

Monday, May 11, 2015

Minutes of the meeting of the electoral areas services committee held on Monday, May 11, 2015 in the boardroom of the Comox Valley Regional District offices located at 550B Comox Road, Courtenay, B.C. commencing at 10:00 a.m.

## MINUTES

### Present:

<b>Chair:</b>	E. Grieve	Puntledge/Black Creek (Area 'C')
<b>Vice-Chair:</b>	R. Nichol	Lazo North (Area 'B')
<b>Directors:</b>	B. Jolliffe	Baynes Sound-Denman/Hornby Islands (Area 'A')
<b>Staff:</b>	A. MacDonald	General Manager of Planning and Development Services
	D. Oakman	Chief Administrative Officer
	J. Warren	Corporate Legislative Officer
	A. Mullaly	Manager of Planning Services
	L. Dennis	Legislative Services Assistant

### DELEGATIONS:

#### **UPDATE ON RCMP ACTIVITY IN THE RURAL AREAS**

Inspector Tim Walton presented an update on RCMP activity in the rural areas.

### LATE DELEGATION REQUEST:

R. Nichol/B. Jolliffe: THAT Jack Minard of the Comox Valley Land Trust be permitted to address the board as a late delegation.

791(2)

Carried

#### **OFF-ROAD VEHICLE USE ON THE ROYSTON TO CUMBERLAND TRAIL**

Jack Minard, Comox Valley Land Trust, presented information regarding the land trust's response to the staff report regarding a feasibility study for off-road vehicle use on the Royston to Cumberland trail.

### MANAGEMENT REPORT:

B. Jolliffe/R. Nichol: THAT the electoral areas services committee management report be received.

791(2)

Carried

### REPORTS:

#### **ELECTORAL AREA 'C' - 8090/8100 FORBIDDEN PLATEAU ROAD (COASTAL TREK INC.) - REZONING APPLICATION**

B. Jolliffe/R. Nichol: THAT the report dated March 18, 2015 regarding the external agency and First Nations referral process for a proposed rezoning to change the use of the property from "tourist commercial" to "residential" be received.

791(2), 791(3), 791(13)

Carried

B. Chow, planner, provided an overview of the staff report regarding the external agency and First Nations referral process for a proposed rezoning to change the use of the property from "tourist commercial" to "residential".

Shayne Stuchbery, applicant, was in attendance at the meeting.

B. Jolliffe/R. Nichol: THAT the board endorse the agency referral list as outlined in Appendix A and direct staff to commence the external agency referral process for a property legally described as Lot A, Block 249, Comox District, Plan 27411, Except Parcel "A" (DD R100949), (8090/8100 Forbidden Plateau Road) as part of a proposed amendment to 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 as outlined in Appendix B for a property legally described as Lot A, Block 249, Comox District, Plan 27411, Except Parcel "A" (DD R100949), (8090/8100 Forbidden Plateau Road) as part of a proposed amendment to Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005".

791(2), 791(3), 791(13)

Carried

#### **ELECTORAL AREA 'A' - ISLAND TIMBERLANDS GP LTD., HINDOO CREEK - BREAN ROAD – REZONING APPLICATION**

B. Jolliffe/R. Nichol: THAT the report dated May 6, 2015 regarding an amendment bylaw to enable the subdivision of 11, four ha lots, on Island Timberland's Brean Road lands be received.

791(2), 791(3), 791(13)

Carried

K. Brooks, assistant manager of planning, provided an overview of the staff report regarding an amendment bylaw to enable the subdivision of 11, four ha lots, on Island Timberland's Brean Road lands.

Kelly Gesner, applicant's agent, was in attendance at the meeting.

B. Jolliffe/R. Nichol: THAT the board approve first and second readings of Bylaw No. 381 being the "Comox Valley Zoning Bylaw, 2005, Amendment No. 62," which proposes to rezone a property (RZ 1A 14) legally described as Lot 4, District Lot 12, (situated partly within District lots 31G, 33G and 40G of Section 2) Nelson District, Plan 46828, Except Part in Plan VIP68043 and a portion of District Lot 33, Section 2A Nelson District except Plan VIP66877, except part in District Lots 12, 23 and 27 and except part in Plan VIP69915 (Brean Road lands) from rural residential twenty (RU-20) to rural four (RU-4);

AND FURTHER THAT prior to the public hearing the board direct staff to work with the applicant to complete amenity contribution negotiations, including discussion with the Island Corridor Foundation regarding trail access along the rail line right-of-way;

AND FURTHER THAT prior to the public hearing the applicant must confirm domestic potable water for each proposed lot;

AND FURTHER THAT prior to the public hearing the applicant must illustrate a primary and back up septic

system location for each proposed parcel;

AND FINALLY THAT pursuant to section 890 of the Local Government Act, the board schedule a public hearing for Bylaw No. 381 being the "Comox Valley Zoning Bylaw, 2005, Amendment No. 62."  
791(2), 791(3), 791(13) Carried

**ELECTORAL AREA 'B' - SECTION 219 RESTRICTIVE COVENANTS AND SECTION 218 STATUTORY RIGHT OF WAY DISCHARGE (984849 BC LTD. - 1310 WILKINSON ROAD)**

B. Jolliffe/R. Nichol: THAT the report dated April 29, 2015 regarding the discharge of two section 219 restrictive covenants and a section 218 statutory right of way (SRW) which were registered against the title of the bare land strata development that make up the Harwood Beach Estate property be received.  
791(2), 791(3), 791(13) Carried

T. Trieu, planner, provided an overview of the staff report regarding the discharge of two section 219 restrictive covenants and a section 218 statutory right of way (SRW) which were registered against the title of the bare land strata development that make up the Harwood Beach Estate property.

Ken Gillis, strata president, was in attendance at the meeting.

B. Jolliffe/R. Nichol: THAT the board accepts the request to discharge section 219 restrictive covenant (EX108777) on the properties legally described as Lot A, District Lot 224, Comox District, Plan 2851, Except That Part In Plan 16947 and VIP79471 (parent parcel), Strata Lots 1 to 13, District Lot 224, Comox District, Strata Plan EPS17 (1310 Wilkinson Road );

AND FURTHER THAT the board accepts the request to discharge section 219 restrictive covenant (EX108776) on the properties legally described as Strata Lots 1 to 13, District Lot 224, Comox District, Strata Plan EPS17 (1310 Wilkinson Road );

AND FURTHER THAT the board accepts the request to discharge section 218 Statutory Right of Way (SRW EX108778) on the properties legally described as Lot A, District Lot 224, Comox District, Plan 2851, Except That Part In Plan 16947 and VIP79471 (Parent Parcel), Strata Lots 1 to 13, District Lot 224, Comox District, Strata Plan EPS17 (1310 Wilkinson Road );

AND FINALLY THAT the chair of the board and the corporate legislative officer be authorized to discharge the 219 restrictive covenants (EX108776 and EX108777) and 218 Statutory Right of Way (SRW EX108778) with all related costs to be borne by the applicants.  
791(2), 791(3), 791(13) Carried

**KENSINGTON ISLAND PROPERTIES UPDATE**

B. Jolliffe/R. Nichol: THAT the report dated May 1, 2015 regarding an update on the Kensington Island Properties (KIP) project and to request that a formal letter be sent to the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) requesting a status update on the Union Bay coal hills remediation be received.  
791(2), 791(3), 791(13) Carried

K. Brooks, assistant manager of planning, provided an overview of the staff report regarding an update on the Kensington Island Properties (KIP) project and request that a formal letter be sent to the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) requesting a status update on the Union Bay coal

hills remediation.

B. Jolliffe/R. Nichol: THAT the board send a letter to the Minister of Forest, Lands and Natural Resource Operations requesting a status update on the Union Bay coal hills remediation process and works as well as next steps in the process.

791(2), 791(3), 791(13)

Carried

#### **BAYNES SOUND INITIATIVE STATUS UPDATE AND MATTER REGARDING PENTLATCH SEAFOOD REFERRAL**

B. Jolliffe/R. Nichol: THAT the report dated May 7, 2015 regarding progress of the Baynes Sound initiative and recommendation that the Comox Valley Regional District (CVRD) not enforce the AQ-1 and AQ-2 zoning restrictions as applied to a Pentlatch Seafood Ltd. operations in Baynes Sound be received.

791(2), 791(3), 791(13)

Carried

A. MacDonald, general manager of planning and development services, provided an overview of the staff report regarding progress of the Baynes Sound initiative and recommendation that the Comox Valley Regional District (CVRD) not enforce the AQ-1 and AQ-2 zoning restrictions as applied to a Pentlatch Seafood Ltd. operations in Baynes Sound.

B. Jolliffe/R. Nichol: THAT the board advise the senior government agencies of its intention to not enforce the aquaculture one (AQ-1) and aquaculture two (AQ-2) zoning restrictions as applied to the Pentlatch Seafood Operations Ltd in Baynes Sound.

791(2), 791(3), 791(13)

Carried

#### **RURAL COMOX VALLEY COMMUNITY CLIMATE ACTION PLAN**

R. Nichol/B. Jolliffe: THAT the report dated May 6, 2015 regarding the rural Comox Valley community climate action plan be received.

791(2)

Carried

M. Zbarsky, manager of transit and sustainability, and V. Van Tongeren, policy and sustainability analyst, presented an overview of the staff report regarding the rural Comox Valley community climate action plan.

B. Jolliffe/R. Nichol: THAT the "CVRD Electoral Areas Community Climate Action Plan" attached as Appendix 'A' to the staff report dated May 6, 2015 be approved and submitted to the Partners for Climate Protection for recognition under Milestone 3.

AND FURTHER THAT staff work with the Community Energy Association to participate in the Community Energy and Emissions Plan Quickstart program.

791(2)

Carried

#### **RURAL CVRD SUSTAINABLE TRANSPORTATION AND ENERGY SERVICE**

B. Jolliffe/R. Nichol: THAT the report dated May 6, 2015 regarding a proposal for a rural Comox Valley Regional District (CVRD) sustainable transportation and energy service be received.

791(2)

Carried

M. Zbarsky, manager of transit and sustainability, and V. Van Tongeren, policy and sustainability analyst,

presented an overview of the staff report regarding a proposal for a rural CVRD sustainable transportation and energy service.

### **ROYSTON TO CUMBERLAND TRAIL – FEASIBILITY STUDY FOR OFF-ROAD VEHICLE USE**

R. Nichol/B. Jolliffe: THAT the report dated May 1, 2015 regarding support “in principle” to gather additional background information through public consultation and stakeholder engagement to determine whether a pilot project for off road vehicle (ORV) use on the Royston to Cumberland Trail is feasible be received.

791(4)

Carried

D. DeMarzo, manager of parks, provided an overview of the staff report regarding support “in principle” to gather additional background information through public consultation and stakeholder engagement to determine whether a pilot project for off road vehicle (ORV) use on the Royston to Cumberland Trail is feasible.

### **FIRE SERVICES RESOLUTION**

R. Nichol/B. Jolliffe: THAT the report dated May 7, 2015 regarding a resolution to the Union of British Columbia Municipalities (UBCM) convention in September 2015 that requests the provincial government provide resources to inspect and enforce provincial safety regulations be received.

791(2)

Carried

J. Bast, manager of fire services, provided an overview of the staff report regarding a resolution to the Union of British Columbia Municipalities (UBCM) convention in September 2015 that requests the provincial government provide resources to inspect and enforce provincial safety regulations.

R. Nichol/B. Jolliffe: THAT the following resolution be submitted to the 2015 Union of British Columbia Municipalities convention:

WHEREAS the provincial government has

- a) effectively established regulatory regimes designed to inspect various installations and operations, such as gas, electrical, health, food safety, etc. aimed at protecting the public from potential hazards associated with public facilities through the BC Safety Authority, and various other provincial agencies such as the health authorities; and
- b) enacted various building and fire code regulations for public buildings, including the Fire Services Act, though has not provided for an accompanying, effective inspection and enforcement regime;

AND WHEREAS the provincial government is considering requiring regional districts to enforce the Fire Services Act and its regulations in the unincorporated areas of the province, including the obligation to provide for a regular system of inspection of hotels and public buildings though regional districts do not have the capacity to take on an inspection and enforcement role in the rural areas without significant additional financial and human resources;

NOW THEREFORE BE IT RESOLVED that the provincial government provide the resources necessary to inspect and enforce provincial safety regulations, including the Fire Services Act and its regulations, through either the Office of the Fire Commissioner or the BC Safety Authority rather than pursuing options to download the responsibility for inspections and enforcement of provincial regulations on local

governments.

791(2)

Carried

**ADDENDUM - UPON APPROVAL OF THE COMMITTEE:**

B. Jolliffe/R. Nichol: THAT the addendum be considered

791(2)

Carried

**SANDWICK WATERWORKS DISTRICT**

B. Jolliffe/R. Nichol: THAT the correspondence dated May 7, 2015 from Mike Butler, chair, Sandwick Waterworks District, requesting a date for the results of the latest study on becoming a specified use are of the regional district be received.

791(2)

Carried

**IN-CAMERA:**

B. Jolliffe/R. Nichol: THAT the committee adjourn to an in-camera session pursuant to the following subsection of section 90 of the Community Charter:

90(1)(g) Litigation or potential litigation affecting the regional district.

791(2)

Carried

Time: 12:30 p.m.

**RISE AND REPORT:**

The committee rose from its in-camera session at 1:00 p.m.

**TERMINATION:**

B. Jolliffe/R. Nichol: THAT the meeting terminate.

791(2)

Carried

Time: 1:00 p.m.

Confirmed by:

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Edwin Grieve

Chair

Certified Correct:

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James Warren

Corporate Legislative Officer

Recorded By:

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Lisa Dennis

Recording Secretary

These minutes were received by the Comox Valley Regional District board on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.