

Minutes of the Regular meeting of the Board of the Cowichan Valley Regional District held in the Board Room at 175 Ingram Street, Duncan, BC, on Wednesday, November 8, 2006 at 6:02 p.m.

PRESENT: Chair J. Lefebure
Directors J. Allan, K. Cossey, M. Dorey,
L. Duncan <6:20 pm>, G. Giles, B. Hodson,
R. Hutchins <6:11 pm>, P. Kent,
M. Marcotte, J. Peake, G. Ridgway,
G. Seymour <6:19>, and M. Walker
Alternate Director D. Einarsson.

ALSO

PRESENT: Frank Raimondo, Administrator
Joe Barry, Corporate Secretary
Mark Kueber, Treasurer
Tom Anderson, Manager, Development Services
Brian Dennison, Manager, Engineering Services
Bob McDonald, Manager Solid Waste & Environment
Roy Flower, Human Resources/Labour Relations
Brian Farquhar, Parks Manager

ABSENT: Director M. Tansley

**APPROVAL OF
AGENDA
(06-641)**

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

Regular Session:

- 1. Notice of Motion – Fireworks**
- 2. SR6 – Administrator Report**

In Camera Session:

- 1. SSR2 – Land Acquisition {Sub (1) (e)}, and**

that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES
(06-642)**

It was moved and seconded that the minutes of the October 11, 2006 Regular Board meeting be adopted.

MOTION CARRIED

**BUSINESS
ARISING FROM
THE MINUTES**

Regarding Resolution No. 06-567(3), Director Hodson questioned the appropriateness of including direction to prepare sewer and water bylaws prior to undertaking the rezoning process.

Director G. Giles suggested that this matter could be discussed further at the November 14 Electoral Area Services Committee Meeting.

DELEGATIONS

Royal Canadian Mounted Police – Doug Scott, Inspector
Re: Regional Policing

Inspector Scott provided an update on the status of the Regional Policing initiative.

6:11 p.m.

Director R. Hutchins joined the meeting.

**REPORT OF
CHAIRPERSON**

No report

**CORRES-
PONDENCE**

The following correspondence item, under the date indicated, was considered:

**C1
(06-643)**

November 7, 2006 - Town of Lake Cowichan to CVRD,
Re: E&N Corridor – commuter potential

It was moved and seconded that a letter be written to the Capital Regional District requesting an opportunity to meet together and find ways to work cooperatively on a project to bring commuter service to the E&N corridor.

MOTION CARRIED

6:19 p.m.

Director G. Seymour joined the meeting.

6:20 p.m.

Director L. Duncan joined the meeting.

INFORMATION

The following information item, under the date indicated, was considered:

**IN1
(06-644)**

October 25, 2006 – Municipality of North Cowichan to Cowichan Valley Regional District Board re: including a kart track in its Outdoor Recreation Park Plan.

It was moved and seconded that this item be placed on a future Regional Services Committee agenda for discussion.

MOTION CARRIED

IN2

November 2, 2006 – UBCM – Local Government Program Services to CVRD re: 2005 Community Tourism Program Grant – Entitlement Status and Joint Application for Regional Visitor Services Program.

For information purposes.

**COMMITTEE
REPORTS**

**CR1
Electoral Area
Services
Committee**

Report and recommendations of Electoral Area Services Committee meeting held October 30, 2006, listing 22 items, were considered:

(06-645)

It was moved and seconded that CVRD Bylaw No. 2886 – Youbou Water System Service Amendment Bylaw, 2006 be referred back to the Electoral Area Services Committee.

MOTION CARRIED

(06-646)

It was moved and seconded:

- 2. That assent of the electorate be obtained from the approximately 600 residences to be served by the Integration of Youbou Water Systems, through an Alternative Approval Process for authority to borrow the CVRD's one-third share of the \$350,000 project costs.**
- 3. That a critical location streetlight be installed at the intersection of Keeling Place and Hutchinson Road in Electoral Area C – Cobble Hill.**
- 4. That CVRD Bylaw No. 2829 – Saltair Sewer System Study Service Establishment Bylaw, 2006, be forwarded to the Board for consideration of three readings and, following provincial approval, that voter approval be obtained through an Alternative Approval Process.**
- 5. That the Notice of Alternative Approval Process and Elector Response Form for “CVRD Bylaw No. 2829 – Saltair Sewer System Study Service Establishment Bylaw, 2006” be approved.**
- 6. That all surplus funds from the Mesachie Lake Volunteer Fire Department be transferred to the Mesachie Lake Volunteer Fire Department Machinery and Equipment Reserve Fund.**
- 7. That a Grant-in-Aid (Electoral Area C – Cobble Hill) in the amount of \$2000 be given to the Shawnigan Cobble Hill Farmers Institute, to assist with costs incurred to relieve flooding in Cobble Hill village.**

MOTION CARRIED

It was moved and seconded:

- 8. That a bylaw be drafted that would authorize ticketing for bylaw infractions pertaining to Dog Control, Sign, Unsightly Premise, Building, Zoning, Noise, Waste, Water, Sewer, Fireworks, Parks and OCP (Riparian Areas Regulation) for all electoral areas; and that the draft bylaw be brought back to EASC for review.**

(06-647)

It was moved and seconded that the following recommendation:

- 8. That a bylaw be drafted that would authorize ticketing for bylaw infractions pertaining to Dog Control, Sign, Unsightly Premise, Building, Zoning, Noise, Waste, Water, Sewer, Fireworks, Parks and OCP (Riparian Areas Regulation) for all electoral areas; and that the draft bylaw be brought back to EASC for review**

be referred back to the Electoral Area Services Committee.

MOTION DEFEATED

(06-648)

ORIGINAL MOTION WAS PUT AND VOTED UPON

MOTION CARRIED

Motion restated for clarification:

- 8. That a bylaw be drafted that would authorize ticketing for bylaw infractions pertaining to Dog Control, Sign, Unsightly Premise, Building, Zoning, Noise, Waste, Water, Sewer, Fireworks, Parks and OCP (Riparian Areas Regulation) for all electoral areas; and that the draft bylaw be brought back to EASC for review.**

(06-649)

It was moved and seconded:

- 9. That Cobble Hill Zoning Bylaw No. 1405 be amended by creating a new Light Industrial (Limited) I-1C Zone, to be applied to all lands zoned at present as I-1, excepting the two parcels upon which recycling and composting operations are already underway, that public notice be held in lieu of a public hearing pursuant to Section 890(4) of the *Local Government Act*, affected property owners be notified by letter and that the Ministries of Environment and Community Services, and Vancouver Island Health Authority, local water providers and the fire department be sent referral notices.**

11. That the request by 647880 BC Ltd. to revise the number of cottages permitted in Section 5.13.8(b) upward from 9 to 10 without application fees be approved, and that a public hearing be waived pursuant to Section 890(4) of the *Local Government Act* and that public notice occur in its place, and that the proposal not be referred out to any agencies.
12. That Rezoning Application 3-A-05RS (Sangha/Richard Irwin) proceed, and that a zoning amendment bylaw be prepared for First and Second Readings; that a public hearing be scheduled and that Director Walker, Director Cossey and Director Giles be delegated to the public hearing; and further that the application be referred to the Central Vancouver Island Health Authority, Ministry of Environment, Ministry of Transportation, Mill Bay Volunteer Fire Department, Mill Bay Waterworks, Ministry of Community Services, School District 79, Malahat First Nations, and Ministry of Tourism, Sports and the Arts (Archaeology Branch).
13. Due to the potential for adverse impacts on adjacent parcels and the potential for a precedent, that Rezoning Application No. 3-A-06RS (P. Lieffertz) not proceed, and that a refund be made to the applicant in accordance with CVRD Development Application Procedures and Fees Bylaw No. 2255.
14. That Rezoning Application No. 2-B-05RS (D. Tahmasebi) proceed, and that a zoning amendment bylaw be prepared for First and Second Readings; that a public hearing be scheduled and that Director Cossey, Director Giles and Director Walker be delegated to the hearing; and further that the application be forwarded to the Shawnigan Lake Volunteer Fire Department, Ministry of Community Services, Ministry of Transportation, Shawnigan Lake Improvement District, CVRD Engineering Services Department, and Central Vancouver Island Health Authority.
16. That the Developer for Bayview Estates in Mill Bay be required to adhere to Development Permit No. 6-A-05 requirement to provide walking pathways within the development as detailed in the Bayview Estates Development Permit Plan; and furthermore that the standard for construction of the pathway meet the minimum specification for concrete sidewalks as required by the Ministry of Transportation, and that approval be given to obtaining a Provincial Public Highway Permit from the Ministry of Transportation to allow CVRD to assume responsibility of the concrete pathway within the road right-of-way within the Bayview Estates Subdivision.

17. That Development Permit Application No. 5-H-06 DP be approved and that the Planning Division be authorized to issue a Development Permit to Raymond Smith on behalf of Elsy Morgan with respect to District Lot 5, Bright District except part in Plan 32170 that would permit a one-hectare parcel to be subdivided from the 20 ha parcel in accordance with the Cassidy/Bush Creek Development Permit Area guidelines specified under Official Community Plan Bylaw No. 1497.
18. That Application No. 1-A-06ALR submitted by Stephen Davis and Karen Chong made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an addition to an existing, legal non-conforming, single-family dwelling on their property be recommended for approval and forwarded to the Agricultural Land Commission.
19. That Application No. 2-E-06ALR submitted by Angela Hall made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property into two lots: one on either side of Doupe Road be forwarded to the Agricultural Land Commission without recommendation.
20. That the request by Focus on behalf on Craiglea Farms (1993) Ltd. (Subdivision Application No. 4-C-05SA) to defer providing proof of potable water in accordance with Bylaw No. 1215 for proposed Lots 1 and 4, be approved subject to:
 - 1) Registration of a covenant prohibiting construction of habitable buildings on proposed Lot 1 until Wilder Road is constructed to Ministry of Transportation standards and proof of potable water has been provided for this lot to the satisfaction of the CVRD and in accordance with the applicable bylaw;
 - 2) Registration of a covenant stating that proposed Lot 4, and Blocks 2 and 4 of Plan 1381 will not be sold or otherwise transferred separately until such time as the road fronting these properties is built to the satisfaction of the Ministry of Transportation;
 - 3) Registration of a covenant prohibiting construction of habitable buildings on proposed Lot 4 until proof of potable water has been provided to the satisfaction of the CVRD and in accordance with the applicable bylaw.
21. That Development Variance Permit Application No. 4-G-06DVP be approved and that the Planning Division be authorized to issue a Development Variance Permit to Lawrence Dinelle and Anne Denise Robinson with respect to Lot A, District Lot 41, Oyster District, Plan VIP79439 that

would vary Section 5.3(4) of Zoning Bylaw No. 2524 by 4.5 meters from the 7.5 meter required rear setback to allow the construction of a garage 3.0 meters from the rear property line.

22. That Development Permit Application No. 3-B-06DP be approved and that the Planning Division be authorized to issue a Development Permit to Colter Developments on behalf of 0751486 BC Ltd. with respect to Lot 2, District Lot 132, Malahat District, Plan VIP79211, that would allow the construction of a building for the sales and storage of building supplies and a parking area in accordance with the Streamside Protection Development Permit Guidelines of Official Community Plan Bylaw No. 1010, the Riparian Areas Assessment Report prepared by Paul Harder dated July 27, 2006, and the report prepared by Paul Harder dated October 17, 2006.

MOTION CARRIED

It was moved and seconded:

10. That the request by Cougar Ridge developers for a hydro/telephone statutory right of way across Sooke Lake Road Community Forest/Park (Lot 6, Block 479, Malahat District, Plan VIP 80139) to service an adjacent "common property" attached to a five lot strata subdivision, be denied.

(06-650)

It was moved and seconded that the motion be amended with the inclusion of "and further, that a letter be sent to Cougar Ridge Developers requesting the power line be removed from CVRD property".

MOTION CARRIED

(06-651)

It was moved and seconded:

10. That the request by Cougar Ridge developers for a hydro/telephone statutory right of way across Sooke Lake Road Community Forest/Park (Lot 6, Block 479, Malahat District, Plan VIP 80139) to service an adjacent "common property" attached to a five lot strata subdivision, be denied, and further that a letter be sent to Cougar Ridge Developers requesting the power line be removed from CVRD property.

MOTION CARRIED

15. It was moved and seconded that the Application No. 1-I-06DP (D. MacFarlane) for a development permit pursuant to the Watercourse Protection Development Permit Area for Lot 49, District Lot 32, Cowichan Lake District, Plan 1003 be approved, subject to the Measures identified in RAR Report No. 73 and also a re-survey of the site's natural boundary under the direction of the Qualified Environmental Professional, and the driveway not having an impervious surface.

(06-652)

It was moved and seconded that the following recommendation:

15. It was moved and seconded that the Application No. 1-I-06DP (D. MacFarlane) for a development permit pursuant to the Watercourse Protection Development Permit Area for Lot 49, District Lot 32, Cowichan Lake District, Plan 1003 be approved, subject to the Measures identified in RAR Report No. 73 and also a re-survey of the site's natural boundary under the direction of the Qualified Environmental Professional, and the driveway not having an impervious surface

be referred back to the Electoral Area Services Committee.

MOTION CARRIED

The Board discussed the Electoral Area Services Committee meeting schedule for information. The Board agreed by consensus to review the Committee structure in the near future.

STAFF REPORTS

SR1

Staff Report dated November 2, 2006 from Manager, Solid Waste & Environment, was considered:

(06-653)

It was moved and seconded that the CVRD establish January 1, 2007 as the date for full enforcement of "CVRD Bylaw No. 2570 – Waste Stream Management Licensing Bylaw, 2004".

MOTION CARRIED

SR2

Staff Report dated October 31, 2006 from Deputy Corporate Secretary, re: community Parks Service Amendment – Requisition Limit Increase, was considered:

- (06-654) It was moved and seconded that “CVRD Bylaw No. 2890 – Community Parks Service Amendment Bylaw, 2006”, be considered for three readings, and following provincial approval, be adopted.

MOTION CARRIED

- SR3 Staff Report dated October 19, 2006 from Deputy Manager, Development Services Re: Amendment Bylaws No. 1584 and 1585 – Area C – Cobble Hill (H. Champoux), was considered:

- (06-655) It was moved and seconded that Official Community Plan Amendment Bylaw No. 1584 and Zoning Amendment Bylaw No. 1585 (H. Champoux) be forwarded to the Board for consideration of adoption, with a motion to defeat.

MOTION CARRIED

- SR4 Verbal Staff Report from the Treasurer re: Overview of Infrastructure Grants.

The Treasurer provided an overview of various infrastructure grants.

- SR5 Verbal Staff Report from the Administrator Re: Board Priorities Update.

The Administrator provided an update on the Board priorities regarding Protective Services, First Nations, and Regional Recreation. The Development Services Manager provided an update on the Regional Growth Strategy priority.

- SR6 Administrator Report.

Due to the length of the agenda, the Administrator requested that this item be deleted and advised that he will report at the next meeting.

PUBLIC HEARINGS

- PH1 Public Hearing Report and Minutes for Official Community Plan Amendment bylaw No. 2854 and Zoning Amendment Bylaw No. 2855 – Applicable to Area B – Shawnigan Lake (Pat Lintaman Design/Dale Cotton), were considered:

- (06-656) It was moved and seconded that the Public Hearing Report and Minutes for Official Community Plan Amendment bylaw No. 2854 and Zoning Amendment Bylaw No. 2855 – Applicable to Area B – Shawnigan Lake (Pat Lintaman Design/Dale Cotton), be received.

MOTION CARRIED

BYLAWS

**B1
(06-657)** It was moved and seconded that "CVRD Bylaw No. 2762 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment (Agricultural Conversion), 2006", be adopted.

MOTION CARRIED

**B2
(06-658)** It was moved and seconded that "CVRD Bylaw No. 2763 – Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment (Agricultural Conversion), 2006", be adopted.

MOTION CARRIED

**B3
(06-659)** It was moved and seconded that "CVRD Bylaw No. 2805 – Protection of Waters and Riparian Areas on Cowichan Lake Fund Establishment Bylaw, 2006", be adopted

MOTION CARRIED

**B4
(06-660)** It was moved and seconded that "CVRD Bylaw No. 2819 – Lakeside Estates Water System Capital Reserve Fund Expenditure Bylaw, 2006", be read a 1st, 2nd and 3rd time.

MOTION CARRIED

**B4
(06-660)** It was moved and seconded that "CVRD Bylaw No. 2819 – Lakeside Estates Water System Capital Reserve Fund Expenditure Bylaw, 2006", be adopted.

MOTION CARRIED

**B5
(06-661)** It was moved and seconded that " CVRD Bylaw No. 2829 – Saltair Sewer System Study Service Establishment Bylaw, 2006", be read a 1st time.

MOTION CARRIED

**B5
(06-662)** It was moved and seconded that " CVRD Bylaw No. 2829 – Saltair Sewer System Study Service Establishment Bylaw, 2006", be read a 2nd and 3rd time.

MOTION CARRIED

**B6
(06-663)** It was moved and seconded that "CVRD Bylaw No. 2854 – Area B – Shawnigan Lake Official Community Plan Amendment Bylaw (Pat Lintaman Design/Dale Cotton), 2006", be read a 3rd time.

MOTION DEFEATED

**B7
(06-664)**

It was moved and seconded that "CVRD Bylaw No. 2855 – Area B – Shawnigan Lake Zoning Amendment Bylaw (Pat Lintaman Design/Dale Cotton), 2006", be read a 3rd time.

MOTION DEFEATED

**B8
(06-665)**

It was moved and seconded that "CVRD Bylaw No. 2870 – Area C – Cobble Hill Zoning Amendment (I-1C Zone) Bylaw, 2006", be read a 1st and 2nd time.

MOTION CARRIED

B9, B11, B12, B13

Items B9, B11, B12 and B13 were deleted from the agenda due to Ministerial approval not yet being received.

**B10
(06-666)**

It was moved and seconded that "CVRD Bylaw No. 2877 – Youbou Water System Service Amendment Bylaw, 2006", be adopted.

MOTION CARRIED

**B14
(06-667)**

It was moved and seconded that "CVRD Bylaw No. 2887 – Cowichan Community Centre Capital Project Reserve Fund Expenditure Bylaw, 2006", be read a 1st, 2nd and 3rd time.

MOTION CARRIED

**B14
(06-668)**

It was moved and seconded that "CVRD Bylaw No. 2887 – Cowichan Community Centre Capital Project Reserve Fund Expenditure Bylaw, 2006", be adopted.

MOTION CARRIED

**B15
(06-669)**

It was moved and seconded that "CVRD Bylaw No. 2888 – Bings Creek Solid Waste Management Complex Reserve Fund Expenditure (Cardboard Compactor) Bylaw, 2006", be read a 1st, 2nd and 3rd time.

MOTION CARRIED

**B15
(06-670)**

It was moved and seconded that "CVRD Bylaw No. 2888 – Bings Creek Solid Waste Management Complex Reserve Fund Expenditure (Cardboard Compactor) Bylaw, 2006", be adopted.

MOTION CARRIED

Director Ridgway questioned an error in the "WHEREAS" section of Bylaw No. 2887. The error may also include Bylaw No. 2888.

(06-671)

It was moved and seconded that Bylaws No. 2887 and 2888 be referred to the next Board meeting.

MOTION CARRIED

(Note: Bylaws No. 2887 and 2888 subsequently dealt with later in these minutes.)

**B16
(06-672)**

It was moved and seconded that "CVRD Bylaw No. 2890 – Community Parks Service Amendment Bylaw, 2006", be read a 1st, 2nd and 3rd time.

MOTION CARRIED

**B17
(06-673)**

It was moved and seconded that "CVRD Bylaw No. 2891 – Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Sangha/Richard Irwin), 2006", be read a 1st and 2nd time.

MOTION CARRIED

**B18
(06-674)**

It was moved and seconded that "CVRD Bylaw No. 2892 – Area B – Shawnigan Lake Zoning Amendment (D. Tahmasebi) Bylaw, 2006", be read a 1st and 2nd time.

MOTION CARRIED

RESOLUTIONS

**RES1
(06-675)**

It was moved and seconded that the following appointments to the Electoral Area C – Cobble Hill Advisory Planning Commission be approved:

**Appointed for a term to expire November 30, 2008:
Lina Wilkinson
Dave Thomson
Michael Jansson
Al Cavanagh**

MOTION CARRIED

It was moved and seconded that the following appointments to the Electoral Area F – Cowichan Lake South/Skutz Falls Advisory Planning Commission be approved:

Appointed for a term to expire November 30, 2008:

**Phil Archbold
Peter Devana
Ron McKenzie
Ian Morrison
Ron Pearson
Brian Peters
Kevin Smith**

**RES2
(06-676)**

It was moved and seconded that the matter of appointments to the Electoral Area F – Cowichan Lake South/Skutz Falls Advisory Planning Commission be referred to the next Board Meeting.

MOTION CARRIED

**RES3
(96-677)**

It was moved and seconded that the following appointments to the Electoral Area A – Mill Bay/Malahat Parks & Recreation Commission be approved:

Appointed for a term to expire December 31, 2007:

**Deryk Norton
Greg Farley
Paris Webster**

MOTION CARRIED

**RES4
(06-678)**

It was moved and seconded that the following appointment to the Nanaimo Airport Commission be approved:

Appointed for a term to expire March 31, 2010:

Mike McDonald

MOTION CARRIED

**UNFINISHED
BUSINESS**

UB1

Kinsol Trestle presentation – Brian Farquhar, CVRD Parks Manager and Mark Hallam, Ministry of Transportation, Manager Property Development & Marketing, were in attendance to review the Kinsol Trestle issue.

8:48 p.m.

Director Ridgway left the meeting.

9:19 p.m.

Director Cossey left the meeting.

- (06-679)** It was moved and seconded that staff be directed to prepare a non-profit fundraising society structure and related support requirements and to initiate an expression of interest for those who may wish to participate and support a non-profit fundraising campaign for construction of the Kinsol Trestle, using the modified design previously approved by the Board, or the reconstruction of the heritage structure.

MOTION CARRIED

- UB2** The Corporate Secretary advised that he has had an opportunity to review the error in Bylaw No. 2887 – Cowichan Community Capital Project Reserve Fund Expenditure Bylaw and advised that there was no error in Bylaw No. 2888. The Corporate Secretary then indicated the resolutions required to correct the error.

- (06-680)** It was moved and seconded that Resolution No. 06-671 referring Bylaws No. 2887 and 2888 to the next Board be rescinded.

MOTION CARRIED

- (06-681)** It was moved and seconded that Resolutions No. 06-667 and 06-668 giving three readings and adoption to Bylaw No. 2887 be rescinded.

MOTION CARRIED

- (06-682)** It was moved and seconded that Bylaw No. 2887 be amended by changing "cardboard compactor" in the "AND WHEREAS" clause to "replacement Arena Indoor speaker system and a Centre Indoor/Outdoor Video Surveillance system".

MOTION CARRIED

- (06-683)** It was moved and seconded that "CVRD Bylaw No. 2887 – Cowichan Community Centre Capital Project Reserve Fund Expenditure Bylaw, 2006", be read a 1st, 2nd and 3rd time as amended.

MOTION CARRIED

- (06-684)** It was moved and seconded that "CVRD Bylaw No. 2887 – Cowichan Community Centre Capital Project Reserve Fund Expenditure Bylaw, 2006", be adopted.

MOTION CARRIED

**NOTICE OF
MOTION**

Director Walker gave Notice of Motion that he will be bringing forward a motion, at the next regular Board meeting, regarding the CVRD banning the sale of fireworks and firecrackers except for licensed events.

NEW BUSINESS

No new business

(06-685)

**It was moved and seconded to refer In Camera items:
SM1 – Adoption of In Camera Minutes October 11, 2006 and
SSR1 – Employee Relations {Sub (1) (c)}, and
SSR2 – Land Acquisition {Sub (I) (e)} to the next In Camera
Board meeting.**

MOTION CARRIED

ADJOURNMENT

**(06-686)
9:44 p.m.**

**It was moved and seconded that the Regular Board meeting
adjourn.**

MOTION CARRIED

The meeting adjourned at 9:44 P.M.

Certified Correct:

Chair

Corporate Secretary

Dated: _____