

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, March 25, 2009 at 6:00 pm

PRESENT: Chair G. Giles,
Directors 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
Alternate Directors R. Hartmann and G. Gutensohn

ALSO Warren Jones, Administrator
PRESENT: Joe Barry, Corporate Secretary
Mark Kueber, General Manager Corporate Services Dept.
Ron Austen, General Manager,
Parks, Recreation and Culture Dept.
Dan Derby, General Manager Public Safety Dept.
Brian Farquhar, Manager Parks & Trails Division

ABSENT: Directors K. Cossey and T. Walker

APPROVAL OF AGENDA

09-170

It was moved and seconded that the agenda be amended with the:

- 1. Addition of New Business item NB1 - Staff Report from the Parks Operations Superintendent, and**
- 2. The referral of item B6 - CVRD Bylaw No. 3258 - Air Pollution Control Service Establishment Bylaw, 2009 to the April 8th Board meeting,**

and that the agenda, as amended, be approved.

MOTION CARRIED

REPORT OF CHAIRPERSON

RC1

Appointment to the Community Safety Advisory Committee.

The Chair advised that she has appointed Candace Spilsbury as the Cowichan Valley School District No. 79 representative on the Community Safety Advisory Committee.

COMMITTEE REPORTS

C1 Report and Recommendations of the Electoral Area Services Committee meeting of March 17, 2009 listing seventeen items, was considered.

09-171 It was moved and seconded:

1. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$750 be given to Cowichan Secondary School to provide a bursary to a student residing in Area D.
2. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$750 be given to Frances Kelsey Secondary School to provide a bursary to a student residing in Area D.
3. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$250 be given to Pacific Coast Masters Curling Association to assist with fundraising to hold a senior men's curling competition.
4. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$350 be given to bard@ brentwood to assist with their 2009 play production costs.
5. That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$250 be given to bard@ brentwood to assist with their 2009 play production costs.
6. That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount or \$250 be given to Pacific Coast Masters Curling Association to assist with fundraising to hold a senior men's curling competition.
7. That CVRD Bylaw No. 1238 – Electoral Area D Cowichan Bay Parks and Recreation Commission, 1989, be amended by deleting the requirement for one member to be appointed from the Cowichan Bay Waterworks District, and that the appointed members by the Electoral Area Director be increased from two (2) to three (3) members; and further, that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
9. That the Ministry of Transportation be requested to install appropriate concrete sound barrier fencing along the Diamond Bridge area.

MOTION CARRIED

09-172

It was moved and seconded:

8. That the Ministry of Transportation be requested to replace the inappropriate chain link and vinyl fencing along the Trans Canada Highway through Mill Bay with proper concrete sound barrier fencing.

MOTION CARRIED

09-173

It was moved and seconded:

10. That Application No. 7-A-08DVP by Tom Jarvis for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 2000, to decrease the setback to a front lot line to 0.02 m. (0.06 ft.) and decrease the exterior side lot line to 0.0 m. (0.0 ft) on Lot 3, District Lot 79, Malahat District, Plan 13099, PID004-716-655, be approved, subject to a fence being constructed along the edge of the property, and submission of a structural engineer's report if required.
- 13.1. That Zoning Amendment Application No. 2-D-08RS (Wessex Inn) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws and a draft housing agreement.
2. That the applicant provide confirmation from the Engineering and Environmental Services Department that the subject property has a sufficient number of sewer units to service the proposed residential conversion prior to scheduling and notification of the public meeting.
3. That dedication of the land south of RW1961 to the CVRD for protection of Blue Heron habitat be a condition of rezoning approval.
- 14.1. That Application No. 1-C-09RS by South Cowichan Storage Ltd. be approved subject to the following:
 - That a restrictive covenant be registered on title to ensure all outdoor storage uses discontinue by the year 2015;
 - That a screen slat be inserted into the chain link fence;
 - That the landscape buffer between the subject property and School District 79 property be provided;
 - That diapers and drip pans be utilized and maintained on all RV's;
 - That outdoor storage be limited to RV's and boats only.
2. That "outdoor storage" be added as a permitted use in the I-1B Zone in proposed Zoning Amendment Bylaw No. 3142; that second reading of Bylaw 3142 be rescinded, and that Bylaw 3142, as amended, be presented to the Board for consideration of second reading.

3. That a Public Hearing be arranged respecting Official Community Plan Amendment Bylaw No. 3141 and Zoning Amendment Bylaw No. 3142, and that Directors Giles, Cossey and Harrison be delegated to the hearing.
 4. That the referral of the proposed amendments to the Ministry of Transportation and Infrastructure, Ministry of Community Development, and also Cobble Hill Improvement District, be accepted.
- 15.1. That Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by replacing the present Public Land Dedication regulation for the purposes of parklands in fully serviced areas with a new one that would grant up to 50% reductions in lot area requirements, provided appropriate servicing is in place, where lands over and above the 5% Section 941 park requirement are accepted by the CVRD as either community or regional parkland; and that the amendment bylaw be forwarded to the Board for consideration of 1st and 2nd readings;
2. That a public hearing be arranged and that Director B. Harrison, Director K. Cossey, and Director G. Giles be delegated to the hearing;
 3. That referral of the proposal to the Ministries of Transportation and Community services, and the Vancouver Island Health Authority, be approved.
16. That CVRD Development Application Procedures and Fees Bylaw No. 2255 be amended by raising the supplementary fee schedule for residential, commercial and industrial land uses from \$100 per dwelling unit or 1000 square metres of commercial/industrial lot area proposed to \$120, and that the appropriate amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

09-174

It was moved and seconded:

11. That Application No. 2-D-09ALR by Anthony Van de Mortel made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a small suite on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

12. That Application No. 1-E-09ALR by Brian and Josephine Stokes made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a second dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

Opposed: Director Marcotte

MOTION CARRIED

09-175

It was moved and seconded:

17. That the Liquor Control and Licensing Branch be advised that it is the decision of the Cowichan Valley Regional District not to provide comment respecting the application by the Southside Inn to extend their hours of operation, and that the LCLB undertake the process of determining resident views of the proposed change.

MOTION CARRIED

CR2

Report and Recommendation of the Island Savings Centre Commission meeting of March 12, 2009 listing one item ,was considered.

09-176

That it be recommended that the CVRD Board approve reserve fund expenditures for the following projects already identified under the 2009 Island Savings Centre proposed budget as amended March 3, 2009: Parking Lot Paving; Landscaping; New Telephone Switch; New Ticketing System; and that the amount not exceed \$74,500.

MOTION CARRIED

STAFF REPORTS

SR1

Staff Report from the Planner III, dated March 13, 2009 re: OCP Amendment Bylaw No. 3222 (Elkington Estates/Makaroff/Gates) was considered for information.

SR2

Staff Report from the Manager, Community and Regional Planning Division dated March 17, 2009 re: Zoning Amendment Bylaw No. 3256 (Chemainus First Nations, Area H) was considered for information.

PUBLIC HEARINGS

PH1

Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3135 (applicable to Electoral Area H - North Oyster/Diamond) were considered.

09-177 It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3135 (applicable to Electoral Area H - North Oyster/Diamond) be received.

MOTION CARRIED

PH2 Public Hearing Report and Minutes re: Zoning Amendment Bylaw No. 3256 (applicable to Electoral Area H - North Oyster/Diamond) were considered.

09-178 It was moved and seconded that the Public Hearing Report and Minutes re: Zoning Amendment Bylaw No. 3256 (applicable to Electoral Area H - North Oyster/Diamond) be received.

MOTION CARRIED

BYLAWS

B1
09-179 It was moved and seconded that "CVRD Bylaw No. 3240 - Arbutus Mountain Estates Water System Management Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B1
09-180 It was moved and seconded that "CVRD Bylaw No. 3240 - Arbutus Mountain Estates Water System Management Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

B2
09-181 It was moved and seconded that "CVRD Bylaw No. 3253 - Cowichan Bay Sewer System Management Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B2
09-182 It was moved and seconded that "CVRD Bylaw No. 3253 - Cowichan Bay Sewer System Management Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

B3
09-183 It was moved and seconded that "CVRD Bylaw No. 3254 - Eagle Heights Sewer System Management Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B3
09-184** It was moved and seconded that "CVRD Bylaw No. 3254 - Eagle Heights Sewer System Management Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

**B4
09-185** It was moved and seconded that "CVRD Bylaw No. 3255 - Cobble Hill Sewer System Management Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B4
09-186** It was moved and seconded that "CVRD Bylaw No. 3255 - Cobble Hill Sewer System Management Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

**B5
09-187** It was moved and seconded that "CVRD Bylaw No. 3257 - Youbou Water System Management Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B5
09-188** It was moved and seconded that "CVRD Bylaw No. 3257 - Youbou Water System Management Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

B6 Referred, upon adoption of agenda, to the April 8, 2009 Board meeting (CVRD Bylaw No. 3258).

**B7
09-189** It was moved and seconded that "CVRD Bylaw No. 3261 - Five Year Financial Plan (2009 - 2013) Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

Opposed: Directors Duncan, Marcotte and Morrison

MOTION CARRIED

**B7
09-190** It was moved and seconded that "CVRD Bylaw No. 3261 - Five Year Financial Plan (2009 - 2013) Bylaw, 2009", be adopted.

Opposed: Directors Duncan, Marcotte and Morrison

MOTION CARRIED

**B8
09-191** **It was moved and seconded that "CVRD Bylaw No. 3135 - Area H - North Oyster/Diamond Official Community Plan amendment Bylaw (School Sites), 2008", be granted 3rd reading.**

MOTION CARRIED

**B8
09-192** **It was moved and seconded that "CVRD Bylaw No. 3135 - Area H - North Oyster/Diamond Official Community Plan amendment Bylaw (School Sites), 2008", be adopted.**

MOTION CARRIED

**B9
09-193** **It was moved and seconded that "CVRD Bylaw No. 3139 - Area E - Cowichan- Koksilah Official Community Plan Amendment Bylaw (Kaelble), 2008", be granted 3rd reading.**

Opposed: Directors Dorey, Duncan, Harrison, Iannidinarado, Kuhn,
Marcotte, Morrison and Giles and Alternate Director Gutensohn

MOTION DEFEATED

**B10
09-194** **It was moved and seconded that "CVRD Bylaw No. 3140 - Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Kaelble), 2008", be granted 3rd reading.**

Opposed: Directors Dorey, Duncan, Harrison, Iannidinarado, Kuhn,
Marcotte, Morrison and Giles and Alternate Director Gutensohn

MOTION DEFEATED

**B11
09-195** **It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", 2nd reading be RESCINDED.**

MOTION CARRIED

**B11
09-196** **It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", be amended in accordance with item SR1.**

MOTION CARRIED

**B11
09-197** It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", be granted 2nd reading as amended.

MOTION CARRIED

**B11
09-198** It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", 3rd reading.

MOTION CARRIED

**B11
09-199** It was moved and seconded that prior to adoption of "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", that the applicant meet the following conditions:

1. That the applicant provide (through statutory agreements) a detailed Fire Protection Plan, for the approval of the General Manager, CVRD Public Safety and the Malahat Volunteer Fire Chief. The Plan should include a service area, to be included in the Malahat Fire Protection Area, Equipment, Fire Hall, Water Supply, Infrastructure and the phasing of fire protection infrastructure and equipment.
2. That the applicant construct shared sewage treatment systems for each of the proposed hamlet areas to the specifications of the CVRD Engineering and Environmental Services Department, with effluent quality to meet Class A requirements for ground discharge and further, the application will consider reuse options.
3. That the applicant construct a community water system serving the hamlet areas to the specifications of the CVRD Engineering and Environmental Services Department, which will be subject to a covenant that allows transfer of the system to the CVRD once, in the opinion of the CVRD Engineering and Environmental Services Department, the system has reach an economically viable size.
4. That the applicant provide a rainwater management system to the specifications of the CVRD Engineering and Environmental Services Department.

5. That conservation covenants and eco-forestry covenants be registered on the title of the subject property, to ensure that a minimum of 85% of the subject property is used for long term ecological protection and sustainable eco-forestry practices, and that the Land Conservancy of Canada and the CVRD be signatories to the covenant for ecological protection, and the Land Conservancy of Canada, the Forest Stewardship Council and the CVRD be signatories to the covenant for eco-forestry areas.
6. That the CVRD receive written notice from the Capital Regional district that the CRD Water Management Division does not oppose the development.
7. That restrictive covenants or like agreements be provided for the CVRD's acquisition of parkland and built park amenities as committed to by the applicant and agreed to by the CVRD, including parkland inclusive of trailhead parking and covered washroom/picnic shelter next to the Cowichan Valley Trail, a nature conservation park and lands for a sensitive conservation area.

MOTION CARRIED

**B12
09-200**

It was moved and seconded that "CVRD Bylaw No. 3223 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Living forest Planning Consultants/Elkington Estates), 2008", be granted 3rd reading.

MOTION CARRIED

**B13
09-201**

It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", 2nd reading. be **RESCINDED**.

MOTION CARRIED

**B13
09-202**

It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be amended in accordance with item SR2.

MOTION CARRIED

**B13
09-203**

It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be granted 2nd reading as amended.

MOTION CARRIED

B13
09-204 It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be granted 3rd reading.

MOTION CARRIED

B13
09-205 It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be adopted.

MOTION CARRIED

B14
09-206 It was moved and seconded that "CVRD Bylaw No. 3262 - Development Application Procedures and Fees Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B14
09-207 It was moved and seconded that "CVRD Bylaw No. 3262 - Development Application Procedures and Fees Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

B15
09-208 It was moved and seconded that "CVRD Bylaw No. 3263 - Area A - Mill Bay/Malahat Zoning Amendment Bylaw (Additional Parkland Regulation), 2009", be granted 1st and 2nd reading.

MOTION CARRIED

RESOLUTIONS

RES1
09-209 It was moved and seconded that the following appointments to the Electoral Area I - Youbou/Meade Creek Parks Commission be approved:

Term to expire December 31, 2009:

Appointed:

Sheny Gregory

Marcia Stewart

Daniel Nickel

MOTION CARRIED

NEW BUSINESS

NB1
Staff Report from the parks Operations Superintendent dated March 24, 2009 re: Electoral Area H Parks Maintenance Contract Award was considered.

09-210 **It was moved and seconded that the 2009-2010 electoral Area H Community Parks Maintenance Services Contract be awarded to I.L.S. Inc., of Ladysmith, based on the proposed bid of \$14,112.00 including GST, received Monday, December 15, 2008, pro-rated to an adjustment start date of April 1, 2009.**

MOTION CARRIED

ADJOURNMENT

09- 211 **It was moved and seconded that the Special Board meeting be**
6:29 pm **adjourned.**

MOTION CARRIED

The meeting adjourned at 6:29 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____