

**Tuesday, June 29, 2021**

**Minutes of the meeting of the Comox Valley Regional District Board of Directors held on June 29, 2021 in the Civic Room of the Comox Valley Regional District offices located at 770 Harmston Avenue, Courtenay, BC commencing at 4:00 pm.**

## **MINUTES**

### **Present:**

<b>Chair:</b>	J. Ketler	Village of Cumberland
<b>Vice-Chair:</b>	A. Hamir	Lazo North (Area B)
<b>Directors:</b>	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area A)
	W. Cole-Hamilton	City of Courtenay
	K. Grant	Town of Comox
	E. Grieve	Puntledge/Black Creek (Area C)
	D. Hillian	City of Courtenay
	M. McCollum	City of Courtenay
	W. Morin	City of Courtenay
	M. Swift	Town of Comox
<b>Staff:</b>	R. Dyson	Chief Administrative Officer
	J. Warren	Deputy Chief Administrative Officer
	M. Harrison	Acting General Manager of Community Services
	J. Martens	General Manager of Corporate Services
	M. Rutten	General Manager of Engineering Services
	A. Mullaly	General Manager of Planning and Development
	L. Dennis	Manager of Legislative Services

### **RECOGNITION OF TRADITIONAL TERRITORIES:**

The Chair acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation and read the following article from the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) available online at: [www.un.org/](http://www.un.org/) :

Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

### **IN-CAMERA MEETING:**

E. Grieve/A. Hamir: THAT the board adjourn to an in-camera session pursuant to the following sub-section of section 90 of the Community Charter:

90(1)(k) Negotiations and related discussions respecting the proposed provision of a regional district service that are at their preliminary stages and that, in the view of the committee/board, could reasonably be expected to harm the interests of the regional district if they were held in public;

AND FINALLY THAT the in-camera portion convene immediately following the open portion of the meeting.  
208 Carried

**ADOPTION OF MINUTES:**

W. Morin/D. Arbour: THAT the Comox Valley Regional District Board minutes dated June 15, 2021 be adopted.  
208 Carried

**PETITIONS AND DELEGATIONS:**

**MOSAIC FOREST MANAGEMENT**

D. Arbour/W. Cole-Hamilton: THAT the presentation from Molly Hudson, Director of Sustainability, and David Beleznyay, Manager, Hydrology and Terrain, Mosaic Forest Management, regarding management of the Langley Lake watershed, including water purveyor collaboration, harvest planning, and water quality monitoring, be received.  
208 Carried

**SID WILLIAMS THEATRE**

D. Arbour/A. Hamir: THAT the presentation from Deborah Renz, General Manager, Brian Mather, President, and Ash Shekhawat, Outreach Chair, Sid Williams Theatre, regarding a progress report on theatre activities be received.  
208 Carried

**HEARTH, PATIO, AND BARBECUE ASSOCIATION OF CANADA (HPBAC)**

E. Grieve/D. Hillian: THAT the presentation from Jeff Loder, Laura Litchfield, Corey Iverson, John Crouch, Jamie Payne, and Chris Bowen, Hearth, Patio, and Barbecue Association of Canada, regarding the Industry Air Quality Improvement Plan and request for support for the plan be received.  
208 Carried

**REPORTS:**

**TSOLUM RIVER AGRICULTURAL WATERSHED PLAN – PHASE TWO RESULTS**

D. Arbour/W. Cole-Hamilton: THAT the report dated June 24, 2021 regarding the Phase Two results of the Tsolum River Agricultural Watershed Plan, and proposed next steps to be presented for consideration by the

Electoral Areas Services Committee (EASC) at its next meeting be received.

208

Carried

M. Ruttan, General Manager of Engineering Services, presented an overview of the report regarding the Phase Two results of the Tsolum River Agricultural Watershed Plan.

Christina Metherall, Elucidate Consulting; and Todd Boychuk, Katherine Frank and Richard Hardy, K'ómoks First Nation, were in attendance via electronic means.

## **ELECTORAL AREAS SERVICES COMMITTEE – JUNE 14, 2021**

E. Grieve/D. Arbour: THAT the Electoral Areas Services Committee minutes dated June 14, 2021 be received.

208

Carried

E. Grieve/A. Hamir: THAT the Comox Valley Regional District Board approve the Development Variance Permit DV 1C 21 (Parkin Marine Ltd.) to reduce the rear yard setback from 7.5 metres to 5.5 metres for the foundation of an addition to an existing dwelling, and from 5.5 metres to 4.5 metres for the eaves, for property described as Lot 29, Block 29, Comox District, Plan 22661, PID 003-284-841 (6329 Eagles Drive);

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute this permit

208 and 213

Carried

E. Grieve/D. Arbour: THAT the Comox Valley Regional District Board approve the Development Variance Permit DV 4B 21 (Gottmann) to reduce the rear yard setback from 7.5 metres to 6.75 metres to allow the construction of a sundeck on property described as Lot B, District Lot 186, Comox District, Plan 38036, PID 001-004-760 (347 Butchers Road);

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

208 and 213

Carried

E. Grieve/A. Hamir: THAT the Comox Valley Regional District Board approve the Development Variance Permit DV 3B 21 (Richardson) to facilitate the proposed conversion of an existing accessory building to carriage house by reducing the minimum rear yard setbacks of the building foundation and eaves from 7.5 metres to 5.7 metres, and from 5.5 metres to 5.2 metres, respectively on property described as Lot 2, District Lot 216, Comox District, Plan 39408, PID 000-647-721 (1496 Jackson Drive);

AND FURTHER THAT the Comox Valley Regional District Board approve the Development Variance Permit DV 3B 21 (Richardson) to facilitate the proposed conversion of an existing accessory building to carriage house by increasing the maximum floor area of ground level of the building from 90.0 square metres to 127.5 square metres on property described as Lot 2, District Lot 216, Comox District, Plan 39408, PID 000-647-721 (1496 Jackson Drive);

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

208 and 213

Carried

A. Hamir/D. Arbour: THAT the Comox Valley Regional District Board approve the Farm Land Protection Development Permit DP 10C 21 (Farrer) on the property described as Lot 14, Section 9, Township 5, Comox District, Plan 9182, PID 005-565-316 (1615 Seaview Road) for the construction of a house setback at least 20 metres setback from the boundary with the neighbouring agricultural property;

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

208 and 213

Carried

Prior to consideration of the following item, R. Dyson, Chief Administrative Officer, recused himself from the meeting at 5:56 pm due to a potential perceived conflict of interest in relation to his spouse's position as chair of the Agricultural Land Commission.

W. Cole-Hamilton/E. Grieve: THAT the Agricultural Land Commission be advised that the Comox Valley Regional District supports Agricultural Land Reserve Non-Farm Use Application ALR 1B 21 (Mooney) concerning a poultry slaughter establishment to be located on Lot 1, District Lot 189, Comox District, Plan 48760, PID 014-374-579 (2274 Anderton Road);

AND FINALLY THAT the application ALR 1B 21 (Mooney) regarding a non-farm use on a property within the Agricultural Land Reserve be forwarded to the Agricultural Land Commission for final consideration.

208 and 213

Carried

R. Dyson, Chief Administrative Officer, returned to the meeting at 5:57 pm.

D. Arbour/W. Morin: THAT the Comox Valley Regional District Board deem the 51.3 hectares parkland amenity contribution described in the Union Bay Estates Master Development Agreement (2010 and 2017) to be acceptable to fulfill the requirements under Section 510 for subdivision files 02774 A 18 (subdivision plan dated November 4, 2020) and 02520 A 20 (subdivision plan dated January 4, 2021).

208 and 213

Carried

A. Hamir/E. Grieve: THAT the Comox Valley Regional District Board give first and second reading to Bylaw No. 602, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 3" (PJ 1CV 20), which amends the Rural Comox Valley Zoning Bylaw by fixing broken map links, correcting errors and eliminating the minimum lot area requirement for keeping of chickens and beekeeping;

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. 602, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 3" (PJ 1CV 20).

208 and 213

Carried

A. Hamir/D. Arbour: THAT the results of the Comox Valley Regional District (CVRD) Coastal Flood Mapping

Project (Final Summary Report) be received for information;

AND FURTHER THAT the CVRD Board direct staff to share the results with the City of Courtenay, Town of Comox, K'ómoks First Nation, Islands Trust, Strathcona Regional District and Department of National Defence;

AND FINALLY THAT the results of the Coastal Flood Mapping Project be used to inform the next phase of work, the Coastal Flood Adaptation Strategy, commencing in spring 2021.

208 and 213

Carried

D. Arbour/E. Grieve: THAT pursuant to Section 57 of the Community Charter, the Comox Valley Regional District Board approves filing a notice with the Land Title and Survey Authority of British Columbia against land legally described as Lot 6, District Lot 48, New Castle District, Plan VIP34539, Except Part in Plan VIP56837, PID 000-294-721 (7390 Cougar Smith Road / 7460 Artella Drive) for failure to comply with Building Bylaw No. 142, being the "Comox Valley Regional District Building Bylaw No. 142, 2011".

209

Carried

A. Hamir/W. Morin: THAT pursuant to Section 57 of the Community Charter, the Comox Valley Regional District Board approves filing a notice with the Land Title and Survey Authority of British Columbia against land legally described as Lot 2, Block 29, Comox District, Plan VIP57753, PID 018 526 527 (8811 Oyster River Way / 2180 Schulz Road) for failure to comply with Building Bylaw No. 142, being the "Comox Valley Regional District Building Bylaw No. 142, 2011".

209

Carried

D. Arbour/E. Grieve: THAT pursuant to Section 57 of the Community Charter, the Comox Valley Regional District Board approves filing a notice with the Land Title and Survey Authority of British Columbia against land legally described as Lot 43, District Lot 160, Comox District, Plan 30194, PID 000 548-154 (60 Salisbury Road) for failure to comply with Building Bylaw No. 142, being the "Comox Valley Regional District Building Bylaw No. 142, 2011".

209

Carried

E. Grieve/D. Arbour: THAT the Comox Valley Regional District Board grant an exemption to Bylaw No. 600 being the "Floodplain Management Bylaw No. 600, 2020" to allow an elevator from meeting the minimum flood construction level of 5.04 metres and to place fill within 15 metres of the Strait of Georgia (FR 1A 21, Slater and Dutton) described as Lot 1, District Lot 86, Comox District, and Section 4 Nelson District, Plan VIP89233, PID 028-739-329 (Lot 1, Plan VIP89233, Lince Rd);

AND FINALLY THAT, as a condition of the site specific exemption of the flood construction level for the elevator and setback for fill, the property owners, at their own expense, register a restrictive covenant under Section 219 of the Land Title Act, specifying conditions that would enable the land to be safely used for the use intended according to the terms of the engineer reports by Ken Woods, P. Eng., dated November 17, 2020, February 12, 2021, February 23, 2021, and March 22, 2021, which will form part of the restrictive covenant, as well as an acknowledgement that no Disaster Financial Assistance funding is available for the building or its contents and releasing and indemnifying the Comox Valley Regional District from liability in the event any damage is caused by flooding or erosion.

**COMOX VALLEY SEWAGE COMMISSION – JUNE 15, 2021**

D. Hillian/W. Cole-Hamilton: THAT the Sewage Commission minutes dated June 15, 2021 be received  
208 Carried

**COMOX VALLEY WATER COMMITTEE - JUNE 15, 2021**

D. Hillian/W. Morin: THAT the Water Committee minutes dated June 15, 2021 be received.  
208 Carried

**STATEMENT OF FINANCIAL INFORMATION 2020**

M. McCollum/W. Cole-Hamilton: THAT the report dated June 24, 2021 regarding the Statement of Financial Information for the year ended December 31, 2020 be received.  
208 Carried

K. Douville, Manager of Financial Planning, provided an overview of the report regarding the Statement of Financial Information for the year ended December 31, 2020.

D. Hillian/A. Hamir: THAT the 2020 Statement of Financial Information for the Comox Valley Regional District be approved.  
208 Carried

**DIRECTORS ANNUAL ACTIVITY REPORTS - JANUARY 1 TO DECEMBER 31, 2020**

D. Arbour/M. McCollum: THAT the report on directors' activities from January 1 to December 31, 2020 be received.  
208 Carried

**NATIONAL DAY FOR TRUTH AND RECONCILIATION STATUTORY HOLIDAY**

E. Grieve/A. Hamir: THAT the report dated June 23, 2021 regarding Federal Government's adoption of the National Day for Truth and Reconciliation statutory holiday on September 30, 2021 be received.  
208 Carried

**ASSESSMENT AND RECONCILIATION PLAN**

A. Hamir/W. Cole-Hamilton: THAT the report dated June 24, 2021 regarding a proposed scope of work that would develop a Reconciliation Plan to guide the Comox Valley Regional District in advancing the Truth and Reconciliation Commission's Calls to Action, building on the Indigenous Relations Framework, which is intended as a foundational first step to guide the CVRD's work with indigenous peoples be received.

208

Carried

J. Warren, Deputy Chief Administrative Officer, provided an overview of the report regarding a proposed scope of work that would develop a Reconciliation Plan to guide the Comox Valley Regional District in advancing the Truth and Reconciliation Commission's Calls to Action, building on the Indigenous Relations Framework.

E. Grieve/W. Morin: THAT the board support developing mid- and long-term strategies to implement the Indigenous Relations Framework as described in the staff report dated June 24, 2021.

208

Carried

### **COMOX VALLEY CHAMBER OF COMMERCE PRESENTATION FOLLOW-UP**

D. Arbour/A. Hamir: THAT the report dated June 23, 2021 regarding follow-up on the Comox Valley Chamber of Commerce presentation to the board on May 11, 2021 be received.

208

Carried

### **BYLAWS AND RESOLUTIONS:**

D. Arbour/W. Cole-Hamilton: THAT Bylaw No. 602 being "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 3" be given first and second readings concurrently.

208 and 213

Carried

K. Grant/A. Hamir: THAT Bylaw No. 661 being "Union Bay Water Tolls and Other Charges Bylaw 278, 2020, Amendment No. 4" be adopted.

208

Carried

D. Hillian/K. Grant: THAT Bylaw No. 662 being "Comox Valley Regional District Fire Services Administration Bylaw No. 280, 2013, Amendment No. 2" be adopted.

207

Carried

A. Hamir/K. Grant: THAT Bylaw No. 663 being "Union Bay Parcel Tax Bylaw No. 285, 2021, Amendment No. 1" be adopted.

208

Carried

K. Grant/E. Grieve: THAT Bylaw No. 664 being "Union Bay Water Use and Distribution Regulation Bylaw 226, 2010, Amendment No. 1" be adopted.

208

Carried

### **NEW BUSINESS:**

### **NEW BUSINESS NOTICE - PUBLIC HEARING FOR BYLAW NO. 602**

D. Hillian/K. Grant: THAT the new business notice dated June 24, 2021 regarding the scheduling of a public hearing for Bylaw No. 602 being "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 3" be received.

208 and 213

Carried

D. Arbour/A. Hamir: WHEREAS the following bylaw has received first and second readings by the regional district board:

- Bylaw No. 602 "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 3" (CVRD);

AND WHEREAS gatherings of greater than 50 persons are prohibited under order of the Provincial Health Officer and the available meeting facilities at the CVRD corporate office cannot accommodate more than 30 persons present in person, including members of the board and staff;

THEREFORE BE IT RESOLVED THAT:

1. A public hearing will be held on July 21 at 5:00 pm;
2. The meeting will be held by electronic means as attendance of the public cannot be reasonably accommodated in accordance with the applicable requirements or recommendations under the Public Health Act;

Openness, transparency, accessibility and accountability will be addressed by providing the public the following means of participation: written submissions by mail, email or dropbox prior to the hearing; video conference and teleconference participation; live-streaming of the hearing; and some limited in-person attendance where warranted.

The procedures for public participation will be outlined in detail on the CVRD website; all legal notices and advertising will direct the public to the webpage for instruction and to staff for assistance.

3. The holding of the public hearing be delegated to the Directors from Electoral Areas A, B and C with Director Hamir designated as the Chair and Directors Grieve and Arbour designated as First Vice-Chair and Second Vice-Chair respectively for the public hearing; and

4. At least one (1) of the above-named delegates must be in attendance at the public hearing."

208 and 213

Carried

#### **ADJOURN TO IN-CAMERA:**

The board adjourned to its in-camera session at 6:30 pm.

#### **RISE AND REPORT:**

The board rose from its in-camera session at 7:02 pm.



**TERMINATION:**

D. Arbour/E. Grieve: THAT the meeting terminate.  
208

Carried

Time: 7:02 pm.

Confirmed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_:

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Jesse Ketler  
Chair

Certified Correct and Recorded By:

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Lisa Dennis  
Manager of Legislative Services