

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, August 4, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mike Tippett, Manager
Rob Conway, Manager
Warren Jones, Administrator
Sybille Sanderson, Acting General Manager, Public Safety
Dana Beatson, Planner
Rachelle Moreau, Planning Technician
Alison Garnett, Planning Technician
Jennifer Hughes, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding all items as listed on the New Business Summary along with another New Business item and two new Closed Session New Business items.

It was Moved and Seconded
That the agenda, as amended, be accepted.

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
That the Minutes of the July 7, 2009 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

Director Giles reported that on Page 7, Item 4, Parks Commission Chairs, that there has been further feedback from Joe Barry, Corporate Secretary, who advised that in order to carry out that motion the CVRD Procedures Bylaw would have to be amended and advised that when that resolution comes before the Board it will be pulled and defeated. Director Giles advised that she will ask for further clarification from Mr. Barry prior to the Regional Board meeting and she will then email the pertinent information onto the Directors.

DELEGATIONS

D1 - Kimpfel

Rob Conway, Manager, presented Application No. 1-D-09DP by Wendy and

George Kimpfel to construct a single family dwelling at 1790 Pritchard Road which is within the Habitat Protection DPA.

Committee members directed questions to Mr. Conway.

Mr. Kimpfel was present and stated that he had nothing further to add.

It was Moved and Seconded

That Application No. 1-D-09DP be approved, and that a development permit be issued to Wendy and George Kimpfel for Lot 2, Section 6, Range 4, Cowichan District, Plan VIP86262 for the construction of a single family dwelling subject to exterior construction works occurring between August 15 and February 15.

MOTION CARRIED

D2 – Pilcher/Tolley

Rachelle Moreau, Planning Technician, presented Application No. 1-H-09ALR by Maureen Pilcher to subdivide under Section 946, 3.88 hectares located at 13785 Hill Road to provide a residence for the applicant's son to assist with their horse training business.

Maureen Pilcher, applicant, was present on behalf of owner, Bonita Tolley, and provided further information with regard to the application.

Committee members directed questions to the applicant.

It was Moved and Seconded

That Application No. 1-H-09 ALR submitted by Maureen Pilcher for Bonita Tolley made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be denied and not forwarded to the Agricultural Land Commission.

MOTION CARRIED

**D3 – Mid-Island
Aggregate Ltd.**

Alison Garnett, Planning Technician, presented Application No. 5-B-09DVP by Mid-Island Aggregate to consider an application to relax the size restrictions of a freestanding sign located on Stebbings Road (Lot 3, District Lots 50 and 132, Malahat District, Plan VIP85007).

There were no questions from Committee members to staff or to the applicant, Randy Thiessen.

It was Moved and Seconded

That the application by Rocky Point Metal Craft (Mid-Island Aggregate Ltd.) for a variance to Schedule 2 (b)(2) of CVRD Sign Bylaw No. 1095, by increasing the allowable size of a freestanding sign within a forestry zone from 1.85 m² to 6.7 m², on Lot 3, District Lot 50 and 132, Malahat District, Plan VIP 85007, be approved.

MOTION CARRIED

D4 – Weidenfeld

Alison Garnett, Planning Technician, presented Application No. 2-B-09DVP by Mike and Shelley Weidenfeld to consider an application to relax the setback of an accessory building to the rear and side interior parcel lines at 1708 Robin Hill Drive.

Committee members directed questions to Staff.

The applicant, Mike Weidenfeld, was present and there were no questions directed toward the applicant.

It was Moved and Seconded

That the application by Mike Weidenfeld for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres down to 0.6 metres, and decreasing the setback to a side interior parcel line for an accessory building from 1 metre to 0.6 metres on Lot 18, Section 2, Range 4, Shawnigan District, Plan 26361, be approved.

MOTION CARRIED

D5 – Main

Rachelle Moreau, Planning Technician, presented Application No. 3-B-09DVP by Ian and Colleen Main to consider an application to vary the rear parcel line setback of an accessory building from 4.5 metres (14.76 ft.) down to 0.9 metres (3 ft.).

There were no questions from Committee members to staff or to the applicant, Ian and Colleen Main.

It was Moved and Seconded

That the application by Ian and Colleen Main for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres (14.76 ft) to 0.9 metres (3 ft), on Lot 6, Block 7, Shawnigan Lake Suburban Lots, Malahat District, Plan 1679, be approved subject to receipt of a legal survey showing the proposed setback.

MOTION CARRIED

D6 – Webb

Rachelle Moreau, Planning Technician, presented Application No. 4-A-09DP by Alf Webb to consider a development permit application to subdivide the subject property into two +2000m² lots located at 2638 Mill Bay Road.

There were no questions from Committee members to staff or to the applicant, Alf Webb.

It was Moved and Seconded

That Application No. 4-A-09 DP be approved, and that a development permit be issued to Alf Webb Holdings Ltd. for Lot 18, Block H, Section 1, Range 9,

Shawnigan District, Plan 1720 to permit subdivision of the subject property into two lots.

MOTION CARRIED

D7 – Parhar Holdings

Rachelle Moreau, Planning Technician, presented Rezoning Application No. 3-D-08RS to amend the Area D Zoning Bylaw No. 1015 and Official Settlement Plan Bylaw No. 925 to permit a mixed commercial and light industrial business park located at 5301 Chaster Road.

There were no questions directed to staff.

Balbir Parhar and Russ McArthur were present from Parhar Holdings Ltd. and Mr. McArthur made a presentation with regard to the proposed Application. Committee members directed questions to Messrs. McArthur and Parhar.

It was Moved and Seconded

That staff be directed to prepare OSP and Zoning amendment bylaws for Application No. 3-D-08RS (Parhar Holdings Ltd.) in the manner suggested by staff that would:

- a) permit a range of smaller scale light industrial and commercial uses;
- b) that would reduce the permitted parcel coverage from 50%;
- c) that would establish setbacks as currently proposed by the applicant;
- d) that would include the entire subject property in a new DPA with new guidelines;

And further that

- e) the draft bylaws be reviewed by the Electoral Area Services Committee at a subsequent meeting where detailed conditions for approval of the bylaws will also be provided; and that
- f) the comments and recommendations of the Ministry of Transportation and Infrastructure and the CVRD Parks and Trails Division will be reviewed at the above-mentioned meeting;
- g) that a public meeting be held to obtain community input with regard to the proposed application.

MOTION CARRIED

D8 – Pfaffe

Dana Beatson, Planner, presented Application No. 1-A-08RS by Nikolaus Pfaffe, to amend Zoning Bylaw No. 2000 to allow the subject property to be subdivided into a maximum of three residential lots located on Lot 10, District Lot 101, Malahat District, Plan 46865 (Benko Road, Mill Bay).

Alexander Pfaffe, owner of the property, was present and provided further information to the application.

Committee members directed questions to staff.

It was Moved and Seconded

That Rezoning Application 1-A-08RS (Pfaffe) be denied, and a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3262.

MOTION CARRIED

**D9 – Atwall/3L
Developments Inc.**

Rob Conway, Manager, presented Application No. 2-E-08RS by Kabel Atwall/3L Developments Inc. to amend Cowichan-Koksilah Official Community Plan Bylaw No. 1490 and CVRD Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 to allow the subject property to be developed for up to 43 single family lots and public open space located between Old Lake Cowichan Road and Highway 18, west of Clements Road and Pollock Road.

Kabel Atwall was present representing Inwood Creek Estates, the owners of the subject property, and clarified the property is 228 acres in size and he further made a brief presentation to the Committee.

Committee members directed questions to staff and to Mr. Atwall.

It was Moved and Seconded

That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.

MOTION CARRIED

D10 – Friesen

Wayne Friesen was present with regard to Denial of Application No. 2-I-05RS. Mr. Friesen stated that he was not aware of the previous EASC meeting where the application was denied as he was on holidays and stated that he would have had liked had the opportunity to present their application to the new Electoral Area Directors at that EASC meeting.

There were no questions directed toward Mr. Friesen.

Committee discussion ensued and questions were directed toward staff.

It was Moved and Seconded

That Wayne Friesen be granted permission to make his formal presentation with regard to Application No. 2-I-05RS at an upcoming EASC meeting.

MOTION DEFEATED

BREAK

The Committee took a 5 minute break at 4:50 pm and re convened the meeting at 4:55 pm.

STAFF REPORTS

SR1 – Reserve Fund Expenditure from Reserve Fund Bylaw #1301

It was Moved and Seconded
That staff be authorized to prepare a Reserve Fund Expenditure Bylaw authorizing the expenditure of a maximum of \$10,000 from Reserve Fund Bylaw #1301 [Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Establishment Bylaw #1, 1990], for the purpose of acquiring an imaging camera, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

SR2 – Cowichan Lake Fire Protection Service Area & North Oyster Fire Protection Service Area Amendment Bylaw (Boundary Extensions)

It was Moved and Seconded
1) That CVRD Bylaw No. 3293 – Lake Cowichan Fire Protection Service Area Amendment Bylaw, 2009, be forwarded to the Board for consideration of three readings and adoption.
2) That CVRD Bylaw No. 3294 – North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009, be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

SR3 – Reserve Fund Bylaw for Electoral Area F Community Parks Projects

It was Moved and Seconded
That a Reserve Fund Expenditure Bylaw be prepared authorizing the expenditure of no more than \$40,000 from the Community Parks General Reserve Fund (Area F – Cowichan Lake South/Skutz Falls) for the purpose of completing the dismantling of the old store building in Mesachie Lake Park and installation of lighting in Central Park; and that the Bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

SR4 – FCM 2010 Conference

It was Moved and Seconded
That Director Cossey and two other Directors, who have not had the opportunity to attend a FCM in the past, be invited to attend the FCM 2010 Conference.

MOTION CARRIED

SR5 – Derelict Ship in Cowichan Bay

It was Moved and Seconded
That the Staff Report dated July 21, 2009, from Mike Tippett, Manager, regarding Derelict Ship in Cowichan Bay be referred, after the September 9th meeting with the District of Central Saanich, to a future EASC meeting.

MOTION CARRIED

SR6 – Proposed Revision to the Fee Schedule Charge at

It was Moved and Seconded
That CVRD Development Application Procedures and Fees Bylaw No. 3275 be forwarded to the Regional Board for consideration of Three Readings and

**the Time of OCP
Amendment and
Rezoning
Applications**

Adoption.

MOTION CARRIED

**SR7 –Referral from
Ministry of
Transportation,
Proposed Road
Closure – Mill Bay
Road**

It was Moved and Seconded
That Application No. 5400-04 Proposed Closure of Mill Bay Road (MoT File
No. 2009-04276) be recommended without objection to the Ministry of
Transportation and Infrastructure.

MOTION CARRIED

**SR8 – Referral from
Ministry of
Transportation,
Proposed Road
Closure – Heald Road**

It was Moved and Seconded
That Application No. 5400-04 proposed Closure of Heald Road (MoT File
No. 2008-00055) be recommended without objection to the Ministry of
Transportation and Infrastructure.

MOTION CARRIED

CORRESPONDENCE

**CR1 – Cowichan
Valley Naturalists
Society – Re: Hood
Canal Bridge in
Cowichan Estuary**

It was Moved and Seconded
That the letter dated July 14, 2009, from Cowichan Valley Naturalists Society,
regarding Hood Canal Bridge in Cowichan Estuary be received and filed.

MOTION CARRIED

**CR2 to CR3 – Grants
in Aid**

It was Moved and Seconded
That a Grant-in-Aid request (Electoral Area B – Shawnigan Lake) in the amount
of \$250 be given to Cowichan Green Community to aid with the 2nd Annual Fall
Harvest and Sustainability Festival.

That a Grant-in-Aid request (Electoral Area D – Cowichan Bay) in the amount
of \$250 be given to Cowichan Green Community to aid with the 2nd Annual Fall
Harvest and Sustainability Festival.

That a Grant-in-Aid request (Electoral Area D – Cowichan Bay) in the amount
of \$1,000 be given to Bruce Stewart/Cittaslow Cowichan to assist with costs for
the signage for Cittaslow at the Cowichan Bay Entrance Sign.

MOTION CARRIED

APC

AP1 to AP3 – Minutes

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

- Minutes of Area A APC meeting of July 16, 2009
- Minutes of Area G APC meeting of July 15, 2009
- Minutes of Area H APC meeting of June 11, 2009

MOTION CARRIED

PARKS

- PK1 to PK4 - Minutes** It was Moved and Seconded
That the following Parks minutes be received and filed:
- Minutes of Area A Parks Commission meeting of June 25, 2009
 - Minutes of Area B Parks Commission meeting of June 18, 2009
 - Minutes of Area H Parks Commission meeting of June 22, 2009
 - Minutes of Area I Parks Commission meeting of July 14, 2009

MOTION CARRIED

INFORMATION

- IN1 – Building Report** It was Moved and Seconded
That the June, 2009 Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

- NB1 – Grant in Aid – Area C** It was Moved and Seconded
That a Grant-in-Aid request (Electoral Area C – Cobble Hill) in the amount of \$5,500. be given to Shawnigan Cobble Hill Farmers Institute to promote Cobble Hill and its agricultural industry through signage.

MOTION CARRIED

- NB2 – Request for Sewer and Water Utility Easements Through Hollings Creek Park** It was Moved and Seconded
That the request from the Developer of the Briarwood Green project for the extension of water and sewer utility services through Hollings Creek Park in Electoral Area A be approved, subject to the following conditions:
- The Developer, at their cost, replace the existing wood culvert on Handysen Creek within Hollings Creek Park with a new culvert or like structure as approved by the Ministry of Environment and construct a Type 3 Pedestrian/Cycling Trail between Lilmac Road and Briarwood Drive over the upgraded crossing to CVRD Parks and Trails Division standards.
 - That the lands along Handysen Creek bounded to the north and south by Hollings Creek Park be dedicated to the Regional District as a titled lot for park purposes to complete the park corridor along Hollings Creek within the proposed subdivision development area and that such dedication be approved through the up to 50 Percent Public Land Dedication Provisions of the Mill Bay/Malahat Zoning Bylaw.
 - That a trail corridor of no less than 4.0 metres in width be dedicated as a titled lot to the Regional District between the proposed cul de sac on Briarwood Drive and Hollings Creek Park to facilitate the Type 3 Pedestrian/Cycling Trail between Briarwood Drive and Lilmac Road.
 - The Developer, at their cost, construct a new pedestrian trail to the CVRD Type 2 Trail Standard between the upgraded crossing of Handysen Creek

downstream along the west side of Handysen Creek to Hollings Creek, complete with a pedestrian bridge crossing over Hollings Creek, all within Hollings Creek Park, and from the Hollings Creek Crossing to Bourbon Road in Kerry Village, with said trail alignment and bridge crossing to be locations approved by the Regional District. A irrevocable letter of Credit in an amount of 120 percent of the estimated value of the works, as approved by the CVRD, will be provided to the Regional District prior to installation of the sewer and water services within the park.

- That all works through Hollings Creek Park are subject to CVRD approval to ensure the impacts to the park are minimized and that the works include appropriate environmental mitigation and environmental restoration work.
- That a letter of credit be secured from the Developer to cover any potential negative environmental impacts arising from in-stream works or works undertaken within Hollings Creek Park.

MOTION CARRIED

**NB3 – Topics for
September 1st EASC
Meeting**

It was Moved and Seconded
That Staff prepare a report for the next EASC meeting regarding Section 946 subdivision applications.

MOTION CARRIED

It was Moved and Seconded
That Staff prepare a report for the next EASC meeting regarding Committee meeting start times.

MOTION CARRIED

**NB4 – Cowichan
Lake Power Surge**

Director Morrison updated the Committee on the Power Surge that occurred east of the Town of Lake Cowichan and in the Skutz Falls Area. Director Morrison thanked staff for the letter that was sent to BC Hydro and noted that a response has been received by the CVRD. He advised that he held a public information meeting last week in Lake Cowichan which was well attended and that he understood there are now 179 claimants that have come forward after the power surge. Director Morrison further stated that he also understood that a number of claimants were likely proceeding toward class action suits and numerous small claims and advised that he would keep the Committee informed of the matter as it proceeds.

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 5:20 pm.

RISE The Committee rose without report.

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

MOTION CARRIED

The meeting adjourned at 5:50 pm.

Chair

Recording Secretary