

Tuesday, April 24, 2018

Minutes of the meeting of the Comox Valley Regional District Board of Directors held on Tuesday, April 24, 2018 in the boardroom of the Comox Valley Regional District offices located at 550B Comox Road, Courtenay, BC commencing at 3:30 p.m.

MINUTES

Present:

Chair: B. Jolliffe Baynes Sound-Denman/Hornby Islands (Area 'A')

Vice-Chair:B. WellsCity of CourtenayDirectors:E. ErikssonCity of Courtenay

E. Grieve Puntledge/Black Creek (Area 'C')

L. Jangula City of Courtenay
R. Nichol Lazo North (Area 'B')
B. Price Town of Comox
M. Theos City of Courtenay
K. Grant Town of Comox

Alt. Directors: J. Ketler Village of Cumberland

Staff: R. Dyson Chief Administrative Officer
B. Dunlop Corporate Financial Officer

D. Mirabelli Acting General Manager of Planning and Development Services

M. Rutten General Manager of Engineering ServicesJ. Warren General Manager of Corporate Services

A Portion of the Meeting:

Directors: B. Leigh Oyster Bay – Buttle Lake (Area 'D')

ATTENDANCE:

Director Leigh and Director Theos were not in attendance when the meeting was called to order.

RECOGNITION OF TRADITIONAL TERRITORIES:

The Chair acknowledged that the meeting was being held on the unceded traditional terrority of the K'ómoks First Nation.

IN-CAMERA:

K. Grant/B. Wells: THAT the board adjourn to an in-camera session pursuant to the following sub-sections of section 90 of the Community Charter:

90(1)(a) Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the regional district or another position appointed by the regional district;

90(1)(j) Information that is prohibited, or information that if it were presented in a document would be

208 Carried

The board adjourned to its in-camera session at 3:31 p.m.

RISE AND RECONVENE:

The board rose from its in-camera session at 3:54 p.m., recessed, and reconvened the open meeting at 4:00 p.m.

Director Leigh and Director Theos were in attendance when the open meeting resumed.

ADOPTION OF MINUTES:

- B. Wells/B. Price: THAT the following minutes be adopted:
- Comox Valley Regional District Board minutes dated March 27, 2018;
- Comox Valley Regional District Board minutes dated March 29, 2018; and
- Comox Valley Regional District Board minutes dated April 10, 2018.

Carried

REPORTS:

COMOX VALLEY REGIONAL DISTRICT 2017 ANNUAL REPORT

K. Grant/E. Grieve: THAT the Comox Valley Regional District 2017 Annual Report be received.

208 Carried

R. Dyson, Chief Administrative Officer, provided an overview of the Comox Valley Regional District 2017 Annual report.

MINISTRY OF FORESTS, LANDS, NATURAL RESOURCE OPERATIONS AND RURAL DEVELOPMENT - COAL HILLS REMEDIATION

Duncan Williams, Executive Director, Crown Land Opportunities and Restoration Branch, presented information regarding the Coal Hills remediation in Union Bay.

VARY THE AGENDA

E. Grieve/M. Theos: THAT the agenda be varied to bring agenda items F.7, G.6, G.12 and G.13 relating to Black Creek - Oyster Bay services forward on the agenda.

Carried

BLACK CREEK - OYSTER BAY SERVICES COMMITTEE - APRIL 16, 2018

B. Leigh/E. Grieve: THAT the Black Creek - Oyster Bay Services Committee minutes dated April 16, 2018 be received.

208 Carried

B. Leigh/E. Grieve: THAT the draft Bylaw No.519 being "Black Creek – Oyster Bay Water Conservation Bylaw No.519, 2018", as attached to the staff report dated April 12, 2018, be adopted with the following changes incorporated:

- replacing "Strathcona Regional District (SRD)" in the first whereas clause with "Oyster River"; and
- removing the definition for 'local government';

AND FURTHER THAT Bylaw No.104 being "Municipal Ticket Information Bylaw No.104, 2010" be amended to reflect the new Black Creek – Oyster Bay Water Conversation Bylaw.

Carried

E. Grieve/B. Leigh: THAT the Comox Valley Regional District send a letter to the Strathcona Regional District Board requesting approval to complete installation of a new production well in the Oyster River Nature Park by March 31, 2019 to ensure the Clean Water and Wastewater Fund grant can be fully utilized, and the current water capacity concerns of the Black Creek Oyster Bay Water Service can be resolved prior to summer 2019.

209 Carried

B. Leigh/E. Grieve: THAT a letter be sent to the province regarding the proposed development of a new production well within the Oyster River Nature Park for the Black Creek - Oyster Bay Local Water Service and requesting clarification of the authorities for such works in respect of the crown land grant for the park and the letters patent issued by province.

209 Carried

B. Leigh/E. Grieve: THAT Bylaw No. 357 being "Black Creek – Oyster Bay Fire Protection Service Regulations Bylaw No. 357, 2014" be amended to provide for the regulation of high risk activities.

AND FURTHER THAT Bylaw No. 104 being "Municipal Ticket Information Bylaw No. 104, 2010" be amended to establish fines for the regulation of high-risk activities as outlined in the staff report dated March 29, 2018.

209 Carried

E. Grieve/B. Leigh: THAT Bylaw No. 528 being "Black Creek - Oyster Bay Fire Protection Service Regulations Bylaw No. 357, 2014, Amendment No. 1" be given first and second readings concurrently.

Carried

B. Leigh/E. Grieve: THAT Bylaw No. 528 being "Black Creek - Oyster Bay Fire Protection Service Regulations Bylaw No. 357, 2014, Amendment No. 1" be read a third time.

Carried

B. Wells/B. Price: THAT Bylaw No. 534 being "Comox Valley Regional District Municipal Ticket Information Bylaw No. 104, 2010, Amendment No. 12" be given first and second readings concurrently.

Carried

E. Grieve/B. Wells: THAT Bylaw No. 534 being "Comox Valley Regional District Municipal Ticket Information

Bylaw No. 104, 2010, Amendment No. 12" be read a third time.

209 Carried

E. Grieve/B. Leigh: THAT Bylaw No. 519 being "Black Creek – Oyster Bay Water Conservation Bylaw No. 519, 2018" be given first and second readings concurrently.

209 Carried

- B. Leigh/E. Grieve: THAT Bylaw No. 519 being "Black Creek Oyster Bay Water Conservation Bylaw No. 519, 2018" be amended at second reading by:
- replacing "Strathcona Regional District (SRD)" in the first whereas clause with "Oyster River"; and
- removing the definition for 'local government'.

209 Carried

B. Leigh/E. Grieve: THAT Bylaw No. 519 being "Black Creek – Oyster Bay Water Conservation Bylaw No. 519, 2018" be read a third time as amended.

209 Carried

E. Grieve/B. Leigh: THAT Bylaw No. 519 being "Black Creek – Oyster Bay Water Conservation Bylaw No. 519, 2018" be adopted.

209 Carried

Note: the above resolution received at least 2/3 of the votes cast.

Director Leigh left the meeting at 4:35 p.m.

ELECTORAL AREAS SERVICES COMMITTEE - APRIL 9, 2018

K. Grant/B. Wells: THAT the Electoral Areas Services Committee minutes dated April 9, 2018 be received.

Carried

K. Grant/B. Wells: THAT the board approve the Development Variance Permit DV 2A 18 (Gardner/Watts) to increase the maximum permitted height for a carriage house from 7.0 metres to 7.5 metres for property described as Lot 2, Section 6, Nelson District, Plan VIP81799, PID 026-819-678 (344 Bray Road);

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit once the covenanted area encroaching into the proposed location of the carriage house is removed or relocated elsewhere on the property.

208 and 213 Carried

K. Grant/B. Wells: THAT the board approve the Development Permit DP 7A 18 (Kingfisher Oceanside Resort & Spa Ltd.) on the property described as Lot B, District Lot 10, Nelson District, Plan VIP66171, PID 023-933-607 (4324 & 4330 Island Highway South) for the renovation of the south wing of the resort building;

FURTHER THAT the board approve Development Variance Permit DV 4A 18 (Kingfisher Oceanside Resort & Spa Ltd.) on the property described as Lot B, District Lot 10, Nelson District, Plan VIP66171, PID 023-933-607 (4324 & 4330 Island Highway South) to vary the following:

a. To reduce the minimum side yard setback of the south wing of the resort building from 3.5 metres to 0.3 metres;

- b. To reduce the minimum side yard setback of the eaves of the south wing of the resort building from 1.75 metres to 0.1 metres; and
- c. To increase the maximum building height of the south wing of the resort building at 0.3 metres side yard setback (excluding the eaves) from 8.0 metres to 9.3 metres;

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permits.

208 and 213

Carried

E. Grieve/B. Wells: THAT the board approve the Development Permit DP 3B 18 (Fortis Energy BC) on the property described as that part of Lot 2 District Lots 229 and 239, Comox District, Plan VIP85435 included within Plan EPP78295, PID 030-330-327 (1700 Ryan Road E) for the development of a utility building and related works;

AND FURTHER THAT the Corporate Legislative Officer be authorized to execute the permit. 208 and 213 Carried

E. Grieve/R. Nichol: THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix A of staff report dated March 27, 2018, 2018, and direct staff to start the external agency referral process for Lot C, Block 29, Comox District, Plan 32630, PID 000-168-882 (Thomas) as part of a proposed amendment (RZ 1B 18) of Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005";

AND FINALLY THAT Comox Valley Regional District staff consult with First Nations in accordance with the referrals management program dated September 25, 2012.

208 and 213

Carried

E. Grieve/B. Wells: THAT the board give first and second readings to Bylaw No. 522, being the "Comox Valley Zoning Bylaw, 2005, Amendment No. 73" which rezones the southern half of Lot 1, District Lot 114, Comox District, Plan 2280, PID 006-412-335 (1671, 1673 and 1675 Ryan Road East, Lenco Development Ltd., Fernco Development Ltd., and Norco Development Ltd.) from Country Residential One (CR-1) to Industrial Light (IL);

AND FINALLY THAT pursuant to Section 464(1) of the Local Government Act (RSBC, 2015, c.1), the board schedule a public hearing for Bylaw No. 522, being the "Comox Valley Zoning Bylaw, 2005, amendment No. 73" (RZ 1B 17).

208 and 213 Carried

B. Wells/E. Grieve: THAT pursuant to Section 57 of the Community Charter, the board approves filing a notice with the Land Title and Survey Authority of British Columbia against land legally described as Lot 3, Block 29, Comox District, Plan 19922, PID 003-643-654 (5862 Aldergrove Dr.), for failure to comply with Building Bylaw No. 142, being the Comox Valley Regional District Building Bylaw No. 142, 2011".

Carried

K. Grant/B. Wells: THAT the greater Comox Valley Water Local Service Area (Function 305) expansion / merger to include the five other local service areas being Sandwick (306), Greaves (309), Arden (311), England (314) and Marsden/Camco (317) be implemented by:

- Applying all capital and operational activities for the Comox Valley water distribution services under the greater Comox Valley water distribution service effective January 1, 2019;
- Adopting a policy to equalize reserve funds in each distribution service by December 31, 2023;
- Transferring or utilizing equalized reserve funds for the greater Comox Valley service on a per connection basis (based on the connections for each service on January 1, 2018);
- Repealing original service establishment bylaws for Sandwick (306), Greaves (309), Arden (311), England

(314) and Marsden/Camco (317) when the associated debt for each service is retired and / or reserve funds are equalized for the greater Comox Valley water service;

- Updating or adopting parcel tax bylaws to facilitate the equalized reserve fund contributions and implementing a parcel tax for 'fixed costs' associated with delivering potable water; and
- Communicating the change in service configuration and financial impact associated with the reserve fund equalization and revenue generation for operating the service in summer and fall 2018.

AND FURTHER THAT the bylaws and policies described in Appendix A to the staff report dated April 3, 2018 be forwarded to the Comox Valley Regional District Board for implementation.

Carried

K. Grant/R. Nichol: THAT a contribution of \$10,000 be approved to the Kumugwe Cultural Society in support of the 67-67 Indigenous Art Showcase to be funded \$800 from the Heritage Conservation service for Baynes Sound – Denman/Hornby Islands (Electoral Area A), \$100 from the Heritage Conservation service for Denman Island (Electoral Area A), \$100 from the Heritage Conservation service for Hornby Island (Electoral Area A), \$5,000 from the Heritage Conservation service for Lazo North (Electoral Area B) and \$4,000 from the Heritage Conservation service for Puntledge – Black Creek (Electoral Area C).

K. Grant/B. Wells: THAT the following bylaws be amended to provide for the regulation of high risk activities during periods of extreme fire danger:

- Denman Island Fire Protection Service Regulation Bylaw No. 281, 2013;
- Hornby Island Fire Protection Service Regulation Bylaw No. 282, 2013;
- Fanny Bay Fire Protection Service Regulation Bylaw No. 283, 2013;
- Rural Cumberland Fire Service Bylaw No. 258, 2013; and
- Tsolum Farnham Fire Protection Service Regulations Bylaw No. 261, 2013.

AND FURTHER THAT Bylaw No. 104 being "Municipal Ticket Information Bylaw No. 104, 2010" be amended to establish fines for the regulation of high-risk activities as outlined in the staff report dated March 29, 2018.

209 Carried

R. Nichol/K. Grant: THAT the board endorse the Comox Valley Regional District submitting a request to Ministry of Forests, Lands, and Natural Resource Operations, to amend the provisions within the land grant document for the old Hornby Island fire hall dated January 24, 1972, Crown Grant No. 4503/1116, to allow for other community purposes.

207 Carried

K. Grant/B. Price: THAT upon approval by the Ministry of Forests, Lands, and Natural Resource Operations, the board approve entering into an agreement with the Hornby Island Spark Society for the conveyance of the old Hornby Island fire hall for the nominal consideration of ten-dollars (\$10.00)

AND FINALLY THAT the Chair and Corporate Legislative Officer be authorized to execute the agreement.

Carried

B. Wells/K. Grant: THAT staff proceed with hiring a consultant to complete a bridge feasibility study and, if deemed feasible, construction drawings for a pedestrian bridge crossing the Inland Island Highway on the Royston to Cumberland Trail.

209 Carried

K. Grant/B. Wells: THAT the board send a thank you letter to the Village of Cumberland for their financial

support of the design for the Royston to Cumberland Trail pedestrian bridge project.

209

Carried

E. Grieve/B. Wells: THAT the board consider three readings of an amendment to Bylaw No.1567 being the "Denman Island Water Local Service Area Conversion and Establishment Bylaw No.1567, 1993" to include three new properties, as indicated on the map provided as Appendix B, within the Denman Island Water Local Service Area;

AND FURTHER THAT the Electoral Area Director for Baynes Sound – Denman/Hornby Islands (Electoral Area A), as the participant in the Denman Island Water Local Service, consent to the amendment of the service establishment bylaw in writing;

AND FINALLY THAT the board consider adoption of the amending bylaw. 207

Carried

B. Wells/K. Grant: THAT the Board consider three readings of an amendment to Bylaw No. 1886, being the "Comox Valley Water Local Service Establishment (Conversion) Bylaw No. 1886, 1996" to include ALL THAT PART OF TOWNSHIP 9, COMOX DISTRICT, BEING UNNUMBERED BUT SHOWN ON PLAN 552G AS LYING BETWEEN SECTION 10 ON THE WEST, SECTION 14 ON THE NORTH, LOT 160, COMOX DISTRICT ON THE SOUTH EAST AND LOT 192 ON THE SOUTH WEST.

AND FURTHER THAT the directors for Electoral Areas 'A' (Baynes Sound – Denman/Hornby Islands), 'B' (Lazo North) and 'C' (Puntledge/Black Creek), as participants in the Comox Valley water local service, consent to the amendment of the service establishment bylaw in writing;

AND FINALLY THAT the board consider adoption of the amending bylaw. 208

Carried

SEWAGE COMMISSION - APRIL 10, 2018

E. Grieve/K. Grant: THAT the Sewage Commission minutes dated April 10, 2018 be received. 208

COMOX VALLEY WATER COMMITTEE - APRIL 10, 2018

K. Grant/B. Wells: THAT the Comox Valley Water Committee minutes dated April 10, 2018 be received.

Carried

COMMITTEE OF THE WHOLE - APRIL 10, 2018

K. Grant/B. Wells: THAT the Committee of the Whole minutes dated April 10, 2018 be received.

Carried

K. Grant/B. Price: THAT the 2015 – 2018 strategic plan attached to the report dated March 23, 2018, be approved;

AND FURTHER THAT the completed items (shaded blue), excluding Function 391 items, be removed from Schedule B and added to a Schedule C titled 'completed strategic priorities'.

Carried

COMOX VALLEY REGIONAL OFFICE BUILDING TENDER PROCESS

K. Grant/B. Wells: THAT the report dated April 19, 2018 providing the board with an update on the Comox Valley Regional District (CVRD) regional office building project and seeking approval to proceed to tender, be received.

208 Carried

M. Zbarsky, Manager of Transit and Sustainability, presented information regarding the Comox Valley Regional District (CVRD) regional office building project.

K. Grant/E. Grieve: THAT the Comox Valley Regional District proceed with publically tendering the contract for the construction of the Comox Valley regional office building.

AND FURTHER THAT a staff report recommending contract award be brought back to the board for consideration.

208 Carried

DIRECTOR REMUNERATION

K. Grant/B. Price: THAT the report dated April 19, 2018 recommending options for proceeding with a Directors' Remuneration review in light of Canada Revenue Agency (CRA) changes which impact the non-taxable portion of local government elected officials remuneration and a bylaw which requires revision be received.

208 Carried

B. Wells/L. Jangula: THAT the board support securing an independent consultant to review current Director Remuneration, providing a report with recommended bylaw changes no later than July 10, 2018, including reference to the Canadian Revenue Agencies changes to the tax status of Director compensation.

Carried

BYLAWS AND RESOLUTIONS:

K. Grant/B. Wells: THAT Bylaw No. 522 being "Comox Valley Zoning Bylaw No. 2781, 2005, Amendment No. 73" (Lenco Development Ltd., Fernco Development Ltd., and Norco Development Ltd.) be given first and second readings concurrently.

208 and 213 Carried

E. Grieve/B. Wells: THAT Bylaw No. 524 being "Denman Island Water Local Service Area Conversion and Establishment Bylaw, 1993, Amendment No. 2" be given first and second readings concurrently.

Carried

K. Grant/E. Grieve: THAT Bylaw No. 524 being "Denman Island Water Local Service Area Conversion and Establishment Bylaw, 1993, Amendment No. 2" be read a third time.

Carried

K. Grant/E. Grieve: THAT Bylaw No. 525 being ""Comox Valley Water Local Service Establishment (Conversion) Bylaw No. 1886, 1996, Amendment No. 19" be given first and second readings concurrently.

Carried

K. Grant/B. Wells: THAT Bylaw No. 525 being ""Comox Valley Water Local Service Establishment (Conversion) Bylaw No. 1886, 1996, Amendment No. 19" be read a third time.

208 Carried

K. Grant/B. Wells: THAT the directors for Electoral Area A, B and C being the participants, consent in writing to the amendment of Bylaw No. 1886 being "Comox Valley Water Local Service Establishment (Conversion) Bylaw No. 1886, 1996".

209 Carried

K. Grant/B. Wells: THAT Bylaw No. 526 being "Comox Valley Water Local Service Establishment (Conversion) Bylaw No. 1886, 1996, Amendment No. 20, 2018" be given first and second readings concurrently.

208 Carried

K. Grant/B. Wells: THAT Bylaw No. 526 being "Comox Valley Water Local Service Establishment (Conversion) Bylaw No. 1886, 1996, Amendment No. 20, 2018" be read a third time.

Carried

K. Grant/B. Wells: THAT Bylaw No. 527 being "Comox Valley Water Treatment Project Temporary Borrowing Bylaw No. 527, 2018" be given first and second readings concurrently.

Carried

K. Grant/B. Wells: THAT Bylaw No. 527 being "Comox Valley Water Treatment Project Temporary Borrowing Bylaw No. 527, 2018" be read a third time.

Carried

E. Grieve/K. Grant: THAT Bylaw No. 529 being "Denman Island Fire Protection Service Regulation Bylaw No. 281, 2013, Amendment No. 1" be given first and second readings concurrently.

Carried

B. Wells/E. Grieve: THAT Bylaw No. 529 being "Denman Island Fire Protection Service Regulation Bylaw No. 281, 2013, Amendment No. 1" be read a third time.

Carried

B. Price/K. Grant: THAT Bylaw No. 530 being "Hornby Island Fire Protection Service Regulation Bylaw No. 282, 2013, Amendment No. 1"be given first and second readings concurrently.

Carried

E. Grieve/B. Price: THAT Bylaw No. 530 being "Hornby Island Fire Protection Service Regulation Bylaw No. 282, 2013, Amendment No. 1"be read a third time.

Carried

K. Grant/E. Grieve: THAT Bylaw No. 531 being "Fanny Bay Fire Protection Service Regulation Bylaw No. 283, 2013, Amendment No. 1" be given first and second readings concurrently.

Carried

E. Grieve/B. Wells: THAT Bylaw No. 531 being "Fanny Bay Fire Protection Service Regulation Bylaw No. 283, 2013, Amendment No. 1" be read a third time.

Carried

K. Grant/B. Wells: THAT Bylaw No. 532 being "Rural Cumberland Fire Service Regulations Bylaw No. 258, 2013, Amendment No. 1" be given first and second readings concurrently.Carried

K. Grant/B. Price: THAT Bylaw No. 532 being "Rural Cumberland Fire Service Regulations Bylaw No. 258,

2013, Amendment No. 1" be read a third time.

209 Carried

E. Grieve/B. Wells: THAT Bylaw No. 533 being "Tsolum Farnham Fire Service Regulations Bylaw No. 261, 2013, Amendment No. 1" be given first and second readings concurrently.

Carried

K. Grant/B. Wells: THAT Bylaw No. 533 being "Tsolum Farnham Fire Service Regulations Bylaw No. 261, 2013, Amendment No. 1" be read a third time.Carried

B. Wells/E. Grieve: THAT Bylaw No. 505 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 72" be

208 and 213 Carried

NEW BUSINESS:

adopted.

PUBLIC HEARING NOTICE

K. Grant/E. Grieve: THAT the new business notice dated April 12, 2018 regarding a public hearing for Bylaw No. 522 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 73" (1671, 1673 and 1675 Ryan Road East, Lenco Development Ltd., Fernco Development Ltd., and Norco Development Ltd.) be received.

208 and 213

Carried

K. Grant/E. Grieve: WHEREAS the following bylaw has received first and second readings by the regional district board:

- Bylaw No. 522 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 73"

AND WHEREAS, pursuant to Section 464 (1) of the Local Government Act [RSBC 2015, c.1], it is necessary to hold a public hearing on the aforementioned bylaw;

THEREFORE BE IT RESOLVED THAT:

- 1. A public hearing will be held on May 9, 2018 at 7:00 pm;
- 2. The location of the public hearing will be at the Comox Valley Regional District boardroom located at 550b Comox Road, Courtenay, BC;
- 3. Director Grieve is appointed as chair of the public hearing;
- 4. Director Nichol is appointed as vice chair of the public hearing;
- 5. The directors from Electoral Areas A, B, and C are appointed to attend the public hearing; and
- 6. At least one (1) of the above-named persons must be in attendance at the public hearing. 208 and 213 Carried

ADJOURN IN-CAMERA:

The board adjourned to its in-camera session at 5:00 p.m.

RISE AND REPORT:

The board rose from its restricted in-camera session at 5:40 p.m.

TERMINATION: K. Grant/E. Grieve: THAT the meeting terminate. 208	Carried
Time: 5:41 p.m.	
Confirmed this day of 20:	
Bruce Jolliffe Chair	
Certified Correct and Recorded By:	
Jake Martens Manager of Legislative Services	