

Minutes of the Regular meeting of the Electoral Area Services Committee of the Cowichan Valley Regional District, held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, July 17, 2024, at 1:32 PM

PRESENT: Director I. Morrison, Chair
Director B. Maartman
Director H. Abbott
Director S. Acton*
Director K. Deck
Director J. McClinton
Director A. Nicholson <until 4:35 PM>
Director K. Segall
Director M. Wilson

ALSO PRESENT: D. Myles Wilson, Chief Administrative Officer
T. Bowen, Chief Financial Officer*
A. Boyd, Deputy Corporate Officer
A. Kjerulf, General Manager, Land Use Services Department*
B. Mohan, General Manager, Corporate Services Department
D. Mooney, General Manager, Operations Department
I. MacDonald, Senior Manager, Inspections & Enforcement Division
M. Tippet, Manager, Community Planning Division
M. Pressman, Manager, Development Services Division
C. Breen, Manager, Strategic Initiatives Division
R. Harris, Manager, Inspections Division
V. Thomson, Manager, Utilities Division
J. Moore, Manager, Environmental Services Division
A. Garnett, Planning Coordinator
L. Knodel-Joy, Senior Engineering Technologist
L. Dagenet, Senior Engineering Technologist
S. Bryski, Chief Building Inspector
N. Schwetz, Environmental Planner
R. Buchan, Planner III
R. Woods, Planner I
B. Olsen, Senior Systems Technician*
J. Hughes, Recording Secretary

* participated remotely

APPROVAL OF AGENDA

It was moved and seconded that the agenda be amended with the addition of supplemental information received Re: Application No. RZ24A01 (1755 Mill Bay Road/PID: 000-446-670):

- 1. Letter dated July 12, 2024, from David Chi, Director, NorthPark Properties LLP;**
- 2. Letter dated July 11, 2024, from Kate Richey, Referrals Lead, Malahat Nation; and**
- 3. Letter dated July 16, 2024, from Tristan Gale, Director of Economic Development, Malahat Nation; and**

that the agenda be approved, as amended.

MOTION CARRIED

ADOPTION OF MINUTES

M1 Electoral Area Services Committee Meeting of July 3, 2024

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting of July 3, 2024, be adopted.

MOTION CARRIED

CORRESPONDENCE

C1 Grant-in-Aid Request, Electoral Area F – Cowichan Lake South/Skutz Falls
Re: Lake Cowichan Secondary School

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$1,500 be provided to the Lake Cowichan Secondary School to provide Bursaries to graduating students that reside in Electoral Area F – Cowichan Lake South/Skutz Falls to support their future education or training.

MOTION CARRIED

C2 Grant-in-Aid Request, Electoral Area F – Cowichan Lake South/Skutz Falls
Re: Cowichan Lake and District Chamber of Commerce

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$3,750 be provided to the Cowichan Lake and District Chamber of Commerce to support the Mobile Visitor Centre tourism service provided to the Cowichan Lake area.

MOTION CARRIED

C3 Grant-in-Aid Request, Electoral Area F – Cowichan Lake South/Skutz Falls
Re: Caycuse Volunteer Fire Department

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$10,000 be provided to the Caycuse Volunteer Fire Department to support the provision of S.A.R, First Responder, Medical Assist and Fire Protection for West Cowichan Lake.

MOTION CARRIED

INFORMATION

IN1 The following Advisory Planning Commission Minutes were received for information:

1. Electoral Area A – Mill Bay/Malahat Advisory Planning Commission Minutes – June 18, 2024;
2. Electoral Area E – Cowichan Station/Sahtlam/Glenora Advisory Planning Commission Minutes – June 20, 2024; and

3. Electoral Area H – North Oyster/Diamond Advisory Planning Commission Minutes – June 21, 2024.

IN2 Electoral Area B – Shawnigan Lake Community Parks Advisory Commission Minutes – February 15, 2024, was received for information.

REPORTS

R1 Report from the Strategic Initiatives Division Re: Electoral Area Interim Housing Needs Report, was received for information.

Presentation from MODUS Planning, Design & Engagement and Licker Geospatial Re: Provision of Information on the Work Updating the CVRD's Housing Needs Report in Accordance with the Province's Bill 44 and its Legislative Requirements

Patrick Oystryk, MODUS Planning, Design & Engagement and Aaron Licker, Licker Geospatial, provided a PowerPoint presentation and overview on the Provision of Information on the Work Updating the CVRD's Housing Needs Report in Accordance with the Province's Bill 44 and its Legislative Requirements and they responded to questions from the Committee.

2:22 PM The Committee agreed by consensus to recess at 2:22 PM.

2:31 PM The Committee meeting resumed at 2:31 PM.

R2 Report from the Development Services Division Re: Application No. RZ24A01 (1755 Mill Bay Road/PID: 000-446-670) (*Referred from the June 26, 2024, Board Meeting*)

It was moved and seconded that it be recommended to the Board that staff work with the applicant to provide the following additional information within 60 business days of the Board resolution, prior to advancing Application No. RZ24A01 (1755 Mill Bay Road, PID: 000-446-670) for proposed intensive mixed-use development, to external agencies and First Nations:

- 1. A conditions and impact assessment with an accompanying restoration plan for the portions of land within Riparian Assessment Areas (RAAs) to fully restore impacted Stream Side Protection and Enhancement Areas (SPEAs);**
- 2. Confirmation that the proposed site plan is consistent with the *Riparian Area Protection Regulation (RAPR)* and *Water Sustainability Act (WSA)*, through approval of a *RAPR* assessment and *WSA* Section 11 permit for the proposed redevelopment;**
- 3. A comprehensive natural heritage, stream and riparian assessment of the site to determine the baseline environmental conditions and restrictions to inform rezoning considerations (i.e. developable area, site constraints, required restoration, etc.);**
- 4. An updated list of proposed industrial uses with limits to the proposal to allow land uses that are not water or sewer intensive;**
- 5. A report from a qualified professional detailing options for onsite sewage serving;**
- 6. A report from a qualified professional detailing options onsite potable water servicing and proof of 'Water System Approval' from Island Health;**

7. A refined proposal to include vegetative buffers to protect scenic landscapes and view corridors along the Malahat Highway;
8. A refined proposal to limit uses that will not be contained within buildings/structures;
9. Detailed elevations drawings for the proposed and existing buildings/structures;
10. Submit complete building permit applications for the structures that have been sited, moved in, or erected without required building permits. This shall include all necessary letters of professional assurance deemed necessary by the CVRD Chief Building Official (*note: building permits will not be authorized until rezoning and development permits have been approved*);
11. Draft terms of an updated covenant (to replace Restrictive Covenant No. CA2470948 [Environmental protection]) to require a restoration plan for riparian and non-riparian areas, prepared by a qualified environmental professional, based on a local reference sensitive ecosystem). This is to include landscape features and protective measures that will enhance Northern Red-legged Frog habitat;
12. A hydrogeological analysis of the property to estimate pre-development flows and include mitigation measures to ensure that post-development flow and quality is maintained to ensure the protection of the headwaters of the Malahat Creek Community Watershed;
13. A detailed topographic map showing existing and proposed grades, to be coordinated with a stormwater management plan & hydrologic map with proposed drainage control measures (e.g. vegetated swales, rain gardens, etc.) to help buffer riparian areas and sensitive ecosystems from future development while retaining stormwater capture/infiltration function;
14. A Parking, Access, & Lighting Plan: To confirm compliance with the CVRD's off-street parking and loading requirements;
15. A landscape plan prepared by a Landscape Architect (BCLSA), complete with a cost estimate. This is to include all hard and soft landscaping and must be coordinated with a qualified environmental professional (to include measures to remove invasive species, and retain existing vegetation); and
16. A detailed site plan including land alterations and construction that have occurred without authorization based on 2014 orthophotography.

MOTION CARRIED

R3

Report from the Development Services Division Re: Application No. RZ22C01 (3450 Trans-Canada Highway/PID: 000-033-057)

It was moved and seconded that it be recommended to the Board for Application No. RZ22C01 (3450 Trans Canada Highway, PID: 000-033-057) to facilitate the expansion of the Arbutus RV & Marine Sales:

1. That an Official Community Plan Amendment Bylaw be prepared for Board consideration of 1st reading to amend Schedule L to re-designate the subject property from Regional: Residential and Local: Rural Residential to Regional: Commercial and Local: Highway Commercial, and amend Schedule U to add the subject property to Development Permit Area DPA 11 – Commercial and Mixed-use Development;

2. That a Zoning Amendment Bylaw be prepared for Board consideration of 1st reading, to rezone the subject property from Rural Residential 2 (RR-2) to Rural Comprehensive Development 3 – Chapman Road (CD-3);
3. That prior to consideration of adoption of the proposed amendment bylaws, confirmation be provided by the owner that existing uses and structures within the CD-3 zone have been sited lawfully and otherwise meet all applicable CVRD and Provincial requirements;
4. That prior to consideration of adoption of the proposed amendment, the owner apply for and receive a CVRD demolition permit for the existing building and any associated accessory buildings and that those buildings be physically removed or destroyed.
5. That prior to consideration of adoption of the proposed amendment bylaws, a Section 219 covenant be registered in favour of the CVRD to secure the following conditions prior to any commercial use on the subject property:
 - a. A 30 m no-development buffer area around the existing pond, as outlined in the Aquifer Protection Plan by Madrone Environmental Services, dated May 23, 2023;
 - b. Installation and maintenance of on-site drainage infrastructure and erosion and sediment control measures, including measures to prevent run off from entering the 30 m setback area around the existing pond; and
 - c. The only access to the site is to be off Chapman Road, in accordance with the Memorandum prepared by WATT Consulting Group, dated June 1, 2023. The existing site access is to be decommissioned and closed upon construction of the new access.
7. That a public hearing be scheduled for Application No. RZ22C01 (3450 Trans Canada Highway, PID: 000-033-057).

MOTION CARRIED

It was moved and seconded that it be recommended to the Board:

6. That for Application No. RZ22C01 (3450 Trans Canada Highway, PID: 000-033-057) to facilitate the expansion of the Arbutus RV & Marine Sales that prior to consideration of adoption of amendment bylaws, the applicant provide proof of issuance of a Province of BC water licence authorizing commercial use.

MOTION DEFEATED

3:47 PM The Committee agreed by consensus to recess at 3:47 PM.

3:59 PM The Committee meeting resumed at 3:59 PM.

The Chair brought Item UB1 forward at this time.

UB1 Verbal Report from the Legislative Services Division Re: Public Input Period Procedure and Question Period Policies Final Drafts (*Referred from the July 3, 2024, Governance Committee*)

It was moved and seconded that it be recommended to the Board that the Public Input Period Procedure Policy be amended by removing 6 a) rezoning or land use bylaw amendment applications.

MOTION CARRIED

It was moved and seconded that it be recommended to the Board that staff obtain a legal opinion on the Question Period Procedure Policy Re: Removal from the Policy 8 a) the application has been placed on a Public Hearing agenda.

MOTION CARRIED

4:35 PM

Director Nicholson left the meeting at 4:35 PM.

It was moved and seconded that it be recommended to the Board that the Question Period Procedure Policy be referred back to staff to follow-up on items raised by the Governance Committee.

MOTION CARRIED

R4

Report from the Fire Rescue Services Division Re: Boundary Extension for Mesachie Lake Fire Protection Service Area

It was moved and seconded that it be recommended to the Board:

1. That the Certificate of Sufficiency, confirming that a sufficient petition requesting inclusion into the Mesachie Lake Fire Protection Service Area, be received.
2. That CVRD Bylaw No. 2086 (Mesachie Lake Fire Protection Service Establishment Bylaw, 2000) be amended to include the properties described in the Certificate of Sufficiency dated June 14, 2024, for the Mesachie Lake Fire Protection Service Area.

MOTION CARRIED

R5

Report from the Utilities Division Re: Proposed Bylaw Amendments – CVRD Water/Sewer Service Establishment

It was moved and seconded that it be recommended to the Board:

1. That CVRD Bylaw No. 3627 – Carlton Water System Establishment Bylaw, 2012, be amended to increase the annual requisition limit from \$37,500 to greater of \$46,875, or an amount that equals the amount raised by applying the property value tax rate of \$1.12066 per \$1,000 to the net taxable value of land and improvements in the service area.
2. That CVRD Bylaw No. 3624 – Shellwood Water System Establishment Bylaw, 2012, be amended to increase the annual requisition limit from \$30,625 to greater of \$38,280, or an amount that equals the amount raised by applying the property value tax rate of \$1.19578 per \$1,000 to the net taxable value of land and improvements in the service area.
3. That CVRD Bylaw No. 3616 – Woodley Range Water System Establishment Bylaw, 2012, be amended to increase the annual requisition limit from \$40,000 to greater of \$50,000, or an amount that

equals the amount raised by applying the property value tax rate of \$0.78687 per \$1,000 to the net taxable value of land and improvements in the service area.

4. That CVRD Bylaw No. 3979 – Malahat Water System Establishment Bylaw, 2016, be amended to increase the annual requisition limit from \$50,000 to greater of \$62,500, or an amount that equals the amount raised by applying the property value tax rate of \$3.92317 per \$1,000 to the net taxable value of land and improvements in the service area.
5. That CVRD Bylaw No. 3978 – Malahat Sewer System Establishment Bylaw, 2016, be amended to increase the annual requisition limit from \$58,000 to greater of \$72,500, or an amount that equals the amount raised by applying the property value tax rate of \$4.55088 per \$1,000 to the net taxable value of land and improvements in the service area.

MOTION CARRIED

R6

Report from the Utilities Division Re: Feasibility Function F130 – Drainage Systems Study

It was moved and seconded that it be recommended to the Board that the report from the Utilities Division Re: Feasibility Function F130 – Drainage Systems Study, be referred back to staff to assess the continued viability of the CVRD stormwater and drainage services, and to draft policy informing the continued delivery of these existing services, and consideration of the provision of new services.

MOTION CARRIED

It was moved and seconded that it be recommended to the Board that a moratorium for any new applications on the expansion of existing CVRD drainage services and the acquisition of any new or existing drainage services.

MOTION CARRIED

It was moved and seconded that it be recommended to the Board that a letter be sent to the Minister for the Ministry of Transportation and Infrastructure regarding the management of stormwater and drainage management issues on Provincial roads.

MOTION CARRIED

R7

Report from the Utilities Division Re: Federation of Canadian Municipal Implementation Projects: Adaptation in Action Funding Grant Application

It was moved and seconded that it be recommended to the Board that an application for grant funding through the Federation of Canadian Municipal Implementation Projects: Adaptation in Action (LLCA) fund for Dogwood Water System interconnect with the City of Duncan water system in the amount up to \$500,000 be submitted, and that (subject to grant approval) cost overruns, ineligible expenses and CVRD contribution be funded by long-term borrowing.

MOTION CARRIED

- R8** Report from the Community Planning Division Re: External Referrals Policy Proposal

It was moved and seconded that it be recommended to the Board that the External Land-Use Planning Referrals Policy be amended to add a process for notifying the Board when responding to intergovernmental referrals of bylaws, in accordance with the Staff Report to the Electoral Area Services Committee of July 17, 2024.

MOTION CARRIED

- R9** Report from the Inspections & Enforcement Division Re: CVRD Bylaw No. 4544 – Bylaw Offence Notice Enforcement Bylaw, 2024

It was moved and seconded that it be recommended to the Board:

- 1. That CVRD Bylaw No. 4544 – Bylaw Offence Notice Enforcement Bylaw, 2024, be forwarded to the Board for consideration of three readings and adoption.**
- 2. That subject to adoption of CVRD Bylaw No. 4544 – Bylaw Offence Notice Enforcement Bylaw, 2024, the CVRD Screening Officer Bylaw Notice Policy, be adopted.**

MOTION CARRIED

- R10** Report from the Inspections & Enforcement Division Re: Short-Term Rental Bylaw Enforcement Resolution

It was moved and seconded that it be recommended to the Board that CVRD Bylaw Enforcement Officers undertake pro-active investigations and enforcement of short-term rentals in electoral areas.

MOTION CARRIED

- R11** Report from the Inspections & Enforcement Division Re: Building Inspection 2024 Second Quarter Report, was received for information.

- R12** Report from the Inspections & Enforcement Division Re: Bylaw Enforcement 2024 Second Quarter Report, was received for information.

- R13** Report from the Development Services Division Re: Development Services Q1-Q2 Development Application Statistics, was received for information.

UNFINISHED BUSINESS

- UB1** Item UB1 was dealt with after Item R3.

ADJOURNMENT

5:43 PM **It was moved and seconded that the meeting be adjourned.**

MOTION CARRIED

The meeting adjourned at 5:43 PM.

Chair

Recording Secretary

Dated: _____