire Rescue for a term to expire December 31, 2012, be approved; and further that retiring Fire Chief John Rowley remain in the Department in an advisory position until the summer of 2012.
4. That an easement be granted in favour of Cobble Hill Improvement District for access across lands owned by the Cowichan Valley Regional District known as Fisher Road Pedestrian Crossing Park, legally described as Block 1475, Plan 56724 and Lot A, Section 13, Range 6, Plan VIP48879, Shawnigan Land District, Plan VIP81077.
5. That the Province be requested to amend the current 30 year water lot lease (DL 1, Lease #102999; Aug 31/89 – Aug 30/19) in Shawnigan Wharf Park, to include an RCMP boat house adjacent to the existing Fire Department's boat house, and that the Board Chair and Corporate Secretary be authorized to sign the required lease document amendments.
6. That the request by Easy Living Holdings Limited to assign their existing parks maintenance contracts to another parks maintenance contracting business, be denied.
7. That the Capital Purchasing Policy be waived to allow expenditures to proceed on the following Community Parks capital projects prior to the adoption of the CVRD 2012 Five Year Financial Plan:
  - Electoral Area B – Phase 2 and 3 works at Shawnigan Hills Athletic Park in the amount of \$74,179;
  - Electoral Area C – Construction of a washroom building at Quarry Nature Park in the amount of \$141,820;
  - South Cowichan Parks - Mill Bay Historic Church – Phase 1 Rehabilitation in the amount of \$112,264;and further, that a public meeting be held with respect to providing an update on the intended work plan for 2012 for the Mill Bay Historic Church.
8. That the Board Chair forward a letter to BC Hydro requesting that they remove any illegal signage attached to hydro poles located within the Cowichan Valley.

9. That a grant in aid, Area C – Cobble Hill, in the amount of \$1,000 be given to Cowichan Secondary School to provide two \$500 bursaries for graduating students from Area C.
10. That a grant in aid, Area C – Cobble Hill, in the amount of \$1,500 be given to Frances Kelsey School to provide three \$500 bursaries for graduating students from Area C.
11. That a grant in aid, Area D – Cowichan Bay, in the amount of \$1,000 be given to Cowichan Secondary School to provide two \$500 bursaries for graduating students from Area D.
12. That a grant in aid, Area D – Cowichan Bay, in the amount of \$1,000 be given to Frances Kelsey School to provide two \$500 bursaries for graduating students from Area D.
13. That a grant in aid, Area D – Cowichan Bay, in the amount of \$500 be given to Cowichan Therapeutic Riding Association to assist with their equine based therapeutic services program.
14. That the resignation of Dan Massen from the Area C Parks Commission be accepted, and that a letter of appreciation for service on the Commission be forwarded to Mr. Massen.

**MOTION CARRIED**

**12-043**

**It was moved and seconded:**

16. That Application No. 2-E-11ALR, submitted by Michael Ker for Sunrise Educational Society, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a 213.7 square metre addition to an existing assembly hall for the purpose of providing additional administration, faculty and classroom space, be forwarded to the Agricultural Land Commission with a recommendation to approve the application.
17. That Application No. 9-A-11DP/RAR submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for subdivision of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320) that would permit subdivision of the property along the Trans Canada Highway boundary be approved, subject to:
  - a) Development on the lots to implement rainwater management techniques that would maximize onsite infiltration such as infiltration galleries for dwellings and principal buildings and to maintain as much native vegetation as possible; and
  - b) Removal of any invasive species on the properties.
18. That draft bylaws for application 1-G-10 RS be prepared and presented at a future EASC meeting, and to proceed to a public hearing thereafter, subject to the following:
  1. That a professional engineer prepare an operational plan plus financial plan for ongoing maintenance of the proposed private sewage treatment system, and a draft covenant is submitted to ensure maintenance recommendations are implemented, prior to public hearing.

2. That the drainage study be revised such that all proposed rain water management infrastructure is removed from the proposed park area and relocated to strata property.
  3. That a draft covenant be submitted respecting parkland dedication and public access, prior to a public hearing.
  4. That a draft covenant be submitted to ensure dedication of a private road to BC MoT at time of subdivision, to prevent duplication of access points along Chemainus Road.
  5. That the applicants agree in writing to the costs associated with installation of a fire hydrant, in a location suitable to the CVRD.
  6. That if this application proceeds to subdivision approval process, that the request for an Archaeological Overview Assessment be forwarded to BC MoT, and the results of any assessment be communicated to the Stz'uminus First Nation.
  7. That application referrals from Vancouver Island Health Authority, Ministry of Transportation and Infrastructure, Chemainus Volunteer Fire Department, School District No. 79 and Chemainus First Nation be accepted.
  8. That a Certificate of Compliance or authorized release be issued by the Ministry of Environment, prior to adoption of bylaws.
- 19.1. That Application No. 1-B-11RS (Beckett/Creelman) be approved subject to the applicant providing an amenity contribution of 1% of the assessed value of the newly subdivided lot.
2. That the appropriate amendment bylaws for Application No,1-B-11RS be forwarded to the Board for consideration of first and second reading.
  3. That the application referrals to the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79, be accepted.
  4. That a public hearing be scheduled with Directors Fraser, Walker, and Iannidinardo appointed as delegates of the Board.
20. Deleted at Adoption of the Agenda.
21. That Application No. 6-A-09RS (Topping/Quek) be re-referred to the Area A Advisory Planning Commission once the applicants have completed traffic, transit and engineering studies, furthered discussions with CVRD departments and service providers, and consulted the community.

- 22.1. That *CVRD Bylaw No. 3284 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw* (Cherry Blossom Estates), be forwarded to the Board for adoption.
  2. That second and third reading of *CVRD Bylaw No. 3285 – Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw* (Cherry Blossom Estates), be rescinded.
  3. That CVRD Zoning Amendment Bylaw No. 3285 be amended by incorporating covenant requirements into the bylaw as described in the Development Services Manager's January 11, 2012 Staff Report.
  4. That CVRD Zoning Amendment Bylaw No. 3285, as amended, be forwarded to the Board for consideration of second reading.
  5. That notice be issued that the public hearing for CVRD Zoning Amendment Bylaw No. 3285 will be waived in accordance with Section 893 of the *Local Government Act*; and further, that after the close of the notification period, that CVRD Zoning Amendment Bylaw No. 3285 be forwarded to the Board for consideration of third reading and adoption.
23. That the request by Cowichan Valley Trap and Skeet Club to hold three Special Event competitive shoots in 2012 (March 31-April 1, April 21-22, and June 1-2), be approved.

**MOTION CARRIED**

It was moved and seconded:

15. That Application No. 1-C-11DP made by J. Francis and Sanja Hugo for the purpose of subdividing the property into a 0.3802 hectare lot and a 0.4 hectare lot be approved subject to:
1. A covenant being registered to protect a 30 metre agricultural buffer between the subject property and the property directly north of the subject property, within which no dwelling, building or structure may be located, and no vegetation may be removed, except invasive species, dry underbrush which poses a fire hazard, and dangerous trees identified by an International Society of Arboriculture Certified Arborist.
  2. Compliance with a drainage plan, to be prepared by a Professional Engineer with experience in drainage, at the time of any future building permit application, which outlines measures that must be taken to ensure post-development runoff does not exceed pre-development runoff for a five year storm event.

**12-044**

**It was moved and seconded recommendation 15.1 be amended as follows:**

**A covenant being registered to protect a 15 metre agricultural buffer between the subject property and the property directly north of the subject property, within which no dwelling, building or structure may be located, and no vegetation may be removed, except invasive**

species, dry underbrush which poses a fire hazard, and dangerous trees identified by an International Society of Arboriculture Certified Arborist; and further, that a 15 metre setback be established from the agricultural buffer area within which no dwellings may be located.

**MOTION CARRIED**

**12-045**

**VOTING RESUMED ON THE ORIGINAL MOTION AS AMENDED**

**15. That Application No. 1-C-11DP made by J. Francis and Sanja Hugo for the purpose of subdividing the property into a 0.3802 hectare lot and a 0.4 hectare lot be approved subject to:**

- 1. A covenant being registered to protect a 15 metre agricultural buffer between the subject property and the property directly north of the subject property, within which no dwelling, building or structure may be located, and no vegetation may be removed, except invasive species, dry underbrush which poses a fire hazard, and dangerous trees identified by an International Society of Arboriculture Certified Arborist; and further, that a 15 metre setback be established from the agricultural buffer area within which no dwellings may be located.**
- 2. Compliance with a drainage plan, to be prepared by a Professional Engineer with experience in drainage, at the time of any future building permit application, which outlines measures that must be taken to ensure post-development runoff does not exceed pre-development runoff for a five year storm event.**

**MOTION CARRIED**

**CR2**

The report and recommendations from the Electoral Area Services Committee meeting of February 7, 2012 listing 13 items were considered.

**12-046**

**It was moved and seconded:**

- 1. That a trail license agreement be entered into with Stocking Creek Strata #VIS3754 permitting the Regional District to construct and maintain a public trail across Common Property VIS 3794, Oyster Land District as an extension to the trail system in Stocking Creek Park.**
- 2. That a one year lease renewal inclusive of two renewal terms of one year each be approved for the Stocking Creek Park lease across Lot 14 (DD 71247N), District Lot 14, Oyster District, Plan 4039 (PID: 002-221-721) for the purpose of trail access to the park.**
- 3. That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$1,000 be given to West Coast Men's Support Society, to assist with their program.**



4. That the following motion be submitted to AVICC:

WHEREAS Regional District Fire Departments provide essential lifesaving and emergency response services to communities throughout BC;

AND WHEREAS the funding of essential capital infrastructure and equipment such as fire halls and emergency vehicles is very challenging for small fire departments and communities;

NOW THEREFORE BE IT RESOLVED that the Province of British Columbia work with the Union of BC Municipalities to identify mechanisms and strategies to assist in generating sustainable funding for rural fire departments.

5. That a letter be forwarded to David Turpin, President, University of Victoria, requesting a meeting to express CVRD's concerns regarding future plans that the University may have regarding the Simpson Field Studies Resource Centre in Marble Bay on Cowichan Lake.

6. That the CAO investigate a corporate policy in regards to gas tax funding for NGOs who have eligible projects, and who presently have a specified area funding Bylaw in place, and receive funding annually as part of the CVRD Budget process; and that CVRD/NGO specified area defined partnerships which have proposed projects on public owned lands, be considered as eligible for year 2012 funding; and further, that a staff report on eligible NGO funding partnerships overall to be part of the gas tax project be forwarded to an upcoming EASC meeting.

MOTION CARRIED

12-047

It was moved and seconded:

7. That the request by M.H. Johnston & Associates Inc. to permit stick framing of homes at their Shawnigan Station Estates development on Lot A, Section 7, Township 1, Malahat District, Plan 4777, be approved.

*(Amended from original Committee recommendation):*

8. That Application No. 7-B-11DP/RAR, submitted by Jordan Mann on behalf of Don Mann Excavating Ltd., for deposit of fill and restoration of land within the riparian area described in RAR Report No. 2147 on Lot 6, District Lot 50, Malahat District, Plan VIP85007, Except Part in Plan EPP13409 (PID 027-514-382), be approved, subject to:

- a) Compliance with RAR Assessment Report No. 2147 prepared by Wm. Patrick Lucey R.P.Bio and the restoration letter prepared by Aqua-Tex Scientific Consulting dated September 21, 2011.
- b) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the restoration described by the Qualified Environmental Professional.

- c) That covenant FB174939 be amended to reflect the new Riparian Areas Regulation report and Streamside Protection and Enhancement Areas.
  - d) That the property owner identify the source of the soil and have it assessed.
9. That Application No. 5-A-11DP (Webb/Ogden) be approved, and that a development permit, pursuant to the Mill Bay Village Development Permit Area, be issued to Alf Webb on behalf of Reginald and Doris Ogden for Lot 11, Block F, Section 1, Range 9, Shawnigan District, Plan 1720 except Part in Plan 22573 and Plan 50586 (PID: 000-639-583), for the 4 lot subdivision of the subject property, subject to the following:
1. Receipt of a letter of credit, covering 100% of the cost of invasive plant species removal, appropriate disposal, and two years successive treatments;
  2. Compliance with a rain and stormwater management plan, to be prepared by a Qualified Professional Engineer at the time of any future building permit application, which is designed to:
    - Promote the use of low impact development techniques
    - Maximize infiltration from frequently occurring rain events and not permit the volume of drainage flows from exceeding pre development levels
    - Maintain or improve water quality from the development site
    - Maintain the site's discharge hydrogeology from a 5 year peak flow event
    - Locate rain and storm water management facilities so as to minimize impacts to natural areas.
  3. Compliance with Riparian Areas Regulation report no. 1976, prepared by Paul Harder, RP Bio, dated April 5, 2011.
10. That Section 16 of Development Application Procedures and Fees Bylaw No. 3275 be varied to allow reconsideration of Application No. 3-I-11DP/RAR (Dix) in advance of the required 12 month waiting period.
11. That the application from The Everti Cycling Club to hold a cross-country mountain bike race on designated trails within Quarry Nature Park and the Cobble Hill Mountain Regional Recreation Area on Sunday, March 18, 2012, be approved subject to the following conditions:
1. Proof of the \$5,000,000 liability insurance that the company has to cover the event which also identifies the CVRD and the Province of BC named as additional insured.
  2. A damage deposit of \$500 must be provided to the CVRD for confirmation that the company will clean up all garbage and fix any damaged trails on the race route upon completion of the event and that all racers will stay on designated trails identified on CVRD parkland.

3. 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.
  4. Alpine Stables is notified at least two weeks in advance of the event by the event organizers of the trails to be used to allow sufficient time for equestrian riding routes to be modified for the day of the event.
  5. That both porta-potties within Quarry Nature Park are pumped out and cleaned following the race at the cost of the race organizers, payment of which will be provided by cheque along with the damage deposit.
  6. That the Cobble Hill Parks Commission has endorsed the use of Quarry Nature Park in Cobble Hill as a staging area for the event.
12. That Development Permit No. 2-A-11DP (Mill Bay Marina) be amended to remove the requirement for permeable pavers in the parking lot areas, provided oil/water/grit separators are provided to protect water quality and the decorative treatment of the driveway and parking areas is maintained.
13. That the CVRD not take on the responsibility of hiring Qualified Environmental Professionals for any land use application that requires such, and that a formal request be forwarded to the Minister of Environment to take the appropriate action that would require the Province to delegate additional resources to processing QEP reports; and further, that the following resolution be forwarded to AVICC:

WHEREAS the Provincial government implemented the Riparian Areas Regulation to protect fish habitat for future generations, and the implementation of this regulation requires a partnership between the Provincial Ministry of Environment, Fisheries and Oceans Canada, and local governments in order to be successful;

AND WHEREAS the Provincial Ministry of Environment appear to be lacking the dedicated resources to review the reports forwarded by Qualified Environmental Professionals (QEP's) which is necessary in order to ensure that the standards set under these regulations are adhered to;

NOW THEREFORE BE IT RESOLVED that the Provincial Ministry of Environment take immediate steps to provide the necessary staff resources to review the reports forwarded by QEP's so that the provincial Riparian Areas Regulation fully achieves its goal of protecting our fish habitat.

**MOTION CARRIED**

**CR3**

The report and recommendations of the Engineering & Environmental Services Committee meeting of January 25, 2012 listing seven items were considered.

12-048

It was moved and seconded:

1. That the CVRD Board provide first stage approval and authorize staff time to continue with the process of investigating takeover of the Warmland Property development's three small sewer systems, located in Electoral Area B, as requested by Strata Corporations VIS6204, VIS6337 and VIS6597, subject to the following conditions and with the understanding that nothing is intended by this approval to fetter future CVRD Board decisions on required bylaws:
  - All lands with infrastructure works are to be transferred to CVRD, or, if not possible, be placed within registered Statutory Rights-of-Way, using the CVRD's standard charge terms;
  - A utility transfer agreement be executed between the CVRD and the owners;
  - The CVRD undertake a review of the systems in order to address deficiencies in the sewer systems;
  - The owners of the utilities be willing to transfer the systems to the CVRD;
  - A public consultation process regarding CVRD takeover be undertaken;
  - A petition process be carried out and completed by at least 50% of the owners of parcels within the proposed service area with the total value of the parcels representing at least 50% of the net taxable value of all land and improvements in the service area.
  - That an assessment of the three systems be carried out, funded to a maximum cost of \$15,000, with \$5,000 from the CVRD Electoral Area Feasibility Study Function and \$10,000 through a Provincial Feasibility Study Grant; and that, upon completion of a successful petition process, bylaws be prepared to create a service area for this utility.
  - This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed.
2. 1. That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Brulette Place Sewer System Service Area be received.
2. That "CVRD Bylaw No. 3296 – Brulette Place Sewer System Service Establishment Bylaw, 2009", be amended to include "*PID 009-497-862, That part of Section 4, Range 8, Shawnigan District, Shown Outlined in red on Plan 677R except that part in Plan VIP52681 and VIP72005*".
3. That the amended bylaw be forwarded to the Board for consideration of three readings and adoption.
4. 1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Lambourn Estates sewer and water service areas be received.

2. That CVRD Bylaw No. 3052 – Lambourn Estates Sewer System Service Establishment Bylaw, 2008, be amended to include *"PID 027-834-921, Lot B, Section 5, Range 6, Plan VIP86371, Cowichan District"*.
3. That CVRD Bylaw No. 3034 – Lambourn Estates Water System Service Establishment Bylaw, 2008 be amended to include *"PID 027-834-921, Lot B, Section 5, Range 6, Plan VIP86371, Cowichan District"*.
4. That the amended bylaws be forwarded to the Board for consideration of three readings.
5. That the amendment bylaws not be considered for adoption until the following conditions have been met:
  1. A covenant be registered on title of each of the two properties, addressing CVRD Planning concerns.
  2. A Lambourn Estates Sewer and Water Servicing Agreement be executed by each of the Developers and the CVRD.
5. 1. That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Lambourn Estates sewer service area be received.
2. That CVRD Bylaw No. 3052 – Lambourn Estates Sewer System Service Establishment Bylaw, 2008, be amended to include *"PID 004-211-286, Lot 1, Section 5, Range 6, Cowichan District, Plan 15174, except that part in Plan 25885."*
3. That the amended bylaw be forwarded to the Board for consideration of three readings.
4. That the amendment bylaw not be considered for adoption until the following conditions have been met:
  1. A covenant be registered on title of this property, addressing CVRD Planning concerns.
  2. A Lambourn Estates Sewer and Water Servicing Agreement be executed by the Developers and the CVRD.
6. That the request for \$25,000 of funding by Cowichan Energy Alternatives, for installation of ten waste vegetable oil collection bins not be given further consideration in the 2012 budget process; and further, that the CVRD use funds within the core 2012 Solid Waste Management budget to purchase three waste vegetable oil collection bins from Cowichan Energy Alternatives, at a cost of \$2,500 each, to be located at existing CVRD recycling drop-off depots.

MOTION CARRIED

12-049

It was moved and seconded:

3. That a strongly worded letter from the CVRD Board Chair be sent to the Province requesting that legislation be introduced that would allow a Regional District to take measures to address "declared nuisances".

MOTION CARRIED

12-050 *(Amended from original Committee recommendation):*

It was moved and seconded:

7. That a Special Board meeting be held on Wednesday March 21, 2012, at 2:00 pm, to hear an appeal by Fisher Road Recycling, as allowed for under CVRD Bylaw No. 2570 - Waste Stream Management Licensing Bylaw, 2004.

**MOTION CARRIED**

CR4 The report and recommendation from the Transit Committee meeting of February 8, 2012 listing one item was considered.

12-051 It was moved and seconded that, as recommended by BC Transit, the CVRD Board agree to revise the Cowichan Valley Commuter "On-board Pet Policy", to read:

"Other than Assistance Animals, pets are not permitted on board the Cowichan Valley Commuter Service. The service is not deemed appropriate for pets to travel on due to the longer duration trips and the large distances the vehicle travels between stops. This policy applies to all pets regardless of whether they are contained in secure cages or not. Assistance animals are allowed on public transit at all times. Passengers may be asked to produce their Guide Animal Certificate."

Opposed: Directors Hartmann and Kent

**MOTION CARRIED**

CR5 The report and recommendations from the Economic Development Commission meeting of January 19, 2012 listing three items were considered.

12-052 *(Amended from original Commission recommendation):*

It was moved and seconded:

1. That a Tourism Cowichan Restructure Committee be created to develop and plan for the restructuring of Tourism Cowichan; to examine all aspects of the program, determine reasonable timelines for implementation, expanded Committee membership, expand on the principles for regional operation and collaboration made in the Regional Tourism Plan – 2010 with a goal to create and develop a reasonable and logical business/operational plan including a seamless transition from the present structure to the new "Tourism Cowichan Council";
2. That the Tourism Cowichan Restructure Committee consist of 10 to 20 individuals representing all stakeholder groups including operators and sector representatives from within the Region including political appointees and representation from the Economic Development Commission.
3. That Economic Development Commission member Mike Kelly be appointed as the Economic Development Commission representative on the Tourism Cowichan Restructure Committee.

Opposed: Directors Marcotte, Duncan and Weaver

**MOTION CARRIED**

**CR6** The report and recommendation from the Kerry Park Recreation Commission meeting of January 24, 2012 listing one item was considered.

**12-053** It was moved and seconded that the Cowichan Valley Regional District Board authorizes the submission of a grant application to the Celebrate Canada Committee for British Columbia c/o Canadian Heritage for funds to host the Canada Day Celebration in the South Cowichan Area.

**MOTION CARRIED**

**STAFF REPORTS**

**SR1** The Staff Report from the Manager, Recycling and Waste Management, dated January 31, 2012 re: Provincial Legislation for Declared Nuisances was considered.

**12-054** It was moved and seconded that the following resolution be submitted to AVICC and UBCM:

**WHEREAS** there is no legislation in place that allows Regional District to take measures to address 'declared nuisances';

**AND WHEREAS** many residents have expressed grave concern regarding impacts from odours that are produced from composting facilities in the Cowichan Valley Regional District;

**NOW THEREFORE BE IT RESOLVED** that the Province of British Columbia be requested to introduce legislation that would allow a Regional District to take measures to address 'declared nuisance'.

**MOTION CARRIED**

**SR2** The Staff Report from the Manager, Recycling and Waste Management dated January 31, 2012 re: Revised Amendment to Bylaw 2570 - Waste Stream Management Licensing was considered.

**12-055** It was moved and seconded that CVRD Bylaw No. 3556 - Waste Stream Management Licensing Amendment Bylaw, 2012 be considered for three readings and, following Ministerial approval, be adopted.

**MOTION CARRIED**

**SR3** The Staff Report from the Project Manager, Capital Projects dated February 7, 2012 re: Lambourn Estates Water and Sewer Service Areas Amendment Request - Ellefson was considered.

**12-056** It was moved and seconded:

**1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Lambourn Estates sewer and water service areas be received.**

2. That CVRD Bylaw No. 3052 - Lambourn Estates Sewer System Service Establishment Bylaw, 2008, be amended to include "*PID 027-634-434, Lot 1, Section 4, Range 7, Plan VIP85643, Cowichan District*".
3. That CVRD Bylaw No. 3034 - Lambourn Estates Water System Service Establishment Bylaw, 2008 be amended to include "*PID 027-634-434, Lot 1, Section 4, Range 7, Plan VIP85643, Cowichan District*".
4. That the amended bylaws be forwarded to the Board for consideration of three readings.
5. That the amendment bylaws not be considered for adoption until the following conditions have been met:
  1. A covenant be registered on the property title, addressing CVRD Planning concerns.
  2. A Lambourn Estates Sewer and Water Servicing Agreement be executed by each of the Developers and the CVRD.
  3. A Section 219 covenant be registered on the property title that limits the number of lots that can be subdivided to five and indicates that the remainder parcel cannot be further subdivided irrespective of provision of community water and sewer.

**MOTION CARRIED**

## **PUBLIC HEARINGS**

**PH1** Public Hearing Report and Minutes re: South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498 (Bamberton Business Park/Industrial), applicable to Electoral Area A - Mill Bay/Malahat, were considered.

**12-057** It was moved and seconded that the Public Hearing Report and Minutes re: South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498 (Bamberton Business Park/Industrial), applicable to Electoral Area A - Mill Bay/Malahat be received.

**MOTION CARRIED**

## **BYLAWS**

**B1**  
**12-058** It was moved and seconded that "CVRD Bylaw No. 3571 – CVRD Bylaw No. 3571 – Security Issuing (Loan Authorization Bylaw No. 3449 and Loan Authorization Bylaw No. 3458) Bylaw, 2012", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B1**  
**12-059** It was moved and seconded that "CVRD Bylaw No. 3571 – CVRD Bylaw No. 3571 – Security Issuing (Loan Authorization Bylaw No. 3449 and Loan Authorization Bylaw No. 3458) Bylaw, 2012", be adopted.

**MOTION CARRIED**



**B2  
12-060**                    It was moved and seconded that "CVRD Bylaw No. 3573 – North Oyster Fire Protection Service Amendment Bylaw, 2011", be adopted.

**MOTION CARRIED**

**B3  
12-061**                    It was moved and seconded that "CVRD Bylaw No. 3575 – Cowichan Valley Regional District Revenue Anticipation Borrowing Bylaw, 2012", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B3  
12-062**                    It was moved and seconded that "CVRD Bylaw No. 3575 – Cowichan Valley Regional District Revenue Anticipation Borrowing Bylaw, 2012", be adopted.

**MOTION CARRIED**

**B4  
12-063**                    It was moved and seconded that "CVRD Bylaw No. 3576 – Eagle Heights Fire Protection Service Amendment Bylaw, 2012", be adopted.

**MOTION CARRIED**

**B5  
12-064**                    It was moved and seconded that "CVRD Bylaw No. 3577 – Security Issuing (Loan Authorization Bylaw No. 1763) Bylaw, 2012", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B5  
12-065**                    It was moved and seconded that "CVRD Bylaw No. 3577 – Security Issuing (Loan Authorization Bylaw No. 1763) Bylaw, 2012", be adopted.

**MOTION CARRIED**

**B6  
12-066**                    It was moved and seconded that "CVRD Bylaw No. 3579 – Lambourn Estates Sewer System Service Amendment Bylaw (PID 001-098-241), 2012", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B7  
12-067**                    It was moved and seconded that "CVRD Bylaw No. 3580 – Lambourn Estates Water System Service Amendment Bylaw (PID 001-098-241), 2012", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B8  
12-068**                    It was moved and seconded that "CVRD Bylaw No. 3284 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Cherry Blossom Estates), 2009", be adopted.

**MOTION CARRIED**

**B9  
12-069**                    It was moved and seconded that "CVRD Bylaw No. 3285 – Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009", 3<sup>rd</sup> reading be rescinded.

**MOTION CARRIED**

**B9  
12-070** It was moved and seconded that "CVRD Bylaw No. 3285 – Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009", 2<sup>nd</sup> reading be rescinded.

**MOTION CARRIED**

**B9  
12-071** It was moved and seconded that "CVRD Bylaw No. 3285 – Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009", be granted 2<sup>nd</sup> reading as amended in accordance with EASC Recommendation No. 22.3

**MOTION CARRIED**

**B10  
12-072** It was moved and seconded that "CVRD Bylaw No. 3511 – South Cowichan Official Community Plan Amendment Bylaw (Bamberton Business Park/Industrial), 2011", be granted 3<sup>rd</sup> reading.

Opposed: Director Duncan

**MOTION CARRIED**

**B11  
12-073** It was moved and seconded that "CVRD Bylaw No. 3498 – Electoral Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Bamberton Business Park Industrial), 2011", be granted 3<sup>rd</sup> reading.

Opposed: Director Duncan

**MOTION CARRIED**

**12-074** It was moved and seconded that prior to consideration of adoption of Bylaws No. 3511 and 3498, staff be directed to work with the applicants to address covenant deficiencies, including but not limited to:

- Transfer of the McCurdy Point dedication at no cost to the CVRD;
- Limiting restrictions on the transfer of McCurdy Point lands to the prohibition on commercial and industrial use, with no positive obligations or indemnity;
- Removal of delegation authority to the General Manager of Planning and Development;
- Acceptance of the "as is, where is" transfer of McCurdy Point, but without additional positive obligations or release or indemnity to Bamberton;
- Inclusion of dedication as an option for protection of RAR and SEI areas upon agreement of the parties;
- Acceptance of a five year early termination clause for the Southlands covenant is not preferred but may be considered if modified to account for unfettered consideration and acceptable amendments rezoning applications;
- Ongoing monitoring of the Oceanview Improvement District's well, at the applicant's cost;
- Such other matters as discussed with the applicants and recommended by CVRD staff and legal counsel prior to the public hearing;

And further, that upon mutual agreement of the amended covenants, the Corporate Secretary and Regional Board Chair be authorized to execute the covenants on behalf of the CVRD.

Should mutual agreement not be achieved, staff are directed to prepare a report describing any outstanding covenant deficiencies.

**MOTION CARRIED**

**B12  
12-075**

It was moved and seconded that "CVRD Bylaw No. 3584 – Area B – Shawnigan Lake Zoning Amendment Bylaw (Creelman), 2012", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

**MOTION CARRIED**

## **RESOLUTIONS**

**RES1  
12-076**

It was moved and seconded that the following appointments to the Electoral Area E - Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission be approved:

**Elected for a Term to Expire November 30, 2012:**

Jeff Hunter  
Patty John  
Frank McCorkell  
Paul Slade  
Ron Smith

**Appointed for a Term to Expire November 30, 2012:**

Irene Evans  
Howard Heyd  
Mike Lees  
Larry Whetstone

**MOTION CARRIED**

**RES2  
12-077**

It was moved and seconded that the following appointments to the Electoral Area G - Saltair/Gulf Islands Parks Commission be approved:

**Appointed for a Term to Expire December 31, 2012:**

Paul Bottomley  
Harry Brunt  
Tim Godau  
Glen Hammond  
Dave Key  
Jackie Rieck  
Kelly Schellenberg  
Hans Nelles  
Christine Nelles

**MOTION CARRIED**

**RES3  
12-078**

It was moved and seconded that the following appointments to the Electoral Area G - Saltair/Gulf Islands Advisory Planning Commission be approved:

**Appointed for a Term to Expire November 30, 2012:**

Ruth Blake  
Ted Brown  
Gary Dykema  
Karen Porter  
John Silins

**MOTION CARRIED**

**RES4  
12-079**

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

**Appointed for a Term to Expire November 30, 2012:**

Ted Kaesse

**MOTION CARRIED****UNFINISHED BUSINESS**

**UF1**

Director Marcotte - Smart Meters

**12-080**

It was moved and seconded that staff contact the Union of British Columbia Municipalities and request that they provide a report on the progress and disposition of 2011 Resolution No. B174 - BC HYDRO WIRELESS SMART METERS.

**MOTION CARRIED****NEW BUSINESS**

**NB1**

**12-081**

It was moved and seconded that the following appointments to the Electoral Area A - Mill Bay/Malahat Parks & Recreation Commission be approved:

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

David Gall  
Clyde Ogilvie  
Joan Pope

**MOTION CARRIED**

**NB2**

**12-082**

It was moved and seconded that the following appointment to the Electoral Area C - Cobble Hill Parks and Recreation Commission be approved:

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

Alan Seal  
Al Garside  
Jennifer Symons

**MOTION CARRIED****QUESTION PERIOD**

**8:33 pm**

Directors Walker, Fraser, Giles, Duncan, Morrison, Dorey Marcotte and Weaver left the Board Room at 8:33 pm thereby resulting in a loss of quorum. The meeting recessed at 8:33 pm until the return of quorum.

**8:35 pm** Directors Walker, Fraser, Giles, Duncan, Morrison, Dorey Marcotte and Weaver returned to the Board Room at 8:35 pm resulting in the return of quorum and the meeting resumed.

**RESOLVING INTO  
CLOSED SESSION**

**12-083** It was moved and seconded that the meeting be closed to the public  
**8:35 pm** in accordance with the Community Charter Part 4, Division 3, Section 90, Subsections (1) (c) Employee Relations; (1) (f) Legal Action; (1) (a) Potential Appointments; and (1) (e) Land Acquisition.

**MOTION CARRIED**

**RISE FROM  
CLOSED SESSION**

**12-091** It was moved and seconded that the Board rise with report on  
**8:50 pm** Closed Session Items CSCR3 and SCNB1, Potential Appointments and return to the Regular portion of the meeting.

**MOTION CARRIED**

**12-088** It was moved and seconded that Roger Hart be appointed the Environment Commission representative to the Economic Development Commission for a term of one year.

**MOTION CARRIED**

**12-089** It was moved and seconded that the following appointments to the Regional Agricultural Advisory Commission be approved:

**Appointed for a Term to Expire December 31, 2014:**

Joanne McLeod, Nanaimo Cedar Farmer's Institute  
Ian Christison, Shawnigan Cobble Hill Farmer's Institute  
Bob Crowford, Cowichan Agricultural Society  
Wayne Haddow, Regional Agrologist, Ministry of Agriculture

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

Mick Smith, Duncan Farmer's Market  
Pat Durose, Farm Credit Canada  
Rodger Hunter, Cowichan Watershed Board  
Dave Thomson, District A Farmer's Institute  
Fred Oud, Cowichan Exhibition Society

**MOTION CARRIED**

**ADJOURNMENT**

**12-092** It was moved and seconded that the Regular Board meeting be  
**8:50 pm** adjourned.

**MOTION CARRIED**

The meeting adjourned at 8:50 pm

Certified Correct:

\_\_\_\_\_  
Chairperson

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

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