

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 13, 2010 at 6:35 pm.

PRESENT: Chair G. Giles,
Directors K. Cossey, M. Dorey, L. Duncan, B. Harrison,
D. Haywood, R. Hutchins, L. Iannidinardo, P. Kent,
K. Kuhn, M. Marcotte <to 7:53 pm>,
T. McGonigle, I. Morrison, T. Walker
and Alternate Director R. Hartmann

ALSO Warren Jones, Administrator
PRESENT: Kathleen Harrison, Deputy Corporate Secretary
Mark Kueber, General Manager Corporate Services
Brian Dennison, General Manager
Engineering & Environmental Services
Jim Wakeham, Manager,
Facility, Fleet & Transit Management Division

ABSENT: Director G. Seymour

RECOGNITION CEREMONY

Director Dorey noted that the community of Saltair had recently celebrated its 100th Birthday and was recognized as a community on the Railway Line. He presented a Certificate of Appreciation from the Saltair Ratepayers Association to Chair Giles and the Board in appreciation of the CVRD's support of the Saltair Centennial Celebration.

APPROVAL OF AGENDA

10-514

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

NB1 Notification from the Union of British Columbia Municipalities re: Gas Tax Agreement Regional Significant Projects Fund;

**NB2 Director Morrison - Employee Retirement Announcement;
and move Bylaws Item B9 discussion to immediately following Delegations;**

and that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

- 10-515** **It was moved and seconded that the minutes of the September 8, 2010 Regular Board meeting be amended to reflect the appointment of Directors Harrison, Walker, Marcotte, Hutchins and Giles as members of the Sub-regional Funding Model Committee noted under Resolution 10-485, and that the minutes, as amended, be adopted**

MOTION CARRIED

DELEGATIONS

- D1** **Mill Bay/Malahat Historical Society**

Stu Calder, Treasurer for the Mill Bay/Malahat Historical Society, introduced Pauline Hyde, Helen Boyce and Doug Layton (Society members) and provided an overview of the Society functions and the need to secure funding to ensure the Society's continuance.

BYLAWS

- B9** **It was moved and seconded that "CVRD Bylaw No. 3429 - Shawnigan Lake Community Parks and Trails Master Plan, 2010", be granted 1st, 2nd and 3rd reading.**
- 10-516**

MOTION CARRIED

- B9** **It was moved and seconded that "CVRD Bylaw No. 3429 - Shawnigan Lake Community Parks and Trails Master Plan, 2010", be adopted.**
- 10-517**

MOTION CARRIED

REPORT OF CHAIRPERSON

CORRESPONDENCE

There were no Correspondence items.

INFORMATION

There were no Information items.

COMMITTEE REPORTS

- CR1** **The report and recommendations from the Electoral Area Services Committee meeting held September 21, 2010, listing 12 items were considered.**

10-518**It was moved and seconded:**

- 1. 1. That the annual maximum requisition limit for the Cobble Hill Community Hall Annual Contribution Service be increased from \$15,000 to \$18,000.**
- 2. That CVRD Bylaw No. 3427 – Cobble Hill Community Hall Annual Contribution Service Amendment Bylaw, 2010, be forwarded to the Board for consideration of three readings and adoption.**
- 2. That the Cobble Hill Improvement District be permitted to build an above ground pump house at Galliers Park, subject to the design being approved by the Cobble Hill Parks and Recreation Commission and with the provision of a full service washroom being included in the design.**
- 3. That a grant-in-aid, Area B – Shawnigan Lake, be given to O.U.R. Ecovillage in the amount of \$2,000 to assist with costs associated with the Cowichan Wine and Culinary Festival.**
- 4. That a grant-in-aid, Area D – Cowichan Bay, be given to O.U.R. Ecovillage in the amount of \$300 to assist with costs associated with the Cowichan Wine and Culinary Festival.**
- 5. That a grant-in-aid, Area E – Cowichan Station/Sahtlam/Glenora, be given to Cowichan Green Community in the amount of \$250 to assist with costs associated with the Cowichan Community EATS Festival.**
- 6. That a grant-in-aid, Area D – Cowichan Bay, be given to Cowichan Green Community in the amount of \$250 to assist with costs associated with the Cowichan Community EATS Festival.**
- 7. That the CVRD deal with the 2010 Halloween season using the same practice as in 2009, whereby ticketing will only be enforced respecting the “sale of fireworks” and “discharge of fireworks in public places”, the Fireworks Safety Awareness Information package to be made available to the public, and require that the Fireworks Operator form be signed and submitted to the CVRD; and further, that the CVRD’s Information Package be sent to other local governments for distribution in their areas.**
- 8. That the request to upgrade the part time Secretary I position to a full time Secretary I position within the Planning and Development Department be approved.**

MOTION CARRIED

10-519

It was moved and seconded:

9. 1. That a Notice against Land Title be filed for the property owned by Tom & Corrine Jarvis located at 1695 Sandy Beach Road legally described as Lot 3, District Lot 79, Malahat District, Plan 13099, PID 004-716-655 (File No. 7-A-10BE).
2. That staff be directed to obtain an updated engineer's report respecting the stability of the bank, and if necessary seek legal counsel regarding risk associated with the unstable bank.
11. That the first event (September 29, 2010, only) of five proposed events (to March 2011) requested by Eric & Sally Smith and Robyn Quinn, be approved, that would relax the Area D – Cowichan Bay Zoning Bylaw to temporarily allow small scale events/meetings at 1781 Fenwick Road with a maximum of forty (40) attendees between the hours of 6:30 pm to 8:30 pm as part of the Cowichan Bay Maritime Centre “Ahoy! Campaign” and for utilizing the adjacent Lot A for the purpose of parking; and that, after the first event, the Bylaw Enforcement Officer will review any impacts, and if no concerns are reported, that the remaining four proposed events be approved, but if concerns are reported that the matter be brought back to EASC for further review.
12. That the draft Official Community Plan Amendment Bylaw, Area H (Habitat Protection Development Permit Area) for the protection of the Ladysmith Heron Colony, be forwarded to the Board for consideration of first and second readings, and that a public hearing be scheduled with Director M. Marcotte, Director M. Dorey and Director L Iannidinardo appointed as the hearing delegates.

MOTION CARRIED

6:40 pm

Director Marcotte declared a conflict of interest due to her personal and business association with the applicant and left the Board Room at 6:40 pm.

10-520

It was moved and seconded:

10. 1. That Application No. 2-H-09DP be approved, and that a development permit be issued to Yellow Point Ventures for the 6 lot subdivision of Lot A, District lot 13, Oyster District, Plan VIP 77718, subject to compliance with the following:
 - a. Compliance with the Riparian Areas Regulation Assessment dated May 12, 2009 by Madrone Environmental Services;
 - b. Compliance with the Preliminary Geotechnical Assessment by Levelton Consultants Ltd, dated August 5, 2010;
 - c. Compliance with the Groundwater Exploration Program by Levelton Consultants Ltd, revision dated July 23, 2010, including the following:

- No underground heating oil storage tanks to be used, and containment systems be installed for any above ground storage tanks;
 - That future property owners be advised not to exceed the well rating estimates during long term pumping;
 - In compliance with Subdivision Bylaw No.1215, a covenant is registered on the proposed new lots, to ensure the wells are treated to the standards of the *Drinking Water Protection Act*, prior to residential use.
- d. Development of the property occurs in compliance with the *Heritage Conservation Act*, and a recommendation for a archaeological overview assessment is forwarded to the Ministry of Transportation and Infrastructure during the subdivision review process.
2. That the CVRD respond to the Stz'uminus First Nation's letter dated September 21, 2010, respecting their concerns of Development Application – Lot A, DL 13, Oyster District, advising of the CVRD's application and bylaw consultation process, advise when the Official Community Plan was adopted, and advise that the application in question is for subdivision purposes and that the final subdivision approval is with the Ministry of Transportation and Infrastructure.

MOTION CARRIED

6:41 pm

Director Marcotte returned to the meeting at 6:41 pm.

CR1

The report and recommendations from the Electoral Area Services Committee meeting held October 5, 2010, listing seven items were considered.

10-521

It was moved and seconded:

1. That a grant-in-aid, Area D – Cowichan Bay, be given to Cowichan Valley Arts Council in the amount of \$500 to assist with costs associated with holding workshops for their opera production of "Gloves Off".
2. That a Stage 2 Detailed Project Proposal Grant application to the West Coast Community Adjustment Program for the redevelopment of the Mill Bay Public Boat Launch be submitted requesting \$250,000 for the project with the endorsement of the Regional Board.

MOTION CARRIED

10-522

It was moved and seconded:

3. That the request by Brenda Brompton to allow installation of a washer and dryer in an accessory building located at 7960 Greendale Road, be approved, subject to the registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.
4. That Application No. 2-E-10DVP by Trevor Gregson for a variance to Section 5.2 (e) of Zoning Bylaw No. 1840, increasing the permitted size of an accessory building from 100 square metres (1076 square feet) to 130 square metres (1398 square feet), be approved.
5. That the draft OCP and Zoning amendment bylaws regarding Application No. 1-B-09RS (Craig Partridge) be forwarded to the Board for consideration of 1st and 2nd readings; that a public hearing be scheduled and that Directors Cossey, Duncan and Kuhn be appointed as delegates of the Board.
6. That the request submitted by Eric and Sally Smith for a relaxation of the Area "D" Zoning Bylaw, be approved, to temporarily allow for an additional small scale event with a maximum of forty (40) attendees between the hours of 6:30 pm to 8:30 pm on October 13, 2010 for the Cowichan B&B Association AGM, and for utilizing the adjacent Lot A for the purpose of parking, on the condition that this or other authorized events do not significantly disturb the neighbourhood.
7. That the proposed amendment to the Cowichan Bay Official Settlement Plan that would introduce a new Marine Riparian Development Permit Area be approved and that the draft OSP Amendment Bylaw be forwarded to the Board for consideration of 1st and 2nd readings; that the bylaw be referred to Transport Canada, Ministry of Transportation and Infrastructure, Fisheries and Oceans Canada, School District 79, the City of Duncan, the Municipality of North Cowichan, Cowichan Estuary Environmental Management Committee Chair, and Cowichan Tribes, in the form of a written referral only with a four week response period; and further, that a public hearing be scheduled with Directors Iannidinardo, Giles and Dorey appointed as delegates of the Board.

MOTION CARRIED

CR2

The report and recommendations from the Engineering & Environmental Services Committee meeting held September 22, 2010 listing five items, were considered.

10-523

It was moved and seconded:

1. .1 That CVRD Board Resolution No. 10-421-9-2 be rescinded.
- .2 That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$10,257.00 from the *Kerry Village Water System Capital Reserve Fund* to help finance upgrades to the water treatment plant, and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.
3. That the Board accept the Utility Transfer Agreement between the CVRD and Jim and Karen Taggart for CVRD takeover of the sewer system for the Brulette Sewer System in Electoral Area A, and further that the Chair and Corporate Secretary be authorized to sign the Utility Transfer Agreement.
4. .1 That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$15,000.00 from the *Youbou Sewer System Capital Reserve Fund* to help finance sewer pump station control upgrades 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 \$5,000.00 from the *Cherry Point Water System Capital Reserve Fund* to help finance well head monitoring controls 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 \$11,000.00 from the *Mesachie Lake Water System Capital Reserve Fund* to help finance preparation of a well protection plan and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.
5. .1 That the CVRD Board support the refined Tier 2 and Tier 3 funding application to Emergency Management BC, currently being developed by the CVRD.
- .2 That the CVRD Board support the recommended development of the Draft 9 Cowichan Valley Flood Protection Memorandum of Understanding.

MOTION CARRIED

10-524

*(Amended from original Committee recommendation):***It was moved and seconded:**

2. 1. That a bylaw be prepared to amend "CVRD Bylaw No. 2193 - Electoral Area I - Youbou Street Lighting Service Establishment Bylaw, 2001", to increase the maximum requisition to \$21,800., and that the amendment bylaw be forwarded to the Board for consideration of three readings and, following provincial and voter approval, be considered for adoption.
2. That voter approval for adoption of the amendment bylaw be obtained through an Alternative Approval Process.

MOTION CARRIED

CR3

The report and recommendations from the Transit Committee meeting held October 13, 2010, listing three items, were considered.

10-525

It was moved and seconded:

1. That the CVRD Board approve expansion of 2,000 additional annual hours for the conventional transit service, to take place in March 2011, to be partially funded by BC Transit with a total net annual cost to the CVRD of \$130,000 (\$110,000 in 2011).
2. That the CVRD Board:
 1. Approve the Terms of Reference for the Cowichan Valley Transit Plan, including its project structure, public participation plan and timeline, and
 2. Direct that staff work with BC Transit to support the development of the Transit Future Plan.
3. That the Board not consider a separate affordable transit fair/pass for seniors, who lose their driver's license due to age.

MOTION CARRIED**STAFF
REPORTS**

SR1

The Staff Report from the Deputy Corporate Secretary, dated September 29, 2010, re: Results of Alternative Approval Process - Bylaw No. 3389 - Cowichan Station Area Association Annual Financial Contribution Service, was considered.

10-526

It was moved and seconded that the *Certificate of Results* confirming that the CVRD Board may proceed to adopt Bylaw No. 3389, be received.

MOTION CARRIED

SR2 The Staff Report from the Manager, Community and Regional Planning Division, dated September 30, 2010, re: Zoning Amendment Bylaw No. 3420 (P-2A Zone - Area H), was considered for information.

SR3 The Staff Report from the Deputy Corporate Secretary dated October 6, 2010, re: Results of Alternative Approval Process - Bylaw No. 3380 - Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw, was considered.

10-527 It was moved and seconded that the *Certificate of Results* confirming that the CVRD Board must not proceed to adopt Bylaw No. 3380, unless it receives the assent of the electors, be received.

MOTION CARRIED

SR4 The Staff Report from the Legislative Services Coordinator, dated October 6, 2010, re: Environmental Initiatives Service - Notice of Alternative Approval and Elector Response Form, were considered.

10-528 It was moved and seconded that the *Notice of Alternative Approval Process* and the *Elector Response Form* for CVRD Bylaw No. 3359, be approved.

Opposed: Director Marcotte

MOTION CARRIED

BYLAWS

B1
10-529 It was moved and seconded that "CVRD Bylaw No. 3389 - Cowichan Station Area Association Annual Financial Contribution Service Establishment Bylaw, 2010", be adopted.

MOTION CARRIED

B2
10-530 It was moved and seconded that "CVRD Bylaw No. 3406 - Douglas Hill Water System Management Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B2
10-531 It was moved and seconded that "CVRD Bylaw No. 3406 - Douglas Hill Water System Management Bylaw, 2010", be adopted.

MOTION CARRIED

B3
10-532 It was moved and seconded that "CVRD Bylaw No. 3407 - Douglas Hill Water System Capital Reserve Fund Establishment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B3 It was moved and seconded that "CVRD Bylaw No. 3407 - Douglas
10-533 Hill Water System Capital Reserve Fund Establishment Bylaw, 2010",
be adopted.

MOTION CARRIED

B4 It was moved and seconded that "CVRD Bylaw No. 3408 - Douglas
10-534 Hill Water System Parcel Tax Roll Bylaw, 2010", be granted 1st, 2nd
and 3rd reading.

MOTION CARRIED

B4 **It was moved and seconded that "CVRD Bylaw No. 3408 - Douglas**
10-535 **Hill Water System Parcel Tax Roll Bylaw, 2010", be adopted.**

MOTION CARRIED

B5 It was moved and seconded that "CVRD Bylaw No. 3409 - Lambourn
10-536 Estates Sewer System Management Amendment Bylaw, 2010", be
granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B5 It was moved and seconded that "CVRD Bylaw No. 3409 - Lambourn
10-537 Estates Sewer System Management Amendment Bylaw, 2010", be
adopted.

MOTION CARRIED

B6 It was moved and seconded that "CVRD Bylaw No. 3418 - Malahat
10-538 Fire Protection Service Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

B7 **It was moved and seconded that "CVRD Bylaw No. 3427 - Cobble Hill**
10-539 **Community Hall Annual Contribution Service Amendment Bylaw,**
 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B8 It was moved and seconded that "CVRD Bylaw No. 3428 - Machinery
10-540 and Equipment (Community Planning) Reserve Fund Expenditure
Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B8 It was moved and seconded that "CVRD Bylaw No. 3428 - Machinery
10-541 and Equipment (Community Planning) Reserve Fund Expenditure
Bylaw, 2010", be adopted.

MOTION CARRIED

B9 Dealt with previously in the Agenda.

7:05 pm Directors Hutchins, Kent and Walker left the Board Room at 7:05 pm.

**B10
10-542** It was moved and seconded that "CVRD Bylaw No. 3405 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (Habitat Protection Development Permit Area), 2010", be granted 1st and 2nd reading.

MOTION CARRIED

**B11
10-543** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3420 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (P-2A Zone), 2010", be granted 3rd reading.

MOTION CARRIED

**B11
10-544** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3420 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (P-2A Zone), 2010", be adopted.

MOTION CARRIED

**B12
10-545** It was moved and seconded that "CVRD Bylaw No. 3430 - Area B - Shawnigan Lake Official Community Plan (Partridge), 2010", be granted 1st and 2nd reading.

Opposed: Director Duncan

MOTION CARRIED

**B13
10-546** It was moved and seconded that "CVRD Bylaw No. 3431 - Area B - Shawnigan lake Zoning Amendment Bylaw (Partridge), 2010", be granted 1st and 2nd reading.

Opposed: Director Duncan

MOTION CARRIED

**B14
10-547** It was moved and seconded that "CVRD Official Settlement Plan Amendment Bylaw No. 3432, 2010, Area D - Cowichan Bay (Marine Riparian DPA), Amendment to CVRD Bylaw No. 925", be granted 1st and 2nd reading.

MOTION CARRIED

RESOLUTIONS

**RES1
10-548** It was moved and seconded that following appointment to the Electoral Area C - Cobble Hill Parks and Recreation Commission be approved:

Term to expire December 31, 2010:

Ruth Koehn

MOTION CARRIED

7:07 pm Directors Hutchins, Kent and Walker returned to the Board Room at 7:07 pm.

NEW BUSINESS

NB1 The Administrator reported that the Gas Tax Agreement's Partnership Committee has reserved \$4.1 million as the CVRD's portion of the funding for Regionally Significant projects within Tier 2 regions.

NB2 Director Morrison announced the retirement of Cowichan Lake Recreation employee of 25 years, Barb Knot. Chair Giles confirmed that a letter will be sent to Ms. Knott extending the Board's best wishes on her retirement.

**RESOLVING INTO
CLOSED SESSION**

10-549 It was moved and seconded that the meeting be closed to the public in
7:18 pm accordance with the Community Charter Part 4, Division 3, Section 90, Subsection (1) (g) Potential Litigation and (e) Land Disposal.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

10-553 It was moved and seconded that the Board rise without report and
8:50 pm return to the Regular portion of the meeting.

MOTION CARRIED

ADJOURNMENT

10-554 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

Deputy Corporate Secretary

Dated: _____