

Monday, August 9, 2021

Minutes of the meeting of the Electoral Areas Services Committee held on August 9, 2021 in the Civic Room of the Comox Valley Regional District offices located at 770 Harmston Avenue, Courtenay, BC commencing at 10:00 am.

## MINUTES

### Present:

<b>Chair:</b>	A. Hamir	Lazo North (Area B)
<b>Vice-Chair:</b>	E. Grieve	Puntledge/Black Creek (Area C)
<b>Director:</b>	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area A)
<b>Staff:</b>	R. Dyson	Chief Administrative Officer
	M. Foort	Chief Financial Officer
	A. Mullaly	General Manager of Planning and Development
	K. La Rose	Acting General Manager of Engineering Services
	H. Siemens	Acting General Manager of Community Services
	J. Martens	General Manager of Corporate Services
	L. Dennis	Manager of Legislative Services
	A. Baldwin	Legislative Services Assistant

### RECOGNITION OF TRADITIONAL TERRITORIES

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

### DELEGATIONS:

#### **FREEDOM MOBILE WIRELESS TELECOMMUNICATIONS FACILITIES**

E. Grieve/A. Hamir: THAT the information presented by Chad Marlatt regarding two proposed Freedom Mobile Wireless Telecommunications facilities and their consultation process related to the installation and operation of the facilities be received.

Carried

### MANAGEMENT REPORT:

D. Arbour/E. Grieve: THAT the Electoral Areas Services Committee management report dated August 2021 be received.

208

Carried

### REPORTS:

#### **ADVISORY PLANNING COMMISSION MINUTES**

E. Grieve/D. Arbour: THAT the following items be received:

- Minutes of the Area A Advisory Planning Commission meeting held July 6, 2021; and

- Minutes of the Agricultural Planning Commission meeting held July 22, 2021

208

Carried

**ELECTORAL AREA A - DEVELOPMENT VARIANCE PERMIT DV 2A 21, 8991 ISLAND HIGHWAY SOUTH (3L DEVELOPMENTS INC.)**

D. Arbour/E. Grieve: THAT the report dated July 26, 2021 regarding Development Variance Permit DV 2A 21 - 8991 Island Highway South (3L Developments Inc.) to reduce the minimum frontage so that the owner may adjust the lot lines be received.

208 and 213

Carried

J. MacLean, Planner II, provided an overview of the report regarding Development Variance Permit DV 2A 21 - 8991 Island Highway South (3L Developments Inc.).

Rob Buchan, applicant's agent, was in attendance via electronic means.

D. Arbour/E. Grieve: THAT the Comox Valley Regional District Board approve Development Variance Permit DV 2A 21 (3L Developments Inc.) to reduce the required minimum frontage from 10 per cent to 4.25 per cent on property described as Lot 29, Newcastle District, except therefrom the right of way of the Esquimalt and Nanaimo railway as shown on plan attached to DD4433-N, PID 001-613-511 (8991 Island Highway South);

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 10:25 am due to a potential perceived conflict of interest in relation to his spouse's position as chair of the Agricultural Land Commission.

**ELECTORAL AREA B - AGRICULTURAL LAND RESERVE NON-ADHERING RESIDENTIAL USE ALR 2B 21 - 5028 HEADQUARTERS ROAD (LANDERS)**

D. Arbour/E. Grieve: THAT the report dated July 28, 2021 regarding an Agricultural Land Reserve application ALR 2B 21 to allow for an owner to remain living in an existing house while a new house is constructed on the same lot be received.

208 and 213

Carried

D. Arbour/A. Hamir: THAT the correspondence dated August 3, 2021 from the Ministry of Agriculture, Food and Fisheries, regarding their comments on the Agricultural Land Reserve application ALR 2B 21 - 5028 Headquarters Road (Landers) be received.

208 and 213

Carried

J. MacLean, Planner II, provided an overview of the report regarding the Agricultural Land Reserve application ALR 2B 21 - 5028 Headquarters Road (Landers).

Kyla Landers, applicant, was in attendance via electronic means.

D. Arbour/E. Grieve: THAT the Agricultural Land Commission be advised that the Comox Valley Regional District supports Agricultural Land Reserve Non-Adhering Residential Use application ALR 2B 21 (Landers) concerning a residential use located on Lot 2, Section 22, Comox District, Plan VIP74331, PID 025- 497-987 (5028 Headquarters Road);

AND FINALLY THAT the application ALR 2B 21 (Landers) regarding a non-adhering residential 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 10:31 am.

**ELECTORAL AREA C - SITE SPECIFIC EXEMPTION TO FLOODPLAIN MANAGEMENT BYLAW - 9520 RIVERBEND ROAD (MILLER)**

E. Grieve/D. Arbour: THAT the report dated July 28, 2021 regarding a request for a site specific exemption to the floodplain setback for a proposed residential development at 9520 Riverbend Road be received.

208 and 213

Carried

B. Chow, Planner II, provided an overview of the report regarding a site specific exemption to the floodplain setback for a proposed residential development at 9520 Riverbend Road.

John Gower, applicant's agent, and Mike Miller, applicant, were in attendance via electronic means.

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 permit the development of a single detached dwelling within the minimum 60 metre floodplain setback of Oyster River (FR 1C 21, Miller) on property described as Lot 4, Section 28, Block 29, Comox District, Plan 32398, PID 000-150-975 (9520 Riverbend Road);

AND FINALLY THAT, as a condition of the site specific exemption to the Floodplain Management Bylaw, 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 report prepared by Adrian Chesham, M.Eng., P.Eng., and reviewed by Peter Bullock, M.Eng., P.Eng., dated April 5, 2021 and revised June 2, 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.

208 and 213

Carried

**ELECTORAL AREA C - DEVELOPMENT PERMIT DP 16C 21, LOT 15, PLAN 23282, MACAULAY ROAD (MUNRO/DONNER)**

D. Arbour/E. Grieve: THAT the report dated August 4, 2021 regarding a Farmland Protection Development

Permit D16C 21 - Lot 15, Plan 23282, Macaulay Road (Munro/Donner) to allow for the construction of a single detached dwelling within 30.0 metres of a property within the Agricultural Land Reserve be received.  
208 and 213 Carried

D. Thiessen, Planner, provided an overview of a Farmland Protection Development Permit DP 16C 21 - Lot 15, Plan 23282, Macaulay Road (Munro/Donner).

Michael Donner and Tyson Munro, applicants, were in attendance via electronic means.

D. Arbour/E. Grieve: THAT the Comox Valley Regional District Board approve the Development Permit DP 16C 21 (Munro/Donner) to permit the construction of a single detached dwelling within 30.0 metres of a property within the Agricultural Land Reserve for property described as Lot 15, Block 29, Comox District, Plan 23282, PID 001-819-488 (no civic address, Macaulay Road);

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

### **DENMAN AND HORNBY ISLANDS HIGH-SPEED INTERNET - ASSENT VOTE**

D. Arbour/E. Grieve: THAT the report dated August 6, 2021 regarding the bylaws and agreement associated with the proposed Denman and Hornby Islands High-Speed Internet Contribution Service and logistics associated with the related required assent voting (referendum) be received.  
208 Carried

E. Grieve/D. Arbour: THAT the News Release from the Ministry of Citizens' Services dated August 5, 2021 regarding faster Internet for Denman and Hornby Islands supported by the Connecting British Columbia program be received.  
208 Carried

J. Martens, General Manager of Corporate Services, provided an overview of the report regarding the proposed Denman and Hornby Islands High-Speed Internet Contribution Service and logistics associated with the related required assent voting (referendum).

E. Grieve/D. Arbour: THAT pursuant to sections 269 and 407 of the Local Government Act, participating area approval in respect of the following proposed bylaws be obtained via assent voting:

- Denman and Hornby Islands High-Speed Internet Contribution Service Establishment Bylaw No. 672, 2021;
- Denman and Hornby Islands High-Speed Internet Loan Authorization Bylaw No. 673, 2021; and
- Denman and Hornby Islands High-Speed Internet Capital Contribution Agreement Authorization Bylaw No. 678;

AND FURTHER THAT these bylaws be introduced and read three times with Bylaw No. 672 and 673 then being forwarded to the Inspector of Municipalities for approval.  
208 Carried

D. Arbour/E. Grieve: THAT the question to be placed on the ballot for assent voting in respect of proposed Bylaws No. 672, 673 and 678 be as follows:

“Are you in favour of the CVRD adopting Denman and Hornby Islands High-Speed Internet Contribution Service Establishment Bylaw No. 672, 2021, Denman and Hornby Islands High-Speed Internet Loan Authorization Bylaw No. 673, 2021, and Denman and Hornby Islands High-Speed Internet Capital Contribution Agreement Authorization Bylaw No. 678 to authorize the following:

- establish and operate a service for providing capital financing for high-speed internet infrastructure;
- borrow \$767,677 to be repaid over a maximum 10 year period to finance the development of the high-speed internet infrastructure; and
- enter into a 20 year agreement with City West Cable and Telephone Corp. to provide up to \$760,000 capital financing for the development of the high-speed internet service infrastructure.?

\_\_\_\_\_ Yes \_\_\_\_\_ No”

208

Carried

E. Grieve/D. Arbour: THAT pursuant to section 176(4) of the Local Government Act, the Notice of Assent Voting contain the following synopsis of proposed Bylaws No. 672, 673 and 678:

"The general intent of Denman and Hornby Islands High-Speed Internet Contribution Service Establishment Bylaw No. 672, 2021, Denman and Hornby Islands High-Speed Internet Loan Authorization Bylaw No. 673, 2021; and Denman and Hornby Islands High-Speed Internet Capital Contribution Agreement Authorization Bylaw No. 678 is to:

- Bylaw No. 672 establishes a service of providing a capital contribution for high-speed internet infrastructure and provide grants and other forms of assistance that benefit residents and community organizations within the service area; and
- Bylaw No. 673 authorizes borrowing up to \$767,677 to be repaid over a maximum 10 year period to finance development of high-speed internet infrastructure; and
- Bylaw No. 678 authorizes an agreement with City West Cable & Telephone Corporation under which the CVRD may provide capital financing of up to \$760,000 for the development of high-speed internet service infrastructure.

The area that is subject to the proposed bylaws is Hornby Island and Denman Island. A full copy of the proposed bylaws are available for public viewing on the CVRD website at [www.comoxvalleyrd.ca](http://www.comoxvalleyrd.ca) or at the CVRD office located at 770 Harmston Avenue, Courtenay, B.C.

Note: this synopsis is not an interpretation of the bylaws.”

208

Carried

D. Arbour/E. Grieve: THAT pursuant to section 58(1) of the Local Government Act, Jake Martens is appointed as Chief Election Officer and Lisa Dennis as Deputy Chief Election Officer for conducting the assent voting, with power to appoint other election officials as required for the administration and conduct of the assent vote for proposed Bylaws No. 672, 673 and 678.

208

Carried

E. Grieve/D. Arbour: THAT the Comox Valley Regional District Board commit \$6,500 from the Denman Island Feasibility Study Service (function 154) and \$9,500 from the Hornby Island Feasibility Study Service (function 155) for a total of \$16,000 for the assent vote and other costs associated with the proposed

Denman and Hornby Islands High-Speed Internet Contribution Service project.  
208 Carried

### **PERMISSIVE TAX EXEMPTION – SUNNYDALE GOLF SOCIETY 2022**

E. Grieve/D. Arbour: THAT the report dated August 4, 2021 regarding consideration of Sunnydale Golf Society's application for a 2022 permissive tax exemption be received.  
208 Carried

E. Grieve/D. Arbour: THAT the pursuant to section 391(4)(a) of the Local Government Act (RSBC 2015 c.1) (LGA) a bylaw be forwarded to the Comox Valley Regional District (CVRD) Board be adopted by October 31, 2021, allowing for a permissive tax exemption for 100 per cent of the taxable land and improvements for the year 2022 for the property known as Parcel A, Plan VIP64403, Land District 15, Folio # 771- 000500.000 (Sunnydale Golf Society) with the exception of the portion of Class 06-Business/Other relating to the pro shop operations.  
208 Carried

### **PERMISSIVE TAX EXEMPTION 2022 – UNION BAY HISTORICAL SOCIETY**

D. Arbour/E. Grieve: THAT the report dated August 4, 2021 regarding consideration of the Union Bay Historical Society's application for a permissive tax exemption for the Union Bay post office and gaolhouse museum buildings for the year 2022 be received.  
208 Carried

D. Arbour/E. Grieve: THAT pursuant to section 392(1)(c) of the Local Government Act (RSBC 2015 c.1), a bylaw be prepared providing for a permissive tax exemption for the taxation year 2022 for an amount equal to 100 per cent of the net taxable land and improvements for Section 32, Land District 34, Township 1, Folio #771 010800.000 (Union Bay Historical Society).  
208 Carried

The committee recessed at 10:58 am and reconvened at 11:05 am.

### **COMMUNITY WORKS FUND STATUS REPORT - JUNE 30, 2021**

D. Arbour/E. Grieve: THAT the report dated August 6, 2021 regarding the Community Works Fund status report for the period ending June 30, 2021 be received.  
208 Carried

M. Foort, Chief Financial Officer, provided an overview of the report regarding the Community Works Fund status report for the period ending June 30, 2021.

D. Arbour/E. Grieve: THAT a dedicated session to consider allocating the remaining Community Works Fund to the end of March 2024 be held at an Electoral Areas Services Committee in the fall 2021 leading into 2022-2026 financial planning deliberations.  
208 Carried

E. Grieve/D. Arbour: THAT the unspent \$561,076 of the \$1.5 million allocation of Community Works Fund

for the corporate office construction project be released back into the uncommitted balance to be utilized for other priority projects.

208

Carried

**NEW BUSINESS:**

**PROPOSING AMENDMENT TO RURAL COMOX VALLEY ZONING BYLAW NO. 520**

E. Grieve/D. Arbour: THAT the correspondence dated July 27, 2021 from Director Arbour regarding an amendment to the Rural Comox Valley Zoning Bylaw No. 520 be received.

208 and 213

Carried

D. Arbour/A. Hamir: THAT staff be directed to bring forward a report concerning a potential amendment to Rural Comox Valley Zoning Bylaw No. 520 to change the definition of "Automotive Service Station" to exclude petroleum-derived fuels;

AND FURTHER THAT this report be provided to the Electoral Areas Services Committee with other proposed administrative amendments planned for early 2022.

208 and 213

Carried

*NAY: E. Grieve*

**IN-CAMERA:**

E. Grieve/D. Arbour: THAT the committee adjourn to an in-camera session pursuant to the following subsections of section 90 of the Community Charter:

90(1)(e) The acquisition, disposition or expropriation of land or improvements, if the committee/board considers that disclosure might reasonably be expected to harm the interests of the municipality;

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.

208

Carried

Time: 11:51 am.

**RISE AND REPORT:**

The committee rose from its in-camera session at 12:55 pm.

**TERMINATION:**

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

208

Carried

Time 12: 55 pm.

Confirmed by:

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Arzeena Hamir  
Chair

Certified Correct:

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Lisa Dennis  
Manager of Legislative Services

Recorded By:

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Antoinette Baldwin  
Legislative Services Assistant

These minutes were received by the Comox Valley Regional District board on the \_\_\_\_\_ day of August, 2021.