

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, October 10, 2012 at 6:00 pm.

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

ALSO PRESENT: Warren Jones, Chief Administrative Officer
Joe Barry, Corporate Secretary
Brian Dennison, General Manager,
Engineering & Environmental Services
Kate Miller, Manager, Regional Environmental Policy
Jason Adair, Solid Waste Operations Superintendent

ABSENT: Director P. Kent

**APPROVAL OF
AGENDA**

12-455

It was moved and seconded that the agenda be amended with the addition of six New Business items as follows:

**NB1 Staff Report from the Manager of Recycling & Waste Management
Re: Recent Awarding of Requests for Proposals – Board Ratification;**

**NB2 Staff Report from the Legislative Services Coordinator, Corporate Services
Re: Bylaw No. 3630 – Malahat Fire Protection Loan Authorization; and Bylaw No. 3634 – Electoral Area A – Mill Bay/Malahat Critical Location Streetlighting Service Requisition Limit Increase – Alternative Approval Process Deadline;**

**NB3 Correspondence from Greyhound Canada Transportation
Re: Proposed Change in Route Frequency;**

**NB4 Grant in Aid Request, Area B - Shawnigan Lake
Re: Shawnigan Cobble Hill Farmers Institute;**

**NB5 Grant in Aid Request, Area B - Shawnigan Lake
Re: Shawnigan Basin Society;**

CSNB1 Land Acquisition, {Sub (1) (e)}; and

that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

12-456 **It was moved and seconded that the minutes of the September 12, 2012 Regular Board meeting be adopted.**

MOTION CARRIED

REPORT OF CHAIRPERSON

RC1 The Chair provided the Board with an update on the Cowichan District Hospital.

RC2 The Chair provided the Board with updated information on the deposition of contaminated soils in the Cowichan Valley. The Chair focused on the relocation of soils from BC Hydro's Rock Bay site and ongoing discussions with the Minister of Environment.

RC3 The Chair advised the Board of the status of the Cowichan River levels and the progress of discussions to regulate the weir.

RC4 The Chair announced that Director Dorey was going to lead a special presentation to a Saltair resident. Directory Dorey introduced Christine Hammersley of the Saltair Ratepayers Association, who provided background on the Saltair Community Service Award. In conjunction with Director Dorey, Ms. Hammersley presented the award to this year's recipient Nadi Bottomley.

**INFORMATION
IN1**

Cowichan Watershed Board September 6, 2012 Draft Meeting Minutes

12-457 **It was moved and seconded that the request from the Cowichan Watershed Board be referred to staff to determine the vehicle, method and process to undertake effective management of the Cowichan Basin and to report back to the CVRD Board at the earliest possible convenience.**

MOTION CARRIED

COMMITTEE REPORTS

CR1 The report and recommendations from the Electoral Area Services Committee meeting of September 18, 2012 listing nine items were considered.

12-458 **It was moved and seconded:**

- 1. That a letter be forwarded to the Ministry of Environment in response to Contaminated Soil Relocation Application referral (Scansa Construction Ltd.), advising of CVRD Board Resolution #12-379 dated August 1, 2012, and noting appreciation for their collaborative approach but reiterating the Board's stance 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; and further, that a similar letter be forwarded to the Minister of Environment including a statement that if the Ministry continues to permit movement of contaminated soils into community watersheds in the Regional District they are putting their collaborative arrangement with the CVRD in jeopardy and that the CVRD is willing to work with them on alternative sites but are adamantly opposed to the continued contamination of community watersheds.

3. That the resignation of Dave Charney and Gillian Scott from the Area I Parks Commission be accepted, and that a letter of appreciation be forwarded to Mr. Charney and Mrs. Scott.
4. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to renew the non-exclusive right-of-way licence agreements with the Ministry of Transportation for Elliot's Beach Park (PS100800) and the Michael Lake Walkway (PS100801) in Electoral Area H (North Oyster/Diamond) for a further five years (2012-2017).

MOTION CARRIED

12-459

2. 1. That the Province consider implementing province wide regulations that permit local governments to opt into a modified building code that will require an increased level of energy efficiency in order for the CVRD to comply with provincial energy and greenhouse regulations, OR,
2. That the Cowichan Valley Regional Board request the Province to immediately consider under concurrent authority allowing the CVRD to develop a modified building code that will require an increased level of energy efficiency in order for the CVRD to comply with provincial energy and greenhouse gas regulations.

It was moved and seconded that Resolution No. 2 be referred back to the EASC for further review.

MOTION CARRIED

12-460

It was moved and seconded:

5. That the OCP and Zoning Amendment bylaws for Application No. 1-B-012RS (Living Forest Planning Consultants) be drafted and forwarded to the Board for consideration of 1st and 2nd reading, and that a public hearing be scheduled with Directors Fraser, Walker, and Marcotte appointed as delegates.
6. That a public hearing be scheduled respecting Application No. 2-B-10RS (Conner) and that Directors Fraser, Giles and Morrison be appointed as delegates of the Board.
7. That Application No. 4-C-12DP submitted by Arthur Ingham for George Robbins on Parcel B (DD36616I) of Sections 14 and 15, Range 5, Shawnigan District (PID 009-462-333) for subdivision

of one new lot be approved subject to subdivision being in substantial compliance with the approved plans and RAR report No. 2506.

8.
 1. That draft bylaws for Rezoning Application 3-E-08RS (CVRD for Camp Creina) be forwarded to the Board for 1st and 2nd reading;
 2. That a public hearing be scheduled for the amendment bylaws with Directors Duncan, Fraser and Giles appointed as Board delegates; and
 3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, Ministry of Community Services, Ministry of Forests, Ministry of Environment, Cowichan Tribes, Cowichan Bay Volunteer Fire Department, and Agricultural Land Commission be accepted.
9. That the appropriate zoning amendment bylaw be prepared that would add “funeral home” to the I-1 Zone of the Electoral Area E Zoning Bylaw, and that the amendment bylaw be forwarded to the Regional Board for consideration of first and second reading; and further, that the public hearing for the zoning amendment be waived.

MOTION CARRIED

CR2

The report and recommendations from the Electoral Area Services Committee meeting of October 2, 2012 listing 12 items were considered.

12-461

It was moved and seconded:

1. That Allan Garside and Pat Caporale be appointed to the Cobble Hill Commons Project Advisory Committee.
2. That a grant in aid, Area E – Cowichan Station / Sahtlam / Glenora, in the amount of \$500 be given to BC Farm Women’s Network to assist with their 25th annual seminar.
3. That a grant in aid, Area A – Mill Bay/Malahat, in the amount of \$500 be given to Shawnigan Cobble Hill Farmers Institute to assist with establishing a senior’s drop in centre.
4. That a grant in aid, Area C – Cobble Hill, in the amount of \$1,000 be given to Shawnigan Cobble Hill Farmers Institute to assist with establishing a senior’s drop in centre.
5. That the request from South Island Mountain Bike Society to host the 2nd annual Take-A-Kid-Mountain Biking Day event on Sunday, October 14, 2012, at Quarry Nature Park, be approved.

MOTION CARRIED

12-462

It was moved and seconded:

6. That Application No. 13-B-12DP submitted by Craig and Preston Partridge for that part of Lot 4, Block 31, Shawnigan Lake Suburban lots, Shawnigan District, Plan 218A, lying to the south of a straight boundary joining points on the easterly and westerly boundaries of said lot distant 2.5 chains respectively from the north east and south west corners of said lot, for subdivision of one new lot be approved subject to:
 - a) Substantial compliance with the rainwater management plan prepared by Dennis Lowen, dated June 27, 2012;
 - b) Substantial compliance with the eagle nest protection report prepared by Susan Blundell, dated September 3, 2012;
 - c) Substantial compliance with the invasive species report prepared by Bernie Dinter, dated July 12, 2012; and
 - d) Submission of a letter of credit amounting to 125% of invasive species removal costs, as identified by a qualified professional, to be held by the CVRD and either refunded upon a qualified professional deeming the invasive species removal to have been successful, or used to complete the required works.
7. That Application No. 5-B-12DP submitted by Kenyon Wilson Professional Land Surveyors on the west 6 chains of Section 8, Range 6, Shawnigan District (PID: 009-461-922), for subdivision of one new lot be approved subject to:
 - a) Retention of all existing trees, other than danger trees or those which must be cleared for agricultural purposes;
 - b) Driveways remaining unpaved;
 - c) Ongoing invasive species removal; and
 - d) Compliance with the recommendations within Riparian Area Report No. 2344, prepared by Ted Burns, dated April 20, 2012 and revised May 19, 2012.
8. That Application No. 15-B-12DP/RAR submitted by Don Calveley and Robyn Smale for construction of a dwelling and accessory building on Lot A, Shawnigan Lake Suburban Lots, Malahat District, Plan VIP68532 (PID: 024-395-269) be approved subject to:
 - a) Submission of a letter of credit or other security in a form acceptable to the CVRD in the amount of 125% of the costs of the riparian restoration;
 - b) Compliance with the recommendations in Riparian Areas Regulation Assessment No. 2478 prepared by Patrick Lucey, R.P. Bio amended September 14, 2012; and
 - c) Modification of covenant EN9570 to reflect the new SPEA boundary; and that no further development occur within the SPEA.

9. That Application No. 2-I-12DVP by Derrice Knight for a variance to Section 3.2(4) of Bylaw No. 2465, to permit an additional bathroom fixture consisting of a wash-up sink on Strata Lot 23, Block 180, Cowichan Lake District, Strata Plan VIS 5772 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (027-082-032) be approved, and that a covenant be registered prohibiting use of the accessory building as a dwelling or sleeping unit.
10. That the draft amendment bylaw to CVRD Development Application Procedures and Fees Bylaw No. 3275 (Permit Term Limit Extension) be forwarded to the Board for consideration of three readings and adoption.
11. That the Board Chair and Corporate Secretary be authorized to execute a Statutory Right of Way agreement in favour of the Regional District for the purpose of constructing and maintaining a trail within the Mill Springs subdivision in Area A – Mill Bay on lands legally described as District Lot 46, Malahat District, PID 009-355-723.
12. That a development plan/study for the existing six commercially zoned properties in Saltair be incorporated into the 2013 Planning and Development Department Work Plan.

MOTION CARRIED**CR3**

The report and recommendation from the Transit Committee meeting of October 10, 2012 listing one item was considered.

12-463

It was moved and seconded that staff be directed to prepare an amendment to Section 6 of CVRD Bylaw No. 1450 – Transit Establishment Bylaw, 1993 to change the allocation of the annual costs for providing transit service among the participating areas, commencing in 2013, from the current % amounts to an amount based on the Regional District of Nanaimo's formula with participating partners grouped in geographical zones - 40% population, 46% revenue hours and 14% kilometers, and further that the bylaw be forwarded to the CVRD Board for three readings and adoption.

(weighted vote of service participants)

Opposed: Directors Fraser, Giles, Hartmann, Lefebure, Lines,
Morrison and Walker

MOTION DEFEATED**SR1**

Staff Report from the Legislative Services Coordinator, Corporate Services Department Re: Bylaw No. 3607 - Curbside Collection Loan Authorization Alternate Approval Process Deadline, was considered.

- 12-464** It was moved and seconded that the deadline for responses to the Alternative Approval Process for Bylaw No. 3607 be set at 4:30 pm, Monday November 26, 2012.

Opposed: Director Marcotte

MOTION CARRIED

- SR2** Staff Report from the Chief Administrative Officer, Re: Establishment of Soil Relocation Committee was received for information.

- SR3** Staff Report from the Planner II, Development Services Division Re: Temporary Use Permit Application 1-A- 11TUP (Malahat Holdings Ltd), was considered.

- 12-465** It was moved and seconded that application 1-A-11TUP, to allow rock processing on 8.0 hectares of District Lot 72, Malahat District, except those parts in Plans 518W and 49974 and VIP86314, be approved and a temporary use permit be issued to Malahat Holdings Ltd for a three year period.

MOTION CARRIED

BYLAWS

- B1**
12-466 It was moved and seconded that "CVRD Bylaw No. 3616 – Woodley Range Water System Service Establishment Bylaw, 2012", be adopted.

MOTION CARRIED

- B2**
12-467 It was moved and seconded that "CVRD Bylaw No. 3623 – Woodley Range Water System Service Loan Authorization Bylaw, 2012", be adopted.

MOTION CARRIED

- B3**
12-468 It was moved and seconded that "CVRD Bylaw No. 3624 - Shellwood Water System Service Establishment Bylaw, 2012", be adopted.

MOTION CARRIED

- B4**
12-469 It was moved and seconded that "CVRD Bylaw No. 3625 - Shellwood Water System Service Loan Authorization Bylaw, 2012", be adopted.

MOTION CARRIED

- B5**
12-470 It was moved and seconded that "CVRD Bylaw No. 3627 – Carlton Water System Service Establishment Bylaw, 2012", be adopted.

MOTION CARRIED

- B6**
12-471 It was moved and seconded that "CVRD Bylaw No. 3628 – Carlton Water System Service Loan Authorization, 2012", be adopted.

MOTION CARRIED

- B7**
12-472 It was moved and seconded that "CVRD Bylaw No. 3638 – Park Land Exchange (Portion of Fern Ridge Park) Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B8
12-473 It was moved and seconded that "CVRD Bylaw No. 3639 - Shawnigan Beach Estates Sewer System Service Amendment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

BEA1
12-474 It was moved and seconded that "CVRD Bylaw No. 3569 – Area D – Cowichan Bay Official Settlement Plan Amendment Bylaw (Bennefield), 2011", be adopted.

MOTION CARRIED

BEA2
12-475 It was moved and seconded that "CVRD Bylaw No. 3570 – Area D- Cowichan Bay Zoning Amendment Bylaw (Bennefield), 2011", be adopted.

MOTION CARRIED

BEA3
12-476 It was moved and seconded that. "CVRD Bylaw No. 3642 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Funeral Home Use), 2012", be granted 1st and 2nd reading.

MOTION CARRIED

RESOLUTIONS

RES1 The proposed appointments to the Youbou/Meade Creek Parks Commission were not available and were deferred until the next Board meeting.

NEW BUSINESS

NB1 Staff Report from the Manager of Recycling & Waste Management, Re: Recent Awarding of Requests for Proposals – Board Ratification, was considered.

12-477 It was moved and seconded that the CVRD Board ratify the following waste management contracts, previously awarded by staff as a result of a Request for Proposals process:

1. ES-008-12 to Coast Environmental for Organic Yard and Garden Materials, at an annual cost of \$80,000;
2. ES-007-12 to Coast Environmental for Food Waste Processing, at an annual cost of \$180,000;
3. ES-010-12 to Johel Bros for Scrap Lumber and Wood Waste Processing, at an annual cost of \$55,000; and
4. ES-012-12 to Stone Pacific for Aggregate Construction Waste Processing, with costs based on volumes yet to be determined; and further,

that the Board Chair and Corporate Secretary be authorized to sign the above noted contracts.

MOTION CARRIED

NB2 Staff Report from the Legislative Services Coordinator, Corporate Services Re: Bylaw No. 3630 – Malahat Fire Protection Loan Authorization; and Bylaw No. 3634 – Electoral Area A – Mill Bay/Malahat Critical Location Streetlighting Service Requisition Limit Increase – Alternative Approval Process Deadline, was considered.

- 12-478 It was moved and seconded:
1. That the deadline for responses to the Alternative Approval Process for Bylaw No. 3630 be set at 4:30 pm, Monday November 26, 2012.
 2. That the deadline for responses to the Alternative Approval Process for Bylaw No. 3634 be set at 4:30 pm, Monday November 26, 2012.

MOTION CARRIED

- NB3 Correspondence from Greyhound Canada Transportation Re: Proposed Change in Route Frequency, was considered.

- 12-479 It was moved and seconded that the BC Passenger Transportation Board be advised that the Board of Directors of the Cowichan Valley Regional District have concerns with the proposed reduction and elimination of Greyhound Canada routes serving the citizens of the Cowichan Valley; and that the Board request further information from Greyhound Canada requesting annual passenger ridership numbers so that the Board can make an informed decision regarding the proposed reduction and elimination of routes.

MOTION CARRIED

- NB4 Grant in Aid Request, Area B - Shawnigan Lake Re: Shawnigan Cobble Hill Farmers Institute, was considered.

- 12-480 It was moved and seconded that a grant-in-aid, Area B – Shawnigan Lake, in the amount of \$250 be given to Shawnigan Cobble Hill Farmers Institute, for recreation purposes.

MOTION CARRIED

- NB5 Grant in Aid Request, Area B - Shawnigan Lake Re: Shawnigan Basin Society, was considered.

- 12-481 It was moved and seconded that a grant-in-aid, Area B – Shawnigan Lake, in the amount of \$1000 be given to Shawnigan Basin Society, to assist with costs to form a registered society that will support the Shawnigan Watershed Roundtable.

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

- 12-482
8:38 pm It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90, Subsections (1) (e) Land Acquisition, (1) (g) Litigation, and (1) (i) Legal Opinion.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

12-487 **It was moved and seconded that the Board rise without report, and**
9:18 pm **return to the Regular portion of the meeting.**

MOTION CARRIED

ADJOURNMENT

12-488 **It was moved and seconded that the Regular Board meeting be**
9:18 pm **adjourned.**

MOTION CARRIED

The meeting adjourned at 9:18 pm.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____