

Tuesday, October 29, 2019

Minutes of the meeting of the Comox Valley Regional District Board of Directors held on Tuesday, October 29, 2019 in the boardroom of the Comox Valley Regional District offices located at 550B Comox Road, Courtenay, BC commencing at 4:10 pm.

MINUTES

Present:

| | | |
|------------------------|------------|--|
| Chair: | B. Wells | City of Courtenay |
| Directors: | D. Arbour | Baynes Sound-Denman/Hornby Islands (Area A) |
| | E. Grieve | Puntledge/Black Creek (Area C) |
| | D. Hillian | City of Courtenay |
| | D. Frisch | City of Courtenay |
| | M. Swift | Town of Comox |
| | J. Ketler | Village of Cumberland |
| | B. Leigh | Oyster Bay – Buttle Lake (Area D) |
| | K. Grant | Town of Comox |
| Alt. Directors: | W. Morin | City of Courtenay |
| | 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 THE TRADITIONAL TERRITORIES:

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

IN-CAMERA MEETING:

K. Grant/W. Morin: THAT the board adjourn to an in-camera session pursuant to the following sub-section (s) 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; and

90(1)(g) 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

VARY THE AGENDA:

D. Hillian/D. Frisch: THAT the agenda be varied to consider agenda item F.1 Black Creek - Oyster Bay Services Committee minutes of October 7, 2019 and item F.7 Black Creek - Oyster Bay Services Committee minutes of October 21, 2019 , next on the agenda.

208

Carried

REPORTS:

BLACK CREEK - OYSTER BAY SERVICES COMMITTEE - OCTOBER 7, 2019

B. Leigh/K. Grant: THAT the Black Creek - Oyster Bay Services Committee minutes dated October 7, 2019 be received.

208

Carried

B. Leigh/D. Arbour: THAT the board support an application to the Union of BC Municipalities Community Preparedness Fund in an amount up to \$25,000 for the Oyster River Fire Rescue department for fire department equipment;

AND FURTHER THAT the Comox Valley Regional District provide support and grant funds management.

209

Carried

BLACK CREEK - OYSTER BAY SERVICES COMMITTEE - OCTOBER 21, 2019

B. Leigh/D. Arbour: THAT the Black Creek - Oyster Bay Services Committee minutes dated October 21, 2019 be received.

208

Carried

Director Leigh left the meeting at 4:25 pm.

ADOPTION OF MINUTES:

D. Frisch/E. Grieve: THAT the Comox Valley Regional District Board minutes dated October 1, 2019 be adopted.

208

Carried

PETITIONS AND DELEGATIONS:

VANCOUVER ISLAND MUSIC FEST

E. Grieve/K. Grant: THAT the information presented by Jay Oddleifson and Susan Wood regarding their request for funding and support for the Vancouver Island MusicFest be received.

Carried

REPORTS CONTINUED:

ELECTORAL AREAS SERVICES COMMITTEE - OCTOBER 7, 2019

D. Arbour/K. Grant: THAT the Electoral Areas Services Committee minutes dated October 7, 2019 be received.

208

Carried

D. Arbour/E. Grieve: THAT the board approve Development Variance Permit DV 4A 19 (Bell) to decrease the minimum side yard setback from 3.5 metres to 2.6 metres and the rear yard setback from 7.5 metres to 1.3 metres and the rear eaves setback to 1.0 metre for the purpose of constructing an accessory building on a property described as Strata Lot 5, Section 33, Township 11, Nelson District, Strata Plan VIS5591, PID 026-010-836 (9 Little Bear Way);

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

208 and 213

Carried

D. Arbour/B. Price: THAT the Comox Valley Regional District Board approve Development Variance Permit DV 7C 19 (deBalinhard/Lessard) to reduce the minimum rear yard setback from 7.50 metres to 4.91 metres for the proposed carriage house (from 5.5 metres to 4.47 metres for the eaves) for property described as Lot 43, District Lot 160, Comox District, Plan 30194, PID 000-548-154 (60 Salsbury Road);

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

208 and 213

Carried

D. Arbour/B. Price: THAT the Comox Valley Regional District Board deny the variance request to reduce the minimum rear yard setback for the staircase of the proposed carriage house from 7.5 metres to 3.7 metres for property described as Lot 43, District Lot 160, Comox District, Plan 30194, PID 000-548-154 (60 Salsbury Road).

208 and 213

Carried

D. Arbour/B. Price: THAT the board grant a site specific exemption of the floodplain specifications that reduces floodplain setback from 60 metres to 30 metres from the natural boundary of Oyster River for the proposed single detached dwelling on property described as Lot 22, Block 29, Comox District, Plan VIP79847, PID 026-477-866 (9570 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 the single detached dwelling on the property described as Lot 22, Block 29, Comox District, Plan VIP79847, PID 026-477-866 (9570 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 engineer's report by Jim Mitchell, MSc., P.Eng. of Emerald Sea Engineering, dated August 27, 2019, revised September 24, 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

E. Grieve/K. Grant: THAT a planning process be undertaken to identify the best route options for an active transportation pathway from the intersection of Butcher Road and Lazo Road to the community of Point Holmes with a multijurisdictional approach between the Town of Comox, the Ministry of Transportation and Infrastructure and the Comox Valley Regional District once the Town of Comox has identified a new Parks Superintendent.

E. Grieve/K. Grant: THAT the board support an application to the Union of BC Municipalities Community Preparedness Fund in an amount of up to \$25,000 each for Denman Island Fire Rescue, Fanny Bay Volunteer Fire Department, and Hornby Island Fire Rescue for a total of \$75,000 for fire department equipment;

AND FURTHER THAT the Comox Valley Regional District provide support and grant funds management.

207

Carried

R. Dyson, Chief Administrative Officer, recused himself from the meeting at 4:56 pm due to a potential perceived conflict of interest in relation to his spouse's position as chair of the Agricultural Land Commission.

B. Price/E. Grieve: THAT the Agricultural Land Commission be advised that the Comox Valley Regional District does not support Agricultural Land Reserve Non-Farm Use application ALR 1B 19 (Pollard) to permit a two-lot subdivision of the property described as Lot A, Section 21, Comox District, Plan 25680, Except Part in Plan EPP64565, PID 000-913-375 (3120 Dove Creek Road);

AND FINALLY THAT the application ALR 1B 19 (Pollard) for the non-farm use of property within the Agricultural Land Reserve be forwarded to the Agricultural Land Commission for decision.

208 and 213

Carried

R. Dyson, Chief Administrative Officer, returned to the meeting at 4:59 pm.

SEWAGE COMMISSION - OCTOBER 8, 2019

D. Frisch/D. Arbour: THAT the Sewage Commission minutes dated October 8, 2019 be received.

208

Carried

COMOX VALLEY SPORTS CENTRE COMMISSION - OCTOBER 8, 2019

K. Grant/J. Ketler: THAT the Comox Valley Sports Centre Commission minutes dated October 8, 2019 be received.

208

Carried

COMMITTEE OF THE WHOLE - OCTOBER 8, 2019

K. Grant/B. Price: THAT the Committee of the Whole minutes dated October 8, 2019 be received.

208

Carried

D. Arbour/D. Frisch: THAT the Comox Valley Regional District, in partnership with the Union Bay Improvement District, support an application to the Ministry of Municipal Affairs and Housing for a restructure planning grant and infrastructure planning grant that would:

- conduct a condition assessment of Union Bay Improvement District assets and liabilities
- analyze the governance options to remain as an improvement district or convert the street lighting, water

supply and distribution and fire protection services to regional district services; and

- develop and execute a communication plan that:

- assesses public perspective on the topic of Union Bay governance and service delivery; and
- informs the public on potential outcomes from the assessment and governance models.

208

Carried

D. Arbour/J. Ketler: THAT the Comox Valley Regional District board send a letter of support to the Hornby Island Community Economic Enhancement Corporation for the implementation of a Municipal and Regional District Tax at 3% on the purchase of short-term accommodation on Hornby Island with such funds raised being utilized to support local affordable housing initiatives and tourism marketing, programs and projects.

208

Carried

COMMITTEE OF THE WHOLE - OCTOBER 17, 2019

K. Grant/B. Price: THAT the Committee of the Whole minutes dated October 17, 2019 be received.

208

Carried

ELECTORAL AREAS SERVICES COMMITTEE - OCTOBER 21, 2019

D. Arbour/K. Grant: THAT the Electoral Areas Services Committee minutes dated October 21, 2019 be received.

208

Carried

B. Price/D. Arbour: THAT Bylaw No. 2866 being the "Comox Valley Water Systems Regulation, Fees and Charges Bylaw 2006" be amended to include a nine per cent rate increase for all commercial and residential minimum charge and tiered rates effective April 1, 2020 to ensure revenue demands for the Comox Valley Water Local Service Area are met while an organization-wide asset management review is completed.

209

Carried

B. Price/D. Arbour: THAT Bylaw No. 111 being the "Royston Water Service Regulation, Fees and Charges Bylaw, 2010" be amended to include a nine per cent rate increase to the basic fee and all tiered rates, effective April 1, 2020 for asset management purposes.

207

Carried

GRANT REVENUE ANTICIPATION BORROWING BYLAW

D. Frisch/K. Grant: THAT the report dated October 25, 2019 providing the board with supporting background information and a recommendation with respect to the adoption of a grant revenue anticipation borrowing bylaw to support the Comox Valley Water Treatment Project, be received.

208

Carried

B. Price/D. Arbour: THAT the board give readings to Bylaw No. 598 being "Grant Revenue Anticipation Borrowing Bylaw No. 598, 2020".

208

Carried

BYLAWS AND RESOLUTIONS:

D. Frisch/E. Grieve: THAT Bylaw No. 594 being "Revenue Anticipation Borrowing Bylaw No. 594, 2020" be given first and second readings concurrently.

210

Carried

K. Grant/D. Frisch: THAT Bylaw No. 594 being "Revenue Anticipation Borrowing Bylaw No. 594, 2020" be read a third time.

210

Carried

J. Ketler/E. Grieve: THAT Bylaw No. 596 being "Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 13" be given first and second readings concurrently.

209

Carried

D. Frisch/K. Grant: THAT Bylaw No. 596 being "Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 13" be read a third time.

209

Carried

D. Arbour/K. Grant: THAT Bylaw No. 597 being "Royston Water Service Regulation, Fees and Charges Bylaw, 2010, Amendment No. 3" be given first and second readings concurrently.

207

Carried

K. Grant/D. Arbour: THAT Bylaw No. 597 being "Royston Water Service Regulation, Fees and Charges Bylaw, 2010, Amendment No. 3" be read a third time.

207

Carried

W. Morin/D. Frisch: THAT Bylaw No. 598 being "Grant Revenue Anticipation Borrowing Bylaw No. 598, 2020" be given first and second readings concurrently.

210

Carried

W. Morin/D. Frisch: THAT Bylaw No. 598 being "Grant Revenue Anticipation Borrowing Bylaw No. 598, 2020" be read a third time.

210

Carried

D. Frisch/E. Grieve: THAT third reading of Bylaw No. 568 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 78" be rescinded.

208 and 213

Carried

D. Frisch/B. Price: THAT Bylaw No. 568 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 78" be amended at second reading to change the references from Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005" to Bylaw No. 520 being "Rural Comox Valley Zoning Bylaw No. 520, 2019".

208 and 213

Carried

D. Frisch/B. Price: THAT Bylaw No. 568 being "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 2" be given third reading as amended.

208 and 213

Carried

D. Frisch/B. Price: THAT Bylaw No. 520 being "Rural Comox Valley Zoning Bylaw, No. 520, 2019" be finally adopted.

208 and 213

Carried

K. Grant/D. Frisch: THAT Bylaw No. 584 being "Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014, Amendment No. 3" be finally adopted.

208 and 213

Carried

K. Grant/E. Grieve: THAT Bylaw No. 585 being "Comox Valley Regional District Building Bylaw No. 142, 2011, Amendment No. 4" be finally adopted.

208 and 213

Carried

K. Grant/D. Hillian: THAT Bylaw No. 586 being "Comox Valley Sewerage Service Future Expenditure Reserve Fund Establishment Bylaw No. 586, 2019" be finally adopted.

209

Carried

D. Frisch/D. Hillian: THAT Bylaw No. 592 being "Hornby Island Comfort Station Future Expenditure Reserve Fund Establishment Bylaw No. 592, 2019" be finally adopted.

207

Carried

NEW BUSINESS:

VANCOUVER ISLAND MUSIC FEST

K. Grant/D. Frisch: THAT staff be directed to prepare a report on the request for funding from the Vancouver Island MusicFest as outlined in their delegation to the CVRD Board on October 29, 2019.

208

Carried

NAY: E. Grieve

ADJOURN TO IN-CAMERA:

The board recessed to its in-camera session at 5:17 pm.

RISE AND REPORT:

The board rose from its restricted in-camera session at 5:49 pm and reported on the following resolutions:

"THAT the board grant a leave of absence to Electoral Area A Advisory Planning Commission member, Lindsay Clement, from December 1, 2019 until June 30, 2020;

AND FURTHER THAT the board rise and report on this resolution."

"THAT staff be directed to develop a report that:

- a) Describes the various initiatives that the CVRD is currently pursuing with K'ómoks First Nation;
- b) Identifies further opportunities, both short and longer term, for improving relations; and
- c) Presents a draft CVRD and KFN engagement policy that acts as a framework for aligning the CVRD's activities and intent with respect to its relationship with K'ómoks First Nation;

AND FURTHER THAT the board rise and report on this resolution."

"THAT the Comox Valley Regional District Board appoint Joe Schommer to the Board of Variance for a three-year term, effective January 1, 2020 and expiring December 31, 2022;

AND FURTHER THAT the board rise and report on this resolution."

TERMINATION:

E. Grieve/K. Grant: THAT the meeting terminate.
208

Carried

Time: 5:49 pm.

Confirmed this _____ day of _____ 20__:

Bob Wells
Chair

Certified Correct and Recorded By:

Jake Martens
Manager of Legislative Services