



**Minutes of a Meeting of the Capital Regional District Board
held Wednesday, February 12, 2014 in the Board Room, 625 Fisgard Street, Victoria, BC**

PRESENT: **Directors:** A. Bryson (Chair), D. Blackwell (Vice Chair), M. Alto, S. Brice, J. Brownoff, L. Cross, T. Daly, V. Derman, B. Desjardins, D. Fortin (1:35), P. Gerrard (for L. Wergeland), C. Hamilton, G. Hill, M. Hicks, B. Isitt (1:37), N. Jensen, R. Kasper (for W. Milne), F. Leonard, W. McIntyre, J. Mendum, S. Olsen (for D. Howe), J. Ranns, L. Seaton, and G. Young
Staff: R. Lapham, Chief Administrative Officer; L. Hutcheson, General Manager, Parks and Environmental Services; D. Lokken, General Manager, Corporate Services; T. Robbins, General Manager, Integrated Water Services; T. Whiting, Acting General Manager, Planning and Protective Services; A. Orr, Senior Manager, Corporate Communications; S. Santarossa, Corporate Officer, and S. Norton, Deputy Corporate Officer (Recorder)

The Chair called the meeting to order at 1:32 pm.

1. APPROVAL OF THE AGENDA

MOVED by Director Derman, **SECONDED** by Director Brice,
That item 6.1 be withdrawn; and that the agenda, as amended, and the supplementary agenda be approved.

CARRIED

2. ADOPTION OF MINUTES OF JANUARY 8, 2014

MOVED by Director Brice, **SECONDED** by Director Blackwell,
That the minutes of the meeting of January 8, 2013 be adopted.

CARRIED

3. REPORT OF THE CHAIR

1. Appointment to Capital Region Housing Corporation Board

The Board Chair advised of the re-appointment of Sharlene Law, as a community member, to the Capital Region Housing Corporation Board effective January 1, 2014, to December 31, 2015.

4. PRESENTATIONS/DELEGATIONS

Director Fortin entered the meeting at 1:35 pm.

- 1. Chris Foord, Chair, CRD Traffic Safety Commission**, thanked the CRD for its funding and noted the Commission's success in leveraging value with other partners. He provided an update on the Commission's 2013 and 2014 major campaigns and projects, including: combating distracted and impaired driving, partnership with CTV Vancouver Island, mobility scooters and seniors' issues, promoting cyclist and pedestrian visibility, and the Commission website. He noted that these programs have been effective as annual

vehicular deaths in the region and been reduced over the past ten years by half. A hand-out showing posters for the various campaigns was distributed:

Director Isitt entered the meeting during the presentation at 1:37 pm.

2. **Earle Anthony, Amalgamation Yes**, spoke in favour of motion in item 8.1, noting that the municipalities of Colwood and Victoria have agreed to put a non-binding question on the ballot during the November local government elections. He noted that the public is interested in discussing amalgamation and this would give them the opportunity to vote on this issue.

3. **REPORT OF THE CHAIR (continued)**

2. **Special Committee on BC Ferries**

Chair Bryson advised that a Special Committee on BC Ferries has been jointly established by the Association of Vancouver Island and Coastal Communities (AVICC) and the Union of B.C. Municipalities, along with the Ferry Advisory Committee Chairs and Coastal Regional District Chairs, to examine the economic significance of BC Ferries cutbacks and fare increases. Directors were invited to respond to a survey by February 14. As a member of the Special Committee and Chair of the AVICC, Director Cross noted that with the assistance of a consultant, the intention is prepare a draft report by early March.

5. **REPORTS OF COMMITTEES**

5.1 **CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE – February 12, 2013**

1. **2014 Core Area Liquid Waste Management Committee Terms of Reference**

MOVED by Director Young, **SECONDED** by Director Blackwell,
That the 2014 Core Area Liquid Waste Management Committee terms of reference as attached in Appendix A to the staff report be approved, as amended, as follows:

- to include Appendix B outlining the relationship with the Technical and Community Advisory Committee (TCAC)
- Section 3.0 Composition – to read “the membership is comprised of all directors on the CRD Board from the following municipalities...”

CARRIED

2. **Clover Point Pump Station – Rezoning**

MOVED by Director Young, **SECONDED** by Director Blackwell,

- 1) That the staff report be received for information; and
- 2) That staff be directed to enter into a memorandum of understanding with the City of Victoria to establish a First Nations reburial site in Beacon Hill Park and that the expenditures of funds for the reburial site be approved.

CARRIED

3. Seaterra Program and Budget Update – November and December, 2013

MOVED by Director Young, **SECONDED** by Director Blackwell,
That the report be received for information.

CARRIED

5.2 ELECTORAL AREA SERVICES COMMITTEE – January 15, 2014

1. 2014 Electoral Area Services Committee Terms of Reference

MOVED by Director Hicks, **SECONDED** by Director McIntyre,

- 1) That the Electoral Area Services Committee Terms of Reference be amended to include the following provision: “Matters that explicitly affect the Electoral Areas will be directed to the Electoral Area Services Committee for consideration” and under Section 2.0, remove the words “for consideration”; and
- 2) That the Electoral Area Services Committee Terms of Reference be approved as amended.

CARRIED

2. Grants-In-Aid

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

- 1) Southern Gulf Islands Grants-in-Aid as approved by Director Howe
 - a. Heartwood Folk School Society \$ 4,500
 - b. Saturna Island Marine Research and Education Society \$ 3,000
- 2) Salt Spring Island as approved by Director McIntyre
 - a. Transition Salt Spring Society \$ 1,500

CARRIED

5.3 JUAN DE FUCA LAND USE COMMITTEE – VOTING BLOCK A – January 21, 2014

1. Agricultural Land Commission Application to Subdivide Land within the Agricultural Land Reserve – Board Voting Block A

ALR-01-13 - That Part of Section 34, Otter District Shown Outlined in Red on Plan Deposited Under DD 17655, Except That Part on Plan 459-R and 39411 (Richardson & Hanslip - 4164 and 4188 Otter Point Road)

MOVED by Director Hicks, **SECONDED** by Alternate Director Kasper,

That staff be directed to refer the application for subdivision of land within the ALR for That Part of Section 34, Otter District, Shown Outlined in Red on Plan Deposited Under DD 17655, Except That Part on Plan 459-R and 39411 to the Agricultural Advisory Commission for comment.

CARRIED

**2. Proposed Bylaw Amendments for Referral – Board Voting Block A
Marihuana for Medical Purposes Regulations – Bylaw Nos. 3922, 3926 and 3929**

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

1) That proposed Bylaw Nos. 3922, 3926, and 3929, as included in Appendices 1–5, be referred to a public information meeting and to the following relevant and appropriate agencies for comment:

- Agricultural Advisory Planning Commission
- Agricultural Land Commission
- BC Hydro
- City of Langford
- Cowichan Valley Regional District
- District of Central Saanich
- District of Highlands
- District of Metchosin
- District of Sooke
- Island Health
- JdF EA Fire Departments
- Ministry of Agriculture
- Ministry of Transportation and Infrastructure
- RCMP
- School District #62 – Sooke
- School District #63 – Saanich
- School District #79 – Cowichan (Malahat)
- Pacheedaht First Nation
- Scia'new First Nation
- T'Sou-ke First Nation

2) That proposed Bylaw No. 3926, to amend the Rural Resource Lands Land Use Bylaw No. 3602, be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy in accordance with the Juan de Fuca Development Procedure Bylaw No. 3110.

Discussion ensued regarding licensed medical marihuana facilities being considered as intense agriculture and placed on lands within the Agriculture Land Reserve, as opposed to industrial lands.

The question on the motion was called.

CARRIED
Ranns **OPPOSED**

**3. Proposed Rezoning – Board Voting Block A
Z-02-13 – Strata Lot 14, Section 16, Otter District, Plan VIS7096 (Specialty Medijuana Products Ltd. – 6-7450 Butler Road)**

MOVED by Director Hicks, **SECONDED** by Alternate Director Kasper,

That the January 21, 2014 staff report and proposed Bylaw No. 3923 for Strata Lot 14, Section 16, Otter District, Plan VIS7096, be referred to the Otter Point Advisory Planning Commission and the following agencies for comment:

- BC Hydro
- District of Sooke
- Island Health
- Otter Point Fire Department
- RCMP
- Sooke School District #62
- T'Sou-ke First Nation
- Ministry of Transportation and Infrastructure

CARRIED

4. Proposed Rezoning – Board Voting Block A

Z-03-13 - Lot 3, Section 16, Otter District, Plan 1959 (Purdy & Vowles – 3384 Otter Point Road)

MOVED by Director Hicks, **SECONDED** by Alternate Director Kasper,
That staff be directed to refer the January 21, 2014 staff report and proposed Bylaw No. 3934 for Lot 3, Section 16, Otter District, Plan 1959, to the appropriate CRD departments and the following agencies for comment:

- BC Hydro
- District of Sooke
- Island Health
- Ministry of Environment
- Ministry of Transportation and Infrastructure
- Otter Point Advisory Planning Commission
- Otter Point Fire Department
- Sooke School District #62
- T'Sou-ke First Nation

CARRIED

5.4 JUAN DE FUCA LAND USE COMMITTEE – VOTING BLOCK B – January 21, 2014

**1. Proposed Bylaw Amendments for Referral – Board Voting Block B
Marihuana for Medical Purposes Regulations – Bylaw Nos. 3927 and 3928**

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That proposed Bylaw Nos. 3927 and 3928 as included in Appendices 1-5, be referred to a public information meeting and to the following relevant and appropriate agencies for comment:

- Agricultural Advisory Planning Commission
- Agricultural Land Commission
- BC Hydro
- City of Langford
- Cowichan Valley Regional District
- District of Central Saanich
- District of Highlands
- District of Metchosin
- District of Sooke
- Island Health
- JdF EA Fire Departments
- Ministry of Agriculture
- Ministry of Transportation and Infrastructure
- RCMP
- School District #62 – Sooke
- School District #63 – Saanich
- School District #79 – Cowichan (Malahat)
- Pacheedaht First Nation
- Scia'new First Nation
- T'Sou-ke First Nation

CARRIED

6. ADMINISTRATION REPORTS

6.1 Request for Approval to Commence Remedial Action to Remove Hazardous Structures at Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 34507

This item was withdrawn from the agenda as the owner has agreed to resolve the matter.

6.2 Municipal Finance Authority (MFA) Security Issuing Bylaw No. 3936, 3937 and 3938

MOVED by Director Leonard, **SECONDED** by Director Hill,
That Bylaw No. 3936, "Security Issuing Bylaw No. 1, 2014", in the amount of \$5,280,000 for
the Capital Regional District, be introduced and read a first and second time.

CARRIED

MOVED by Director Leonard, **SECONDED** by Director Hill,
That Bylaw No. 3936 be read a third time.

CARRIED

MOVED by Director Leonard, **SECONDED** by Director Hill,
That Bylaw No. 3936 be adopted.

CARRIED

MOVED by Director Leonard, **SECONDED** by Director Hill,
That Bylaw No. 3937, "Security Issuing Bylaw No. 2, 2014", in the amount of \$5,490,000 for
the Town of View Royal, be introduced and read a first and second time.

CARRIED

MOVED by Director Leonard, **SECONDED** by Director Hill,
That Bylaw No. 3937 be read a third time.

CARRIED

MOVED by Director Leonard, **SECONDED** by Director Hill,
That Bylaw No. 3937 be adopted.

CARRIED

MOVED by Director Leonard, **SECONDED** by Director Hill,
That Bylaw No. 3938, "Security Issuing Bylaw No. 3, 2014", in the amount of \$1,680,000 for
the District of North Saanich, be introduced and read a first and second time.

CARRIED

MOVED by Director Leonard, **SECONDED** by Director Hill,
That Bylaw No. 3938 be read a third time.

CARRIED

MOVED by Director Leonard, **SECONDED** by Director Hill,
That Bylaw No. 3938 be adopted.

CARRIED

6.3 Forum of Councils on Regional Housing: Summary of Participant Feedback

MOVED by Director Blackwell, **SECONDED** by Director Brice,
1) That the report be received for information; and
2) That a copy of the report and appendices be distributed to all session participants.

CARRIED

6.4 Amendment to Officers', General Managers' and Management Staff's Bylaw

The rationale for the change in scope of the former Corporate Services department, and now the Finance and Technology department, was discussed.

MOVED by Director Blackwell, **SECONDED** by Director Brice,
That Bylaw No. 3946, "Officers', General Managers' and Management Staff's Bylaw No. 1, 2006, Amendment Bylaw No. 2, 2014", be introduced and read a first and second time.

Derman, Desjardins, Hamilton, Hill, Ranns **CARRIED**
OPPOSED

MOVED by Director Blackwell, **SECONDED** by Director Brice,
That Bylaw No. 3946 be read a third time.

Derman, Desjardins, Hamilton, Hill, Ranns **CARRIED**
OPPOSED

MOVED by Director Blackwell, **SECONDED** by Director Brice,
That Bylaw No. 3946 be adopted.

Derman, Desjardins, Hamilton, Hill, Ranns **CARRIED**
OPPOSED

6.5 National Energy Board Hearing Process Related to Kinder Morgan's Trans Mountain Pipeline Expansion Project

On the motion, the importance of protecting the coastline was raised; however, concern was expressed regarding the time and effort involved to participate as an Intervenor in the public hearing process. It was noted that if it is decided that there is too much effort involved, the CRD would be able to lower its level of status to Commenter.

MOVED by Director Brownoff, **SECONDED** by Director Isitt,
That the CRD be authorized to apply for Intervenor status in the National Energy Board public hearing process related to the Trans Mountain Pipeline Expansion project; and that staff be authorized to determine the most appropriate form of participation.

CARRIED

a) Correspondence from City of Victoria, 4 February 2014, re: Trans Mountain Pipeline Expansion Project Hearings

MOVED by Director Brice, **SECONDED** by Director Blackwell,
That the correspondence be received for information

CARRIED

7. BYLAWS

7.1 Bylaw No. 3918, "Capital Regional District Regional Housing Trust Fund Service Establishment Bylaw No. 1, 2005, Amendment Bylaw No. 8, 2013"

MOVED by Director Daly, **SECONDED** by Director Mendum,
That Bylaw No. 3918 be adopted.

CARRIED

8. MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

8.1 Notice of Motion – A Ballot Question on Amalgamation – Director Alto

MOVED by Director Alto, **SECONDED** by Director Fortin,
WHEREAS the following Motion was adopted by Victoria City Council on November 14, 2013:

WHEREAS amalgamation has been a recurring issue within the CRD for many years,

WHEREAS in the last year diverse community interests have facilitated ongoing extensive conversation on amalgamation within the CRD,

WHEREAS an increasing appetite for that conversation has been demonstrated across the community,

***BE IT RESOLVED** That the City of Victoria place the following non-binding question on its municipal ballot in November 2014: Are you in favour of reducing the number of municipalities in Greater Victoria through amalgamation?*

***BE IT FURTHER RESOLVED** That the City of Victoria request that the CRD consider asking each of its member municipalities to place a similar question on each of their municipal ballots in November 2014.*

***BE IT FURTHER RESOLVED** That the City of Victoria advise the Province of British Columbia of the City's intent to place this question on the Victoria municipal ballot in November 2014.*

Be It Therefore Resolved that the CRD ask each of its member municipalities to place a non-binding question on each municipal ballot in November 2014 similar to the one that will be posed by the City of Victoria on its own 2014 municipal ballot, e.g. “Are you in favour of reducing the number of municipalities in Greater Victoria through amalgamation?”

MOVED by Director Alto, **SECONDED** by Director Hicks,
That the motion be amended by adding the words “and electoral areas” after the words “its member municipalities”.

On the amending motion, it was noted that as the electoral areas are not individual corporate entities like municipalities, adding them to the motion could trigger the need to seek opinion of the entire regional district, which was not the intent of the original motion.

Chair Bryson ruled the amendment out of order as it could trigger a regional question under the section 797.31 of the *Local Government Act*.

MOVED by Director Hicks, **SECONDED** by Director Alto,
That the decision of the Chair be appealed.

The question was immediately put: *Shall the Chair be sustained?*

Alto **CARRIED**
OPPOSED

MOVED by Director Ranns, **SECONDED** by Director Mendum,
That the motion be amended by replacing the word “reducing” with the words “exploring a reduction in”.

On the amending motion, it was noted that the wording of the question in the motion was only suggested wording and the amendment would in fact change the question already approved by the City of Victoria.

The question on the amendment was called.

DEFEATED
**Alto, Blackwell, Brice, Brownoff, Bryson, Cross, Daly, Derman, Desjardins,
Fortin, Gerrard, Hamilton, Hicks, Hill, Isitt, Jensen, Kasper, Leonard, McIntyre,
Mendum, Olsen, Seaton, Young OPPOSED**

On the main motion, it was noted that the intent of the motion was to request the municipalities to ask their communities to consider whether the idea of reducing the number of municipalities was supported, prior to doing any further reports and analysis, and it was not intended to seek endorsement for amalgamation. Concern was expressed that the CRD Board was not the appropriate forum for this discussion nor was it the role of the CRD to coordinate; instead the City of Victoria should send the request directly to each municipality.

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

That the CRD ask each of its member municipalities to place a non-binding question on each municipal ballot in November 2014 similar to the one that will be posed by the City of Victoria on its own 2014 municipal ballot, e.g. "Are you in favour of reducing the number of municipalities in Greater Victoria through amalgamation?"

DEFEATED
**Blackwell, Brice, Brownoff, Bryson, Cross, Daly, Derman, Desjardins, Gerrard, Hamilton,
Hill, Isitt, Jensen, Kasper, Leonard, McIntyre, Mendum, Olsen, Ranns, Seaton OPPOSED**

9. **NEW BUSINESS** – None.

10. **MOTION TO CLOSE THE MEETING**

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

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 (Items 3.1.1, 3.2.1, 4.2, 5.1; (e) the acquisition, disposition or expropriation of land or improvements, if the board considers that disclosure could reasonably be expected to harm the interests of the regional district; and (2)(b) the consideration of information received and held in confidence relating to negotiations between the regional district and a provincial government or the federal government or both or between a provincial government or the federal government or both and third party (Item 4.1).

CARRIED

The Board closed the meeting at 3:25 and rose and reported at 3:53 pm.

11. RISE AND REPORT

1. CRD Appointments to Other Boards and Societies

- 1) That:
 - a) the Electoral Area Directors be appointed as the Shareholder representatives to the CREST Board;
 - b) That a citizen representative be nominated as a director to the CREST Board to represent each of the three electoral areas;
 - c) That the Board request the Westshore Parks and Recreation Society to amend their constitution to allow for a citizen representative to be appointed to represent the Juan de Fuca Electoral Area; and
 - d) That staff be directed to issue a call for nominees for citizen representatives as required;
- 2) That where possible, the CRD work with the societies to determine if the bylaws could be amended to allow for a non-voting "liaison" representative; and
- 3) That the Board Chair write to the Minister of Sport, Culture and Community Development urging the Province to address this matter in the very near future to bring certainty to elected officials who may be affected by the application of the Schlenker decision.

2. Appointment of General Manager, Planning and Protective Services

Mr. Kevin Lorette was appointed to the position of General Manager of Planning and Protective Services.

3. Appointments to CRD Committees and Commissions

The following person was appointed to the **Peninsula Recreation Commission** for a term to expire December 31, 2015: Wayne Ruffle.

The following person was appointed to the **Saanich Peninsula Wastewater Commission** for a term to expire December 31, 2014: Ron Barnhart.

The following person was appointed to the **Saanich Peninsula Water Commission** for a term to expire December 31, 2014: Ron Barnhart.

The following persons were appointed to the **Salt Spring Island Community Economic Development Commission** for a term to expire December 31, 2015: Ryan Foster, Janice Harkley, Kristine Mayes.

The following persons were appointed to the **Otter Point Fire Protection and Emergency Response Service Commission** for a term to expire December 31, 2015: Lloyd Heinemann, Harold Melville, Marie-Ann Davidson.

The following person was appointed to the **Shirley Fire Protection and Emergency Response Service Commission** for a term to expire December 31, 2014: Clifford Garbutt.

The following persons were appointed to the **Port Renfrew Fire Protection and Emergency Response Service Commission** for a term to expire December 31, 2015:
Dale Peeler, Lori Adams, Dennis Gagné.

12. **ADJOURNMENT**

MOVED by Director Brice, **SECONDED** by Director Blackwell,
That the meeting be adjourned at 3:53 pm.

CARRIED

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER