

Tuesday, January 28, 2020

Minutes of the meeting of the Comox Valley Regional District Board of Directors held on Tuesday, January 28, 2020 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:

Chair:	J. Ketler	Village of Cumberland
Directors:	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area A)
	W. Morin	City of Courtenay
	E. Grieve	Puntledge/Black Creek (Area C)
	D. Hillian	City of Courtenay
	D. Frisch	City of Courtenay
	M. Swift	Town of Comox
	W. Cole-Hamilton	City of Courtenay
	K. Grant	Town of Comox
Alt. Members:	B. Price	Lazo North (Area B)
Staff:	R. Dyson	Chief Administrative Officer
	B. Dunlop	Corporate Financial Officer
	S. Smith	General Manager of Planning and Development Services
	M. Rutten	General Manager of Engineering Services
	D. DeMarzo	General Manager of Community Services
	J. Warren	General Manager of Corporate Services
	J. Martens	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/

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

IN-CAMERA MEETING:

K. Grant/D. Arbour: THAT the board adjourn to an in-camera session pursuant to section 90 of the Community Charter, subsections 1 (a), (b), (c), (e), (f), (g), (i), (j), (k), and in consideration of:

- 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;
and

- Litigation or potential litigation affecting the regional district;

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

ADOPTION OF MINUTES:

D. Arbour/D. Hillian: THAT the Comox Valley Regional District Board minutes dated December 17, 2019 be adopted.
208 Carried

D. Hillian/K. Grant: THAT the Comox Valley Regional District Board minutes dated January 7, 2020 be adopted.
208 Carried

VARY THE AGENDA:

D. Hillian/K. Grant: THAT the agenda be varied to bring item H.1 (AVICC Resolution - Farm Tax Harmonization To Encourage Production On Farmland) forward on the agenda.
208 Carried

NEW BUSINESS:

AVICC RESOLUTION - FARM TAX HARMONIZATION TO ENCOURAGE PRODUCTION ON FARMLAND

D. Arbour/K. Grant: THAT the correspondence dated January 21, 2020 from Director Hamir requesting the board's consideration of forwarding a resolution to the Association of Vancouver Island and Coastal Communities (AVICC) 2020 AGM and Convention requesting that the Provincial Government work with BC Assessment to establish a minimum \$7,000 threshold for farms of all sizes, be received.
208 Carried *NAY: E. Grieve*

B. Price/D. Arbour: THAT the following resolution be forwarded to the Association of Vancouver Island and Coastal Communities 2020 AGM and Convention for consideration:

WHEREAS the re-localization of our food system is necessary to reduce our carbon footprint and increase resiliency in local communities;

AND WHEREAS the threshold to maintain farm class status for properties between two (2) and ten (10) acres is \$2500 has not changed since 1993, making British Columbia one of the lowest thresholds in Canada;

THEREFORE BE IT RESOLVED that the Province of British Columbia work with BC Assessment to establish a minimum \$7,000 threshold for farms of all sizes to be phased in over three years for new participants and to implement a program of continued farm status for retired farmers;

AND THAT the Ministry of Agriculture, through its Farmers' Institutes support small scale farmers to increase their profitability and production levels.
208 Defeated

The dissenting votes for the above motion were as follows: W. Cole-Hamilton, E. Grieve, D. Frisch, D. Arbour, J. Ketler, W. Morin, D. Hillian, M. Swift, D. Hillian

BUSINESS ARISING FROM MINUTES:
COMMITTEE OF THE WHOLE - JANUARY 14, 2020

The following resolution was passed at the January 14, 2020 Committee of the Whole in-camera meeting and was publicly released as the required conditions have been met:

"THAT the Comox Valley Regional District (CVRD) provide a copy of the following reports by Explorer Solutions to the Comox Valley Economic Development Society (CVEDS) for information:

- a. The Comox Valley Economic Development Review report dated January 8, 2020
- b. The Results Matrix dated December 6, 2019;

AND FURTHER THAT the CVRD rise and report on the Economic Development Review and the Results Matrix subject to the documents being provided to CVEDS."

PETITIONS AND DELEGATIONS:
SHAW COMMUNICATIONS

D. Arbour/K. Grant: THAT the information provided by Kiersten Enemark, Director of Government Relations, Shaw Communications, regarding a request that the CVRD participate in a consultation on Shaw Communication's petition to the federal government on the CRTC decision respecting third party internet access rates be received.

208

Carried

VARY THE AGENDA:

E. Grieve/B. Price: THAT the agenda be varied to bring forward item F.11 (Rates for Aggregated Wholesale High-Speed Access Services) on the agenda.

208

Carried

REPORTS:

RATES FOR AGGREGATED WHOLESALE HIGH-SPEED ACCESS SERVICES

E. Grieve/B. Price: THAT the report dated January 22, 2020 providing the board with information regarding a potential submission to the Governor in Council concerning Telecom Order CRTC 2019-288, which set lower rates for smaller internet service providers to purchase access on the network infrastructure owned by large cable and telephone service providers, be received.

208

Carried

ELECTORAL AREAS SERVICES COMMITTEE - DECEMBER 9, 2019

K. Grant/D. Frisch: THAT the board approve issuance of a Temporary Use Permit (TUP 3C 19) for two Test and Tune weekend events expiring on September 20, 2020 on property described as Lot A, Township 9, Section 5, Comox District, Plan VIP80212, PID 026-537-206 (4627, 4635, 4639, 4745, 4749, 4751 and 4753 Forbidden Plateau Road);

AND FINALLY THAT the board authorize the Corporate Legislative Officer to execute the Temporary Use Permit once the applicants have provided a written acknowledgement that the applicants have read, understood and agreed to the conditions of the permit.
208 and 213 Carried

SEWAGE COMMISSION - DECEMBER 19, 2019

D. Hillian/K. Grant: THAT the Sewage Commission minutes dated December 19, 2019 be received.
208 Carried

ELECTORAL AREAS SERVICES COMMITTEE - JANUARY 13, 2020

K. Grant/W. Cole-Hamilton: THAT the Electoral Areas Services Committee minutes dated January 13, 2020 be received.
208 Carried

D. Arbour/E. Grieve: THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix A of staff report dated January 3, 2020, and direct staff to start the external agency referral process for Lot 2, Block 29, Comox District, Plan VIP81047, PID 026-682-311 (Lot 2, Plan VIP81047 Olund Road) as part of a proposed amendment (RZ 2C 19, Braun) of Bylaw No. 520 being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019”;

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

AND FINALLY THAT the Comox Valley Regional District Board authorize staff to begin discussions on provision of community amenities as per Section 72 “Community Amenity Contributions” of Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014.”
208 and 213 Carried

W. Morin/M. Swift: THAT the board grant a site specific exemption of the floodplain specifications that reduces floodplain setback from 60 metres to 30 metres for the proposed buildings on Lot 20, Block 29, Comox District, Plan VIP79847, PID 026-477-840 (9550 Sarmma Road);

AND FINALLY THAT, as a condition of the site specific exemption, the Comox Valley Regional District building services department not issue final occupancy for any buildings on the property described as Lot 20, Block 29, Comox District, Plan VIP79847, PID 026-477-840 (9550 Sarmma Road) until the applicants, 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 professional engineer’s report by Michael de Hart, P.Eng., and Mark DeGagne, P.Eng., of McElhanney Ltd, dated November 13, 2019, 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

W. Morin/M. Swift: THAT Innovation, Science and Economic Development Canada be advised that Freedom Mobile and Cypress Land Services have satisfactorily consulted with the Comox Valley Regional District and

completed the required public consultation process for the proposed telecommunication tower at 1901 Larch Road and that the Comox Valley Regional District concurs with the proposal.
208 and 213 Carried

W. Morin/M. Swift: THAT the recently constructed trail along the unopened Eagles Drive road allowance extending from Tasman Road down to the opened portion of Eagles Drive authorized under Ministry of Transportation and Infrastructure permit #2018-05977 be added to Bylaw No. 103;

AND FURTHER THAT this trail be named Eagles Greenway;

AND FURTHER THAT the recently acquired Hornby Island boat ramp authorized under Provincial Licence of Occupation # 931917 be added to Bylaw No. 103;

AND FURTHER THAT this park be named Shingle Spit Boat Launch;

AND THAT Bylaw No. 103 being "Electoral Areas Parks Regulations Bylaw No. 103, 2010" be amended to reflect the following changes as noted in the staff report dated January 7, 2020:

- i. regulations related to motorized vehicles in parks;
- ii. signature location on research permits;
- iii. adding the identified new parks and greenways, maps, designations and other housekeeping revisions;

AND FINALLY THAT Bylaw No. 104 being "Municipal Ticket Information Bylaw No. 104, 2010" be amended to update the fines Schedule 1 for Electoral Areas Parks Regulation Bylaw No. 103, as outlined in the staff report dated January 7, 2020.

209

Carried

K. Grant/E. Grieve: THAT staff collect water samples at Goose Spit Bay Park only and write a letter to Island Health requesting consideration of a partnership to restore the level of service that was previously provided in regards to water quality testing at swim locations in the CVRD electoral areas.

D. Arbour/E. Grieve: THAT the motion be amended to insert the following text: " and that the CVRD Board invite further consideration regarding a partnership with Island Health respecting this matter".

209

Carried

Vote taken on main motion as amended as follows:

THAT staff collect water samples at Goose Spit Bay Park only and write a letter to Island Health requesting consideration of a partnership to restore the level of service that was previously provided in regards to water quality testing at swim locations in the CVRD electoral areas;

AND THAT the Board invite further consideration regarding a partnership with Island Health respecting this matter"

209

Carried

COMMITTEE OF THE WHOLE - JANUARY 14, 2020

E. Grieve/K. Grant: THAT the Committee of the Whole minutes dated January 14, 2020 be received.

208

Carried

K. Grant/D. Frisch: THAT the "Exploring Social Planning in the Comox Valley: Where to From Here?" report dated November 7, 2019 prepared by the Comox Valley Social Planning Society be utilized as background material for the various initiatives the Comox Valley Regional District considers, including projects related to the community health network, agricultural planning, emergency management and housing.

208

Carried

K. Grant/B. Price: THAT the Comox Valley Regional District 2020 Corporate Plan (Key Projects – Interim) as attached to the staff report dated January 7, 2020, which includes the key projects by Core Service in advance of the 2020-2024 financial planning process, be approved.

208

Carried

Note: the updated Comox Valley Regional District 2020 Corporate Plan (Key Projects – Interim) is provided reflecting the feedback received from the directors at the January 14, 2020 Committee of the Whole meeting.

E. Grieve/K. Grant: THAT Vancouver Island MusicFest continue to pay fees in accordance with the Comox Valley Regional District Fees and Charges Bylaw.

209

Carried

K. Grant/D. Frisch: THAT staff be directed to explore opportunities on the Comox Valley Exhibition Grounds to provide additional space for increased event revenues.

209

Carried

SEWAGE COMMISSION - JANUARY 21, 2020

D. Frisch/K. Grant: THAT the Sewage Commission minutes dated January 21, 2020 be received.

208

COMOX VALLEY SPORTS CENTRE COMMISSION - JANUARY 21, 2020

K. Grant/W. Cole-Hamilton: THAT the Comox Valley Sports Centre Commission minutes dated January 21, 2020 be received.

208

Carried

VARY THE AGENDA:

D. Arbour/D. Frisch: THAT the agenda be varied to bring forward items F.8 (Public Hearing - January 22, 2020) and G.1 (Bylaw No. 593 being "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 1" on the agenda.

208

Carried

PUBLIC HEARING - JANUARY 22, 2020

K. Grant/D. Arbour: THAT the public hearing minutes dated January 22, 2020 regarding Bylaw No. 593 being "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 1" (RZ 5C 18 - Wilfred Road), be received.

208

Carried

K. Grant/D. Frisch: THAT Bylaw No. 593 being "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 1" be read a third time.

208 and 213

Carried

NAY: B. Price

The board recessed at 5:34 pm and reconvened at 5:52 pm.

COMMITTEE OF THE WHOLE - JANUARY 21, 2020

K. Grant/D. Arbour: THAT the Committee of the Whole minutes dated January 21, 2020 be received.

208

Carried

K. Grant/E. Grieve: THAT the Indigenous relations framework, as attached to the staff report dated January 17, 2020 be approved, as a guide to support the Comox Valley Regional District (CVRD) in considering the needs, interests and concerns of Indigenous peoples and outline how the CVRD can incorporate an Indigenous lens into decision-making and service delivery.

208

Carried

EMERGENCY PROGRAM ACT MODERNIZATION PROJECT - PROPOSING REVISION OF LEGISLATION

D. Hillian/D. Arbour: THAT the report dated January 22, 2020 providing the board with the Modernizing BC's Emergency Management Legislation Discussion Paper technical review submission created through the support from Comox Valley Regional District (CVRD), City of Courtenay, Comox Valley Emergency Program (CVEP) personnel and members of the Mid- Island Emergency Coordinators and Managers (MIECM) professional group, be received.

208

Carried

Howie Siemens, Emergency Program Coordinator, presented information regarding the Modernizing BC's Emergency Management Legislation Discussion Paper technical review.

D. Arbour/D. Frisch: THAT Comox Valley Regional District submission to the Province for the technical review of the Modernizing BC's Emergency Management Legislation Discussion Paper be endorsed by the board.

208

Carried

D. Arbour/K. Grant: THAT the board resolve to write a letter to the Ministry and copy the Union of British Columbia Municipalities to support the advancements, but express the need for the Ministry to provide meaningful consultation with all local governments and consider new financial resources to support the response by local governments prior to any legislative changes.

208

Carried

UBID CONVERSION STUDY UPDATE AND ELECTED OFFICIAL APPOINTMENT FOR ADVISORY GROUP

D. Arbour/K. Grant: THAT the report dated January 15, 2020 providing an update on the Union Bay Improvement District (UBID) conversion study and to seek the confirmation of Director Arbour as the appointed elected official for the conversion study project advisory working group, be received.
208 Carried

K. Grant/D. Frisch: THAT Director Arbour be appointed as the elected official for the advisory working group to support the Union Bay Improvement District conversion study.
208 Carried

BYLAWS AND RESOLUTIONS:

E. Grieve/K. Grant: THAT Bylaw No. 608 being "Comox Valley Water Supply System Bulk Water Rates Bylaw No. 190, 2011, Amendment No. 5' be read a first and second time.
Bylaw 1783 Carried

D. Frisch/B. Price: THAT Bylaw No. 608 being "Comox Valley Water Supply System Bulk Water Rates Bylaw No. 190, 2011, Amendment No. 5' be read a third time.
Bylaw 1783 Carried

THAT Bylaw No. 608 being "Comox Valley Water Supply System Bulk Water Rates Bylaw No. 190, 2011, Amendment No. 5' be finally adopted.
Bylaw 1783

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

E. Grieve/K. Grant: THAT Bylaw No. 605 being "King Coho Wastewater Service Future Expenditure Reserve Fund Establishment Bylaw No. 605" be finally adopted.
207 Carried

D. Frisch/B. Price: THAT Bylaw No. 607 being "Comox Valley Regional District Municipal Ticket Information Bylaw No. 104, 2010, Amendment No. 16" be finally adopted.
208 Carried

NEW BUSINESS CONTINUED:

TOWN OF COMOX - AFFORDABLE HOUSING AND CHILDCARE INITIATIVE

K. Grant/E. Grieve: THAT the correspondence dated January 16, 2020 from Mayor Arnott requesting the board's consideration of providing a financial contribution to partner in the delivery of an affordable housing and childcare service initiative for a proposed mixed use development at 695 Aspen Road, Comox, be received.
209 Carried

K. Grant/E. Grieve: THAT the board write a letter to the Town of Comox to request the Town to refer their request for a financial contribution to partner in the delivery of an affordable housing and childcare service initiative to the Comox Valley Coalition to End Homelessness for review and consideration.
208 Carried

ADDENDUM UPON APPROVAL OF THE BOARD:

W. Cole-Hamilton/E. Grieve: THAT the addendum be considered.

COMMUNITY RESILIENCY INVESTMENT GRANT FUNDING

E. Grieve/B. Price: Report dated January 28, 2020 regarding the application for Community Resiliency Investment (CRI) grant funding by way of a revised motion to include K'ómoks First Nation (KFN) for receipt.

208

Carried

K. Grant/W. Cole-Hamilton: THAT staff be authorized to apply for the 2020 Community Resiliency Investment grant funding in partnership with K'ómoks First Nation to undertake a community FireSmart education program as outlined in the Community Wildfire Protection Plan report dated November 30, 2018

208

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 restricted in-camera session at 7:32 pm and reported as follows:

- "THAT the Comox Valley Regional District (CVRD) and Comox Valley Economic Development Society (CVEDS) agreement be extended by up to four months to enable negotiations between the parties, for consideration of any subsequent agreements;

AND FURTHER THAT the CVRD rise and report on this resolution subject to CVEDS being notified"; and

- "THAT the Board authorize the release of the 2019 Board closed meeting minutes following the severing of information as identified in Appendix A of the staff report dated January 17, 2020."

TERMINATION:

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

208

Carried

Time: 7:32 pm.

Confirmed this _____ day of _____ 20__ :

Jesse Ketler
Chair

Certified Correct and Recorded By:

Jake Martens
Manager of Legislative Services