

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, April 8, 2009 at 6:00 pm

PRESENT: Chair G. Giles,
Directors K. Cossey, L. Duncan, B. Harrison,
D. Haywood, L. Iannidinardo, P. Kent,
K. Kuhn, M. Marcotte, T. McGonigle,
I. Morrison, G. Seymour and T. Walker
And Alternate Directors M. Dietrich and S. Arnett

ALSO Warren Jones, Administrator

PRESENT: Joe Barry, Corporate Secretary
Bob McDonald, Manager,
Recycling & Waste Management

ABSENT: Directors R. Hutchins and M. Dorey

**APPROVAL OF
AGENDA
09-212**

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

- NB1 Kerry Park Recreation Commission Report and Recommendation of March 24, 2009;**
- NB2 CVRD Bylaw No. 3258 - Air Pollution Control Service Establishment Bylaw, 2009, 1st, 2nd and 3rd reading;**
- NB3 CVRD Bylaw No. 3264 - Kerry Park Recreation Centre Commission Establishment Bylaw, 2009, first three readings and adoption;**
- NB4 CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008 - rescind 2nd reading, amend bylaw in accordance with EASC recommendation, and 2nd reading as amended;**
- NB5 CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009 - 2nd reading, amend bylaw in accordance with EASC recommendation, and 2nd reading as amended;**
- NB6 CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008 - 2nd reading, amend bylaw in accordance with EASC recommendation, and 2nd reading as amended;**
- NB7 Appointments to the Shawnigan Lake Community Centre Commission; and**
- CSNB1 Law Enforcement {Sub (1)(f)}, Potential Litigation {Sub (1)(g)} and Freedom of Information & Protection of Privacy {Sub (1)(j)}.**

and that the agenda as amended be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES
09-213**

It was moved and seconded that the minutes of the March 11, 2009 Regular Board meeting be amended by correcting Resolution 09-124 by removing Director Cossey as "Opposed" and that the minutes as amended be adopted.

MOTION CARRIED

09-214

It was moved and seconded that the minutes of the March 25, 2009 Special Board meeting be adopted.

MOTION CARRIED

COMMITTEE REPORTS

C1

The report and recommendations of the Electoral Area Services Committee meeting of April 7, 2009 listing 17 items were considered.

09-215

It was moved and seconded:

- 1. 1. That a loan authorization bylaw be prepared for an amount up to \$130,000, financed over a ten year period, for the purpose of purchasing a new mobile water tender for the Sahtlam Fire Protection Service Area, and that the bylaw be forwarded to the Board for consideration.**
 - 2. That the necessary Request for Proposal documents be prepared for the purchase a new mobile water tender for the Sahtlam Fire Protection Service Area following voter approval for the Loan Authorization Bylaw.**
 - 3. That a reserve fund expenditure bylaw be prepared authorizing the expenditure of \$70,000 from Sahtlam Fire Protection Specified Service Area Capital Reserve Fund Bylaw No. 1452 for the purpose of assisting with the purchase a new mobile water tender, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.**
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- 2. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$200 be given to Kerry Park Men's Curling League to assist with travel costs to attend the Pacific International Playdowns.**

3. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$200 be given to Kerry Park Women's Curling League to assist with travel costs to attend the Pacific International Playdowns.
4. That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$2,000 be given to Frances Kelsey Secondary School to provide four bursaries to graduating students at \$500 each.
5. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$400 be given to Kerry Park Men's Curling League to assist with travel costs to attend the Pacific International Playdowns.
6. That a grant-in-aid (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of \$500 be given to Honeymoon Bay Community Society to help with costs to host the 2009 Heritage Days event.
7. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$300 be given to Bard@ Brentwood to assist in production of the Bard at Brentwood.
8. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$500 be given to BC Coalition for Health Promotions to assist in building healthy communities.
9. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$800 be given to Cobble Hill LERN to assist with costs of their emergency preparedness program.
10. That a letter be forwarded to the Ministry of Energy, Mines and Petroleum Resources reiterating the concerns noted in the CVRD's letter dated February 16, 2006, respecting the proposed extraction of gravel on Lot 1, Section 11, Range 4, Quamichan District, Plan 41787 (McLay Gravel Pit).

MOTION CARRIED

09-216

It was moved and seconded:

11. That Application No. 2-E-09DVP by Paul Budding on behalf of Andrew and Cindy Pakulak for a variance to Section 5.2(e) of Zoning Bylaw No. 1840 to increase the maximum size of an accessory building from 100 m² to 222 m² on Lot A, Section 8, Range 9, Sahtlam District, Plan VIP60591 (PID 023-017-376), be

approved, subject to registration of a restrictive covenant prohibiting home occupation use in the accessory building.

- 12.1. That the previous delegating portion of resolution No. 08-541 (C) for the hearing for Bylaws 3213, 3214 and 3242 be rescinded and that Directors Kuhn, Morrison and Giles be named as delegates to the hearing for Bylaws 3213, 3214 and 3242; and further that a public meeting be held a few weeks prior to the public hearing to give the public an opportunity to become familiar with the proposed bylaws.
 2. That second reading of Bylaws 3213, 3214 and 3242 be rescinded.
 3. That Bylaws 3213, 3214 and 3242 be amended by removing the following extraneous legal descriptions from the list of legal descriptions in each of those bylaws:
 - i) Block A, District Lot 64, Cowichan Lake District;
 - ii) Section 46, Renfrew District (situated in Cowichan Lake District), except that part shown coloured red on Plan 1210 OS;
 - iii) That Part of District Lot 31, Cowichan Lake District, containing 6.24 acres, more or less, and shown coloured red on Plan Deposited under DD 31052I.
 4. That Bylaw No. 3214 be amended by deleting the permitted uses of the proposed I-3 Zone and replace with permitted uses that list more specific industrial uses.
 5. That Bylaw No. 3242 (Phased Development Agreement) be amended as follows:
 - a) Change the term of agreement from 10 years to 20 years;
 - b) Delete the alphabetical phasing requirement;
 - c) Schedule B - Adjust the timing for construction of the trail through the Arbutus Park extension
 - d) Schedule B – Clarify that “alternate pedestrian network improvements” referred to in Section 11 are for crossing of Cottonwood Creek
 6. That Bylaws 3213, 3214 and 3242, as amended, be considered for second reading.
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- 13.1. That the appropriate amendment bylaws be prepared respecting OCP and Zoning Amendment Application No. 7-E-07RS (Cherry Blossom Park) and that the bylaws be forwarded to the Regional Board for consideration of first and second readings.
 2. That a public hearing be arranged and that Directors Duncan, Morrison and Kuhn be delegated to the public hearing.

3. That the applicant provide a traffic impact assessment, a hydrological assessment and a preliminary riparian area assessment for the amended application prior to scheduling of the public hearing.
 4. That the applicant provide confirmation of a certificate of compliance or approval in principle for remediation of the subject property from the Ministry of Environment prior to consideration of bylaw adoption.
- 14.1. That the appropriate amendment bylaws be prepared regarding Rezoning Application No. 3-B-08RS (Bill Hayes & Jacqueline Logan) and that the bylaws be forwarded to the Regional Board for consideration of first and second readings.
2. That prior to a public hearing being scheduled that the property owners provide in writing to the Cowichan Valley Regional District their commitment regarding park land dedication.
 3. That a public hearing be scheduled and that Directors Cossey, Giles, and Iannidinardo be delegated to the hearing.
15. That CVRD Bylaw No. 3260 – Electoral Area E Community Parks Service Amendment Bylaw, 2009, be forwarded to the Board for consideration of three readings and adoption.
16. That the following Board Policy be adopted:
“That relocated modular and mobile homes must be manufactured under the CSA Z-240, Standard for Mobile Homes, or A-277, Standard for Manufactured homes. Further, that homes manufactured under the A-277 Standard, when relocated within the CVRD electoral areas, must be placed on a permanent foundation. Z-240 Mobile Homes, single and doublewide, are permitted to be placed on strip footings and blocking.”
17. That the Capital Regional District be advised that the CVRD Planning and Development Department has reviewed the CRD proposed Rural Resource Lands OCP Bylaw No. 3591 and proposed Land Use Bylaw No. 3602, and resolve that our Interests are Unaffected.

MOTION CARRIED

STAFF REPORTS

SR1 Staff Report from the Manger, Water Management Division dated March 27, 2009 re: 2009 Reserve Fund Bylaws was considered.

09-217 It was moved and seconded:

1. That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$50,000.00 from the *Shawnigan Beach Estates Sewer System Capital Reserve Fund* to help finance upgrades to the sewer treatment plant, and further, that the bylaw be forwarded to the Board for consideration of three readings and adoption.
2. That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$75,000.00 from the *Cowichan Bay Sewer System Capital Reserve Fund* to help finance inflow and infiltration repairs to the sewer collection system, and further, that the bylaw be forwarded to the Board for consideration of three readings and adoption.
3. That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$20,000.00 from the *Mesachie Lake Water System Capital Reserve Fund* for electrical and communication upgrades to the water treatment building and reservoir; and further, that the bylaw be forwarded to the Board for consideration of three readings and adoption.
4. That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$5,000.00 from the *Cherry Point Estates Water System Capital Reserve Fund* to finance control upgrades to the water treatment building; and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

SR2 Staff Report from the Corporate Secretary dated April 1, 2009 re: CVRD Bylaw No. 3241 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Cottyn Developments Ltd.), 2008 was considered.

09-218 It was moved and seconded that a 15 metre covenanted vegetated buffer be provided around the perimeter of the property with provision for fencing and lot access where required (Cottyn Developments Ltd.).

MOTION CARRIED

SR3 Staff Report from the Manager, Community and Regional Planning Division dated March 20, 2009 re: Hearing Delegation for OCP Amendment Bylaw No. 3133 was considered.

09-219 It was moved and seconded:

1. That the June 11, 2008 Board Resolution 08-412.1 be rescinded.
2. That Bylaw 3133 - Mill Bay/Malahat Official Community Plan Amendment Bylaw (School Sites): Directors Brian Harrison, Ken Cossey and Gerry Giles are named as delegates to the hearing, and that the proposed amendment be referred to the Ministry of Transportation, Ministry of Community Development, School District #79, and to the appropriate First Nations.

MOTION CARRIED

BYLAWS

B1
09-220 It was moved and seconded that "CVRD Bylaw No. 3259 - Mesachie Lake Fire Protection Machinery and Equipment Reserve Fund Expenditure Bylaw (Used Fire Engine), 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B1
09-221 It was moved and seconded that "CVRD Bylaw No. 3259 - Mesachie Lake Fire Protection Machinery and Equipment Reserve Fund Expenditure Bylaw (Used Fire Engine), 2009", be adopted.

MOTION CARRIED

B2
09-222 It was moved and seconded that "CVRD Bylaw No. 3265 - Cowichan Community Centre Capital Project Reserve Fund Expenditure Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B2
09-223 It was moved and seconded that "CVRD Bylaw No. 3265 - Cowichan Community Centre Capital Project Reserve Fund Expenditure Bylaw, 2009", be adopted.

MOTION CARRIED

**B3
09-224** It was moved and seconded that "CVRD Bylaw No. 3270 - Electoral Area B - Shawnigan Lake Parks & Recreation Commission Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B3
09-225** It was moved and seconded that "CVRD Bylaw No. 3270 - Electoral Area B - Shawnigan Lake Parks & Recreation Commission Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

**B4
09-226** It was moved and seconded that "CVRD Bylaw No. 3271 - Electoral Area D Parks & Recreation Commission Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B4
09-227** It was moved and seconded that "CVRD Bylaw No. 3271 - Electoral Area D Parks & Recreation Commission Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

**B5
09-228** It was moved and seconded that 2nd reading of "CVRD Bylaw No. 3142 - Area C - Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008", be rescinded.

MOTION CARRIED

**B5
09-229** It was moved and seconded that "CVRD Bylaw No. 3142 - Area C - Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008", be amended by adding outdoor storage of boats and RV units only as a permitted use in I-1B zone.

MOTION CARRIED

**B5
09-230** It was moved and seconded that "CVRD Bylaw No. 3142 - Area C - Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008", be granted 2nd reading as amended.

MOTION CARRIED

RESOLUTIONS

**RES1
09-231** It was moved and seconded that the following appointments to the Electoral Area H - North Oyster/Diamond Advisory Planning Commission be approved:

Term to expire November 30, 2009
Allison Heikes
Jody Shupe

MOTION CARRIED

**RES2
09-232** It was moved and seconded that the following appointment to the Electoral Area D - Cowichan Bay Parks and Recreation Commission be approved:

Term to expire December 31, 2010
Appointed:
Donna Einarsson

MOTION CARRIED

**RES3
09-234** 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, 2010
Elected:
Gerald Thom
Dave Charney

MOTION CARRIED

**RES4
09-235** It was moved and seconded that the following appointments to the Electoral Area B - Shawnigan Lake Parks and Recreation Commission be approved:

Term to expire March 31, 2011
Elected:
Al Brunet
Andy Glover
Betty Lord
Bill Savage
Margaret Symon
Trina White
Catherine Whittome
Lori Treloar

MOTION CARRIED

RES5
09-236 It was moved and seconded that the following appointment to the Youbou Fire Service Commission be approved:

Term to expire March 31, 2011

Elected:

Betty Abbott

MOTION CARRIED

RES6
09-237 It was moved and seconded that the following appointments to the North Oyster Fire Service Commission be approved:

Term to expire March 31, 2011

Elected:

Grant Keefer

Shirley Husband

Term to expire March 31, 2010

Appointed:

Gail Corneliuson

MOTION CARRIED

NEW BUSINESS

NB1 The report and recommendation from the Kerry Park Recreation Commission meeting of March 24, 2009 listing one item was considered.

09-238 It was moved and seconded that "CVRD Bylaw No. 3264 - Kerry Park Recreation Commission Establishment Bylaw, 2009" be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

NB2
09-239 It was moved and seconded that "CVRD Bylaw No. 3258 - Air Pollution Control Service Establishment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

Opposed: Directors Marcotte, Morrison, Kuhn and McGonigle

MOTION CARRIED

**NB3
09-240** It was moved and seconded that "CVRD Bylaw No. 3264 - Kerry Park Recreation Centre Commission Establishment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**NB3
09-241** It was moved and seconded that "CVRD bylaw No. 3264 - Kerry Park Recreation Centre Commission Establishment Bylaw, 2009", be adopted.

MOTION CARRIED

6:22 pm Director Iannidinardo declared a conflict of interest as her son is an Executive Director of TimberWest and Director Iannidinardo left the Board room at 6:22 pm.

**NB4
09-242** It was moved and seconded that 2nd reading of "CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", be rescinded.

MOTION CARRIED

**NB4
09-243** It was moved and seconded that "CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", be amended in accordance with Electoral Area Services Committee April 7, 2009 recommendation number 12.

MOTION CARRIED

**NB4
09-244** It was moved and seconded that "CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", be granted 2nd reading as amended.

MOTION CARRIED

**NB5
09-245** It was moved and seconded that 2nd reading of "CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009", be rescinded.

MOTION CARRIED

**NB5
09-246** It was moved and seconded that "CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009", be amended in accordance with Electoral Area Services Committee April 7, 2009 recommendation number 12.

MOTION CARRIED

**NB5
09-247** It was moved and seconded that "CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009", be granted 2nd reading as amended.

MOTION CARRIED

**NB6
09-248** It was moved and seconded that 2nd reading of "CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008", be rescinded.

MOTION CARRIED

**NB6
09-248** It was moved and seconded that "CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008", be amended in accordance with Electoral Area Services Committee April 7, 2009 recommendation number 12.

MOTION CARRIED

**NB6
09-249** It was moved and seconded that "CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008", be granted 2nd reading as amended.

MOTION CARRIED

6:25 pm Director Iannidinardo returned to the Board room at 6:25 pm.

**NB7
06-250** It was moved and seconded that the following appointments to the Shawnigan Lake Community Centre Commission be approved:

Term to expire March 31, 2010

Elected:

Sharleen Impett

Marion Davies

Kim Rowe

Barb Shultz

Term to expire March 31, 2010

Appointed:

Fransje Carr

Sarah Malerby

MOTION CARRIED

**RESOLVING
INTO
CLOSED
SESSION**

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, Subsection (1) (f), (g) and (j).

MOTION CARRIED

**09-251
6:28 pm**

**RISE FROM
CLOSED
SESSION**

It was moved and seconded that the Board rise without report and return to the Regular portion of the meeting.

MOTION CARRIED

**09-256
6:35 pm**

ADJOURNMENT

**09-257
6:35 pm**

It was moved and seconded that the Regular Board meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:35 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____