

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, September 7, 2010 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

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

**CVRD STAFF**

Tom R. Anderson, General Manager  
Mike Tippett, Manager  
Rob Conway, Manager  
Brian Farquhar, Manager  
Maddy Koch, Planning Assistant  
Ann Kjerulf, Planner III  
Nino Morano, Bylaw Enforcement Official  
Brian Duncan, Chief Building Inspector  
Cathy Allen, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included adding four items of New Business, removing agenda item D1 (to be dealt with at the next meeting) and removing agenda item D10 (dealt with at the August 25, 2010, Special Board meeting).

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 August 3, 2010 EASC meeting, be accepted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

For Information: Director Duncan displayed Glenora parks kiosk signs which were prepared by GIS staff and noted the information is stored in a data base that can be used to make similar signs for parks elsewhere in the CVRD.

**DELEGATIONS**

**D1 - Jarvis**

Agenda item D1 (File No. 7-A-10BE – Jarvis, 1695 Sandy Beach Road Notice on Title) will be dealt with at the next EASC meeting.

**D2 - Hockridge**

Nino Morano, Bylaw Enforcement Officer, reviewed File No. 9-A-06BE (Robert and Lan Hockridge) to register Notice Against Land Title, for structures built without a building permit at 780 Kilmalu Road.

Robert Hockridge, property owner, was present and provided further information.

The Committee directed questions to the delegate.

It was Moved and Seconded

That a Notice against Land Title be filed for the property owned by Robert and Lan Hockridge and Satellite Holdings Ltd. located at 780 Kilmalu Road legally described as: PID 002-285-991, Lot 5, Sections 4 & 5, Range 9, Shawnigan District, Plan 28093, Except part in Plan VIP52025 (File No. 9-A-06BE).

MOTION CARRIED

**D3 - Brammall**

Nino Morano, Bylaw Enforcement Officer, reviewed File No. 36-B-04BE (Roger Brammall) to register Notice Against Land Title for non-permitted buildings at 2200 Sylvester Road.

Roger Brammall, property owner, was present and provided further information

The Committee directed questions to the delegate and staff.

It was Moved and Seconded

That legal action against the land owner of 2200 Sylvester Road be continued, and that a Notice against Land Title be filed for the property owned by Roger Brammall located at 2200 Sylvester Road legally described as Lot A, District Lot 49, Malahat District, Plan 33779, PID 000-257-630 and, District Lot 49, Malahat District, Except in Plan 33779, PID 003-952-576 (File No. 36-B-04BE).

MOTION CARRIED

**D4 - Partridge**

Application No. 1-B-09RS was referred from the August 3, 2010 EASC meeting.

Rob Conway, Manager, reviewed Application No. 1-B-09RS (Craig Partridge) to permit a four lot subdivision at 2868 and 2872 Renfrew Road in Shawnigan Lake.

Craig Partridge, applicant, was present and provided further information to the application.

The Committee directed questions to the applicant.

It was Moved and Seconded

1. That Application No. 1-B-09RS (Craig Partridge) proceed and that the applicant be requested to provide a wildland urban interface assessment and confirm commitments with respect to park land dedication.
2. 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, School District 79, and Shawnigan Lake Fire Improvement District, be accepted.
3. That draft bylaws be prepared and presented at a future EASC meeting for review.

MOTION CARRIED

**D5 - Zanatta**

Rob Conway, Manager, reviewed Application No. 1-E-10DP (Ivo Zanatta/Cowichan Terrazzo and Ceramic Tile Ltd.) to allow an addition and exterior alterations to existing light industrial building at 2890 Allenby Road.

The Committee directed questions to staff.

Ivo Zanatta, applicant, was present and provided further information.

That Application No. 1-E-10DP be approved, and that a development permit be issued to Cowichan Terrazzo and Ceramic Tile Ltd. for Lot 1, Section 13, Range 7, Quamichan District, Plan VIP87500 for an addition and exterior alterations, subject to :

- a. Installation of underground wiring;
- b. Landscaping installed in accordance with BCSLA standards, including an underground irrigation system;
- c. Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the August 18, 2010 site plan; and an assessment of the value of the landscaping be done by a qualified landscape architect for bonding purposes.

MOTION CARRIED

**D6 – Perrey**

Application No. 6-G-10DP (Susan Perrey) to legalize and finish construction of a retaining wall at 11101 Chemainus Road, within the Ocean Shoreline DPA.

The applicant was not present.

It was Moved and Seconded

That Application No. 6-G-10DP be approved, and that a development permit be issued to Sue Perrey for Lot 1, District Lot 34, Oyster District, Plan 22516 to legalize and finish construction of a retaining wall and landscape the area atop the retaining wall, subject to:

- Compliance with the recommendations noted in the June 26, 2010 report by Ground Control Geotechnical Engineering Ltd.

MOTION DEFEATED

It was Moved and Seconded

That Application No. 6-G-10DP be approved, and that a development permit be issued to Sue Perrey for Lot 1, District Lot 34, Oyster District, Plan 22516 to legalize and finish construction of a retaining wall and landscape the area atop the retaining wall, subject to:

- Compliance with the recommendations noted in the June 26, 2010 report by Ground Control Geotechnical Engineering Ltd.
- Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded upon completion of the landscaping plan; and landscape plans not to include ivy or periwinkle.

MOTION CARRIED

**D7 - Penney**

Application No. 1-D-10DP (Lew Penny/Wooden Boat Society) to permit construction of additional workshop space, display area and wheelchair accessible washroom facilities at 1761 Cowichan Bay Road.

It was Moved and Seconded

That application No. 1-D-10DP be approved, and that a development permit be issued to the Cowichan Wooden Boat Society for District Lots 173 and 2063, Cowichan District (1761 Cowichan Bay Road) to allow for construction of an addition to the Cowichan Bay Maritime Centre.

MOTION CARRIED

**D8 - Kmit**

Application No. 1-C-10ALR (Kmit/Luscombe) to construct a second dwelling at 3915 Clearwater Road.

It was Moved and Seconded

That Application No. 1-C-10ALR submitted by H.J. Kmit, on behalf of Olive Luscombe, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling be forwarded to the Agricultural Land Commission with a recommendation to approve, subject to decommission of the existing cottage.

MOTION CARRIED

**D9 - Archer**

Application No. 4-E-10ALR (John and Anthea Archer) to place a fourth dwelling at 3330 Jackson Road.

It was Moved and Seconded

That Application No. 4-E-10ALR, submitted by John and Athena Archer, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a fourth dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve.

MOTION CARRIED

**D10 – Kuwert**

Application No. 4-A-10DVP (Kuwert) was dealt with at the August 25<sup>th</sup> Special Board meeting.

**D11 - Lamont**

Maddy Koch, Planning Assistant, presented Application No. 2-C-10DVP (Kevin Lamont) to relax the rear parcel line setback to allow for construction of an additional steel storage building at 1334 Fisher Road.

It was Moved and Seconded

That Application No. 2-C-10DVP by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, to decrease the setback to the rear parcel line from 7.5 metres (24.61 ft.) to 6.66 metres (21.85 ft.) be approved, subject to:

- applicant to provide a survey confirming compliance with approved setbacks; and
- receipt of an irrevocable letter of credit in a form suitable to the CVRD equivalent to 125% of value of the landscaping plan, that includes irrigation, to be submitted by the applicant prior to issuance of the permit.

MOTION CARRIED

**D12 - Sheppard**

Maddy Koch, Planning Assistant, presented Application No. 2-B-10DVP (Dale Sheppard) to reduce the number of required parking spaces from 35 to 19 and off-street loading spaces from 5 to 1 at 2750 Shawnigan Lake Road.

It was Moved and Seconded

That Application No. 2-B-10DVP by Dale Sheppard for a variance to Section 4.1 (a) of Bylaw No. 1001, to reduce the number of required parking spaces from 35 to 19 and the number of off-street loading spaces from 5 to 1 on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan VIP55254 (*PID 017-973-961*) be approved, subject to:

- Secure bicycle parking being created, as shown on the site plan;
- Improvements being made to the existing disability parking space by repainting lines, repainting the wheelchair symbol, installing protective barriers and installing signs, to the satisfaction of the Building Inspector;
- The above conditions being met prior to issuance of a building permit.

MOTION CARRIED

**D13 – van der Have**

Rob Conway, Manager, presented the request by Jan and Marilyn van der Have to allow additional kitchen fixtures in an accessory building at 2645 Mill Bay Road.

Jan van der Have, applicant, provided further information to the request.

It was Moved and Seconded

That the request by Jan and Marilyn van der Have to allow bathroom fixtures (sink and toilet) and kitchen fixtures (fridge, sink, stove, and island space) in an existing accessory building at 2645 Mill Bay Road (Lot 3, Section 1, Range 9, Shawnigan District, Plan 41541 except part in Plan 45732 (*PID 000-674-478*), be approved, subject to:

- decommissioning the existing upstairs toilet and sink.
- registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.

MOTION CARRIED

**D14 - Derhousoff**

Request by Greg Bianchini and Heidi Derhousoff to allow bathing facilities and sink in proposed accessory building at 13100 Magdalena Drive.

Heidi Derhousoff, applicant, was present and provided information to the request.

It was Moved and Seconded

That the request by Greg Bianchini and Heidi Derhousoff to allow a shower and kitchen sink, as well as the permitted bathroom sink and toilet, within a converted accessory building at 13100 Magdalena Drive (Lot 24, Block 567, Oyster District, Plan VIP71713) be approved, subject to registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.

MOTION CARRIED

**D15 – Lestock Kay**

Request by David Lestock Kay to allow one bathing facility in a proposed agricultural accessory building at 3086 Wilkinson Road.

David Lestock Kay, applicant, was present.

It was Moved and Seconded

That the request by David Lestock-Kay to allow one bathing facility (shower) in the planned agricultural accessory building located at 3086 Wilkinson Road (Section 6, Range 7, Shawnigan District (PID 024-091-596), be approved, subject to registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.

MOTION CARRIED

**STAFF REPORTS**

**SR1 – File No. 1-D-08DP(Silver Catch Processing)**

It was Moved and Seconded

That Development Permit No. 1-D-08DP (1838 Cowichan Bay Road) issued to Silver Catch Processing Inc. Lapsing on December 10, 2010, be extended until December 10, 2011.

MOTION CARRIED

**SR2 – File No. 5-A-07DP (Walerius)**

It was Moved and Seconded

That Development Permit No. 5-A-07DP (2650 Partridge Road) issued to Dwain Walerius, which lapsed on November 28, 2009, be renewed until November 28, 2011.

MOTION CARRIED

**SR3 – Release of Covenant (Loyalist Lane, Area G)**

It was Moved and Seconded

That a letter be forwarded to the Ministry of Transportation and Infrastructure advising that the CVRD does not object to the release of Covenant EH138168 on strata lot 2 Plan 3436, located at 10894 Loyalist Lane, Electoral Area G - Saltair.

MOTION CARRIED

**SR4 – Area D OCP**

It was Moved and Seconded

1. That the CVRD advise applicants that rezoning applications for properties located in Electoral Area D – Cowichan Bay will be held in abeyance until an Official Community Plan bylaw has been adopted;
2. That an exception be made for properties located within the Cowichan Bay, Eagle Heights or Lambourn Estates Sewer System Service Areas; and
3. That an exception be made for those properties for which the CVRD Board has allocated sewer units and are intended to be included in the Cowichan Bay, Eagle Heights or Lambourn Estates Sewer System Service Areas.

MOTION DEFEATED

**SR5 – RDN Referral**

It was Moved and Seconded

That a letter be forwarded to the Nanaimo Regional District advising that the CVRD declines comment respecting the NRD Regional Growth Strategy Amendment Application at 2610 Myles Lake Road.

MOTION CARRIED

**SR6 – Bill 27, Area H**

It was Moved and Seconded

1. That proposed CVRD Bylaw No. 3421 (Bill 27/Greenhouse Gas Emissions) for Electoral Areas H proceed to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings;
2. That a public hearing be held for the amending bylaw in Electoral Area H-North Oyster/Diamond with Directors Marcotte, Dorey and Morrison named as delegates of the Board;
3. That the proposed bylaw be referred to the City of Duncan, Town of Lake Cowichan, District of North Cowichan, Town of Ladysmith, Nanaimo Regional District, Cowichan Tribes, Chemainus First Nation, Ministry of Community and Rural Development, and School Districts No. 68 and 79, for comment, in the form of a written referral, with a three week response period.

MOTION CARRIED



**SR7 – Shawnigan  
Lake Cemetery**

It was Moved and Seconded  
That the request by the Sylvan United Church to waive building permit fees for the construction of a gazebo at the Shawnigan Cemetery, be approved.

MOTION CARRIED

**SR8 – Subdivision  
Servicing Bylaw**

It was Moved and Seconded  
That staff report dated August 31, 2010, from Tom R. Anderson, General Manager, regarding Draft Subdivision Servicing Bylaw, be referred to the next EASC meeting.

MOTION CARRIED

**SR9 – Marine  
Riparian DPA**

It was Moved and Seconded  
That staff report dated August 18, 2010, from Mike Tippett, Manager, regarding Marine Riparian Development Permit Areas (Areas A,C,D and H) be referred back to staff for further consideration.

MOTION CARRIED

**SR10 – Community  
Planning Reserve  
Fund Bylaw**

It was Moved and Seconded  
That the Regional Board approve the use of Community Planning Reserve funds in the amount of \$22,000 for the purpose of funding a new photocopier that has been purchased by the Planning and Development Department.

MOTION CARRIED

**SR11 – Malahat Fire  
Protection Bylaw**

It was Moved and Seconded  
That CVRD Bylaw No. 3418 – Malahat Fire Protection Service Amendment Bylaw, 2010, be forwarded to the Regional Board for consideration of three readings and adoption.

MOTION CARRIED

**SR12, SR13, SR14 –  
Mid-year Budget  
Reports**

Discussion regarding Staff Report dated August 31, 2010, from Tom R. Anderson, General Manager, regarding Planning and Development Department Budget Preparation Report; Staff Report dated August 27, 2010, from Tom R. Anderson, General Manager, regarding Mid-year Budget Report; and Staff Report dated August 31, 2010, from Brian Farquhar, Manager, regarding Community Parks and Trails 2010 Mid-year Budget Status Report.

Reports received for information purposes.

**APC**

**AP1 - AP7 – Minutes**

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area H APC meeting of July 18, 2010
- Minutes of Area H APC site meeting of July 18, 2010
- Minutes of Area E APC meeting of August 9, 2010
- Minutes of Area C APC meeting of August 21, 2010
- Minutes of Area D APC meeting of July 21, 2010
- Minutes of Area C APC site meeting of August 16, 2010

MOTION CARRIED

It was Moved and Seconded

That the Area C APC meeting of June 24, 2010, be received and filed.

MOTION CARRIED

**PARKS**

**PK1 - Minutes**

It was Moved and Seconded

That the minutes of the Area H parks meeting of July 25, 2010, be received and filed.

MOTION CARRIED

**PK2 - Minutes**

It was Moved and Seconded

That the minutes of the Area E Parks meeting of August 23, 2010, be received and filed.

MOTION CARRIED

**INFORMATION**

**IN1 – Barnjum Road**

It was Moved and Seconded

That the letter dated July 29, 2010, from the Ministry of Transportation and Infrastructure regarding paving of Barnjum Road, be received and filed.

MOTION CARRIED

**IN2 – Building Report**

It was Moved and Seconded

That the July 2010, Building Report, be received and filed.

MOTION CARRIED

**CORRESPOND-  
ENCE**

**C1 – Grant in Aid**

It was Moved and Seconded  
That a Grant-in-Aid (Area D – Cowichan Bay) be given to the Cowichan Valley Naturalists' Society in the amount of \$500 for their Estuary Protection Fund for on-going work to protect the waters of Cowichan Bay.

MOTION CARRIED

**C2 – Grant in Aid**

It was Moved and Seconded  
That a Grant-in-Aid (Area D – Cowichan Bay) be given to the Cowichan Bay Maritime Centre in the amount of \$400 to assist with the costs of a development permit application.

MOTION CARRIED

**NEW BUSINESS**

**NB1 – Hollings Creek  
Trail Agreement**

It was Moved and Seconded  
That the Board Chair and Corporate Secretary be authorized to sign the necessary documents related to execution of a license agreement with the Kerry Village Residents Association Strata (KVRA) permitting the CVRD to construct and maintain a public footpath on a portion of the KVRA's common property between Bourbon Road and Hollings Creek Park in Electoral Area A, legally described as "Common Property, Part of Lot A, Sections 1 and 2, Range 7, Shawnigan District, VIS 1337".

MOTION CARRIED

**NB2, NB3, NB4 –  
Grants in Aid**

It was Moved and Seconded  
That the following grants in aid be approved:

- That a Grant-in-Aid (Area A- Mill Bay/Malahat) be given to the Mill Bay Community Tennis Club in the amount or \$2,500 to assist with costs to resurface the two tennis courts.
- That a Grant-in-Aid (Area B – Shawnigan Lake) be given to the Cowichan Green Community in the amount of \$100 to assist with the third annual fall harvest and sustainability festival.
- That a Grant-in-Aid (Area A – Mill Bay/Malahat) be given to the Shawnigan Cemetery in the amount of \$500 to assist with the costs of constructing a gazebo on the property.
- That a Grant-in-Aid (Area B – Shawnigan Lake) be given to the Shawnigan Cemetery in the amount of \$500 to assist with the costs of constructing a gazebo on the property.

- That a Grant-in-Aid (Area C – Cobble Hill) be given to the Shawnigan Cemetery in the amount of \$500 to assist with the costs of constructing a gazebo on the property.

MOTION CARRIED

**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 5:50 pm.

**RISE**

The Committee rose without report.

**ADJOURNMENT**

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:00 pm.

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Chair

\_\_\_\_\_  
Recording Secretary