

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, September 6, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mark Kueber, General Manager
Warren Jones, Administrator
Rob Conway, Manager
Brian Duncan, Manager
Ann Kjerulf, Planner III
Maddy Koch, Planning Technician
Rachelle Moreau, Planner I
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding one item of listed New Business and three additional items of New Business.

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

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the Minutes of the August 2, 2011, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

**D1 – Hunter/
Nicholson**

Alison Nicholson was present regarding the Walter application on Riverside Road. She stated that she canvassed neighbours and can't find anyone who is in favour of the proposal. The Staff Report confirms her issues and noted that she not in favour of the application. Is mainly concerned about the constant erosion of agricultural land and loosing the opportunity to use natural resources to grow food and produce lumber, etc. Encouraged Directors to take a proactive stance on this issue.

There were no questions to the delegate.

The Chair thanked Ms. Nicholson for appearing.

R1 - Walter

Ann Kjerulf, Planner III, presented Staff Report dated August 24, 2011, regarding Application No. 1-B-10RS (Walter) to rezone property on Riverside Road from F-1 to a new rural residential zone to permit a 10 lot residential subdivision.

The Committee directed questions to staff.

Michael Walter, applicant, was present and provided further information to the application.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Rezoning Application No. 1-B-10RS (Walter) be supported in principle and forwarded to the CVRD Board with the recommendation that draft bylaws be prepared for consideration at a future EASC meeting, in conjunction with the following to support the preparation of draft bylaws:

- a) Submission of a wildland urban interface assessment;
- b) Submission of a site environmental, riparian and hydrologic assessment and site topographic survey, prepared by the appropriate qualified professionals working in their respective fields of expertise, for the purpose of determining predevelopment site hydrology, sensitive habitat areas to be protected by conservation covenant or dedication, suitable building sites, and appropriate location for recreational trails;
- c) Submission of an archaeological assessment report, prepared in consultation with First Nations staff, elders and cultural advisors, identifying any significant archaeological resources on the subject property along with measures to protect such resources, and prepared by a qualified professional working in this field of expertise;
- d) Submission of a fire protection/suppression plan in compliance with NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting;
- e) That the applicant undertake to guide development, in accordance with a development permit to be issued prior to subdivision, consistent with the Ministry of Environment publication, Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006;
- f) A performance bond will be required, as a condition of the development permit, to ensure that the site is developed in accordance with the permit and consistent with Develop with Care (as noted above);
- g) That the southern portion of the subject property identified for park dedication remain in a rural resource designation with accommodation for a recreation trail corridor as identified in the Electoral Area B Parks Master Plan (Silvermine Trail Connection) and the balance of the property have the continued potential to be used for community forestry; and
- h) That application referrals to the Ministry of Transportation and Infrastructure, the Central Vancouver Island Health Authority, the Ministry of Environment, Ministry of Forests; Malahat First Nations, Cowichan Tribes and School District 79 be accepted.

MOTION DEFEATED

It was Moved and Seconded

That Rezoning Application No. 1-B-10RS (Walter) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

MOTION CARRIED

R2 - Lamont

Maddy Koch, Planning Technician, presented Staff Report dated August 30, 2011, regarding Application No. 2-C-10DVP (Kevin Lamont/South Cowichan Storage) to allow a storage container to be built on the rear parcel line of property located on Fisher Road.

It was Moved and Seconded

1. That September 8, 2010, Board Resolution No. 10-487(22) be rescinded.
2. That Application No. 2-C-10DVP by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, decreasing the setback to the rear parcel line from 7.5 metres (24.61 ft) to 1.09 metres (3.58 ft) on Parcel A (Being a consolidation of Lots 1 and 2, See FB153508) Block 1475 and Section 13, Range 6, Shawnigan District, Plan VIP81077, be approved subject to:
 - the applicant providing a survey confirming compliance with approved setbacks
 - \$1200 being paid to the CVRD for the purpose of providing a landscaping grant to Cobble Hill School.
3. That a Section 219 covenant be registered to the title of Parcel A (Being a consolidation of Lots 1 and 2, See FB153508) Block 1475 and Section 13, Range 6, Shawnigan District, Plan VIP81077, which requires:
 - all outdoor storage to discontinue by July 1st 2015;
 - the outdoor storage use to provide space for not more than 6 recreational vehicles, trailers, boats or motor vehicles outside the area that is within 15 metres of the water well located adjacent to the Land;
 - the outdoor storage to use diapers and drip pans beneath all such recreational vehicles, trailers, boats or motor vehicles that are stored outside.

MOTION CARRIED

R3 - Pennells

Maddy Koch, Planning Technician, presented Application No. 3-C-11DVP by Gerald and Andrea Pennells to construct a deck on the south-east side of the house located on Saltspring View Road.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 3-C-11DVP by Gerald and Andrea Pennells respecting Strata Lot 492, Section 14, Range 10, Shawnigan District, Strata Plan 1601, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (PID: 018-513-247) to reduce the setback to the interior side parcel line that abuts common property from 1.4 metres to 0.2 metres, be approved subject to a legal survey confirming compliance with approved setbacks.

MOTION CARRIED

R4 - Coulson

Rachelle Moreau, Planner I, presented Staff Report dated August 31, 2011, regarding Application No. 1-E-10RS by David Coulson/Urban Edge Properties, to rezone property at 5241 Koksilah Road, from P-1 to a new zone to permit a range of small scale commercial and light industrial uses as well as multi and single family residential.

David Coulson, applicant, was present and provided further information to the application.

The Committee directed questions to the applicant and staff.

It was Moved and Seconded

1. That Application No. 1-E-10RS (David Coulson/Urban Edge Properties) proceed to bylaw preparation and that the appropriate amendment bylaws be forwarded to the Regional Board for consideration of first and second reading;
2. That agency referrals to the Ministry of Transportation and Infrastructure, City of Duncan, Vancouver Island Health Authority, Cowichan Tribes First Nation, Duncan Fire Department, and School District #79 be accepted;
3. That a Public Hearing be held with Directors Duncan, Iannidinardo, and Dorey named as delegates of the Board.

MOTION CARRIED

R5 - Fisher

Rachelle Moreau, Planner I, presented Staff Report dated August 31, 2011, regarding Application No. 2-E-11DP (James and Catherine Fisher) to authorize trees be removed from property located at 3070 Allenby Road.

It was Moved and Seconded

That Application No. 2-E-11DP submitted by Katharine Fisher to authorize trees removed from Parcel B (DD111046-I) of Lot 3, Section 14, Range 6, Quamichan District, Plan 1275 (PID: 007-674-457) and Lot 3, Section 14, Range 6, Quamichan District, Plan 1275, Except Parcel A (DD 90646I) and Parcel B (DD 111046I) Thereof (PID: 004-453-735) be approved, subject to compliance with the recommendations of the Ryzuk Geotechnical engineering report dated January 20, 2011.

MOTION CARRIED

R6 – Covenant Release (Arrowsmith)

Maddy Koch, Planning Technician, presented Staff Report, dated August 30, 2011, regarding covenant release request (Application No. 1-E-05SA/Arrowsmith).

It was Moved and Seconded

That the Regional District release restrictive covenant FA100733 from the titles of both Lot A Section 6 Range 3 Quamichan District Plan VIP81545 (PID: 026-778-998) and Lot 1, Section 6, Range 3, Quamichan District, Plan VIP75831 Except that part in Plan VIP81545 , PID: 025-743-694 (Application No. 1-E-05SA/Arrowsmith).

MOTION CARRIED

R7 – Eagle Heights Fire Boundary

It was Moved and Seconded

1. That the *Certificate of Sufficiency* confirming that the petition for inclusion in the Eagle Heights Fire Protection Service Area is sufficient be received.
2. That CVRD Bylaw No. 1965 be amended to extend the boundaries of the Eagle Heights Fire Protection Service Area to include the following property: Lot 1, Plan # 88052, Section 13, Range 7, Quamichan Land District PID: 028-237-765, Folio. 03346.035
3. That the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
4. That Schedule A to the Fire Services agreement with the City of Duncan to provide fire protection to the Eagle Heights Fire Protection Service Area, be amended to include the additional property.
5. That the Chair and Corporate Secretary be authorized to sign the amended Eagle Heights Fire Protection Services Agreement.

MOTION CARRIED

R8 – Grants in Aid policy

Mark Kueber, General Manager, presented Staff Report dated August 25, 2011, regarding Grants in Aid policy.

General discussion ensued.

Report was received as information only.

R9 and R10 – 2012 Budget

Mark Keuber, General Manager, presented Staff Report dated August 25, 2011, and Tom Anderson, General Manager, presented Staff Report dated August 24, 2011, both regarding 2012 Planning & Development Department budget.

Mr. Anderson requested that Directors provide further direction on 2012 new project items.

Director Giles suggested that the CVRD hire a QEP on staff. Mr. Anderson advised this is currently on the list and has contacted other regional districts regarding this, and that he will be doing a report to the next meeting.

Director Marcotte advised that she needs some minor changes to her OCP bylaw. Mr. Anderson requested that her suggestions be emailed to him or forwarded on paper.

Mr. Anderson requested that any further requests be forwarded to him and that he will bring a report back.

R11 – Mid Year Budget Report

Tom Anderson, General Manager, presented Staff Report dated August 24, 2011, regarding Mid-Year Budget Report.

There were no questions from Committee members.

Report was received as information only.

R12 – DAI Bylaw

It was Moved and Seconded
That proposed CVRD Development Approval Information (DAI) Bylaw No. 3540 be amended to change the definition of "Officer" to mean the General Manager of Planning and Development, and that proposed Bylaw No. 3540, be forwarded to the Regional Board for consideration of three readings and adoption.

MOTION CARRIED

It was Moved and Seconded
That in-stream Development applications not be affected by proposed DAI Bylaw No. 3540.

MOTION CARRIED

R13 – Building Bylaw

Brian Duncan, Manager, presented Staff Report dated August 30, 2011, regarding a new Building Bylaw.

General discussion ensued.

Director Morrison noted that the double permit fee should be removed from the fee schedule. Mr. Anderson advised that the amendment will be made to the bylaw prior to going to the Board for adoption.

It was Moved and Seconded
That new CVRD Building Regulation Bylaw No. 3422 be forwarded to the Regional Board for consideration of three readings and adoption.

MOTION CARRIED

R14 – Animal Control Contract

It was Moved and Seconded
That the CVRD proceed with a Request for Proposals for a 2012-2014 Animal Control Contract.

MOTION CARRIED

R15 – DP's Delegation Authority

Staff Report dated August 30, 2011 from Rob Conway, Manager, regarding development permit delegation authority and DP Application No. 3-B-11DP (Cullin Holdings).

Report was received as information only.

R16 – Application extension (Silver Catch)

It was Moved and Seconded
That Development Permit No. 1-D-08DP, issued to Silver Catch Processing Inc., be renewed until May 10, 2012, and that no further extensions of the development permit be granted.

MOTION CARRIED

R17 – Subdivision File No. 10-B-10SA

It was Moved and Seconded
That the Provincial Approving Officer be requested to deny the proposed subdivision of Lots 1 and 2, , Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (2080 Cullin Road – File 10-B-10SA) due to it being against the public interest for the following reasons:

- a. The application proposes a lot configuration and concentration of density along the lakeshore that will discourage successful restoration and protection of the previously damaged Shawnigan Lake riparian buffer and potentially negatively impact Shawnigan Lake;
- b. The application avoids the higher standard of sewage treatment and disposal intended by provincial regulation for the proposed density and potentially threatens Shawnigan Lake water quality;
- c. The application relies on frontage exemptions to the majority of the proposed lots to achieve a lot configuration and intensity of use at the lakefront that is not supported by CVRD policy or regulation;
- d. The application does not provide park land in a location and configuration that achieves community objectives for public lake access;
- e. The application proposes the subdivision of land beyond the legal boundaries of the three subject parcels and presumes Surveyor General's Office will consent to the adjustment of the natural boundary of Shawnigan Lake to favour the property owners.

MOTION CARRIED

R18 – Langtry Road gravel extraction

It was Moved and Seconded
That the CVRD request the Ministry of Transportation and Infrastructure to exchange the right-of-way marked road on Plan 41254 for additional buffer along Langtry Road to partially address community concerns over proposed gravel extraction in the residential neighbourhood.

MOTION CARRIED

IN1 – Building Report

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

MOTION CARRIED

NEW BUSINESS

NB1 - Grant in aid It was Moved and Seconded
That a grant in aid, Electoral Area B – Shawnigan Lake, be given to Shawnigan Residents Association in the amount of \$245 to assist with postage fees for a community information mail out.

MOTION CARRIED

NB2 – Heritage Tree Director Giles requested that a motion be passed to enter into a covenant to protect a large coastal Douglas fir tree located on the Shearing Family Farm in Cobble Hill.

It was Moved and Seconded
That the CVRD enter into a conservation covenant with the Shearings in Cobble Hill, with the CVRD as beneficiary, in order to protect a large Douglas fir (a heritage tree) situated on the Shearing Family Farm on Telegraph Road in Cobble Hill.

MOTION CARRIED

NB3 – Sangster Road Director Harrison noted that the CVRD had requested the Ministry of Transportation to open Sangster Road to through traffic to better serve the adjacent subdivision but would now like to request that the road not be opened until the Mill Bay traffic study has been completed.

It was Moved and Seconded
That the CVRD request the Ministry of Transportation and Infrastructure to not open Sangster Road to through traffic until they have completed their Mill Bay traffic study.

MOTION CARRIED

NB4 – SCOCP Joint APC Director Harrison noted that a joint South Cowichan OCP advisory planning commission needs to be formed as a result of the new OCP which covers Areas A, B and C. He questioned, among other things, how members will be appointed.

Mr. Anderson advised that he will discuss the issue with the three south end Directors to get a bylaw established.

Recess The Committee recessed for five minutes.

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 6:15 pm.

Rise The Committee rose without report.

ADJOURNMENT It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:55 pm.

Chair

Recording Secretary