



Making a difference...together

**Minutes of a Meeting of the Capital Regional District Board
Held Wednesday, April 10, 2013, in the Board Room, 625 Fisgard Street, Victoria, BC**

PRESENT: Directors: A. Bryson (Chair), D. Blackwell (Vice Chair), M. Alto, S. Brice, J. Brownoff, C. Coleman (for D. Fortin), J. Cullington (for C. Hamilton), V. Derman, B. Desjardins, M. Hicks, G. Hill, D. Howe, B. Isitt, N. Jensen, F. Leonard, M. Loveless (for L. Cross), C. McBride (for T. Daly), W. McIntyre, W. Milne, J. Ranns, L. Seaton, L. Wergeland and G. Young
Staff: R. Lapham, Chief Administrative Officer; L. Hutcheson, General Manager, Parks and Environmental Services; D. Lokken, General Manager, Corporate Services; M. Misek-Evans, Acting General Manager, Planning and Protective Services; T. Robbins, General Manager, Integrated Water Services; S. Santarossa, Corporate Officer; and S. Norton, Deputy Corporate Officer (Recorder)

ABSENT: Director: J. Mendum

The Chair called the meeting to order at 1:35 pm.

1. APPROVAL OF THE AGENDA

MOVED by Director Alto, **SECONDED** by Director Brice,
That the agenda and supplementary agenda be approved with the following changes:

- Item 4.1, request to speak from Jennifer Rowell was withdrawn;
- Items 6.2 and 6.3 to be postponed to the next regular meeting;
- Item 7.5 to be considered before Item 6.5.

CARRIED

MOVED by Director Derman, **SECONDED** by Director Alto,
That the late request to address the Board from Georgia Collins re Item 8 be approved.

CARRIED UNANIMOUSLY

2. ADOPTION OF MINUTES OF MARCH 13 AND MARCH 27, 2013

MOVED by Director Wergeland, **SECONDED** by Director Alto,
That the minutes of the meeting of March 13, 2013 be adopted.

CARRIED

MOVED by Director Brice, **SECONDED** by Director Jensen,
That the minutes of the meeting March 27, 2013 be adopted.

CARRIED

3. REPORT OF THE CHAIR

Chair Bryson noted the new 'Junk It' program kits were on display and available for pick up. He urged Directors to take the pledge. The kits include everything you need to safely and properly dispose of unwanted items.

1. Greater Victoria Harbour Authority – City of Victoria Request for Bylaw Amendments

Directors Desjardins and Hill left the meeting at 1:38 pm citing a potential conflict of interest as members of the Greater Victoria Harbour Authority Board.

Chair Bryson provided history regarding the CRD Board nominee to the Greater Victoria Harbour Authority (GVHA) Board, which the Board directed be changed from a public representative to an elected official in 2008. He noted the intent of the City of Victoria's request for GVHA bylaw amendments was for owner members to appoint their representatives directly to the GVHA Board rather than nominate a representative who would then be vetted by the GVHA Board. Chair Bryson advised that he would be attending the special meeting of the GVHA Board next week and asked for input on the bylaw amendments. There was general support for the bylaw amendments. The Chair noted he would take the 2008 Board direction and input from today's meeting into consideration.

Directors Desjardins and Hill returned to the meeting at 1:51 pm.

2. Voting on Part 26 Matters for Juan De Fuca Electoral Area – Voting Blocks A and B

MOVED by Director Hicks, **SECONDED** by Alternate Director Cullington, That the report be received for information, and that it be noted that in accordance with B.C. Reg 65/90 as amended by Order in Council (OIC) 158, the Board Chair has appointed Director Denise Blackwell to represent the City of Langford in voting on Part 26 decisions for the Juan de Fuca Electoral Area.

CARRIED

4. PRESENTATIONS/DELEGATIONS

4.1 Delegations

1. Larry Wartels, Living Downstream Advocacy, re agenda item 8 – spoke against the Ministry of the Environment approving the South Island Aggregates (SIG) Draft Waste Discharge Permit for dumping contaminated soil at a site within the drinking water watershed of Shawnigan Lake in the Cowichan Valley Regional District (CVRD). He showed a clip from a TV video which stated that 90% of cancers are caused by environmental contaminants. He called for a stop to putting any toxic waste into the environment, and felt that onus should be on the permittee to prove their actions are not harmful before being granted a permit.
2. Mehdi Najari, re agenda item 8 – spoke against the Ministry of the Environment approving the SIG Draft Waste Discharge Permit. He noted concern for human health in the long term if this permit was granted.

3. Director Gerry Giles, Cowichan Valley Regional District, re agenda item 8 – spoke against the Ministry of the Environment approving the SIG Draft Waste Discharge Permit and asked for the CRD Board to send a letter to the Minister of the Environment in support of the CVRD Board's position. She described the proposed volume and nature of the contaminants and the proximity of the site to the watershed, and noted that there is a difference of opinion amongst the experts regarding the proposed site. Director Giles noted that the CVRD will continue to work with the Province to find an appropriate site for a contaminated soil facility in the CVRD. She advised that the CVRD is working on a new soil deposit and removal bylaw.
4. Kelly Frazer, Friends of the Shawnigan Watershed, and Mike Hansen, President, South Cowichan Chamber of Commerce re agenda item 8 – spoke against the Ministry of the Environment approving the SIG Draft Waste Discharge Permit. Mr. Frazer showed a short public service announcement video, prepared by Paul Manley, which outlined concerns regarding the contaminated soil affecting the Shawnigan Lake watershed and possibly the CRD's water supply. Mr. Hanson noted that the site had originally been a gravel extraction pit and this permit will change the use to an environmental waste dumpsite. He felt that there is a problem with the public process for these permits, and that the process should have looked at different sites.
5. Shelagh Bell-Irving, re agenda item 8 - spoke against the Ministry of the Environment approving the SIG Draft Waste Discharge Permit and asked the CRD Board to support the CVRD Board's position. In her statement, she recognized the need to have a site to remediate toxic waste in the CVRD but outlined the environmental and human health concerns with the proposed site.
6. Georgia Collins, Shawnigan Lake Water Roundtable, re agenda item 8 – spoke against the Ministry of the Environment approving the SIG Draft Waste Discharge Permit and asked the CRD Board to support the CVRD Board's position. She outlined concerns with the long-term risks to their drinking water. She reviewed the Roundtable's proposal: extension of the public consultation process; independent technical assessment of the permit application; and environmental assessment of the potential impact to the Sooke Lake reservoir.

5. REPORTS OF COMMITTEES

5.1 ELECTORAL AREA SERVICES COMMITTEE – March 20, 2013

1. Grants-In-Aid

MOVED by Director Hicks, **SECONDED** by Director McIntyre,
That the following grants-in-aid applications be approved for payment:

- 1) Juan de Fuca Grants-in-Aid as approved by Director Hicks
 - a) Shirley Farmers Market \$ 500

- 2) Salt Spring Island Grants-in-Aid as approved by Wayne McIntyre
 - a) Salt Spring Island Agriculture Alliance \$ 3,500
- 3) Southern Gulf Islands Grants-In-Aid as approved by Director Howe
 - a) Mayne Island Conservancy Society \$ 2,650
 - b) Mayne Island Conservancy Society \$ 3,000
 - c) Mayne Island Integrated Water Systems \$ 1,500
 - d) Pender Community Transitions Society \$ 5,000

CARRIED

2. Proclamation of the Day of the Honey Bee

MOVED by Director Hicks, **SECONDED** by Director McIntyre,
That, on behalf of the citizenry of the three Electoral Areas of the Capital Regional District, May 29, 2013, be proclaimed as the fourth annual "Day of the Honey Bee."

CARRIED

5.2 Ganges Sewer Local Service Commission – November 27, 2012

1. Bylaw No. 3883, Salt Spring Island Ganges Sewerage Local Service Establishment Bylaw, 1991, Amendment Bylaw No. 12, 2013

MOVED by Director McIntyre, **SECONDED** by Director Howe,
That Bylaw No. 3883 "Salt Spring Island Ganges Sewerage Local Service Establishment Bylaw, 1991, Amendment Bylaw No. 12, 2013" be introduced and read a first time and second time.

CARRIED

MOVED by Director McIntyre, **SECONDED** by Director Howe,
That Bylaw No. 3883 be read a third time.

CARRIED

5.3 JUAN DE FUCA LAND USE COMMITTEE – VOTING BLOCK A – March 19, 2013

**1. Development Variance Permit Application – Board Voting Block A
VAR-01-13 – Lot 2, Section 17, Otter District, Plan VIP87777 (Sullivan - 3525A
Otter Point Road)**

MOVED by Director Hicks, **SECONDED** by Director Milne,
That Development Variance Permit VAR-01-13 for Lot 2, Section 17, Otter District, Plan VIP87777 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 6.07(b), by reducing the required side yard setback from 6 m to 5.7 m as shown on the attached BC Land Surveyors Certificate of Location of Foundation, signed by Jason Kozina, BCLS, be approved.

CARRIED

**2. Temporary Use Permit Application – Board Voting Block A
TUP-04-13 - Plan 344R, Section 97, Renfrew District And District Water Lot 751,
Block A and B (Three Point Properties)**

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That public notification and referrals to relevant CRD departments, to a public
information meeting in Port Renfrew, and to the following agencies proceed for the
Temporary Use Permit TUP-04-13 for the purpose of operating a commercial marina
on Plan 344R, Section 97, Renfrew District and on District Water Lot 751, Block A
and B:

Archaeology Branch	Ministry of Environment
BC Hydro	Ministry of Transportation and Infrastructure
Cowichan Valley Regional District	Pacheedaht First Nation
Department of Fisheries and Oceans	

CARRIED

**3. Temporary Use Permit and Development Variance Permit Applications – Board
Voting Block A - TUP-01-13/TUP-02-13/TUP-03-13 and VAR-02-13/VAR-03-
13/VAR-04-13 - Block 1410, Malahat District and Lot A, Block 1264 and District
Lot 124, Malahat District, Plan 21358 (TimberWest Forest Corp. Inc.)**

MOVED by Director Hicks, **SECONDED** by Director Blackwell,

- 1) That Development Variance Permits VAR-02-13/VAR-03-13/VAR-04-13 for Block
1410, Malahat District and Lot A, Block 1264 and District Lot 124, Malahat
District, Plan 21358, to vary the Rural Resource Lands Land Use Bylaw, Bylaw
No. 3602 Section 4.1.2, by increasing the maximum height from 6 m to 80 m for
the purpose of allowing the construction of three metrological towers, be
approved;
- 2) That public notification and referrals to relevant CRD departments and to the
following agencies proceed for the Temporary Use Permits TUP-01-13/TUP-02-
13/TUP-03-13 for the purpose of constructing three 80 m meteorological towers
on Block 1410, Malahat District and Lot A, Block 1264 and District Lot 124,
Malahat District, Plan 21358:

Archaeology Branch	Ministry of Transportation and Infrastructure
BC Hydro	Pacheedaht First Nation
Cowichan Tribes	T'Sou-ke First Nation
Cowichan Valley Regional District	Landowners within 5 km radius of subject properties
Ministry of Environment	District of Sooke

CARRIED

5.4 REGIONAL PARKS COMMITTEE – March 20, 2013

1. Bylaw No. 3890, Amendment of Bylaw No. 3675, Regional Parks Fees and Charges

MOVED by Director Brice, **SECONDED** by Director Seaton, that Bylaw No. 3890 “Capital Regional District Regional Parks Services and Facilities Fees and Charges Bylaw No. 1, 2010, Amendment Bylaw No. 3, 2013” be introduced and read a first time and second time.

CARRIED

MOVED by Director Brice, **SECONDED** by Director Seaton, That Bylaw No. 3890 be read a third time.

CARRIED

MOVED by Director Brice, **SECONDED** by Director Seaton, That Bylaw No. 3890 be adopted.

CARRIED

2. Land Acquisition Fund Status

MOVED by Director Brice, **SECONDED** by Director Wergeland,

- 1) That the Land Acquisition Fund Status staff report be received for information;
- 2) That the information in the report be sent to municipal councils; and,
- 3) That municipal councils be notified that staff would attend a future council meeting to present the information, if invited.

CARRIED

6. ADMINISTRATION REPORTS

6.1 Award of Construction Contract No. 2013-707 – Beddis Water System Upgrades

Director Hicks left the meeting at 2:38 pm citing a potential conflict of interest because Brunnell Construction Ltd. was a client.

MOVED by Director McIntyre, **SECONDED** by Director Howe, That a contract for construction of the Beddis upgrade civil works (Tender Reference No. 2013-707) be awarded to Brunnell Construction Ltd. for the amount of \$178,438.40 including HST.

CARRIED

Director Hicks returned to the meeting at 2:39 pm.

6.2 Request for Approval to Commence Remedial Action to Remove Hazardous Structures at 4226 Armadale Road

Postponed to next regular meeting.

6.3 Request for Approval to Commence Remedial Action to Remove Hazardous Structures at 4297 Trans-Canada Highway

Postponed to next regular meeting.

6.4 Temporary Borrowing Bylaw for Capital Financing (North Galiano Fire Hall)

MOVED by Director Howe, **SECONDED** by Director Hill,
That Bylaw No. 3898 "Temporary Loan (North Galiano Island Fire Hall) Bylaw No. 1, 2013" be introduced and read a first time and second time.

CARRIED

MOVED by Director Howe, **SECONDED** by Director Hill,
That Bylaw No. 3898 be read a third time.

CARRIED

MOVED by Director Howe, **SECONDED** by Director Hill,
That Bylaw No. 3898 be adopted.

CARRIED

7.5 Bylaw No. 3887 "Core Area Wastewater Treatment Program Loan Authorization Bylaw No. 1, 2013"

MOVED by Director Blackwell, **SECONDED** by Director Brownoff,
That Bylaw No. 3887 be adopted.

CARRIED

Cullington, Derman, Desjardins, Hill, Ranns **OPPOSED**

6.5 Temporary Borrowing Bylaw for Capital Financing (Core Area Wastewater Treatment Program)

MOVED by Director Blackwell, **SECONDED** by Director Brownoff,
That Bylaw No. 3888 "Temporary Loan (Core Area Wastewater Treatment Program) Bylaw No. 1, 2013" be introduced and read a first time and second time.

CARRIED

Cullington, Derman, Desjardins, Hill, Ranns **OPPOSED**

MOVED by Director Blackwell, **SECONDED** by Director Brownoff,
That Bylaw No. 3888 be read a third time.

CARRIED

Cullington, Derman, Desjardins, Hill, Ranns **OPPOSED**

MOVED by Director Blackwell, **SECONDED** by Director Brownoff,
That Bylaw No. 3888 be adopted.

CARRIED

Cullington, Derman, Desjardins, Hill, Ranns **OPPOSED**

6.6 E&N Rail Trail Project – Award of Contract 13-1758 Intersection Upgrades and Civil Works

MOVED by Director Hill, **SECONDED** by Director Brownoff,
That Contract 13-1758, E&N Rail Trail Project Intersection Upgrades and Civil Works, be awarded to Chew Excavating in the amount of \$376,746.30, included taxes.

CARRIED

Alternate Director Cullington left the meeting at 2:50 pm.

7. BYLAWS

7.1 Bylaw No. 3879 “Capital Regional District Parks Regulation Bylaw No. 1, 2010, Amendment Bylaw No. 1, 2013”

MOVED by Director Brice, **SECONDED** by Director Seaton,
That Bylaw No. 3879 be adopted.

CARRIED

7.2 Bylaw No. 3880 “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 51, 2013”

MOVED by Director Brice, **SECONDED** by Director Seaton,
That Bylaw No. 3880 be adopted.

CARRIED

7.3 Bylaw No. 3881 “Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013”

MOVED by Director Blackwell, **SECONDED** by Director Hill,
That Bylaw No. 3881 be adopted.

CARRIED

7.4 Bylaw No. 3884 “Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 9, 2013”

MOVED by Alternate Director McBride, **SECONDED** by Alternate Director Loveless,
That Bylaw No. 3884 be adopted.

CARRIED

7.5 Bylaw No. 3887 “Core Area Wastewater Treatment Program Loan Authorization Bylaw No. 1, 2013”

Considered before item 6.5

8. MOTION FOR WHICH NOTICE HAS BEEN GIVEN

8.1 Contaminated Soil Facility in Shawnigan Lake Watershed – Director Isitt

Director Leonard left the meeting at 2:53 pm citing a potential conflict of interest because relatives own properties within the area.

Correspondence from Rob Hutchins, Chair, Cowichan Valley Regional District (CVRD), dated April 8, 2013 was distributed with the supplementary agenda. The correspondence requested a letter of support from the CRD Board to the Minister of the Environment regarding the CVRD's opposition to the approval of the South Island Aggregates Draft Waste Discharge Permit (PR-105809).

A revised resolution was handed out at the meeting. Speaking to the resolution, Director Isitt encouraged the CRD Board to support its neighbouring regional district with their concerns about the risk to the environment and human health with the proposed contaminated soils facility so close to the drinking water supply, and called for an improved public process for this type of permit.

MOVED by Director Isitt, **SECONDED** by Director Derman,

WHEREAS the Province of British Columbia appears on the verge of approving a contaminated soils facility that would permit the dumping of five million tons of highly contaminated material near the headwaters of the Shawnigan Lake drinking water watershed;

AND WHEREAS the citizens and Board of the Cowichan Valley Regional District have expressed their strong opposition to the proposed facility and the dumping of contaminated material in drinking water watersheds;

AND WHEREAS there are significant conflicting hydrogeological and technical opinions about the risk the facility would pose to the environment and people's drinking water;

THEREFORE BE IT RESOLVED that the Capital Regional District (CRD) Board supports the Cowichan Valley Regional District's request that the Province of British Columbia deny the Waste Discharge Permit Application for property at 460 Stebbings Road in Shawnigan Lake, in light of the inadequate three-week time period for public input and conflicting hydrogeological and technical opinions;

AND BE IT FURTHER RESOLVED that the CRD forward this resolution to the Province of British Columbia, requesting that contaminated site regulations be amended to provide for thorough and appropriate consideration of local government input and land use regulations in the contaminated soils permitting process;

AND BE IT FURTHER RESOLVED that the CRD Board direct staff to report on potential impacts of this proposed facility on the Capital Region's water supply at Sooke Lake.

Chair Bryson agreed to the request that the third clause of the resolution be voted on separately.

Director Brownoff left the meeting at 3:05 pm.

MOVED by Director Ranns, **SECONDED** by Director Derman,
That the first clause of the resolution be amended to add the words “recommendations
and” before the word “request”.

CARRIED

The question was called on the first clause, as amended, and the second clause.

CARRIED
Jensen **OPPOSED**

Discussed ensued regarding the third clause of the resolution and what would be the
scope and timing of the proposed work. Staff advised that some work had already been
carried out and that initial analysis indicates a low risk of contamination to the Capital
Region’s water supply at Sooke Lake. The Board agreed to a friendly amendment to
delete the word “report” and to add the words “provide all available information and an
internal analysis” before the words “on potential impacts”.

The question was called on the third clause, as amended.

CARRIED

The following is the complete resolution, as amended:

WHEREAS the Province of British Columbia appears on the verge of approving a
contaminated soils facility that would permit the dumping of five million tons of highly
contaminated material near the headwaters of the Shawnigan Lake drinking water
watershed;

AND WHEREAS the citizens and Board of the Cowichan Valley Regional District have
expressed their strong opposition to the proposed facility and the dumping of
contaminated material in drinking water watersheds;

AND WHEREAS there are significant conflicting hydrogeological and technical opinions
about the risk the facility would pose to the environment and people’s drinking water;

THEREFORE BE IT RESOLVED that the Capital Regional District (CRD) Board
supports the Cowichan Valley Regional District’s recommendations and request that the
Province of British Columbia deny the Waste Discharge Permit Application for property
at 460 Stebbings Road in Shawnigan Lake, in light of the inadequate three-week time
period for public input and conflicting hydrogeological and technical opinions;

AND BE IT FURTHER RESOLVED that the CRD forward this resolution to the Province
of British Columbia, requesting that contaminated site regulations be amended to
provide for thorough and appropriate consideration of local government input and land
use regulations in the contaminated soils permitting process;

AND BE IT FURTHER RESOLVED that the CRD Board direct staff to provide all
available information and an internal analysis on potential impacts of this proposed
facility on the Capital Region’s water supply at Sooke Lake.

9. **NEW BUSINESS** - None.

10. MOTION TO CLOSE THE MEETING

MOVED by Director Brice, **SECONDED** by Director Blackwell,
That the Board close the meeting in accordance with the Community Charter, Part 4, Division 3, 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 (Item 4.1); and (e) the acquisition, disposition or expropriation of land or improvements (Item 3.1).

The Board closed the meeting at 3:27 pm and rose and reported at 4:02 pm.

11. RISE AND REPORT

The Board reported on the following appointments.

Appointment to the Royal and McPherson Theatres Society Board of Valerie Sauvé for a term to expire April 25, 2014

Appointment to the Salt Spring Island Community Economic Development Commission of Darryl Martin for a term to expire December 31, 2013.

Appointment to the Port Renfrew Fire Protection and Emergency Response Service Commission of Michael Kuzman, Rob Wilson and Wayne Smith for a term to expire December 31, 2014.

12. ADJOURNMENT

MOVED by Director Blackwell, **SECONDED** by Director Brice,
That the meeting be adjourned at 4:02 pm.

CARRIED

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER