



Making a difference...together

**Minutes of a Meeting of the Capital Regional District Board
held Wednesday, July 9, 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, T. Daly, V. Derman, B. Desjardins, D. Fortin, C. Hamilton, G. Hill, M. Hicks, B. Isitt, N. Jensen, F. Leonard, W. McIntyre, W. Milne, S. Olsen (for D. Howe), 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, Finance and Technology; T. Robbins, General Manager, Integrated Water Services; K. Lorette, General Manager, Planning and Protective Services; A. Orr, Senior Manager, Corporate Communications; M. Rachwalski, Senior Manager, Health and Capital Planning Strategies; S. Santarossa, Corporate Officer, and S. Norton, Deputy Corporate Officer (Recorder)

Also Present: Dr. R. Stanwick, Regional Medical Health Officer, Island Health; B. Eaton, Chair, Seaterra Program Commission

ABSENT: Directors: L. Cross, J. Mendum

The Chair called the meeting to order at 1:36 pm.

1. APPROVAL OF THE AGENDA

MOVED by Director Derman, **SECONDED** by Director Daly,
That the agenda and supplementary agenda be approved, with the exception of Delegations 9 and 10 on the supplementary agenda.

MOVED by Director Hicks, **SECONDED** by Director Milne,
That agenda be amended to move Item 5.6.2 forward to be considered after item 4.2.

CARRIED

The question on the main motion, as amended, was called.

CARRIED

MOVED by Director Isitt, **SECONDED** by Director Fortin,
That Item 7.1 be considered as an emergent issue and be discussed at today's meeting.

CARRIED

MOVED by Director Isitt, **SECONDED** by Director Hicks,
That Delegations 9 and 10 on the supplementary agenda be approved.

CARRIED

MOVED by Director Isitt, **SECONDED** by Director Desjardins,
That the following be added to the list of Delegations under Item 4.2:

11. Belinda Claxton, Elder Tsawout First Nation, re item 7.1
12. Phil Vernon, re item 7.1
13. Joe Akerman, re item 7.1
14. Adam Olsen, Interim Leader of BC Green Party

CARRIED

2. ADOPTION OF MINUTES OF JUNE 11 (and continued June 18), 2014

MOVED by Director Seaton, **SECONDED** by Director Blackwell,
That the minutes of the meeting of June 11, 2014 be adopted.

CARRIED

3. REPORT OF THE CHAIR – No report

4. PRESENTATIONS/DELEGATIONS

4.1 PRESENTATIONS

1. Victoria Airport Authority (VAA), Annual Report to Nominator - CRD Nominee Colin Smith and VAA President & CEO Geoff Dickson. Mr. Smith reviewed the following information in a PowerPoint presentation:
 - The nominee's VAA Board committee participation
 - VAA awards and charitable donations/sponsorships
 - 2013 highlights including: record number of passengers, net income, debt retirement, capital additions and capital investment
 - Passenger growth from January 2013-May 2014
 - Investment in new planes by airlines
 - 2013 capital projects and 2014 capital program

4.2 DELEGATIONS

1. Lyz Gilgunn, Canadian Cancer Society, Item 5.8.1, spoke in support of Clean Air Bylaw 3962 which bans smoking in parks, playgrounds, playing fields, public squares and bus stops, and extends the current buffer zone to 7 metres. She noted that these restrictions will help to: protect people from the harmful effects of second-hand smoke, encourage smokers to quit or cut back, and create healthy role models for children and youth. She stressed that there is strong public support for these restrictions and that education is key to enforcement.
2. Graham Landells, Item 5.8.1, spoke in support of Clean Air Bylaw 3962. He commented that half of the refuse at parks, beaches and bus stops is smoking-related. He noted that providing more outdoor smoke-free public places will help to protect children and youth from the effects of second-hand smoke while they socialize and play.
3. Gillian Cunningham, Item 5.8.1, spoke in support of Clean Air Bylaw 3962. She noted that parks are supposed to be healthy for both body and spirit, and that the smoking restrictions will further help in creating a healthy environment by reducing the impact of second-hand smoke.
4. Diane White, re agenda item 5.1.2, spoke in favour of the proposal to ask Esquimalt Council to initiate a development approval process to accommodate the McLoughlin Point Treatment Plant, and including in the offer the offset of the capital cost of Esquimalt's share in lieu of the previously proposed amenities.
5. James Skwarok, Victoria Sewage Alliance, re agenda item 5.1.2, spoke in favour of the proposal to ask Esquimalt Council to initiate a development approval process to

accommodate the McLoughlin Point Treatment Plant, and including in the offer the offset of the capital cost of Esquimalt's share in lieu of the previously proposed amenities. He commented that Esquimalt residents should be made aware of the offer. He noted that Minister Polak is tied to the approved Liquid Waste Management Plan and the 2018 deadline to complete construction of the wastewater treatment system.

6. Richard Atwell, STAG, re agenda items 5.1.2 & 5.2.1 - Withdrawn
7. Norma Brown, re agenda items 5.1 & 5.2 - Withdrawn
8. Bryan Gilbert, re agenda item 5.1.2 & 5.2.5 – spoke against McLoughlin Point as a site for a wastewater treatment plant, given the tsunami concerns, liability issues related to sea-level rise and Esquimalt's unanimous decision not to rezone the site.
9. Chief Vern Jacks, Tseycum, First Nation, 7.1, spoke in favour of the motion to request suspension of the alteration permit for Grace Islet to allow consultation to ensure protection of this First Nations cultural heritage site, and for further discussion to improve development approval procedures to increase protection of First Nations cultural heritage sites. He spoke to the importance of face-to-face consultation.
10. Hereditary Chief Eric Pelkey, Tsawout First Nation, item 7.1, spoke in favour of the motion to request suspension of the alteration permit for Grace Islet, and for further discussion to improve development approval procedures to increase protection of First Nations cultural heritage sites. He explained the history of the Saanich Nation and their documented rights to the Salt Spring Island harbor as a traditional fishing village, which includes protection of grave sites. He spoke to the spiritual and cultural heritage of burying Chiefs and Elders on these small islets.
11. Belinda Claxton, Elder Tsawout First Nation, re item 7.1, spoke in favour of the motion to request suspension of the alteration permit for Grace Islet, and for further discussion to improve development approval procedures to increase protection of First Nations cultural heritage sites. She spoke to the spiritual and cultural heritage of these burial sites and asked for respect to be shown for the ancestors who live on the other side.
12. Phil Vernon, re item 7.1, spoke in favour of the motion to request suspension of the alteration permit for Grace Islet, and for further discussion to improve development approval procedures to increase protection of First Nations cultural heritage sites. He noted that the decision today is a small incremental change in support for the reconciliation of past history with the First Nations. He provided history of the discovery of remains on Grace Islet in the 1960's, and concerns with the current permit approval process.
13. Joe Akereman re item 7.1, spoke in favour of the motion to request suspension of the alteration permit for Grace Islet, and for further discussion to improve development approval procedures to increase protection of First Nations cultural heritage sites. He pointed out the respect for the dead under the *Cemetery Act*, which does not extend to the spiritual and cultural relationship to the ancestors of First Nations.
14. Adam Olsen, Interim Leader of BC Green Party and member of Tsartlip First Nation, re item 7.1, spoke in favour of the motion to request suspension of the alteration permit for Grace Islet, and for further discussion to improve development approval procedures to increase protection of First Nations cultural heritage sites. He referenced the Board

Chair's inaugural address about building relationships with the First Nations. He urged the Board to take action within its own jurisdiction and to stop a house being built on a First Nations cultural heritage site.

5. REPORTS OF COMMITTEES

5.6 JUAN DE FUCA LAND USE COMMITTEE – VOTING BLOCK A – June 17, 2014

**2. Proposed Bylaw – Board Voting Block A
Bylaw No. 3819, "Otter Point Official Community Plan Bylaw No. 1, 2014"**

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That proposed Bylaw No. 3819, "Otter Point Official Community Plan, Bylaw No. 1, 2014",
as amended, be introduced and read a first and second time.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That in accordance with the provisions of Section 890 and 891 of the Local Government
Act, the Director for the Juan de Fuca Electoral Area, or Alternative Director, be delegated
authority to hold a Public Hearing with respect to Bylaw No. 3819 "Otter Point Official
Community Plan, Bylaw No. 1, 2014".

CARRIED

5.1 CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE – June 11/18, 2014

1. Implications of the Minister's Decision on the Seaterra Program

It was noted that the list of points to include in a response to the Minister had been distributed with the supplementary agenda; however, the Committee had decided not to respond.

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

CARRIED

2. Alternative Approaches to Address the Ministers' Decision on the McLoughlin Rezoning

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

- 1) That a letter be written to the Township of Esquimalt Council requesting that they initiate a development approval process to accommodate the McLoughlin Point Treatment Plant as required by the provincially approved Core Area Liquid Waste Management Plan, on the basis of the following new information:

- a) Insistence by the Ministers of the need to implement the Liquid Waste Management Plan
- b) Availability of detailed plans for the McLoughlin Point Treatment Plant
- c) The addition of advanced oxidization into the sewage treatment process
- d) A construction bid for the treatment plant that is within the budget allocation and represents excellent value to taxpayers;

And, that the letter include an offer to Esquimalt to consider amending the cost sharing to offset the entire capital cost of Esquimalt's 6.7% share, in substitution for the amenities previously proposed outside the current bid proposal, by amending the cost sharing to allow for a payment to Esquimalt in the amount equal to Esquimalt's share (\$18.9M) or by removing Esquimalt from the Seaterra capital program cost levy;

And, that the letter require a response to this proposal prior to July 16, 2014, such that Seaterra can retain the agreement with the successful proponent for construction of the McLoughlin Treatment Plant;

And, that staff be directed to use communication tools to provide information directly to Esquimalt residents and solicit feedback from Esquimalt residents, regarding the above offer; and

- 2) That the Capital Regional District recommence a siting process for a centralized wastewater treatment plant site through a municipal/First Nations competition;
- 3) That the Capital Regional District concurrently with the recommendation above and in consultation with the public, conduct a new pricing exercise for a decentralized system; and
- 4) That the Board Chair request that the Province make the Seaterra Program a Provincial project and take over responsibility for implementation of the Seaterra Program as currently planned without further delay, with the Capital Regional District contributing its part of the funding.

On the motion, the following points were raised on the rationale for Esquimalt Council to reconsider McLoughlin Point as the site for the regional wastewater treatment plant:

- it is the least cost option
- is achievable within the budget and provincial timeline
- is financially beneficial to Esquimalt residents and to the other participants
- there are environmental benefits to be achieved with UV disinfection
- the federal and provincial grants will not be jeopardized
- it did not preclude pursuing the other alternative approaches concurrently.

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

That clause 1) of the motion be amended to:

- a) change the wording from "that the letter require a response" to "that the letter request a response"
- b) change the wording from "prior to July 16, 2014" to "as soon as possible";
- c) delete clause 3).

The Board Chair divided the motion so that c) would be considered separately from a) and b).

The question was called on a) and b) of the amending motion.

CARRIED
Desjardins, Hamilton **OPPOSED**

Concern was expressed regarding the deletion of clause 3) of the main motion, because updated costs were needed on a decentralized system for comparison with the other alternative approaches.

The question was called on c) of the amending motion.

DEFEATED
Alto, Blackwell, Brownoff, Derman, Desjardins, Fortin, Hamilton,
Hill, Isitt, Leonard, Seaton, Wergeland **OPPOSED**

The Board Chair divided the main motion as amended.

In response to questions on clause 1) proposal to Esquimalt to reconsider McLoughlin Point as the site for the wastewater treatment plant, staff provided information regarding:

- The process and timelines for amending the cost sharing in the service establishment bylaw.
- The cost and communication tools to be used to solicit feedback from Esquimalt residents.

The following issues were discussed regarding clause 1):

- Appropriateness of the CRD contacting Esquimalt residents directly regarding the proposal as opposed to an Esquimalt Council-led process only
- The delay to the project while this process takes place
- Appropriateness of the McLoughlin Point as a site for the wastewater treatment plant given Council's decision after a long rezoning process and tsunami and sea level rise concerns
- Ability to provide compensation to a municipality to host a regional facility, when previously this was not allowed

The Board Chair relinquished the chair to the Vice Chair at 3:30 pm, in order to take part in the discussion, and resumed the chair at 3:35 pm.

Director Fortin left the meeting at 3:42 pm.

The question was called on clause 1), as amended, as follows:

- 1) That a letter be written to the Township of Esquimalt Council requesting that they initiate a development approval process to accommodate the McLoughlin Point Treatment Plant as required by the provincially approved Core Area Liquid Waste Management Plan, on the basis of the following new information:
 - a) Insistence by the Ministers of the need to implement the Liquid Waste Management Plan
 - b) Availability of detailed plans for the McLoughlin Point Treatment Plant
 - c) The addition of advanced oxidization into the sewage treatment process
 - d) A construction bid for the treatment plant that is within the budget allocation and represents excellent value to taxpayers;

And, that the letter include an offer to Esquimalt to consider amending the cost sharing to offset the entire capital cost of Esquimalt's 6.7% share, in substitution for the

amenities previously proposed outside the current bid proposal, by amending the cost sharing to allow for a payment to Esquimalt in the amount equal to Esquimalt's share (\$18.9M) or by removing Esquimalt from the Seaterra capital program cost levy;
And, that the letter request a response to this proposal as soon as possible, such that Seaterra can retain the agreement with the successful proponent for construction of the McLoughlin Treatment Plant;
And, that staff be directed to use communication tools to provide information directly to Esquimalt residents and solicit feedback from Esquimalt residents, regarding the above offer.

CARRIED
Alto, Derman, Desjardins, Hamilton, Hill, Seaton **OPPOSED**

The question was called on 2), as follows:

- 2) That the Capital Regional District recommence a siting process for a centralized wastewater treatment plant site through a municipal/First Nations competition.

CARRIED

The question was called on 3), as follows:

- 3) That the Capital Regional District concurrently with the recommendation above and in consultation with the public, conduct a new pricing exercise for a decentralized system.

MOVED by Director Hill, **SECONDED** by Director Derman,
That consideration of 3) be postponed pending further information to be prepared by staff for the Core Area Liquid Waste Management Committee.

CARRIED

The question was called on 4).

- 4) That the Board Chair request that the Province make the Seaterra Program a Provincial project and take over responsibility for implementation of the Seaterra Program as currently planned without further delay, with the Capital Regional District contributing its part of the funding.

CARRIED

5.2 CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE – July 9, 2014

1. Core Area Wastewater Treatment Program – Options for Review of Treatment Plan and Current Conditions

This item was withdrawn from the agenda because it was not forwarded by the Committee.

2. Seaterra Program Commission Direction – Seaterra Program Work

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

CARRIED

3. Seaterra Program and Budget Update No. 12 and No. 13

MOVED by Director Young, **SECONDED** by Director Blackwell,
That the Seaterra Program and Budget updates Nos. 12 and 13 be received for
information.

CARRIED

4. Onsite Wastewater Management Program Update

MOVED by Director Brownoff, **SECONDED** by Director Blackwell,
That the Onsite Wastewater Management Program update be received for information.

CARRIED

5. Motion for Which Notice Has Been Given – Seaterra Project – Director Desjardins

A revised motion was distributed with the supplementary agenda. It was noted that the
Committee did not approve the motion.

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

CARRIED

6. Implications of Minister of Environment Correspondence

A staff report was distributed with the supplementary agenda.

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

CARRIED

5.3 ELECTORAL AREA SERVICES COMMITTEE – May 21, 2014

1. Election Bylaw Amendment – Mail Ballots and Provincial Voters List

MOVED by Director Hill, **SECONDED** by Director Blackwell,
That Bylaw No. 3959, “Election and Voting Procedures Bylaw, 2008, Amendment Bylaw
No. 1, 2014”, be introduced and read a first and second time.

CARRIED

MOVED by Director Hill, **SECONDED** by Director Blackwell,
That Bylaw No. 3959 be read a third time.

CARRIED

MOVED by Director Hill, **SECONDED** by Director Blackwell,
That Bylaw No. 3959 be adopted.

CARRIED

5.4 ELECTORAL AREA SERVICES COMMITTEE – June 18, 2014

1. Bylaw 3956 – Amendment to Increase the Salt Spring Island (SSI) Community Transportation Service Maximum Requisition

MOVED by Director McIntyre, **SECONDED** by Director Hicks,
That Bylaw No. 3956, “Salt Spring Island Community Transit and Transportation Service Establishment Bylaw No. 1, 2007, Amendment Bylaw No. 3, 2014” be read a first and second time.

CARRIED

MOVED by Director McIntyre, **SECONDED** by Director Hicks,
That Bylaw No. 3956 be read a third time.

CARRIED

MOVED by Director McIntyre, **SECONDED** by Director Hicks,
That staff be directed to implement the elector approval process under Section 801.2 of the Local Government Act in concurrence with the 2014 Local Government Elections.

CARRIED

2. Grants-In-Aid

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

- | | |
|--|----------|
| a) Southern Gulf Islands Grant-in-Aid as approved by Director Howe | |
| Galiano Activity Centre | \$ 2,000 |
| Galiano Preschool Society | \$ 4,000 |
| Galiano Trails Society | \$ 7,500 |
| Pender Island Conservancy Association | \$ 3,000 |
| Telanet Centre for Innovation and Peace | \$ 3,500 |

CARRIED

5.5 ENVIRONMENTAL SERVICES COMMITTEE – June 25, 2014

1. Flood Hazard Area Land Use Management Guidelines Amendment (EEP 14-32)

MOVED by Director Jensen, **SECONDED** by Director Brownoff,
That the CRD Board Chair issue a letter to the Province of British Columbia recommending the consultation process and timeline be broadened.

Director Milne left the meeting at 3:50 pm.

It was pointed out that the Province has already extended the timeline for the consultation process until October. L. Hutcheson advised that broadening the consultation process to include more stakeholders was still applicable.

MOVED by Director Jensen, **SECONDED** by Director Brownoff,
That the motion be amended to delete the words “and timeline”.

CARRIED

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

That the CRD Board Chair issue a letter to the Province of British Columbia recommending the consultation process be broadened.

CARRIED

Director Milne returned to the meeting at 3:52 pm.

2. Interim and Long-Term In-Region Kitchen Scraps Processing Options (ERM 14-33)

On the following motion, there was discussion regarding:

- The need to integrate various part of the waste stream
- Concern about odour and the impact on neighbours if a composting facility is sited at the Hartland landfill.

MOVED by Director Jensen, **SECONDED** by Director Isitt,

That staff be directed to initiate and report back to the Environmental Services Committee, at its October 1, 2014 meeting, the development of a Request for Proposals (RFP) for a long-term regional kitchen scraps processing facility by

- a) working with the Province to amend the Capital Regional District's Solid Waste Management Plan to allow for a wider variety of processing technology and ownership structures should the facility be sited at Hartland; and
- b) develop a draft RFP structure that, when issued and evaluated, would result in a CRD Board preferred regional kitchen scraps processing solution being offered to municipalities, electoral areas and private industry to which they can consider committing tonnage.

CARRIED

Hicks, Milne **OPPOSED**

3. Hartland Landfill Kitchen Scraps Disposal Ban (ERM 14-34)

Discussion ensued regarding concern that the ban was premature since the long-term solution has not been decided, while others felt that short-term options are in place and municipalities and businesses have made capital investments in anticipation of the ban.

MOVED by Director Jensen, **SECONDED** by Director Brownoff,

That the landfill disposal ban on kitchen scraps beginning January 1, 2015 be confirmed; and that staff be directed to bring forward the appropriate amendments to Bylaw No. 3917, Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, in November 2014.

CARRIED

Blackwell, Desjardins, Hamilton, Ranns, Seaton **OPPOSED**

4. Hartland Landfill – Landfill Air Space/Aggregate Production 2014/2015 – Award of Contract 14-1791 (EEE 14-31)

MOVED by Director Jensen, **SECONDED** by Director Brice,

That Contract 14-1791, Hartland Landfill – Landfill Air Space/Aggregate Production 2014/2015, be awarded to W.E. Stone Ltd. in the amount of \$1,591,506 (including GST) and that a construction contingency of \$75,000 (plus GST) be approved. **CARRIED**

5.6 JUAN DE FUCA LAND USE COMMITTEE – VOTING BLOCK A – June 17, 2014

1. Development Variance Application – Board Voting Block A

VAR-01-14 - Lot 28, Section 81, Renfrew District, Plan 24939 (2697 Seaside Drive – Harrison)

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That Development Variance Permit VAR-01-14 for Lot 28, Section 81, Renfrew District, Plan 24939 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(d), by relaxing the front yard setback for accessory buildings from 15 m to 8.7 m for the purpose of constructing a detached garage as shown on the attached site plan and building plans (Appendices 2 and 3), be approved.

CARRIED

**2. Proposed Bylaw – Board Voting Block A
Bylaw No. 3819, "Otter Point Official Community Plan Bylaw No. 1, 2014"**

Considered after Item 4.2

**3. Proposed Bylaw – Board Voting Block A
Bylaw No. 3897, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 5, 2014"**

MOVED by Director Hicks, **SECONDED** by Director Milne,
That proposed Bylaw No. 3897, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 5, 2014", as included in Appendix 1, be referred to a public information meeting, appropriate CRD departments and the following agencies for comment: Cowichan Valley Regional District, District of Sooke, Ministry of Transportation & Infrastructure, Port Renfrew Fire Department, Port Renfrew Utilities Commission, and School District #62.

CARRIED

**4. Proposed Bylaw – Board Voting Block A
Bylaw No. 3926, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 3, 2014"**

MOVED by Director Hicks, **SECONDED** by Director Milne,
That proposed Bylaw No. 3926, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 3, 2014", as included in Appendix 2 of the staff report , be introduced and read a first time and read a second time.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Milne,
That in accordance with the provisions of Section 890 and 891 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or the Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 3926, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 3, 2014".

CARRIED

5.7 JUAN DE FUCA LAND USE COMMITTEE – VOTING BLOCK B – June 17, 2014

**1. Development Permit Application with Variance – Board Voting Block B
DP-04-09 - Lot 2, Section 43, Highland District, Plan 14620 (6890 Mark Lane - Gregg's**

Furniture MFG Ltd./Scott)

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

- 1) That the steep slopes development permit (DP-04-09) for Lot 2, Section 43, Highland District, Plan 14620 for an existing retaining wall be approved subject to the following conditions:
 - i. That the proposed development comply with the Steep Slopes Development Permit Guidelines outlined in the Willis Point Comprehensive Community Plan, Bylaw No. 3027;
 - ii. That the professional engineer's report and schedules prepared by Robert M. Scott, P. Eng. (Appendix 4 of the staff report) be secured via a restrictive covenant registered on title as part of the Building Permit process; and
- 2) That the request for relaxation of the side yard requirement from 1.5 m to 0 m for the existing retaining wall as shown in Appendix 2 of the staff report, be approved.

CARRIED

5.8 PLANNING, TRANSPORTATION AND PROTECTIVE SERVICES COMMITTEE – June 25, 2014

1. Amending the Clean Air Bylaw – Parks, Playgrounds, Playing Fields, Public Squares and Bus Stops

MOVED by Director Desjardins, **SECONDED** by Director Derman, That CRD Bylaw No. 3962, "Capital Regional District Clean Air Bylaw No. 1, 2014", banning smoking within the region in all parks, playgrounds, playing fields, public squares and bus stops and extending the current buffer zone for smoking from three metres to seven metres, be introduced and read a first and second time.

On the motion, discussion ensued regarding the inclusion of beaches. K. Lorette advised that beaches within regional and municipal parks are included.

MOVED by Director Isitt, **SECONDED** by Director Hicks, That the bylaw be referred back to staff.

DEFEATED

Alto, Blackwell, Brice, Brownoff, Bryson, Daly, Derman, Desjardins, Hill, Jensen, Leonard, Seaton, Wergeland OPPOSED

Discussion continued regarding:

- enforcement of bylaw, particularly in remote areas
- how "peer enforcement" would work
- compliance expectations
- using restrictions to mitigate health risks from second-hand smoke versus personal responsibility and civil liberties.

In response to questions, Dr. Stanwick spoke to the emerging issue of nicotine addiction from e-cigarettes. He advised that more information will be brought back in the New Year.

MOVED by Director Jensen, **SECONDED** by Director Blackwell, That the meeting be extended to 6:00 pm.

CARRIED

The question on the motion was called, as follows:

That CRD Bylaw No. 3962, "Capital Regional District Clean Air Bylaw No. 1, 2014", banning smoking within the region in all parks, playgrounds, playing fields, public squares and bus stops and extending the current buffer zone for smoking from three metres to seven metres, be introduced and read a first and second time.

CARRIED

Hamilton, Hicks, Isitt, Milne, Olsen, Young **OPPOSED**

K. Lorette advised that an open house event to receive public input on the bylaw has been scheduled for morning of July 23 in the CRD Boardroom.

MOVED by Director Desjardins, **SECONDED** by Director Brownoff,

a) That staff be directed to obtain public input on the proposed Bylaw through:

- i. the CRD's website,
- ii. in writing, and
- iii. one public open house event; and

b) That staff provide a summary of the public input to the Board prior to third and fourth readings.

CARRIED

5.9 REGIONAL PARKS COMMITTEE – June 18, 2014

1. Award of Contract for Elk Beaver Lake Dam Upgrade

MOVED by Director Brice, **SECONDED** by Director Brownoff,

That Contract 14-1801, Elk Beaver Lake Dam Outlet Upgrades be awarded to Knappett Projects Inc. in the amount of \$391,133.93.

CARRIED

2. E&N Rail Trail Project – Phase 2 – Award of Contract 14-1800

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

That Contract 14-1800, E&N Rail Trail Project – Phase 2 – 4-Mile to Island Highway and Burnside Road be awarded to Allterra Construction Ltd., in the amount of \$3,111,071.15 (including GST) and that a project contingency of \$131,250 (including GST) be approved.

CARRIED

5.10 SAANICH PENINSULA WASTEWATER COMMISSION

1. Saanich Peninsula Stormwater Quality 2013 Annual Report

MOVED by Director Daly, **SECONDED** by Director Blackwell,

- 1) That the Saanich Peninsula Stormwater Quality 2013 Annual Report be approved; and
- 2) That staff be directed to forward copies of the report to all participating stakeholders.

CARRIED

6. ADMINISTRATION REPORTS

6.1 2014 GENERAL LOCAL ELECTION – APPOINTMENT OF CHIEF ELECTION OFFICER AND DEPUTY CHIEF ELECTION OFFICERS

MOVED by Director Derman, **SECONDED** by Director Hill,

- 1) That pursuant to Section 41 of the Local Government Act, Thomas F. Moore be appointed Chief Election Officer with the power to appoint such other assistance as may be required for the administration and conduct of the 2014 General Local Elections; and
- 2) That Sonia Santarossa, Sheila Norton, Angila Bains, Carmen Thiel, Kerry Fedosenko, Mary Cooper and Anthony Kennedy be appointed Deputy Chief Election Officers.

CARRIED

6.2 ANIMAL IMPOUNDMENT SERVICES AGREEMENT WITH THE DISTRICT OF SAANICH

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

That the animal impoundment services agreement be approved and duly signed and sealed by authorized officers of the Board.

CARRIED

Alternate Director Olsen left the meeting at 4:40 pm.

6.3 BYLAW NO. 3952: RECREATION SERVICES AND FACILITIES FEES AND CHARGES 2014-2015

MOVED by Director Milne, **SECONDED** by Director Daly,

That Bylaw No. 3952, cited as "Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 5, 2014", be introduced and read a first and second time.

CARRIED

MOVED by Director Milne, **SECONDED** by Director Daly,

That Bylaw No. 3952 read a third time.

CARRIED

MOVED by Director Milne, **SECONDED** by Director Daly,

That Bylaw No. 3952 be adopted.

CARRIED

6.4 COMMUNITY WORKS FUND ALLOCATION – SOCIAL FINANCE MODEL FOR ECONOMIC DEVELOPMENT ON THE SOUTHERN GULF ISLANDS

MOVED by Director McIntyre, **SECONDED** by Director Isitt,
That, subject to UBCM confirmation of project eligibility, an allocation of \$14,755 of Southern Gulf Islands Community Works Fund resources be authorized to develop a social finance model for economic development on the Southern Gulf Islands.

CARRIED

Alternate Director Olsen returned to the meeting at 4:41 pm.

7. NOTICE OF MOTION

7.1 Protection of First Nations Burial Ground at Grace Islet (Salt Spring Island Electoral Area) – Director Isitt

Under Approval of the Agenda, the revised notice of motion, included with the supplementary agenda, was approved for consideration at this meeting.

On the motion, the following issues were discussed:

- conflict between indigenous rights versus property rights
- need to protect other First Nations burial sites
- need to expedite action in order to halt further construction
- support of local community and election officials
- First Nations expectation of face-to-face consultation
- Provincial authority to suspend alteration permit

MOVED by Director Isitt, **SECONDED** by Director Derman,
WHEREAS development of a private residence on Grace Islet in Ganges Harbour, Salt Spring Island Electoral Area, will result in the desecration of a First Nations sacred burial site;

AND WHEREAS the Ministry of Forest Lands and Natural Resources Operations Archaeology Branch has issued an Alteration Permit for the site, in the absence of adequate consultation with First Nations;

AND WHEREAS the Capital Regional District is committed to improving relations with First Nations, including ensuring adequate consultation occurs on matters of First Nations interests and mutual interests;

THEREFORE BE IT RESOLVED THAT the Capital Regional District Board requests that the Ministry of Forest Lands and Natural Resources Operations Archaeology Branch suspend the Alteration Permit issued for Grace Islet, Salt Spring Island Electoral Area, to allow consultation and negotiations to proceed between First Nations, the Provincial government and the landowner to ensure protection of this First Nations cultural heritage site.

AND BE IT FURTHER RESOLVED THAT the Capital Regional District Board direct staff to convene an inter-governmental meeting in the autumn of 2014 with representatives of First Nations, the Archaeology Branch, the Islands Trust and the CRD to restore trust and identify specific improvements to development approval procedures that will increase protection of

First Nations cultural heritage sites within the Capital Region.

MOVED by Director Desjardins, **SECONDED** by Director Alto,
That the motion be amended to add:
AND BE IT FURTHER RESOLVED THAT this matter be expedited.

CARRIED

The question on the motion, as amended was called, as follows:
THEREFORE BE IT RESOLVED THAT the Capital Regional District Board requests that the Ministry of Forest Lands and Natural Resources Operations Archaeology Branch suspend the Alteration Permit issued for Grace Islet, Salt Spring Island Electoral Area, to allow consultation and negotiations to proceed between First Nations, the Provincial government and the landowner to ensure protection of this First Nations cultural heritage site.
AND BE IT FURTHER RESOLVED THAT the Capital Regional District Board direct staff to convene an inter-governmental meeting in the autumn of 2014 with representatives of First Nations, the Archaeology Branch, the Islands Trust and the CRD to restore trust and identify specific improvements to development approval procedures that will increase protection of First Nations cultural heritage sites within the Capital Region.
AND BE IT FURTHER RESOLVED THAT this matter be expedited.

CARRIED

7.2 Protection of First Nations Burial Ground at Grace Islet (Salt Spring Island Electoral Area Director Isitt)

Director Isitt read out the following additional notice of motion:
BE IT RESOLVED THAT the Capital Regional District Board initiate *Expropriation Act* proceedings for the property known as Grace Islet, Salt Spring Island Electoral Area, for the public purpose of restoring relations with First Nations and protecting the First Nations Burial Ground, with fair market compensation to be provided to the current owner.

8. NEW BUSINESS

9. MOTION TO CLOSE THE MEETING

MOVED by Director Brownoff, **SECONDED** by Director Milne,
That the Board close the meeting in accordance with the Community Charter, Part 4, Division 3, 90(1) (c) labour relations or other employee relations (Items 3.3.1 and 5.1); (e) the acquisition, disposition or expropriation of land or improvements (Item 3.1.3); (g) litigation or potential litigation affecting the regional district (Item 3.2.1); (k) negotiations and related discussions respecting the proposed provision of a regional service that are at their preliminary stages and that, in the view of the Board, could reasonably be expected to harm the interests of the regional district if they were held in public (Item 3.3.1); (m) a matter that, under another enactment, is such that the public may be excluded from the meeting (Item 3.1.2); 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 and a third party (Item 3.1.1)

CARRIED

The Board closed the meeting and 5:12 pm and rose with report at 5:30 pm.

10. RISE AND REPORT

1. Curbside Collection of Packaging and Printed Paper Beyond April 2015 (ERM 14-28)

Staff was directed to:

- a) enter into a contract to receive the curbside MMBC funding offer of \$5,132,889, adjusted annually under the contract for inflation and household growth, to provide existing curbside residential PPP collection services for the region on its behalf, including glass, beginning May 1, 2015; and
- b) subject to the successful execution of a contract with MMBC, award a four-year collection contract with Emterra Environmental for an initial cost of \$4,775,317 per year, adjusted annually under the contract for inflation and household growth.

11. ADJOURNMENT

MOVED by Director Blackwell, **SECONDED** by Director Seaton,
That the meeting be adjourned at 5:30 pm.

CARRIED

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER