

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, June 21, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC

**PRESENT**

Director L. Iannidinardo, Chair  
Director B. Harrison  
Director K. Cossey  
Director G. Giles  
Director L. Duncan  
Director I. Morrison  
Director M. Dorey  
Director K. Kuhn

Absent:  
Director M. Marcotte

**CVRD STAFF**

Tom R. Anderson, General Manager  
Warren Jones, Administrator  
Sybille Sanderson, Acting General Manager  
Mike Tippett, Manager  
Rob Conway, Manager  
Brian Duncan, Manager  
Brian Farquhar, Manager  
Alison Garnett, Planner II  
Rachelle Moreau, Planner I  
Maddy Koch, Planning Technician  
Jennifer Hughes, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included adding three items of listed New Business (NB1 to proceed after R6), and three additional items of New Business [(D4) Malahat First Nation; (NB4) Bird Studies Request for Letter of Support and (NB5) Director Kuhn zoning issue].

It was Moved and Seconded that the agenda, as amended, be approved.

**MOTION CARRIED**

Director Giles sadly informed the Committee and public present that Ralph Keir, passed away on June 7, 2011. Mr. Keir was a former CVRD Administrator until 1984 and he made a huge and valuable contribution to the growth of the CVRD, as well as being the Area A Director during the 1970's and former CVRD Board Chair. Director Giles stated that Mr. Keir's memorial service will be held Friday, June 24<sup>th</sup> at 2:00 pm and requested that a moment of recognition be given to Mr. Keir for his contributions he made to the CVRD and for being the good citizen he was.

Chair Iannidinardo sends our condolences to Mr. Keir's family.

**M1 - Minutes**

It was Moved and Seconded that the Minutes of the May 31, 2011, EASC meeting be adopted.

**MOTION CARRIED**

**BUSINESS ARISING**      There was no business arising.

**DELEGATIONS**

Director Cossey declared a Conflict of Interest due to his employer's perspective with regard to D1, D2 and R4. Director Giles requested that D3 be moved to first delegation.

**D3 – Lisbeth Plant**      Lisbeth Plant was present regarding Responsible Dog Ownership and provided an overview of her speaking notes requesting the Committee's consideration of a rebate with regard to dog licenses.

The Committee directed questions to the delegate.

Director Cossey declared a Conflict of Interest with regard to D1 and D2 and left the meeting at 3:15 pm.

**D1 – Janet Yee**      Janet Yee, Chairperson, Oceanview Improvement District, was present regarding the rezoning of F-1 lands (west side of TCH) of Bamberton lands and provided an overview of her speaking notes requesting the Committee's consideration for the protection of their groundwater and well situated in the John's Creek watershed.

The Committee directed questions to the delegate.

**D2 – Balu Tatachari**      Balu Tatachari, Chairperson, Friends of Saanich Inlet, was present and provided a power point presentation in response to the Bamberton rezoning staff report.

Mr. Tatachari requested an extension to the 10 minute presentation time limit. Chair Iannidinardo stated that when his 10 minute presentation was up the Committee would review his request.

It was Moved and Seconded

That Mr. Tatachari, Chair, Friends of Saanich Inlet, be given another five minutes to complete his presentation.

**MOTION DEFEATED**

Mr. Tatachari was given his remaining one minute to conclude his presentation.

The Committee directed questions to the delegate.

**D4 – Malahat First Nation**      Russell Harry, Councillor, introduced himself and Chief Michael Harry and Councillor Dean Harry who were present at the meeting and stated that when the original Bamberton rezoning came forward they did have concerns and after meeting with the applicant their concerns have now been addressed and they support the Bamberton application.

The Committee directed questions to the delegate.

Director Cossey returned to the meeting at 3:55 pm.

**STAFF REPORTS**

**R1 - Laird**

Alison Garnett, Planner II, presented staff report dated June 10, 2011, regarding Rezoning Application No. 1-G-10RS (Hal Laird for Christie) to amend a portion of the commercial zone, as well as the entire suburban residential zone to create a new residential zone that would permit a 7 lot residential bareland strata subdivision located at 10830 Chemainus Road.

Greg Smith who worked on the design of the sewage treatment system was present and provided further information to the Committee.

It was Moved and Seconded

That staff be directed to organize a meeting with the Engineering and Environmental Services Department, the Area Director, the applicant and surrounding property owners, to explore the feasibility of constructing a community sewer system to service the proposed development and Saltair's core, as well as a shared public road into the subdivision.

MOTION CARRIED

**R2 – Parhar Holdings**

Rachelle Moreau, Planner I, presented staff report dated June 15, 2011, regarding Application No. 6-D-08DP/RAR to consider the issuance of a Development Permit for Phase 1 of the Parhar Business Park consisting of 3 commercial buildings with 6 accessory dwelling units totalling approximately 4,200m<sup>2</sup> of building area at 5301 Chaster Road.

Balbir Parhar and Russ McArthur, applicants, were present and Mr. McArthur provided further information to the Committee.

The Committee directed questions to the staff.

It was Moved and Seconded

That Application No. 6-D-08DP/RAR (Parhar Holdings) be referred back to Planning Staff.

MOTION CARRIED

**R3 – Van Boven**

Maddy Koch, Planning Technician, presented staff report dated June 13, 2011, regarding Application No. 1-E-11DVP (Ben and Margie Van Boven) to consider an application to vary the interior-side yard setback from 15 metres to 2 metres, to allow for the construction of a cattle barn at 4560 Koksilah Road.

Ben and Margie Van Boven, applicants, were present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 1-E-11DVP submitted by Ben & Margie Van Boven for a variance to Section 7.3 (b)(4) of Zoning Bylaw No. 1840 by reducing the minimum interior-side parcel line setback from 15 metres to 2 metres for Lot 4, Sections 3, 4 and 5, Range 7, Quamichan District, Plan 1233 (PID: 000-151-432), be approved subject to the applicant providing a legal survey

confirming compliance with approved setbacks.

**MOTION CARRIED**

Director Cossey declared a Conflict of Interest with regard to R4 and left the meeting at 4:45 pm.

**R4 – Bamberton Properties LLP**

Mike Tippett, Manager, presented staff report dated June 14, 2011, regarding Application No. 1-A-11RS – Bamberton Business Park (Bamberton Properties LLP) to consider light industrial and related land uses on some of the Bamberton lands located at Trowsse Road; Bamberton TCH interchange/old haul road.

The Committee directed questions to staff.

Ross Tennant, applicant, was present and advised that members of the Bamberton Historical Society and former residents of the Bamberton site were present at the meeting and expressed his appreciation to the leadership of the Malahat First Nation for appearing on their behalf before the Committee. Mr. Tennant provided further information to the application.

Chair Iannidinardo stated that there was one minute left in the Mr. Tennant's presentation.

It was Moved and Seconded

That an additional 10 minutes be granted to the Mr. Tennant's presentation.

**MOTION CARRIED**

The Committee directed questions to the applicant.

It was Moved and Seconded

That Rezoning Application No. 1-A-11RS (Bamberton Business Park) submitted by Bamberton Properties LLP be approved and the Mill Bay/Malahat Official Community Plan be amended by redesignating the proposed Business Park and adjacent light industrial park as Industrial on the Plan Map, that the OCP also be amended by allowing Forestry-designated lands to the east of the Highway to be developed for lease-only light industrial use without redesignation, that the appropriate areas of the subject lands be rezoned to allow for a mix of light industrial use, business park and outdoor recreation uses, and that the appropriate bylaws be presented to the Board for consideration of two readings, with eventual consideration of adoption being subject to a covenant on all lands to be rezoned as I-3, I-3A, I-4 and F-1A, that would require that no building, subdivision or land clearing occur without the CVRD's express written consent until:

1. a Riparian Assessment is done on all rezoned lands,
2. the subject land presently not in a fire protection area is added to Mill Bay Improvement District's Service Area;
3. a Sensitive Ecosystem Inventory assessment of lands to be rezoned to Industrial and delineation of the affected areas is completed by a registered professional biologist, and a BC Land Surveyor provides mapping indicating the extent of riparian areas and other SEI areas that should be protected from development, either by the covenant or by the

dedication of these areas to the CVRD as parkland;

4. that a system be put in place that would monitor both the quantity and quality of water within the aquifer in the vicinity of Inlet Drive/Malahat First Nation and other users near Inlet Drive subdivision but not on Oceanview Improvement District water service; that an appropriate amount of security also be put in place to ensure there is a way of dealing with any deficiencies that may arise with respect to water quality and quantity and further that a hydrological report be prepared for the John's Creek watershed system;
5. a lease agreement be investigated with respect to the Southlands to ensure the preservation and protection of these sensitive lands.

and that the proposed bylaws be referred to a public hearing, with Directors Harrison, Giles, Dorey, Kuhn and Duncan delegated to the hearing in accordance with Section 891 of the *Local Government Act*, and further that the referral of this application to Malahat First Nation, Cowichan Tribes, Tsarlip First Nation, Tsawout First Nation, Pauquachin First Nation, Ministry of Transportation and Infrastructure, BC Transit, Ministry of Environment, Ministry of Community, Sport and Cultural Development, CVRD Engineering and Environmental Services, Capital Regional District, Vancouver Island Health Authority, School District No. 79, Mill Bay Improvement District (Fire Department) be approved.

MOTION CARRIED

Director Cossey returned to the meeting at 5:50 pm.

**RECESS**

The Committee took a 5 minute break at 5:50 pm and reconvened at 5:55 pm.

**R5 – Alderlea Farm**

Rob Conway, Manager, presented staff report dated June 10, 2011, regarding Application No. 1-E-11RS (Alderlea Farm) to amend rezone the subject property located at 3390 Glenora Road.

John and Katy Ehrlich, applicants, were present and provided further information to the application.

The Committee directed questions to staff.

The Committee directed questions to the applicant.

It was Moved and Seconded

1. That draft amendment bylaws for OCP and Rezoning Amendment Application 1-E-11RS (Alderlea Farm) be forward to the CVRD Board for first and second reading.
2. That application referrals to the Ministry of Transportation and Infrastructure, Vancouver Island Health Authority, Agricultural Land Commission, Cowichan Tribes and Duncan Volunteer Fire Department be accepted.
3. That a public hearing be scheduled with Directors Duncan, Marcotte and Kuhn appointed as Board delegates.
4. That a covenant be required as a condition of the proposed zoning amendment to exclude (a) kennel and (b) no sale of farm products not produced within 100 miles on the subject property.

MOTION DEFEATED

It was Moved and Seconded

1. That draft amendment bylaws for OCP and Rezoning Amendment Application 1-E-11RS (Alderlea Farm) be forward to the CVRD Board for first and second reading.
2. That application referrals to the Ministry of Transportation and Infrastructure, Vancouver Island Health Authority, Agricultural Land Commission, Cowichan Tribes and Duncan Volunteer Fire Department be accepted.
3. That a public hearing be scheduled with Directors Duncan, Marcotte and Kuhn appointed as Board delegates.
4. That a covenant be required as a condition of the proposed zoning amendment to exclude kennel as a permitted use on the subject property.

MOTION CARRIED

**R6 – Waldron**

Rob Conway, Manager, presented staff report dated June 11, 2011, regarding Development Permit Application No. 5-E-11DP/RAR/VAR (Waldron) to construct a single family dwelling 20 metres from the natural boundary of Glenora Creek located at Lot 1, Marshall Road, Glenora.

Jason Waldron, applicant, was present.

It was Moved and Seconded

That Application No. 5-E-11DP/RAR/VAR be approved, and that a development permit with variance be issued to Jason and Andrea Waldron for the construction of a single family dwelling 20 metres from the natural boundary of Glenora Creek at Lot 1, Section 9, Range 3, Quamichan District, Plan 9569 (*PID 026-302-322*), subject to:

1. Compliance with the measures and recommendations outlined in RAR assessment report No. 1981, prepared by Kelly Schellenberg, RPF;
2. Construction of a permanent cedar fence along the SPEA boundary within 15 metres of the dwelling.

MOTION CARRIED

**NB1 –Dowell**

Rachelle Moreau, Planner I, presented staff report dated May 24, 2011, regarding Application No. 18-B-10DP/RAR/VAR (Greg Dowell) to consider a request for variance to the Riparian Areas Regulation to locate a single family dwelling and boat shed wholly within the Streamside Protection and Enhancement Area (SPEA) located at Lot A, Cliffside Road.

The Committee directed questions to staff.

Greg Dowell, applicant, and Craig Barlow, Qualified Environmental Professional, were present and provided further information to the application. Mr. Barlow submitted a color map (Form 3 Detailed Assessment Form).

The Committee directed questions to the applicant.

It was Moved and Seconded

That Development Permit Application No. 18-B-10DP/RAR/VAR (Dowell) be revised to locate development within the RAR compliant area of the property

as shown in draft Riparian Areas Assessment Report No. 1819 REV3 by Qualified Environmental Professional Craig Barlow and that the previously disturbed areas within the SPEA be restored.

**MOTION CARRIED**

**R7 – Reserve Fund Bylaw for Electoral Area A Community Park Project**

Staff report dated June 16, 2011, prepared by Ryan Dias, Parks Operations Superintendent, regarding Reserve Fund Bylaw for Electoral Area A Community Park Project.

It was Moved and Seconded

That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$7,000 from the Community Parks General Reserve Fund (Area A – Mill Bay/Malahat) for the purpose of developing a new park located in Mills Springs inclusive of landscaping pathways and a sport court; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

**MOTION CARRIED**

**R8 – Proposed Cell Tower, North of Mill Bay, BC**

Tom R. Anderson, General Manager, presented staff report dated June 14, 2011, regarding Proposed Cell Tower, North of Mill Bay, BC.

Committee members directed questions to staff.

It was Moved and Seconded

- 1) That the proponent be informed that the Regional District does not approve of the application to construct a Telecommunications Tower at the location identified at 820 Sheppard Road, Mill Bay as the proposed cell tower is at direct odds with the Trans Canada Highway Development Permit Area Guidelines of the Mill Bay/Malahat Official Community Plan which were established to protect the visual aesthetics of the Trans Canada Highway corridor. And, that the proponent be requested to find a less visible location to locate such a tower.
- 2) That the Staff Report and background information be forwarded to School District No. 79 and Jean Crowder, MP, for information.
- 3) That the proponent of the proposed telecommunications tower hold a public meeting to receive public input.

**MOTION CARRIED**

**R9 – Administrative Process to Release Covenants and Agreements**

Tom Anderson, General Manager, presented staff report dated June 15, 2011, regarding Administrative Process to Release Covenants and Agreements.

It was Moved and Seconded

That staff be delegated the power to release covenants and agreements.

**MOTION CARRIED**

**CORRESPONDENCE**

**C1 – Grant in Aid Request – Area C**

It was Moved and Seconded

That a grant in aid, Area C – Cobble Hill, be given to Garden House Foundation (Victoria Foundation), in the amount of \$500.00 to support those in

need in the south-end.

MOTION CARRIED

**INFORMATION**

**IN1 – May, 2011  
Building Report**

It was Moved and Seconded  
That the May, 2011 Building Report, be received and filed.

MOTION CARRIED

**IN4, IN6, IN7 & IN8**

It was Moved and Seconded  
That the following minutes be received and filed:

- Minutes of Area I Parks meeting of May 10, 2011
- Minutes of Area G Parks meeting of April 4, 2011
- Minutes of Area G Parks meeting of March 8, 2011
- Minutes of Area H Parks meeting of May 26, 2011

MOTION CARRIED

**IN2**

It was Moved and Seconded  
That the Minutes of the Area B APC meeting of May 5, 2011 be received and filed.

MOTION CARRIED

**IN3**

It was Moved and Seconded  
That the Minutes of the Area E APC meeting of May 26, 2011, be received and filed.

MOTINO CARRIED

**IN5**

It was Moved and Seconded

- 1) That the Minutes of the Area E Parks and Recreation Commission meeting of June 7, 2011, be received and filed and further.
- 2) That the Minutes of the Area E Parks and Recreation Commission meeting of June 7, 2011, with regard to Other Business Item #4 (Trans Canada Trail/washroom facilities) be referred to the Regional Parks Committee.

MOTION CARRIED

**NEW BUSINESS**

**NB2 – Grant in Aid –  
Area C**

It was Moved and Seconded  
That a grant in aid, Area C – Cobble Hill, be given to Shawnigan Cobble Hill Farmers Institute, in the amount of \$400.00 to assist in community celebration.

MOTION CARRIED

**NB3 – R4 Add-on**

R4 Add-on – agency comments were dealt with during Application No. 1-A-11RS.

**NB4 – Bird Studies**

It was Moved and Seconded



**Request for Letter of Support**

That a letter be sent to the Real Estate Foundation of BC on behalf of Bird Studies Canada stating the CVRD's support for their application for project funding.

MOTION CARRIED

**NB5**

Director Kuhn requested that the issue of the possible increase of the setback area to 7.5 m from the boundary of the SPEA in Area I be brought back to the Committee as soon as possible as he had just noticed two new boat houses under construction.

It was Moved and Seconded

- 1) That Planning staff review, as quickly as possible, the existing Bylaws with regard to the possible increase of the setback area to 7.5 m from the boundary of the SPEA in Area I and;
2. That Planning staff further investigate the zoning status of boat houses in Area I and in the event there is no bylaw in place that a Bylaw be drafted that would not permit them in Area I;
3. That staff investigate if building permits have been issued for the two recently constructed boat houses in Area I as identified by Director Kuhn.

MOTION CARRIED

Director Cossey left the meeting at 7:20 pm.

Director Morrison left the meeting at 7:30 pm.

**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(1), subsections as noted in accordance with each agenda item.

MOTION CARRIED

The Committee moved into Closed Session at 7:30 pm.

**RISE**

The Committee rose without report.

**ADJOURNMENT**

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 7:35 p.m.

---

Chair

---

Recording Secretary