

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room at 175 Ingram Street, Duncan, BC, on Wednesday, June 27, 2007 at 5:02 p.m.

PRESENT: Chair W.J. Peake
Directors J. Allan, K. Cossey <5:07 pm>, M. Dorey,
L. Duncan, G. Giles, B. Hodson, R. Hutchins
<5:19 pm>, P. Kent, M. Marcotte, G. Seymour,
M. Tansley and M. Walker
Alternate Directors A. Murray and D. Haywood
<5:19 pm>

ABSENT: Directors J. Lefebure and G. Ridgway

ALSO Frank Raimondo, Administrator
PRESENT: Joe Barry, Corporate Secretary
Tom Anderson, Manager, Development Services
Rosa Johnston, Recording Secretary

**APPROVAL OF
AGENDA
(07-404)**

It was moved and seconded that the agenda be approved.

MOTION CARRIED

(07-405)

It was moved and seconded that Items B1 "CVRD Bylaw No. 2912 –Area E – Cowichan Koksilah Official Community Plan Amendment Bylaw (The Village At Paldi; Cherokee Land Investments), 2007" and B2 "CVRD Bylaw No. 2913 – Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (The Village At Paldi; Cherokee Land Investments), 2007" be referred to the next CVRD Board meeting in July.

MOTION CARRIED

**STAFF
REPORTS**

SR1

Staff Report from the Planning Technician, dated June 27, 2007 re: Proposed change to CVRD Zoning Amendment Bylaw No. 2966 (Lyle Young) was considered for information.

SR2

Staff Report from the Manager, Development Services, dated June 27, 2007, re: Development Variance Permit Application No. 7-B-06DVP (Ted Zinkan) was considered for information.

**COMMITTEE
REPORTS**

Report and recommendations of the Electoral Area Services Committee meeting of June 18, 2007, listing 11 items, were considered:

5:07 pm

Director Cossey joined the meeting.

(07-406)

It was moved and seconded:

3. 1. That the following persons be appointed to the South Cowichan Official Community Plan *Community Advisory Committee*:
 - Peter Dale, Electoral Area B (Shawnigan Lake)
 - Lori Williams, Electoral Area B (Shawnigan Lake)
 - Sara Middleton, Electoral Area B (Shawnigan Lake)
 - Rod McIntosh, Electoral Area B (Shawnigan Lake)
 - A member of the Shawnigan Lake Fire Department (to be determined at a later date)
 - Jerry Tokmljenovic, Electoral Area C (Cobble Hill)
 - Brenda Krug, Electoral Area C (Cobble Hill)
 - Janice Hiles, Electoral Area C (Cobble Hill)
 - Rod de Paiva, Electoral Area C (Cobble Hill)
2. That the following persons be appointed to the South Cowichan Official Community Plan *Shawnigan Lake Local Area Committee*:
 - Sara Middleton
 - Rod McIntosh
 - Roger Painter
 - Mackenzie Brooks
 - John Clark
3. That the following persons be appointed to the South Cowichan Official Community Plan *Cobble Hill Local Area Committee*:
 - Jim Barker
 - Robin Brett
 - Al Cavanagh
 - Rod de Paiva
 - David Hart
 - Dave Thomson
 - Lina Wilkinson
 - Bob Brooke
4. 1. That a road closure and transfer of right-of-way passing through part of Liberation Park and the cenotaph area to the CVRD be negotiated with the Ministry of Transportation.
2. That the CVRD proceed to acquire the Crown lands on which the Cobble Hill cenotaph is situated.

3. That the Ministry of Transportation be requested to install a crosswalk at Cobble Hill and Fisher Roads accessing the train kiosk.

MOTION CARRIED

(07-407)

It was moved and seconded:

1. That the following resolution be forwarded to UBCM:

Whereas private water systems are governed under the *Water Utility Act*, which ensures that the public interest is protected from a monopoly that has no competition in the area of service they provide; and

Whereas the *Water Utility Act* provides for the appointment of a Comptroller of Water Rights with the authority to ensure that the rates charged to customers of water systems are not excessive, but reasonably allow only for operating costs, a contribution for capital replacement and upgrade, and a provision for management fees; and

Whereas no similar regulations exists to ensure the same level of transparency, responsibility and protection for private sewer utilities;

Now therefore be it resolved that the Province establish legislation to govern private sewer utilities to ensure the same level of accountability found in the *Water Utility Act* is afforded to customers of private sewer utilities.

And further that this information be forwarded to Barry Penner, Minister of Environment, and the CVRD member municipalities

MOTION CARRIED

(07-408)

It was moved and seconded that the following recommendation, as stated below, be referred to the Regional Services Committee meeting of June 27, 2007:

2. That the Electoral Area Services Committee advise the Board of their comments regarding A, C, E, F, G and L from Page 29 of the Cowichan Basin Water Management Final Plan be recommended to proceed immediately, and that further comment be made following consultation meetings with Cowichan Lake residents to be held during the summer of 2007.

Opposed: Directors Duncan, Marcotte and Hodson

MOTION CARRIED

5:19 pm

Directors Hutchins and Haywood joined the meeting.

(07-409)

It was moved and seconded:

5. That Development Variance Permit Application No. 7-B-06DVP to vary the height of the fence be approved and that the Planning Division be authorized to issue a Development Variance Permit to Ted Zinkan with respect to Lot 16, District Lot 4, Malahat District, Plan 728, that would vary Section 5.1(b) of Zoning Bylaw No. 985 by

- a) 0.63 m from the 1.2 m maximum permitted height of a fence in the front yard to allow the existing 1.83 m fence to remain; and
- b) 3 cm from the 1.8 m maximum permitted height of a fence in the side yard to allow the existing 1.83 m fence to remain;

And further, that Development Variance Permit Application No. 7-B-06DVP to vary the minimum interior side yard setback be referred back to staff for clarification on fire regulations and definition of structure.

7. That Development Permit Application No. 4-H-06DP be approved and that the Planning Division be authorized to issue a Development Permit to Norman Huneault and Debbie Rae with respect to Lot 2, District Lot 70, Oyster Land District, Plan 9824 that would allow the subject property to be developed in accordance with the Cassidy/Bush Creek Aquifer Development Permit Guidelines of Official Community Plan Bylaw No. 1497 and subject to the conditions specified on Page 6 of the EBA Engineering report dated April 12, 2007.
8. That Development Permit No. 1-E-07DP (Tony Reymer) be amended by deleting condition a) underground wiring be installed.
9. That Development Permit Application No. 2-A-07DP be approved and that the Planning Division be authorized to issue a Development Permit to Gordon and Marilyn Morgan with respect to Lot 13, Block G, District Lot 18, Malahat District, Plan 1720 that would allow the subject properties to be subdivided into two lots in accordance with the Mill Bay Development Permit Guidelines of Official Community Plan Bylaw No. 1890.

10. That Application No. 11-B-07DP/RAR (Ronald Slegg) to consider a SPEA bending be approved for the site given its size and the effective sterilization of the lot, contingent on the RAR report and all of its recommendations being approved by the reviewing agencies.
11. 1. That Rezoning Application No. 2-I-06RS (Merdyn Development Group) be approved;
2. That the draft Zoning Bylaw be amended as follows: include "home office" use in proposed serviced zones; 20 m setback from the lake be reduced to 15 m in waterfront zones, except RM-4 and RM-5; and that suites be permitted in the R-6 and LR-8 zones;
3. That the draft Official Community Plan and amended draft Zoning Amendment bylaws be forwarded to the June 27th Special Board meeting for consideration of 1st and 2nd readings;
4. That a public hearing be scheduled for mid-July, 2007, and that Directors Hodson, Allan and Duncan be delegated to the public hearing;
5. That Application No. 2-I-06RS be referred to the Ministries of: Community Services, Transportation, Environment, Forests; the Vancouver Island Health Authority; Fisheries and Oceans Canada; School District 79; Lake Cowichan First Nations; Ditidaht First Nations; CVRD Engineering Services; Youbou Volunteer Fire Department; and CVRD Protective Services.

MOTION CARRIED

(07-410)

It was moved and seconded

6. That Application No. 4-D-06ALR submitted by Anthony Van de Mortel made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property located at 2258 Cowichan Bay Road, be forwarded to the Agricultural Land Commission without comment.

Opposed: Directors Giles, Duncan and Marcotte

MOTION CARRIED

CR2

Report and recommendations from the Cowichan Lake Recreation Committee meeting of June 21, 2007 listing two items, were considered:

(07-411) **It was moved and seconded:**

- 1. That the CVRD Board approve the reduction of the Transfer to reserve within the Cowichan Lake Recreation budget from \$49,090 to \$37,798, for the expenditure of capital roof replacement.**
- 2. That the Chair and Corporate Secretary be authorized to sign the agreement between Cowichan Lake Recreation and CEI Architecture for the provision of architectural services as outlined in the Request for Proposal dated June 6, 2007 for a cost not to exceed \$30,000.**

MOTION CARRIED

BYLAWS

B1 **Dealt with earlier in the agenda.**

B2 **Dealt with earlier in the agenda.**

B3 **It was moved and seconded that "CVRD Bylaw No. 2978 – Area I**
(07-412) **– Youbou/Meade Creek Official Community Plan Amendment**
bylaw (Woodland Shores/Merdyn), 2007, be granted 1st and 2nd
reading.

MOTION CARRIED

B4 **It was moved and seconded that "CVRD bylaw No. 2979 – Area I**
(07-413) **– Youbou/Meade Creek zoning Amendment Bylaw (Woodland**
Shores/Merdyn), 2007", be granted 1st and 2nd reading.

MOTION CARRIED

B5 **It was moved and seconded that "CVRD Bylaw NO. 2983 – Area I**
(07-414) **– Youbou/Meade Creek Official Community Plan Amendment**
Bylaw (Lakweb), 2007", be granted 1st and 2nd reading.

MOTION CARRIED

B6 **It was moved and seconded that "CVRD Bylaw No. 2984 – Area I**
(07-415) **– Youbou/Meade Creek Zoning Amendment Bylaw (Lakweb),**
2007", be granted 1st and 2nd reading.

MOTION CARRIED

**B7
(07-416)** It was moved and seconded that "CVRD Bylaw No. 2966 – Area D – Cowichan Bay Zoning Amendment Bylaw (Lyle Young), 2007", 2nd Reading be rescinded.

MOTION CARRIED

**B7
(07-417)** It was moved and seconded that "CVRD Bylaw No. 2966 – Area D – Cowichan Bay Zoning Amendment Bylaw (Lyle Young), 2007", be amended as noted in Item SR1.

MOTION CARRIED

**B7
(07-418)** It was moved and seconded that "CVRD Bylaw No. 2966 – Area D – Cowichan Bay Zoning Amendment Bylaw (Lyle Young), 2007", be read a 2nd time as amended.

MOTION CARRIED

**RESOLUTIONS
(07-419)**

That the following appointment to the Electoral Area I – Youbou/ Meade Creek Parks Commission be approved:

Appointed into a Vacant Position for the Remainder of Term to expire December 31, 2007:

Shenny Gregory

MOTION CARRIED

NEW BUSINESS

**COWICHAN CENTRE/KERRY PARK RECREATION COMMISSION
SERVICE REVIEW UPDATE:**

NB1 Correspondence from Mayor Jon Lefebure, Municipality of North Cowichan, dated June 26, 2007, re: Sub-Regional Recreation Service Review, was received for information.

NB2 Resolution from the Kerry Park Recreation Commission of meeting of June 26, 2007 was received for information.

**RESOLVE INTO
CLOSED
SESSION**

**(07-420)
5:42 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, Subsection (1) (a).

MOTION CARRIED

**RISE FROM
CLOSED
SESSION
(07-424)
5:53 pm**

It was moved and seconded that the Board rise with report on Item CSR1 and return to the Regular portion of the meeting.

MOTION CARRIED

**CLOSED
SESSION
REPORT**

CSR1

(07-422)

It was moved and seconded that Warren Jones be appointed Chief Administrative Officer, effective September 4, 2007.

MOTION CARRIED

ADJOURNMENT

**(07-425)
5:53 p.m.**

It was moved and seconded that the Special Board meeting adjourn.

MOTION CARRIED

The meeting adjourned at 5:53 pm.

Certified Correct:

Chair

Corporate Secretary

Dated: _____