

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, November 1, 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 G. Giles
Director I. Morrison
Director M. Dorey
Director K. Kuhn
Director L. Duncan
Absent: Director K. Cossey

CVRD STAFF

Tom Anderson, General Manager
Mike Tippett, Manager
Rob Conway, Manager
Brian Farquhar, Manager
Dana Leitch, Planner II
Alison Garnett, Planner I
Ann Kjerulf, Planner III
Maddy Koch, Planning Technician
Brian Duncan, Manager
Warren Jones, Administrator
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding two items of listed New Business and four 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 October 18, 2011, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

DELEGATIONS

R8 - Bamberton

It was Moved and Seconded
That the applicant respecting agenda item R8 (Bamberton Business Park) be permitted to respond to questions if required.

MOTION CARRIED

D1 - Fantillo

Lorenzo Fantillo was present regarding request for extension of Development Permit 1-D-08DP (Silver Catch Processing). Mr. Fantillo stated that the September 14th Board resolution extending their permit until May 10, 2012 is insufficient and would like the permit to be extended to October 26, 2013.

The Committee directed questions to the delegate.

It was Moved and Seconded

That the Regional Board reconsider its previous decision of September 14, 2011, and that Development Permit No. 1-D-08DP, issued to Silver Catch Processing Inc., be renewed until October 26, 2013, and that no other extensions of the development permit be granted.

MOTION CARRIED

D2 - Parker

Terry Parker present regarding opposition to Mill Bay Marina townhouse development permit application. Mr. Parker cited invasion of privacy, shading, crowding, and loss of view that would result from the townhouse development proposed next to his property at 746 Handy Road in Mill Bay, and requested that the developers be required to adjust the design of the buildings.

The Committee directed questions to the delegate.

The Chair thanked Mr. Parker for appearing.

STAFF REPORTS

R1 – Mill Bay Marina

Rob Conway, Manager, presented staff report dated October 25, 2011, regarding Application No. 2-A-11DP (Mill Bay Marina) to permit a 14 unit townhouse development and marina at 740 Handy Road.

Cam Pringle, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 2-A-11DP be approved, and that a development permit be issued to Mill Bay Marina Inc. for a 14 unit townhouse project and marina at Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID 001-027-433) and Foreshore Lease Lot 459 (Lease No. 1122643), subject to:

- a) approval from the Ministry of Environment;
- b) establishment of average natural grade and permitted building height by a BC Land Surveyor;
- c) Provision of landscape security equivalent to 125% of the estimated cost of all landscape works; and
- d) registration of a form and character covenant.

MOTION CARRIED

**R2 – Hillside
Excavating**

Maddy Koch, Planning Technician, presented staff report dated October 25, 2011, regarding Application No. 7-E-11DP (Hillside Excavating Ltd.) to convert a portion of a residence into commercial space on property located at 2381 Staghorn Road.

Bill Thompson, applicant, was not present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 7-E-11DP, submitted by Bill Thompson of Hillside Excavating, for conversion of a portion of a single family dwelling into a commercial space along with various other site alterations on Lot 6, Section 8, Range 1, Cowichan District, Plan 6495 Except Plan 2948 RW (PID: 005-848-661) be approved, subject to substantial compliance with the submitted site plan and building designs.

MOTION CARRIED

R3 - Ganter

Alison Garnett, Planner I, presented staff report dated October 24, 2011, regarding Application No. 9-E-11DP-VAR (Michael and Grandee Ganter) to construct a residential accessory building at 3929 Vaux Road.

Michael Ganter was present.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Application No. 9-E-11DP/VAR, submitted by Michael and Brandee Ganter, for construction of a residential accessory building in accordance with the Agricultural Protection Development Permit Area guidelines on Lot A, Section 10 and 11, Quamichan District, Plan 32057 (PID: 001-106-902) be approved; and further, that Section 5.2(e) of Zoning Bylaw No. 1840 be varied to allow the size of the residential accessory building to be increased from 100 square metres to 143 square metres, subject to substantial compliance with the submitted site and building plans.

MOTION CARRIED

R4 – Topping/Quek

Alison Garnett, Planner I, presented staff report dated October 24, 2011, regarding Application No. 6-A-09RS (Topping/Quek) to permit a 98 unit multifamily development on Boulding and Benko Road in Mill Bay.

Angela Quek, applicant, provided further information to the application.

The Committee directed questions to the applicant and staff.

It was Moved and Seconded

That the Regional District accept the applicant's request to hold file No. 6-A-09RS (Topping/Quek/Van Der Have/Walker) in abeyance in order to provide the CVRD with time to complete the Benko/Butterfield neighbourhood plan, to provide the applicants with time to complete traffic, transit and engineering studies, to hold further discussions with CVRD departments and service providers (water, sewer and fire protection), and to consult with the community.

MOTION CARRIED

R5 - Bourque

Dana Leitch, Planner II, presented staff report dated October 26, 2011, regarding Application No. 1-I-09RS (Rick Bourque) to rezone 50 parcels located at the Marble Bay Cottage development site to permit occupancy of the cottages for up to 52 weeks in a calendar year.

Rick Bourque, applicant, was present.

There were no questions from Committee members.

It was Moved and Seconded

1. That Application No. 1-I-09RS (Van Isle Waterfront Development Corp.) be approved, with a new Recreational Zone being introduced for the subject lands and the unsubdivided C-4 Zoned area to the north, with a 0.16 hectare minimum parcel size, with a complementary amendment to the Official Community Plan which would provide for the new zone and create a drainage development permit area, subject to covenants being entered into that would:
 - interdict the further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and a CVRD Community Water System;
 - require at the time of subdivision of the remainder lands to the north of the subject properties, that the applicant undertakes to work with CVRD Parks and Trails Division to establish an east-west trail link of not less than 7 metres in width, to provide connectivity across the subject lands between Block 117 and Marble Bay Park for a trail alignment which meets CVRD Parks standards.
 - require the repair or removal, in accordance with accepted fire protection standards, of the underperforming fire hydrant in the development;
2. That the appropriate amendment bylaws be prepared and forwarded to the Regional Board for consideration of first and second readings.
3. That a public hearing be arranged and that the Directors for Electoral Area I, Area F and Area G, be delegated to the hearing.
4. That the referral by way of mailed notification of the proposed amendment to Ditidaht First Nation, Cowichan Tribes, Lake Cowichan First Nation, Ministry of Transportation and Infrastructure, Lake Cowichan Volunteer Fire Department, VIHA, Ministry of Environment, School District 79 and CVRD Public Safety is accepted.

MOTION CARRIED

R6 – Johel/Mayo

Dana Leitch, Planner II, presented staff report dated October 26, 2011, regarding Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road.

The applicants were present.

There were no questions from Committee members.

It was Moved and Seconded

That Rezoning Application No. 2-E-11RS (Khalsa Diwan Societies) be presented at a public meeting to receive input from the community, and that the application and public meeting minutes be reviewed at a future EASC meeting.

MOTION CARRIED

It was Moved and Seconded

That the draft zoning amendment bylaw be amended by changing the minimum parcel size for parcels served neither by a community water or sewer system in the proposed C-6 Zone from 1.0 hectares to 2.0 hectares.

MOTION CARRIED

R7 – OCP Referrals

Mike Tippett, Manager, presented staff report dated October 26, 2011, from Ann Kjerulf, Planner III, regarding Area D – Cowichan Bay OCP referrals.

It was Moved and Seconded

That, when complete, the draft Electoral Area D – Cowichan Bay Official Community Plan be referred to the following listed CVRD commissions and external agencies for review;

And that consultation with First Nations occurs in accordance with the provincial Interim Guide To First Nations Engagement on Local Government Statutory Approvals;

And further, that CVRD staff meet with Cowichan Tribes staff to determine a mutually beneficial approach to consultation, having regard for the Hul'qumi'num Treaty Group consultation policy.

CVRD Commissions

Agricultural Advisory Commission

Economic Development Commission

Environment Commission

Area D – Cowichan Bay Advisory Planning Commission

Area D – Cowichan Bay Parks Commission

Local Governments

Capital Regional District
District of North Cowichan
City of Duncan

First Nations

Stz'uminus (Chemainus)
First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First
Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Hul'qumi'num Treaty
Group
Semiahmoo First Nation
Snuneymuxw First Nation
Tsartlip First Nation
Tsaywout First Nation
Tsaywassen First Nation
Tseycum First Nation

Provincial Government Agencies

Agricultural Land Commission
BC Transit
Ministry of Aboriginal Relations and Reconciliation
Ministry of Agriculture
Ministry of Community, Sport and Cultural Development
Ministry of Energy and Mines – Mineral Exploration
and Mining / Housing and Construction Standards
Ministry of Forests, Lands and Natural Resources
Operations – Land Tenures / Environmental Protection
Ministry of Transportation and Infrastructure

Federal Government Agencies

Department of Fisheries and Oceans – Fisheries
Department of Fisheries and Oceans – Small Craft
Harbours

Other Agencies

Central Vancouver Island Health Authority
Cowichan Bay Improvement District
Cowichan Bay Waterworks
Islands Trust
School District No. 79
Social Planning Cowichan

MOTION CARRIED

R8 - Bamberton

Rob Conway, Manager, presented staff report dated October 25, 2011, regarding Bamberton business park application update.

Ross Tenant, applicant, was present and provided further information.

Committee directed questions to the applicant and staff.

It was Moved and Seconded

1. That the request by the applicants to remove part of the F1-A zoning change from Application No. 1-A-11RS (Bamberton Business Park) be accepted; that Second reading of Zoning Amendment Bylaw No. 3498 be rescinded; that Zoning Amendment Bylaw No. 3498 be amended to remove the F1-A zoning change to all areas of the site except where outdoor recreation is proposed; and that Zoning Amendment Bylaw No. 3498, as amended, be considered for second reading.
2. That a draft bylaw under Section 30 of the *Community Charter* be prepared for future consideration in relation to the dedication of McCurdy Point as park, and proceed with the documents on the basis of such;
3. That staff continue to secure covenants or satisfactory lease agreements and associated documents as outlined in the October 25, 2011 staff report to protect the Southlands from alienation and to permit public access as a future amenity for the community, and that a public meeting be held by the applicants prior to the public hearing.
4. That a public hearing be scheduled in January 2012 respecting OCP Amendment Bylaw No. 3497 and Zoning Amendment Bylaw No. 3498, and that all Electoral Area Directors be appointed as hearing delegates in accordance with Section 891 of the *Local Government Act*.

5. That an acceptable agreement with respect to the protection of water users (Malahat Band, Inlet Drive, and individual residents in the vicinity of the proposed development) be finalized prior to the public meeting/hearing.

MOTION CARRIED

R9 – Trail License Agreement, Saltair

Brian Farquhar, Parks and Trails Manager, presented staff report dated October 25, 2011, regarding trail license agreement with the Coastal Missions Society for beach access on Hillside Road in Saltair.

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to both enter into a renewable Trail Licence Agreement with the Coastal Missions Society located at 3356 Hillside Road in Saltair for a public trail corridor along the ocean front across private property to access a flight of stairs to the beach; and to obtain a permit to construct with the MoTI for a Beach Access Park in the Hillside Road End under the Electoral Area G Community Parks function.

MOTION CARRIED

R10 – Covenant, Coulson Application

Brian Farquhar, Parks and Trails Manager, presented staff report dated October 26, 2011, from Tanya Soroka, Parks and Trails Planner, regarding covenant required for parkland dedication and amenity contribution for Application N. 1-E-10RS (Coulson).

It was Moved and Seconded

That a covenant be registered in favour of the Cowichan Valley Regional District on lands located at 5241 Koksilah Road (Lot 6, Section 13, Range 6, Quamichan District, Plan 7797) to secure the amenity contribution and the transfer of parkland to the CVRD, and that the Board Chair and Corporate Secretary be authorized to sign the required documents in order to register the covenant.

MOTION CARRIED

R11 – Bush Creek Park Reserve Fund Bylaw

Brian Farquhar, Parks and Trails Manager, presented staff report dated October 26, 2011, regarding Bush Creek Park Acquisition transfer from reserve.

It was Moved and Seconded

That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$6,500 from the Community Parks General Reserve Fund (Area H – North Oyster/Diamond) for the purpose of completing the acquisition of Bush Creek Park; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

R12 – Unsworth Vineyards license

Tom Anderson, General Manager, presented staff report dated October 26, 2011, from Nino Morano, Bylaw Enforcement Officer, regarding Unsworth Vineyards Liquor License.

The subject was previously discussed at the October 18, 2011 EASC meeting but a public consultation process was not discussed.

It was Moved and Seconded

That the CVRD not provide comments or recommendation to the Liquor Control and Licencing Branch with regard to the Application for a Winery Lounge and Special Event Area Endorsement Licence #304212 by Unsworth Vineyards located at 2915 Cameron Taggart Road.

MOTION CARRIED

R13 – Dog Control Contract

Tom Anderson, General Manager, presented staff report dated October 25, 2011, regarding the CVRD dog control contract.

It was Moved and Seconded

That the Cowichan Valley Regional District award the Dog Control Contract to the BCSPCA Cowichan and District Branch for a term of three (3) years starting January 1, 2012; that the contract price for 2012 be \$86,808.00 per year including HST which is to be paid out on a monthly basis; and, that the Canadian Consumer Price Index be used to award monetary increases in 2013 and 2014.

MOTION CARRIED

CORRESPONDENCE

C1 to C3 – grants in aid

It was Moved and Seconded

That a grant in aid, Electoral Area C – Cobble Hill, in the amount of \$500 be given to Cowichan Foundation to assist with student bursaries for Cowichan Valley students who are furthering their education.

MOTION CARRIED

It was Moved and Seconded

That a grant in aid, Electoral Area C – Cobble Hill, in the amount of \$2240 be given to Braithwaite Estates Improvement District, to assist in the installation of aquifer protection signs.

MOTION CARRIED

It was Moved and Seconded

That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$885 be given to Cowichan Energy Alternatives, to assist with costs for their waste vegetable oil collection bin initiative.

MOTION CARRIED

INFORMATION

IN1 – Community Recreation Program

It was Moved and Seconded
That the letter dated October 21, 2011, from the Ministry of Community, Sport and Cultural Development, regarding Community Recreation Program, Application Intake, be received and filed.

MOTION CARRIED

IN2 - Minutes

It was Moved and Seconded
That the minutes of the Area E Parks and Recreation meeting of October 20, 2011, be received and filed.

MOTION CARRIED

IN3 - Minutes

It was Moved and Seconded
That the minutes of the Area I Parks meeting of October 11, 2011, be received and filed.

MOTION CARRIED

IN4 - Minutes

It was Moved and Seconded
That the minutes of the Area C APC meeting of October 13, 2011, be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – Add-on to D2

The add-on material respecting Delegation D2 (Opposition to Mill Bay Marina DP) was received as information.

NB2 – Revision report re agenda item R7

Staff Report from Ann Kjerulf, Planner III, regarding Revision to Staff Report respecting Area D – Cowichan Bay OCP Referrals was received.

NB3 -

Director Duncan expressed concern that applicants are not removing refuse containers offsite which is a listed condition of the development permit, and would therefore like to see the appropriate bylaws amended that would deal with the issue instead.–

It was Moved and Seconded
That staff be directed to amend the appropriate bylaw(s) to include provisions for dealing appropriately with refuse containers (placement/aesthetics).

MOTION CARRIED

NB4 – QEP's

Director Duncan brought up the issue of the CVRD hiring qualified environmental professionals. Mr. Anderson advised that he has contacted other regional districts and Planning Directors in the Province and the only one who has actually hired their own QEP is the Central Okanagan Regional District who experienced limited success. Mr. Anderson feels that more focus should be put on the Province to do the job they are supposed to do under their current legislation.

It was Moved and Seconded

That staff be directed to investigate the Province's role and procedures respecting qualified environmental professionals; acquire legal opinions; and explore options for the hiring of qualified environmental professionals by local governments; and further, that a staff report be prepared outlining the findings and be forwarded to the EASC in the new year.

MOTION CARRIED

NB5 – Strata developments sewer service

Director Duncan expressed concern that Engineering reports state that we agree in principle to provide sewer and water service to strata developments. He stated he would like a heads up when agreements are being brought forward where developers are requesting sewer service for strata developments.

Directors also expressed concerns that Engineering Services should not be setting the priorities respecting service capacity for Planning and Development applications.

It was Moved and Seconded

That the issue of requiring that Engineering Services reports provide Directors with clear identification on whether an agreement in principle respecting sewer service is for a regular development or a strata development, be referred to the Engineering Services Committee.

MOTION CARRIED

NB6 – New Contaminated Soils Regs.

Director Duncan referred to a recent article where the BC Government has approved a dumping bylaw change in the Saanich Peninsula area where the Saanich communities may regulate the dumping of soils/contaminated soils on their agricultural lands, and noted that districts in the Saanich Peninsula are now moving forward to amend their bylaws. There is concern that these changes could mean that more contaminated soils may find their way to the Cowichan Valley.

It was Moved and Seconded

That staff be directed to contact the Districts encompassing the Saanich Peninsula to investigate what bylaws respecting the dumping of soils on agricultural lands are being proposed or have been adopted, and report back their findings to the EASC.

MOTION CARRIED

NB7 – Honeypot Pub Director Morrison advised that an applicant in Area F is holding a public meeting on Saturday, November 5th in Honeymoon Bay, respecting future uses for the Honeypot Pub and restaurant, and that anyone interested or has ideas to share are welcome to come out.

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 6:30 pm.

RISE The Committee rose without report.

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

MOTION CARRIED

The meeting adjourned at 6:35 pm.

Chair

Recording Secretary