



Making a difference...together

**Minutes of a Meeting of the Capital Regional District Board
held Wednesday, October 9, 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, D. Howe, M. Hicks, B. Isitt, F. Leonard, M. Loveless (for L. Cross), T. Daly, V. Derman, B. Desjardins, C. Hamilton, L. Helps (for D. Fortin), G. Hill, W. McIntyre, J. Mendum (1:45), 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, General Manager, Planning and Protective Services; T. Robbins, General Manager, Integrated Water Services; M. Rachwalski, Senior Manager, Health and Capital Planning Strategies; S. Santarossa, Corporate Officer, and S. Norton, Deputy Corporate Officer (Recorder)

ABSENT: Director: N. Jensen

ALSO

PRESENT: K. Stuart, CRD solicitor

The Chair called the meeting to order at 1:39 pm.

1. APPROVAL OF THE AGENDA

MOVED by Director Brice, **SECONDED** by Director Alto,
That the agenda and supplementary agenda be approved.

CARRIED

2. ADOPTION OF MINUTES OF SEPTEMBER 11 AND SEPTEMBER 25, 2013

MOVED by Director Hill, **SECONDED** by Director Blackwell,
That the minutes of the meetings of September 11 and September 25, 2013 be adopted.

CARRIED

3. REPORT OF THE CHAIR – No report

4. PRESENTATIONS/DELEGATIONS

4.1 PRESENTATIONS

1. Ed MacGregor Memorial Bursary

Chair Bryson provided a brief history of the bursary and the selection process, and introduced the 2013 winner, Kevin Castley. His former teacher at Reynolds Secondary School, Carl Rotsoy, spoke highly of Kevin's academic and personal attributes. Chair Bryson presented the bursary cheque to Kevin, who thanked the Board for their support.

2. Greater Victoria Harbour Authority – Annual Presentation

Director Hill left the meeting at 1:42 pm citing a possible conflict of interest as the CRD Board representative on the Greater Victoria Harbour Authority (GVHA) Board.

Using a PowerPoint presentation, Bill Wellburn, Chair GVHA Board, briefly reviewed: the governance review; their strategic framework and priorities, and their financial capacity.

Director Mendum entered the meeting during the presentation at 1:45 pm.

Board members commented on the new breakwater and the governance model.

Director Hill returned to the meeting at 1:58 pm

4.2 DELEGATIONS

1. Tony Carlson, Victoria Cougars Junior Hockey Club re item 5.5.1, spoke in favour of the proposed changes to the Clean Air Bylaw that would make facilities better for young athletes and their fans.
2. Mary Elrick, University of Victoria's Youth Against Cancer Club re item 5.5.1, spoke in favour of the proposed changes to the Clean Air Bylaw, the positive impact of the bylaw on decreasing smoking rates since its adoption in 1991, the need to protect the health of children and youth by expanding the bylaw to cover parks, playgrounds and public spaces, and the importance of education and signage to enforcement. The delegation provided speaking notes which are on file at Legislative Services.
3. Nancy Falconer, Canadian Cancer Society re item 5.5.1, spoke in favour of the proposed changes to the Clean Air Bylaw that will help to: protect people from the harmful effects of second-hand smoke, encourage smokers to quit or cut back, reduce litter and pollution, reduce fire risk, and create healthy role models for children and youth. She noted strong public support for the changes and the importance of education for enforcement. The delegation provided speaking notes which are on file at Legislative Services.
4. Jack Boomer, Clean Air Coalition of BC re item 5.5.1, spoke in favour of the proposed changes to the Clean Air Bylaw and the need for the more policies and programs to encourage people to quit smoking.
5. Lyz Gilgunn re item 5.5.1, spoke in favour of the proposed changes to the Clean Air Bylaw to help protect both adults and children from the harmful effects of second-hand smoke where they gather and play, and to encourage smokers to quit through education. The delegation provided speaking notes which are on file at Legislative Services.

6. Dr. Dee Hoyano, Vancouver Island Health Authority re item 5.5.1, spoke in favour of the proposed changes to the Clean Air Bylaw to create a health and safety environment whether people gather and to promote healthy behaviour.
7. Jim Cambridge, School District #62 re item 5.5.1, spoke in favour of the proposed changes to the Clean Air Bylaw. He described a school district initiative to promote more outdoor activities for kindergarten kids while at school, which will encourage playing outdoors when not in school.

Chair Bryson recognized and thanked M. Misek-Evans noting this was her last day at the CRD before she left for her new position with the City of Sarnia.

5. REPORTS OF COMMITTEES

5.1 CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE – October 9, 2013

1. Core Area Liquid Waste Management Plan Programs – 2012 Consolidated Annual Report (EPT 13-37)

MOVED by Director Blackwell, **SECONDED** by Director Wergeland,

- 1) That the following reports be received for information and staff be directed to forward each report to the Ministry of Environment: Macaulay and Clover Points Wastewater and Marine Environment Program 2012 Annual Report; Regional Source Control Program 2012 Annual Report; and Core Area Stormwater Quality Program 2012 Annual Report; and
- 2) That the following reports be received for information only: Harbours Environmental Action Program 2012 Annual Report (including 2012 Annual Updates for the Gorge Waterway Initiative and the Esquimalt Lagoon Stewardship Initiative); Core Area Inflow and Infiltration Program Annual Report for 2012; Trucked Liquid Waste Program 2012 Annual Report; and Onsite Wastewater Management Program 2012 Annual Summary.

CARRIED

2. Core Area Wastewater Treatment Program and Budget Update

MOVED by Director Blackwell, **SECONDED** by Director Brice,

That the Core Area Wastewater Treatment Program and Budget Update report be received for information.

CARRIED

5.2 ENVIRONMENTAL SERVICES COMMITTEE – September 25, 2013

1. Security Services for Hartland Landfill – Award of Contract 13-1774 (ERM 13-35)

MOVED by Director Mendum, **SECONDED** by Director Derman,
That Contract 13-1774, Security Services for Hartland Landfill, be awarded to
Paladin Security for three years, with up to two one-year extensions, with the first-
year tendered amount being \$58,751.78.

CARRIED

5.3 FINANCE & CORPORATE SERVICES COMMITTEE – October 2, 2013

1. Community Works Fund Allocation – Juan De Fuca Administration Building

MOVED by Director Leonard, **SECONDED** by Director Hicks,
1) That a contribution of \$50,000 from the JDF portion of the Gas Tax Community
Works Fund for incorporating solar energy technology into the design of the new
Juan de Fuca Electoral Area Administration Building be authorized; and
2) That the Juan de Fuca Electoral Area Administration Building budget be
amended to include this sub-project.

CARRIED

2. Bylaw 3916: Electoral Area Permissive Tax Exemptions for 2014

MOVED by Director Howe, **SECONDED** by Director Hicks,
That Bylaw No. 3916, "Tax Exemption (Permissive) Bylaw, 2013, Amendment Bylaw
No. 1, 2013", be introduced and read a first and second time.

CARRIED

MOVED by Director Howe, **SECONDED** by Director Hicks,
That Bylaw No. 3916 be read a third time.

CARRIED

MOVED by Director Howe, **SECONDED** by Director Hicks,
That Bylaw No. 3916 be adopted.

CARRIED

5.3 JUAN DE FUCA LAND USE COMMITTEE – VOTING BLOCK B – September 17, 2013

**1. Development Permit and Frontage Exemption Application – Board Voting Block B
DP-09-13 – Lot 9, District Lot 136, Malahat District, Plan 30892 (Young – 4111 Rocky Mountain Road)**

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

- 1) That Steep Slopes, and Foreshore and Marine Shoreline development permit DP-09-13 for Lot 9, District Lot 136, Malahat District, Plan 30892 be approved subject to the following conditions:
 1. That the proposed development comply with the Steep Slopes, and Foreshore and Marine Shoreline Development Permit Guidelines outlined in the Malahat Official Community Plan, Bylaw No. 3721;
 2. That the proposed development comply with the recommendations outlined in the geotechnical engineer's report certified by Richard Brimmell, P.Eng., dated July 19, 2013, (Appendix 3);
 3. That the geotechnical engineer's report certified by Richard Brimmell, P.Eng., dated July 19, 2013, be secured via a restrictive covenant registered on title as part of the subdivision approval process; and
 4. That the conditions of this development permit be verified as part of the building permit process; and
- 2) That the request for an exemption from Section 944(1)(a) of the Local Government Act for proposed Lot B of the two-lot subdivision of Lot 9, District Lot 136, Malahat District, Plan 30892, as shown on the Tentative Subdivision Plan, prepared by JE Anderson & Associates, dated April 23, 2013 (Appendix 2), be approved.

CARRIED

**2. Development Permit and Frontage Exemption Application – Board Voting Block B
DP-11-13 - Lots 8 and 9, Sections 46A & 47A, Highland District, Plan VIP77211 (Cotter and FAMA Holdings Ltd. – Willis Point Road)**

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

- 1) That Steep Slopes; Foreshore, Wetlands & Riparian Areas; and Sensitive Ecosystems development permit DP-11-13 for Lots 8 & 9, Sections 46A & 47A, Highland District, Plan VIP77211 be approved subject to the following conditions:
 1. That the proposed development comply with the Steep Slopes; Foreshore, Wetlands & Riparian Areas; and Sensitive Ecosystems Development Permit Guidelines outlined in the Willis Point Comprehensive Community Plan, Bylaw No. 3027;
 2. That the proposed development comply with the recommendations outlined in the professional engineer's report prepared by Ryzuk Geotechnical (Appendix 3), the qualified environmental professional's report prepared by Cascadia Biological Services (Appendix 4) and with the Section 9 Water Act notification (Appendix 5);

3. That the professional engineer's report prepared by Ryzuk Geotechnical (Appendix 3) be secured via a restrictive covenant registered on title of Lot 9 as part of the Building Permit process; and
 4. That the driveway be designed and constructed in coordination with a qualified environmental professional and civil engineer prior to issuance of a building permit to the satisfaction of the CRD and Willis Point Fire Department;
 5. That the conditions of this permit be verified as part of the building permit process.
- 2) That the exemption from Section 944(1)(a) of the Local Government Act for Lot 9, Sections 46A & 47A, Highland District, Plan VIP77211, as shown on the Proposed Boundary Adjustment, prepared by Richard J. Wey & Associates (Appendix 2), be approved.

CARRIED

5.5 PLANNING, TRANSPORTATION AND PROTECTIVE SERVICES COMMITTEE –
September 25, 2013

1. Expanding the Parameters of the Clean Air Bylaw

MOVED by Director Desjardins, **SECONDED** by Director Derman,
That staff be directed to draft an amendment of the Clean Air Bylaw and an implementation plan to:

- a) Ban smoking within the Region in: all public playgrounds and public playing fields; designated public spaces in municipalities; Regional parks; all areas of Electoral Area community parks; and, all municipal parks;
- b) Extend the current buffer zone for smoking from three metres to seven metres; and,
- c) Enact other administrative amendments as recommended by CRD legal counsel.

MOVED by Alternate Director Helps, **SECONDED** by Director Alto,
That a) be **amended** by deleting the phrase "designated public spaces in municipalities".

On the amendment, those in favour thought the deletion would create more clarity, while those opposed believed it would take away the municipalities' right to choose which public places to designate.

The question on the amendment was called.

DEFEATED
ALL OPPOSED

MOVED by Director Isitt, **SECONDED** by Director Hicks,
That a) be **amended** by adding the words "and electoral areas" to the end of the phrase "designated public spaces in municipalities".

On the amendment, it was noted that the policy should be applied consistently throughout the region and therefore electoral areas should be included specifically.

Staff advised that municipalities do not have the public health authority to designate areas, which is why this is included in the bylaw, whereas electoral areas could designate areas under the authority of the CRD.

The question on the amendment was called.

CARRIED

MOVED by Director Isitt, **SECONDED** by Director Young,
That a) be **amended** by adding the words “designated areas within” before the words “Regional parks”.

On the amendment, those in favour felt that enforcement would be very difficult in the remote areas of regional parks, there would be additional enforcement costs and the impact of second-hand smoke on others in the remote areas would be negligible. Those opposed believed that the principle of no smoking in regional parks should be consistently applied and could be enforced by education and signage.

The question on the amendment was called.

DEFEATED

**Alto, Blackwell, Brice, Brownoff, Bryson, Daly, Derman
Desjardins, Hamilton, Helps, Hicks, Hill, Howe, Leonard,
Loveless, McIntyre, Mendum, Milne, Seaton, Wergeland** **OPPOSED**

MOVED by Director Milne, **SECONDED** by Director Blackwell,
That a) be **amended** by adding the words “bus stops;” before the words “Regional parks”.

On the amendment, staff advised that the Workers Compensation Board regulation includes bus stops; however, bus stops could still be included to provide clarity. It was suggested that there should be more signage at bus stops.

The question on the amendment was called.

CARRIED
Helps **OPPOSED**

The question was called on the main motion, as amended, as follows:

That staff be directed to draft an amendment of the Clean Air Bylaw and an implementation plan to:

- a) Ban smoking within the Region in: all public playgrounds and public playing fields; designated public spaces in municipalities and electoral areas; bus stops; Regional parks; all areas of Electoral Area community parks; and, all municipal parks;
- b) Extend the current buffer zone for smoking from three metres to seven metres; and,
- c) Enact other administrative amendments as recommended by CRD legal counsel.

CARRIED
Ranns, Young **OPPOSED**

2. Regional Context Statement for the District of Highlands

MOVED by Director Mendum, **SECONDED** by Director Hill,
That the amended Regional Context Statement for the District of Highlands be accepted.

CARRIED

6. ADMINISTRATION REPORTS

6.1 Public Hearing Report on Bylaw No. 3857, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013” – Voting Block A

MOVED by Director Hicks, **SECONDED** by Director Milne,
That the minutes that form the Report of the Public Hearing, which are certified as a fair and accurate summary of the representations that were made at the Public Hearing held on September 23, 2013 for Bylaw No. 3857, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013”, be received.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Milne,
That Bylaw No. 3857, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013”, be read a third time.

CARRIED

6.2 Public Hearing Report on Bylaw No. 3720, “Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2013”– Voting Block B

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That the minutes that form the Report of the Public Hearing, which are certified as a fair and accurate summary of the representations that were made at the Public Hearing held on September 9, 2013 for Bylaw No. 3720, “Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2013”, be received.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That Bylaw No. 3720, “Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2013”, be read a third time.

CARRIED

6.3 CRD Receives Three 2013 Awards for Workplace Safety

The effort by staff to achieve these awards was commended.

MOVED by Director Derman, **SECONDED** by Director Mendum,
That the report be received for information.

CARRIED

6.4 Bylaw No. 3896 – Saanich Peninsula Recreation Services

MOVED by Alternate Director Loveless, **SECONDED** by Director Daly,
That third reading of Bylaw No. 3896, “Saanich Peninsula Recreation Services
Combination Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2013”, be rescinded.

CARRIED

MOVED by Director Alternate Director Loveless, **SECONDED** by Director Daly,
That Bylaw No. 3896 be amended as outlined in Attachment A to the staff report.

CARRIED

MOVED by Director Alternate Director Loveless, **SECONDED** by Director Daly,
That Bylaw No. 3896 be read a third time as amended.

CARRIED

**6.5 Alternative Approval Process Results – Salt Spring Island Community Transit
(Bylaw No. 3901)**

MOVED by Director McIntyre, **SECONDED** by Director Howe,
That the Board receive the Certificate of Results of Alternative Approval Process for
Bylaw No. 3901.

CARRIED

MOVED by Director McIntyre, **SECONDED** by Director Howe,
That Bylaw No. 3901, “Salt Spring Island Community Transit and Transportation Service
Establishment Bylaw No. 1, 2007, Amendment Bylaw No. 2, 2013”, be adopted.

CARRIED

7. BYLAWS

Chair Bryson left the meeting at 3:44 citing a conflict of interest as a family member had
property affect by Bylaw No. 3759. Director Blackwell assumed the Chair.

**7.1 Bylaw 3759, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 107,
2013” – (VOTING BLOCK A)**

MOVED by Director Hicks, **SECONDED** by Director Milne,
That Bylaw 3759 be adopted.

CARRIED

Chair Bryson resumed the Chair at 3:46 pm.

**7.2 Bylaw No. 3874, “Langford Zoning Bylaw, Amendment Bylaw No. 143, 2013” –
(VOTING BLOCK B)**

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That Bylaw 3874 be adopted.

CARRIED

8. **NEW BUSINESS**

9. **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; (e) the acquisition, disposition or expropriation of land or improvements, if the regional district considers that disclosure could reasonably be expected to harm the interests of the municipality; and (m) a matter that, under another enactment, is such that the public may be excluded from the meeting.

CARRIED

The Board moved to closed session at 3:46 pm and rose and reported at 4:20 pm.

10. **RISE AND REPORT**

10.1 **Appointments to CRD Committees and Commissions**

John Fisher, Jim Petrie and Alex Wilson were appointed to the **Magic Lake Estates Water and Sewer Local Services Committee** for a term to expire December 31, 2015.

Brian Russell and Justin Stephenson were appointed to the **Sticks Allison Water Local Service Committee** for a term to expire December 31, 2015.

11. **ADJOURNMENT**

MOVED by Director Blackwell, **SECONDED** by Director Hill,
That the meeting be adjourned at 4:20 pm.

CARRIED

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER