

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, January 17, 2012 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

Director M. Walker, Chair
Director L. Iannidinaro
Director M. Marcotte
Director P. Weaver
Director G. Giles
Director I. Morrison
Director M. Dorey
Director B. Fraser
Director L. Duncan

CVRD STAFF

Mike Tippett, Acting General Manager
Rob Conway, Manager
Brian Farquhar, Manager
Sybille Sanderson, Acting General Manager
Grant Breckenridge, Acting Manager
Dana Leitch, Planner II
Alison Garnett, Planner I
Rachelle Rondeau, Planner I
Maddy Koch, Planning Technician
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included: add two items of listed New Business, add one item of Closed Session new business, move agenda items R1 to R5 after D1, and remove Staff Report R16.

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 November 23, 2011, Special EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 – Morris Wadds

Morris Wadds, delegate, was present regarding proposed subdivision at 1065 Braithwaite Drive (Application No. 1-C-11DP (Hugo). Mr. Wadds distributed additional material to support his concerns regarding increased rainwater runoff that would negatively impact the use of their barnyard located at 3740 Telegraph Road which is located below the property proposed to be subdivided. Mr. Wadds requested that application be rejected.

The Committee directed questions to the delegate.

STAFF REPORTS

R1 - Hugo

Maddy Koch, Planning Technician, presented Staff Report dated January 10, 2012, regarding Application No. 1-C-11DP (Francis and Sanja Hugo) to subdivide property located at 1065 Braithwaite Drive into a 0.4 hectare lot and a 0.3802 hectare lot.

The Committee directed questions to staff.

Francis Hugo, applicant, was present and provided further information to the application. Mr. Hugo stated that he concurs with staff recommendation.

It was Moved and Seconded

That Application No. 1-C-11DP made by J.Francis & Sanja Hugo for the purpose of subdividing the property into a 0.3802 hectare lot and a 0.4 hectare lot be approved subject to:

1. A covenant being registered to protect a 30 metre agricultural buffer between the subject property and the property directly north of the subject property, within which no dwelling, building or structure may be located, and no vegetation may be removed, except invasive species, dry underbrush which poses a fire hazard, and dangerous trees identified by an International Society of Arboriculture Certified Arborist.
2. Compliance with a drainage plan, to be prepared by a Professional Engineer with experience in drainage, at the time of any future building permit application, which outlines measures that must be taken to ensure post-development runoff does not exceed pre-development runoff for a five year storm event.

MOTION CARRIED

R2 - Ker

Maddy Koch, Planning Technician, presented staff report dated January 4, 2012, regarding Application No. 2-E-11ALR (Ker/Sunrise Educational Society) to construct a 213.7 sq.m. addition to the existing school assembly hall located at 4344 Peters Road, to provide meeting and classroom space.

There were no questions to staff or the applicant.

It was Moved and Seconded

That Application No. 2-E-11ALR, submitted by Michael Ker for Sunrise Educational Society, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a 213.7 square metre addition to an existing assembly hall for the purpose of providing additional administration, faculty and classroom space, be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

R3 - Wyatt

Rachelle Rondeau, Planner I, presented staff report dated January 10, 2012, regarding Application No. 9-A-11DP/RAR (Wyatt/Malahat Holdings) to permit subdivision of the property located on the TCH south of Butterfield and Kwelle Roads.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 9-A-11DP/RAR submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for subdivision of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320) that would permit subdivision of the property along the Trans Canada Highway boundary be approved, subject to:

- a) Development on the lots to implement rainwater management techniques that would maximize onsite infiltration such as infiltration galleries for dwellings and principal buildings and to maintain as much native vegetation as possible; and
- b) Removal of any invasive species on the properties.

MOTION CARRIED

R4 - Laird

Alison Garnett, Planner I, presented staff report dated January 6, 2012, regarding Application No. 1-G-10RS (Laird/Christie) to create a new residential zone that would permit a seven lot residential bareland strata subdivision located at 10830 Chemainus Road.

The Committee directed questions to staff.

Hal Laird, owner, was present. The Committee directed questions to the owner.

It was Moved and Seconded

That draft bylaws for Application No. 1-G-10RS (Laird/Christie) be prepared and presented at a future EASC meeting, and to proceed to a public hearing thereafter, subject to the following:

1. That a professional engineer prepare an operational plan plus financial plan for ongoing maintenance of the proposed private sewage treatment system, and a draft covenant is submitted to ensure maintenance recommendations are implemented, prior to public hearing.
2. That the drainage study be revised such that all proposed rain water management infrastructure is removed from the proposed park area and relocated to strata property.
3. That a draft covenant be submitted respecting parkland dedication and public access, prior to a public hearing.
4. That a draft covenant be submitted to ensure dedication of a private road to BC MoT at time of subdivision, to prevent duplication of access points along Chemainus Road.
5. That the applicants agree in writing to the costs associated with installation of a fire hydrant, in a location suitable to the CVRD.
6. That if this application proceeds to subdivision approval process, that the request for an Archaeological Overview Assessment be forwarded to BC MoT, and the results of any assessment be communicated to the

Stz'uminus First Nation.

7. That application referrals from Vancouver Island Health Authority, Ministry of Transportation and Infrastructure, Chemainus Volunteer Fire Department, School District No. 79 and Chemainus First Nation be accepted.
8. That a Certificate of Compliance or authorized release be issued by the Ministry of Environment, prior to adoption of bylaws.

MOTION CARRIED

It was Moved and Seconded

That Application No. 1-G-10RS (Laird/Christie) be forwarded to the Engineering and Environmental Services Department for further information and advice.

MOTION CARRIED

R5 - Beckett

Dana Leitch, Planner II, presented Application No. 1-B-11RS (Beckett/Creelman) to rezone property located at 2657 Nora Place from R-1 to R-2 to allow subdivision into two lots.

The Committee directed questions to staff.

It was Moved and Seconded

1. That Application No. 1-B-11RS (Beckett/Creelman) be approved subject to the applicant providing an amenity contribution of 1% of the assessed value of the newly subdivided lot.
2. That the appropriate amendment bylaws for Application No,1-B-11RS be forwarded to the Board for consideration of first and second reading.
3. That the application referrals to the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79, be accepted.
4. That a public hearing be scheduled with Directors Fraser, Walker, and Iannidinardo appointed as delegates of the Board.

MOTION CARRIED

It was Moved and Seconded

1. That Application No. 1-B-11RS (Beckett/Creelman) be approved subject to the applicant providing an amenity contribution of 1% of the assessed value of the newly subdivided lot, plus a 15 metre buffer covenant be provided.
2. That the appropriate amendment bylaws for Application No,1-B-11RS be forwarded to the Board for consideration of first and second reading.
3. That the application referrals to the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79, be accepted.
4. That a public hearing be scheduled with Directors Fraser, Walker, and Iannidinardo appointed as delegates of the Board.

MOTION DEFEATED

DELEGATIONS

- D2 - Green** Howard Green was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Green requested that the application be denied.
- D3 - Hayes** Maureen Hayes was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Ms. Hayes requested that the crematorium property be converted to parkland for public use.
- D4 - Knodel** Jane McAllister and Norman Knodel were present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Knodel requested that the illegal commercial activity not be legitimized.
- D5 - Hayes** Maureen Hayes spoke on behalf of Hilary Stead. Ms. Hayes read a letter from Hilary Stead respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Ms. Hayes requested that the CVRD abide by the OCP and close the illegal operation.
- D6 - Ashton** Philip Ashton was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Ashton requested that the facility be returned to its original zoning and requested that the application be denied due to safety concerns.
- D7 - Dinham** Rikki Dinham was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Dinham requested that the application be denied.
- D8 - Chalifour** Roy Chalifour was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Chalifour requested that the land remain in the R-2 Rural Zone.
- D9 - Hunter** Jeff Hunter was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Hunter requested that the application be denied.
- D10 - Prowse** Sally Prowse was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Ms. Prowse requested that the facility be relocated due to environmental concerns.

STAFF REPORTS

- R6 - Johel** Dana Leitch, Planner II, presented staff report dated January 11, 2012, regarding Application No. 2-E-11RS (Johel/Khalsa Diwan Society) to amend the zoning of property at 4695 Cowichan Lake Road to permit a second crematorium on the eastern portion of the site.

Dave Mayo and Dave Johel, applicants, were present, and provided further information to the application. The applicants requested that the application be tabled for 90 days instead of 30 as recommended in the staff report.

The Committee directed questions to staff and applicants.

It was Moved and Seconded

That Application No. 2-E-11RS (Khalsa Diwan Societies) be denied, and further that the owners of Lot 1, Section 9, Range 7, Sahtlam District, Plan 32483 (PID: 000-152-609, 4695 Cowichan Lake Road) be requested to cease all commercial crematorium operations immediately.

MOTION CARRIED

**R7 – Application
6-A-09RS**

It was Moved and Seconded

That Application No. 6-A-09RS (Topping/Quek) be re-referred to the Area A Advisory Planning Commission once the applicants have completed traffic, transit and engineering studies, furthered discussions with CVRD departments and service providers, and consulted the community.

MOTION CARRIED

**R8 – Fire/Emergency
Agreement**

Sybille Sanderson, A/General Manager, presented staff report dated January 11, 2012, regarding Fire Protection and Emergency Response Service Agreement.

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to sign the five year Fire Protection and Emergency Response Services Agreement between the CVRD and the Capital Regional District.

MOTION CARRIED

**R9 – Stebbings Rd
Water Towers**

Sybille Sanderson, A/General Manager, presented staff report dated January 10, 2012, regarding Transfer of Ownership and Statutory Rights of Way, Stebbings Road Water Towers.

It was Moved and Seconded

1. That the Regional Board accept transfer of ownership to the Cowichan Valley Regional District and Statutory Rights of Way access to two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324;
2. That the Chair and Corporate Secretary be authorized to execute the statutory rights of way to access two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324; and
3. That the Chair and Corporate Secretary be authorized to execute the Bill of Sale (Absolute) transferring ownership of the water storage tanks from Pat Lintaman Design Ltd (Inc. No. BC0338205), and Anchorage Projects Ltd (Inc. No. BC0787945) to the Cowichan Valley Regional District.

MOTION CARRIED

R10 – Fire Chief Appointment

Sybille Sanderson, A/General Manager, presented staff report dated December 20, 2011, regarding CVRD Honeymoon Bay Fire Rescue Chief Appointment.

It was Moved and Seconded

That the appointment of Keith Bird as Acting Fire Chief to the CVRD Honeymoon Bay Fire Rescue for a term to expire December 31, 2012, be approved; and further that retiring Fire Chief John Rowley remain in the Department in an advisory position until the summer of 2012.

MOTION CARRIED

R11 – Cherry Blossom Est.

Rob Conway, Manager, presented staff report dated January 11, 2012, regarding Application No. 7-E-07RS (Cherry Blossom Estates) and issues respecting registration of the required covenant on the property prior to adoption of the amendment bylaws.

It was Moved and Seconded

1. That *CVRD Bylaw No. 3284 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw* (Cherry Blossom Estates), be adopted.
2. That second and third reading of *CVRD Bylaw No. 3285 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw* (Cherry Blossom Estates), be rescinded.
3. That CVRD Zoning Amendment Bylaw No. 3285 be amended by incorporating covenant requirements into the bylaw as described in the CVRD January 11, 2012 Staff Report.
4. That CVRD Zoning Amendment Bylaw No. 3285, as amended, be forwarded to the Board for consideration of second reading.
5. That notice be issued that the public hearing for CVRD Zoning Amendment Bylaw No. 3285 will be waived in accordance with Section 893 of the *Local Government Act*; and further, that after the close of the notification period, that CVRD Zoning Amendment Bylaw No. 3285 be forwarded to the Board for consideration of third reading and adoption.

MOTION CARRIED

R12 – Fisher Road parkland

It was Moved and Seconded

That an easement be granted in favour of Cobble Hill Improvement District for access across lands owned by the Cowichan Valley Regional District known as Fisher Road Pedestrian Crossing Park, legally described as Block 1475, Plan 56724 and Lot A, Section 13, Range 6, Plan VIP48879, Shawnigan Land District, Plan VIP81077.

MOTION CARRIED

R13 – Shawnigan Wharf Park

It was Moved and Seconded
That the Province be requested to amend the current 30 year water lot lease (DL 1, Lease #102999; Aug 31/89 – Aug 30/19) in Shawnigan Wharf Park, to include an RCMP boat house adjacent to the existing Fire Department's boat house, and that the Board Chair and Corporate Secretary be authorized to sign the required lease document amendments.

MOTION CARRIED

R14 – Parks Maintenance Contracts

It was Moved and Seconded
That the request by Easy Living Holdings Limited to assign their existing parks maintenance contracts to another parks maintenance contracting business, be denied.

MOTION CARRIED

R15 – Capital Purchasing Policy

Brian Farquhar, Manager, presented staff report dated January 9, 2012, from Ryan Dias, Parks Operations Superintendent, regarding Expenditure preauthorization of community parks 2012 capital funds.

It was Moved and Seconded
That the Capital Purchasing Policy be waived to allow expenditures to proceed on the following Community Parks capital projects prior to the adoption of the CVRD 2012 Five Year Financial Plan:

- Electoral Area B – Phase 2 and 3 works at Shawnigan Hills Athletic Park in the amount of \$74,179;
- Electoral Area C – Construction of a washroom building at Quarry Nature Park in the amount of \$141,820;
- South Cowichan Parks - Mill Bay Historic Church – Phase 1 Rehabilitation in the amount of \$112,264;

And further, that a public meeting be held with respect to providing an update on the intended work plan for 2012 for the Mill Bay Historic Church.

MOTION CARRIED

R16 – Mill Bay Marina

Staff Report dated January 11, 2012, from Rob Conway, Manager, regarding amendment to Mill Bay Marina development permit was removed from the agenda.

R17 – Bylaw Enforcement Report

Grant Breckenridge, Acting Manager, presented staff report dated January 10, 2012, from Nino Morano, Bylaw Enforcement Officer, regarding the 2011 bylaw enforcement report.

It was Moved and Seconded
That staff report dated January 10, 2012, from Nino Morano, Bylaw Enforcement Officer, regarding 2011 Bylaw Enforcement Report, be received and filed.

MOTION CARRIED

R18 – CV Trap and Skeet Club Special Shoot

It was Moved and Seconded
That the request by Cowichan Valley Trap and Skeet Club to hold three Special Event competitive shoots in 2012 (March 31-April 1, April 21-22, and June 1-2), be approved.

MOTION CARRIED

R19 – EASC 2012 schedule

It was Moved and Seconded
That the 2012 Electoral Area Services Committee meeting schedule be received and filed.

MOTION CARRIED

CORRESPONDENCE

C1 – Signs on Hydro poles

It was Moved and Seconded
That the Board Chair forward a letter to BC Hydro requesting that they remove any illegal signage attached to hydro poles located within the Cowichan Valley.

MOTION CARRIED

INFORMATION

IN1 to IN5 – Grants in Aid

It was Moved and Seconded

That a grant in aid, Area C – Cobble Hill, in the amount of \$1,000 be given to Cowichan Secondary School to provide two \$500 bursaries for graduating students from Area C.

That a grant in aid, Area C – Cobble Hill, in the amount of \$1,500 be given to Frances Kelsey School to provide three \$500 bursaries for graduating students from Area C.

That a grant in aid, Area D – Cowichan Bay, in the amount of \$1,000 be given to Cowichan Secondary School to provide two \$500 bursaries for graduating students from Area D.

That a grant in aid, Area D – Cowichan Bay, in the amount of \$1,000 be given to Frances Kelsey School to provide two \$500 bursaries for graduating students from Area D.

That a grant in aid, Area D – Cowichan Bay, in the amount of \$500 be given to Cowichan Therapeutic Riding Association to assist with their equine based therapeutic services program.

MOTION CARRIED

IN6 – Newsletter re ALR It was Moved and Seconded That the newsletter from Bull, Housser & Tupper, LLP regarding strengthening the Agricultural Land Commission, be received and filed.

MOTION CARRIED

IN7 to IN13 – Commission Minutes It was Moved and Seconded that the following commission minutes be received and filed:

- Area I APC minutes of December 6, 2011
- Area I Parks minutes of January 10, 2012
- Area B Parks minutes of December 8, 2011
- Area D Parks minutes of November 21, 2011
- Area E Parks minutes of November 29, 2011
- Area G Parks minutes of November 7, 2011
- Area C Parks minutes of November 29, 2011

MOTION CARRIED

IN14 – Parks Member Resignation It was Moved and Seconded That the resignation of Dan Massen from the Area C Parks Commission be accepted, and that a letter of appreciation for service on the Commission be forwarded to Mr. Massen.

MOTION CARRIED

IN15 – Building Report It was Moved and Seconded That the November 2011 Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – Building Report It was Moved and Seconded That the add-on material respecting agenda item R6 (Application 2-E-11RS), be received and filed.

MOTION CARRIED

NB2 – Building Report It was Moved and Seconded That the December 2011 Building Report be received and filed.

MOTION CARRIED

NB3 – Wildcrafting in CVRD parks Brian Farquhar, Manager, Parks and Trails Division, advised EASC members of the situation in CVRD parks where members of the public are collecting and harvesting wildflowers and herbs. He noted that this act is not permitted in CVRD community parks and that staff will be erecting signs at parks of particular concern advising of the illegal use. Mr. Farquhar noted that people wishing to collect wildflowers could forward a formal request to his attention and he would then prepare a staff report to EASC.

Director Marcotte stated that at least three signs should be erected at Yellow Point Park. Mr. Farquhar requested that Directors forward their requests for signs to him.

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 6:47 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 7:25 pm.

Chair

Recording Secretary