

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, August 1, 2012 at 6:04 pm

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

ALSO PRESENT: Warren Jones, Chief Administrative Officer
Joe Barry, Corporate Secretary
Brian Dennison, General Manager,
Engineering and Environmental Services
Dave Leitch, Manager, Water Management
Kate Miller, Manager, Regional Environmental Policy
John Elzinga, Manager, Island Savings Centre
Ilse Sarady, Environmental Technologist

**APPROVAL OF
AGENDA**

12-377

It was moved and seconded that the agenda be amended by deleting item CR5, and by adding the following New Business items:

NB1 Staff Report from Manager, Legislative Services re: Grant Application, Youth Dialogue and Action Project;

NB2 Staff Report from Manager, Legislative Services re: Cowichan Sportsplex, Proposed Annual Financial Contribution Service;

NB3 Staff Report from Project Engineer, Capital Projects re: Lambourn Estate Sewer – WWTP Salsnes Sole Source Purchase;

NB4 "CVRD Bylaw No. 3595 – Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (All Sports Lands Ltd.), 2012";

NB5 "CVRD Bylaw No. 3596 – Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (All Sports Lands Ltd.), 2012";

CSNB1 Multi-Jurisdictional Negotiations {Sub (2) (b)};

CSCR2 Provision of a Municipal Service {Sub (1) (k)}; and

that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

12-378 **It was moved and seconded that the minutes of the July 11, 2012 Regular Board meeting be adopted.**

MOTION CARRIED

REPORT OF CHAIRPERSON

RC1 **Presentation of Certificate of Commendation**

Chair Hutchins, on behalf of His Excellency the Right Honourable David Johnston, Governor General of Canada, presented Mr. Richard Ruppenthal with a Certificate of Commendation for recognition of his actions in the rescue of an elderly man from a burning house, in Chemainus, on July 22, 2008.

RC2 **Regional Energy Analysis**

Chair Hutchins invited Kate Miller, Manager, Environmental Policy Division, to provide the Board with an overview of the Regional Energy Analysis for the CVRD.

INFORMATION

IN1 **South Island Aggregates Waste Discharge Permit Application**

The Public Meeting Minutes re: South Island Aggregates (SIA), Waste Discharge Permit Application and Mining Permit Application, was received for information.

IN2 Active Earth Engineering Ltd. Correspondence re: Application for Authorization to Discharge Waste, 640 Stebbings Road, Shawnigan Lake BC (SIA) was considered.

12-379 **It was moved and seconded that:**

WHEREAS the Shawnigan Lake watershed, designated by government in 1995 as a "Community Watershed", is the sole domestic water supply of over 4500 residents with the majority drawing their water from Shawnigan Lake, either directly or through licensed water purveyors; and

WHEREAS the Shawnigan Community has a growing population that is placing ever greater demands on the surface water and aquifers of the area; and

WHEREAS the Shawnigan Basin is predicted to face increasing watershed instability through the balance of this century due to climate change; and

WHEREAS the CVRD is a formal water purveyor that provides lake water to a group of over 2000 Shawnigan residents to whom it is legally responsible for a safe water supply; and

WHEREAS the watershed area is already being extensively used for dumping of soils on private land without effective environmental monitoring or controls; and

WHEREAS the Ministry of Environment is dealing with a current application to use contaminated soils for reclamation of a mine lying within the headwaters of the Shawnigan Community Watershed; and

WHEREAS it cannot be guaranteed that seismic events, major storms or human error will not lead to future contamination of water from even the best current state-of-the art engineering designs; and

WHEREAS there are current examples of hazardous waste reaching unapproved dump sites within the Shawnigan Watershed that have not been immediately rectified; and

WHEREAS the Shawnigan Community bears the ultimate risks to the safety of its public water supply from any incident resulting in water contamination arising from contaminated soils being dumped in the watershed; and

WHEREAS community comment arising from the recent public meeting held by the Regional District on July 12, 2012 clearly indicated extensive concern for the security of the Shawnigan public water supply and the lack of support for taking additional risks; and

WHEREAS the Minister of Environment has acknowledged the seriousness of the contaminated soil dumping issue in his commitment to working collaboratively with the CVRD to address the issue of managing the movement of contaminated soils into the Regional District to ensure the safety of community water supplies;

BE IT RESOLVED that the Cowichan Valley Regional District indicate to the Provincial Government that it is strongly opposed to the deliberate permitting of the use of contaminated soil for land or mine reclamation or other purposes within the public domestic water supply watersheds of the region, including specifically the watershed of the Shawnigan Community; and

BE IT FURTHER RESOLVED that the CVRD indicate to the Ministry of Environment that it is opposed to the granting of a waste management permit to South Island Aggregates for the use of contaminated soil in the reclamation of their Stebbings Road Quarry lying within the provincially designated Shawnigan Community Watershed; and

BE IT FURTHER RESOLVED that the CVRD prepare the necessary bylaw to prohibit dumping of contaminated soil or waste in a designated community watershed that lies within the Regional

District; and

BE IT FURTHER RESOLVED that the collaborative working relationship between the CVRD and the Ministry of Environment be employed to determine how the CVRD bylaws and the provincial contaminated soil regulations can be harmonized and strengthened to prevent future risks to community domestic water supplies within the Region.

MOTION CARRIED

COMMITTEE REPORTS

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

12-380

It was moved and seconded:

1. 1. That the 2013-2017 Five Year Financial Plan objectives, as presented, be endorsed; and
2. That staff prepare budgets for the ten Regional Budgets reflecting both a 0% and a 1.5% increase and outline the effect on each service.
2. That CVRD staff, Dr. Paul Hasselback, Chief Medical Health Officer, and Directors for Electoral Areas A – Mill Bay /Malahat, B – Shawnigan Lake, C – Cobble Hill, D – Cowichan Bay, and possibly E – Cowichan Station/Sahtlam/Glenora meet with representatives from the three south end Improvement Districts in September or October to discuss outdoor burning and air quality.

MOTION CARRIED

CR2 The report and recommendations from the Electoral Area Services Committee meeting of July 31, 2012, listing ten items, were considered.

12-381

It was moved and seconded:

1. That staff seek a legal opinion regarding the non-conforming status of the former Seaside Trailer Park, located at 11255 Chemainus Road, in Electoral Area G – Saltair/Gulf Islands.
2. That Development Permit Application No. 7-B-12DP (Elkington Forest – Midlands Phase) be approved, and that a development permit be issued to Living Forests GP Ltd. for a 25 lot bare land strata subdivision and associated development subject to:
 1. Compliance with RAR assessment report for the Midlands Phase.
 2. Demarcation of SPEA boundaries with fencing and signage and submission of a post-development report prepared by a Qualified Environmental Professional prior to subdivision.
 3. Registration of a restrictive covenant to confirm permitted uses and to preclude further subdivision of the proposed lots.
 4. Registration of a restrictive covenant to preclude development of the identified Streamside Protection and

- Enhancement Areas and the protective zones identified in the RAR assessment report.
5. Compliance with Covenants CA1648147 and CA1648148 (Fire Protection).
 6. Compliance with Covenants CA1648144 and CA1648145 (Parks).
 7. Compliance with Covenant CA1648146 (Servicing).
 8. Demonstration that the applicable zoning bylaw has been amended to permit residential use of the subject lots and that proposed dwellings comply with criteria listed on Schedule 7 prior to issuance of a building permit.
 9. Submission and approval of a drainage design that incorporates the storm and rain water management concepts described in Schedule 8, prior to subdivision of lots in the Midlands Phase.
3. That Application No. 3-B-12DVP by Mike and Kari Thompson to vary Section 5.10 of Zoning Bylaw No. 985 by increasing the maximum permitted height of a fence from 1.2 metres to 1.8 metres along the front parcel line of Lot B, Shawnigan Suburban Lots, Shawnigan District, Plan 18509 (PID: 003-754-880), be approved.
 4. That application No. 8-E-12DP, submitted by Marbre Construction No. 8-E-12DP, for C&C Holdings, for construction of ten mini-warehouse buildings on Lot 1, Section 14, Range 6, Quamichan District, Plan 37379 (PID: 001-048-171) be approved, subject to the following conditions:
 1. Development is in substantial compliance with the attached plans.
 2. An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the landscaping costs, to be refunded after two years, if the plantings are successful and to the satisfaction of a qualified professional.
 3. Compliance with a rain and stormwater management plan prepared by a Qualified Professional at the time of building permit application, which is designed to promote low impact development techniques and onsite rainwater management.
 6. That the Regional District be authorized to amend the current Provincial Water Lot Lease No. 105062 located at the former Hayes site in Cowichan Bay (legally described as District Lot 160, Cowichan District) from a log sort use to a community use and enter into a renewable 10 year term.
 7. 1. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to enter into a Land Exchange Agreement with Alexander Jacob to equally subdivide a portion of his land (Lot 15, District Lot 107, Malahat District, Plan VIP63859) and a portion of CVRD land, (PARK, District Lot 107, Malahat District, Plan VIP57604) namely Fern Ridge Park and exchange them in order to complete a boundary adjustment between both lands.

2. That a bylaw be prepared authorizing an AAP process for approval of the electorate to subdivide and exchange the said lands.
3. That the Board Chair and Corporate Secretary be authorized to sign necessary documents in order to complete the subdivision and exchange of these lands.
9. That Condition 3 (iii) of Development Variance Permit No. 1-H-10DVP (McCullough) be amended to allow removal of trees #5 to #9, identified in the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011, subject to planting of ten new trees with a minimum height of 2.0 metres as well as planting five new Arbutus trees, which are native to the area and posting of an irrevocable letter of credit equivalent to 125% of tree installation, to be refunded after two years if the trees are successfully established, as determined by the General Manager of Planning & Development.

MOTION CARRIED

12-382

(Amended from original Committee recommendation):

It was moved and seconded:

5. That Application No. 1-C-12DP/VAR (Landmark Sign) be approved, and that a development permit with variance be issued to permit a free-standing sign with a maximum sign area of 9.7 m² for the Valleyview Centre on Lot 1, Section 18, Range 5, Shawnigan District, Plan 8038 (PID: 005-633-133), subject to reduction of the sign height to 5 metres.

Opposed: Director I. Morrison

MOTION CARRIED

12-383

It was moved and seconded:

8. That CVRD Board Resolution #12-098-4 dated March 14, 2012, regarding the possible disposition of Don's Park, be rescinded.
10. That the application from the Shawnigan Cobble Hill Farmers Institute and Agricultural Society to use the Cobble Hill Common property in Cobble Hill to stage displays and events as part of the 103rd Cobble Hill Fair on August 24 and 25, 2012, be approved subject to the following conditions:
 1. Proof of \$5,000,000 liability insurance that the Society has to cover the event which also identifies the CVRD named as additional insured.
 2. That the activities and use of the Common by the Society is per the layout plan provided July 26, 2012.
 3. That no displays or equipment are located on the planted berm and that the berm is cordoned off with temporary fencing to prevent the public from walking on the planted areas.

4. That the Society agrees to reimburse the CVRD for costs incurred to replace any damaged plants or damage to other recent improvements made within the Common incurred as a result of the Fair event.

MOTION CARRIED

CR3

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

12-384

It was moved and seconded:

1. 1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a water system service area and authorizing the borrowing of up to \$50,000 be received.
2. That Service Establishment and Loan Authorization Bylaws for Woodley Range Water System Service Area be prepared and forwarded to the CVRD Board for consideration of three readings, and following provincial approval, adoption.
3. That following adoption of the Service Establishment and Loan Authorization Bylaws, a Capital Reserve Fund Establishment Bylaw, a Parcel Tax Roll Bylaw and a Management Bylaw be prepared for the Woodley Range Water System, and that these bylaws be forwarded to the Board for consideration of three readings and adoption.
2. 1. That first stage approval and authorization of staff time be provided to investigate the takeover of the Fairbridge Water System, located in Electoral Area E, as requested by Doug McPhee, operator of the Fairbridge Strata Water Utility, 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:
 1. All lands with infrastructure works are to be transferred to the CVRD, or, if not possible be placed within registered Statutory Rights-of-Way, using the CVRD's standard charge terms.
 2. A utility transfer agreement be executed between the CVRD and the owner.
 3. A CVRD review of the system be undertaken in order to address deficiencies in the water system.
 4. The owner of the utility be willing to transfer the system to the CVRD.
 5. A public consultation process regarding CVRD takeover be undertaken.
 6. 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.

7. This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed; and further
 2. That an assessment of the system be carried out, funded to a maximum cost of \$15,000 from the CVRD Feasibility Study Function and repaid upon establishment of a CVRD function for this water system.
 3. That, upon completion of a successful petition process, bylaws be prepared to create a service area for this utility.
3. 1. That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Lanes Road Drainage Service Area be received.
 2. That "CVRD Bylaw No. 3078 – Lanes Road Drainage System Service Establishment Bylaw, 2008", be amended to include "PID: 001-098-241, Lot 3, Section 4, Range 6, Plan 32129, Cowichan District".
 3. That the amended bylaw be forwarded to the Board for consideration of three readings and adoption.
4. 1. That a bylaw be prepared to amend "CVRD Bylaw No. 2137 – Electoral Area A – Mill Bay/Malahat Critical Location Street Lighting Service Establishment Bylaw, 2001", to increase the maximum requisition limit from \$2,000 to \$5,000.
 2. That the amendment bylaw be forwarded to the Board for consideration of three readings and, following provincial and voter approval, adoption.
 3. That voter approval for adoption of the amendment bylaw be obtained through an Alternative Approval Process.
5. 1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a water system service area and authorizing the borrowing of up to \$85,000.00, be received.
 2. That Service Establishment and Loan Authorization Bylaw for the Shellwood Water System Service Area be prepared and forwarded to the CVRD Board for consideration of three readings and, following provincial approval, adoption.
 3. That, following adoption of the Service Establishment and Loan Authorization Bylaws, a Capital Reserve Fund Establishment Bylaw, a Parcel Tax Roll Bylaw and a Management Bylaw be prepared for the Shellwood Water System, and that these bylaws be forwarded to the Board for consideration of three readings and adoption.
6. 1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a water system service area and authorizing the borrowing of up to \$50,000.00, be received.
 2. That Service Establishment and Loan Authorization Bylaws for the Carlton Water System Service Area be prepared and

forwarded to the Board for consideration of three readings and, following provincial approval, adoption.

3. That, following adoption of the Service Establishment and Loan Authorization Bylaws, a Capital Reserve Fund Establishment Bylaw, a Parcel Tax Roll Bylaw and a Management Bylaw be prepared for the Carlton Water System, and that these bylaws forwarded to the Board for consideration of three readings and adoption.

7. That the CVRD apply a Water Conservation Fee of \$10,000 per connection to properties requesting inclusion into the Shawnigan Lake North Water System Service Area, lying within the Village Containment Area in the South Cowichan Official Community Plan, for the purpose of continued funding of the *Water Conservation, Metering and Backflow Prevention Program*.

MOTION CARRIED

CR4 The report and recommendation from the Island Savings Centre Commission meeting of July 12, 2012, listing one item, was considered.

12-385 It was moved and seconded that the CVRD Board enter into a 5-year Licence of Occupation for parking areas at the Island Savings Centre with the District of North Cowichan and the City of Duncan, beginning July 1, 2012 and ending June 30, 2017 at a fee of \$1 per year; and further, that the CVRD Board Chair and Corporate Secretary be authorized to sign the Licence of Occupation.

MOTION CARRIED

CR5 Item CR5 was deleted during adoption of the agenda.

CR6 The report and recommendations from the Transit Committee meeting of August 1, 2012, listing two items, were considered.

12-386 It was moved and seconded:

1. That the Board support the use of available transit buses not in regular operation during the 2016 or 2018 BC Summer Games to transport BC Summer Games participants at no cost to the Host Society or BC Games Society, except for incremental costs associated with use of the buses including fuel and insurance and possibly wages if not volunteered.
2. That cash fares on the Cowichan Valley Regional Transit System, both conventional and handyDART, be reduced to zero (no charge) during the four event days of the 2016 or 2018 games, if Cowichan is successful in their bid to host the games.

MOTION CARRIED

STAFF REPORTS

SR1 The Staff Report from the Planner I, Planning & Development Department, dated July 18, 2012, re: Rezoning Application 1-F-11Rs (All Sports Lands Ltd.) was received for information.

SR2 The Staff Report from Planner II, Planning & Development Department, dated July 24, 2012, re: Temporary Use Permit Application 1-A-11TUP (Malahat Holdings Ltd.) was considered.

12-387 It was moved and seconded that the application from Malahat Holdings Ltd. for a Temporary Use Permit to allow rock processing on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86317 be referred back to staff to arrange a meeting that includes staff, the proponent and First Nations representation; and further, that staff report back to the Board.

MOTION CARRIED

BYLAWS

B1 It was moved and seconded that "CVRD Bylaw No. 3617 – Lambourn
12-388 Estates Water System Capital Reserve Fund Expenditure (Reservoir and Water Treatment System Upgrades) Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B1 It was moved and seconded that "CVRD Bylaw No. 3617 – Lambourn
12-389 Estates Water System Capital Reserve Fund Expenditure (Reservoir and Water Treatment System Upgrades) Bylaw, 2012", be adopted.

MOTION CARRIED

B2 It was moved and seconded that "CVRD Bylaw No. 3618 – Kerry
12-390 Park Recreation Centre Reserve Fund Expenditure (Sewer System Upgrades) Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B2 It was moved and seconded that "CVRD Bylaw No. 3618 – Kerry
12-391 Park Recreation Centre Reserve Fund Expenditure (Sewer System Upgrades) Bylaw, 2012", be adopted.

MOTION CARRIED

B3 It was moved and seconded that "CVRD Bylaw No. 3616 – Woodley
12-392 Range Water System Service Establishment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B4 It was moved and seconded that "CVRD Bylaw No. 3623 – Woodley
12-393 Range Water System Service Loan Authorization Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B5 It was moved and seconded that "CVRD Bylaw No. 3624 –
12-394 Shellwood Water System Service Establishment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B6 It was moved and seconded that "CVRD Bylaw No. 3625 –
12-395 Shellwood Water System Service Loan Authorization Bylaw, 2012",

be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B7
12-396 It was moved and seconded that "CVRD Bylaw No. 3626 – Lanes Road Drainage System Service Amendment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B8
12-397 It was moved and seconded that "CVRD Bylaw No. 3627 – Carlton Water System Service Establishment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B9
12-398 It was moved and seconded that "CVRD Bylaw No. 3628 – Carlton Water System Service Loan Authorization Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

NEW BUSINESS

NB1 The Staff Report from the Manager, Legislative Services dated July 27, 2012, re: Youth Dialogue and Action Project – Phase 2 was considered.

12-399 It was moved and seconded that the Board supports the submission of grant applications to Status of Women Canada and the Vancouver Foundation for Phase 2 of the Youth Dialogue and Action Project.

MOTION CARRIED

NB2 The Staff Report from the Manager, Legislative Services dated July 27, 2012, re: Cowichan Sportsplex - Proposed Annual Financial Contribution Service was considered.

12-400 It was moved and seconded that a poll be conducted to determine which CVRD member municipalities and electoral areas are interested in participating in an annual financial contribution service to requisition \$146,000 in 2013 to assist with funding the Cowichan Sportsplex.

Opposed: Directors M. Marcotte and P. Weaver

MOTION CARRIED

NB3 The Staff Report from the Project Engineer, Capital Projects dated July 31, 2012, re: Lambourn Estates Sewer – WWTP Salsnes Sole Source Purchase was considered.

12-401 It was moved and seconded that the Board approve the sole source purchase of a Salsnes SF 2000 screen to remove solid material from the influent to the Lambourn Estates wastewater treatment plant for the purchase price of \$111,000, as there is an absence of competition that meets the technical requirements for provision of this screen.

MOTION CARRIED

NB4 CVRD Bylaw No. 3595 Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (All Sports Lands Ltd.), 2012 was considered.

12-402 It was moved and seconded that "CVRD Bylaw No. 3595 Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (All Sports Lands Ltd.), 2012", be granted 3rd reading.

MOTION CARRIED

NB5 CVRD Bylaw No. 3596 Electoral Area F – Cowichan Lake South/Skutz Falls Official Zoning Amendment Bylaw (All Sports Lands Ltd.), 2012 was considered.

12-403 It was moved and seconded that "CVRD Bylaw No. 3596 Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (All Sports Lands Ltd.), 2012", be granted 3rd reading as amended by adding the following that would amend Section 1.3 – Definitions of Bylaw No. 2600: "Abattoir means the use of land, buildings or structure for the slaughter of livestock, animals, fish, poultry and other fowl and the preliminary processing of animal carcasses"; and further, by deleting the comma after the words "fish processing" in Section 5.19 (1) (e).

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

12-404 It was moved and seconded that the meeting be closed to the public
8:26 pm in accordance with the *Community Charter* Part 4, Division 3, Section 90, {Sub (1) (e)} Land Acquisition; {Sub (1) (g)} Potential Litigation; {Sub (1) (k)} Provision of a Municipal Service; and {Sub (2) (b)} Multi-Jurisdictional Negotiations.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

12-410 It was moved and seconded that the Board rise with report on items
10:34 pm SNB1 and CSCR2, when appropriate, and return to the Regular portion of the meeting.

MOTION CARRIED

ADJOURNMENT

12-411 It was moved and seconded that the Regular Board meeting be
10:34 pm adjourned.

MOTION CARRIED

The meeting adjourned at 10:34 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____