

MINUTES OF THE MEETING OF THE CAPITAL REGIONAL DISTRICT BOARD,

held Wednesday, May 23, 2001 in the Board Room

PRESENT: Directors: C. Causton (Chair), D. Amos, D. Blackwell, K. Booth, W. Camden, R. Dalon, T. Daly (for Director Michaluk), B. Gillespie, B. Henson, W. Hunter, F. Leonard, A. Lowe, J. Lunt, E. Macgregor, C. Pickup, R. Rice, E. Robertson, K. Roessingh, D. Savoie, K. Watson and L. Wergeland. **Staff:** W. M. Jordan, J. Hull, D. Lokken, L. Rushton and C. Thiel (Recorder).

ABSENT: Director J. Brownoff

The Chair called the meeting to order at 1:30 p.m.

1. APPROVAL OF THE AGENDA

MOVED by Director Lowe, SECONDED by Director Pickup,

that the agenda be approved and the following speakers be heard re:

Senanus Drive Water Issue:

Gordon Denford, R. Michael M'Gonigle, Heather Graham and Peter Kittredge.

CARRIED

2. MINUTES OF THE MEETING OF MAY 9, 2001

MOVED by Director Blackwell, SECONDED by Director Macgregor,

that the minutes of the meeting of May 9, 2001 be adopted.

CARRIED

3. REPORT OF THE CHAIR

Chair Causton reported on the following:

- The Chair is still in correspondence with staff of the BC Infrastructure Program asking for clarification. CRD is getting mixed messages as to what the rules are and is hoping for some clear direction.
- The CRD Community Relations office is moving to the Human Resources building and will be under the direction of Mr. Bill Eccleston.

4. REPORTS OF COMMITTEES

Electoral Area Services - May 9, 2001

1. File Notice Against Land Title

MOVED by Director Booth, SECONDED by Director Gillespie,

that the Regional Board Secretary shall file a notice in the Victoria Land Title Office stating that a resolution has been made under Section 700 of the *Local Government Act* by the Board relating to lands legally described below and that further information respecting the resolution may be inspected at the office of the Regional Board's Building Inspection Division during office hours from 8:30 a.m. to 4:00 p.m.:

Outer Gulf Islands Electoral Area:

(a) Dennis O'Connor -
385 Scott Point Drive, Salt
Spring Island, BC: Lot 37,
Section 9, Salt Spring Island,
Cowichan District, Plan
17161, PID 003-915-662

(b) Allan Bet Ng and Lai
Sheung Wong - 3836 Pirates
Road, Pender Island, BC: Lot
172, Section 8, Cowichan
District, Plan 17181, PID
003-909-689

(c) David Gary Hickman
- 522 Whalen Road, Mayne

Island, BC: Amended Lot 1
(DD L45176), Section 8,
Mayne Island, Cowichan
District, Plan 17773, PID
003-808-921

CARRIED

Regional Water Supply Commission - May 16, 2001

**1. RWSC 2001-39 & 39a - Drought Management
Action Plan - Temporary Pumping Station on Sooke
Lake Reservoir**

MOVED by Director Macgregor, SECONDED by Director

Wergeland,

that the Board:

1. Award the tender for the supply and delivery of lined large diameter steel pipe to Northwest Pipe Company in the amount of \$2,581,025 including GST;
2. Award the tender for the supply and operation of the floating pump station, Alternative 2 to Canadian Dewatering Ltd. in the amount of \$539,820 including GST, if and when it is determined by the Regional Water Supply Commission

that the temporary pump station is required;

3. Approve an expenditure of \$193,910 for fuel supplied by the Capital Regional District, if and when it is determined by the Regional Water Supply Commission that the temporary pump station is required; and

4. Further, that the proper officers for the corporation be authorized to execute the contracts.

CARRIED

5. CORRESPONDENCE

The Chair invited speakers on the Senanus Drive Water Issue to come forward.

Mr. Gordon Denford, representing the Central Saanich West Voters Association, referred to a chronological record of events beginning in 1995 dealing with Senanus Dr./Mt. Newton water and health crisis history which will be distributed to each Board member. Mr. Denford reviewed four key decisions of Central Saanich Council:

- On Dec. 15, 1997 Council created a Water Advisory Task Force to study the problem and seven members were appointed by Council four of whom had been opponents to the provision of municipal water. Following the resignation of three of the seven member Task Force, an opposition report was delivered on April 28, 1999 by the remaining members.
- In March 2000, with the approval of the Municipality and in accordance with the *Municipal Act*, the Association circulated a formal petition to the 64 property owners in the designated area to be served by a proposed extension of the water line along Mt. Newton X Rd. and Senanus Dr. The petition sought the approval and support of the water line extension, the application for an infrastructure grant and an agreement to pay their share of the costs which were detailed in the petition. In spite of some material circulated by the Task Force while the petition was being conducted, 20 out of 21 Senanus Dr. property owners and 23 of 43 Mt. Newton X Rd. property owners signed in favour of extending the water line. Two additional yes votes were disallowed and one supportive property owner

could not vote due to legal problems. On June 19th the petition was declared sufficient by municipal staff with a 67% favourable vote and presented to Council. Council was not supportive of applying for the requested infrastructure grant.

- When the Association first approached CRD it was suggested that they take their case to the Saanich Peninsula Water Commission. The Association president discussed it with the Chair of the Commission who agreed to place the matter on a meeting agenda. However, the Commission determined that the Voters Association representative not be permitted to speak as this was a matter to be dealt with by Central Saanich Council.
- Finally, those opposed to the extension of municipal water have consistently denied the validity of the tests and reports submitted by the Capital Health Region, Giles Environmental Engineering and other independent experts. Council defeated a motion on May 7th that would seek a review and opinion by the Regional and Provincial Medical Health Officers.

Mr. Denford noted that it has been alluded that the Association is a pro development lobby which is untrue. There is no evidence to support this. Recent changes in legislation have allowed the CRD to create local service areas and that is why the Association is here today and they respectfully request the CRD's understanding and help.

Mr. Michael M'Gonigle, Central Saanich resident and past Chair of the Water Advisory Task Force, presented his thoughts on why this issue is before the Board. He did not believe, and the studies do not show, that there is a health problem with the water on Senanus Dr. There are some problems with some of the water in a few of the houses but it does not constitute a health problem that requires regional action. The advocates of piped water have opposed complete information, full analysis and consideration of cost effective alternatives. The recommendations of the Task Force, which were submitted to Council about two years ago, were in three levels: •is this a set of individual problems? or •is it a regional collective problem in that row that can be met in some small technological way? or, if none of those work, •then should consideration be given to connecting to the regional water supply? The number one recommendation was that Central Saanich Council send a letter to every resident on Senanus Dr. asking them to identify the nature of the problems, how they characterize those problems, what sort of studies they have had done and to report on the nature of solutions they have undertaken. It was anticipated that when this information was collected, then Council could examine the data and make some evaluation of the next step. That letter has never been sent by Council because Senanus residents opposed any such letter/enquiry being sent. What we have is anecdotal evidence from very few people. Mr. M'Gonigle advocated cost

effective solutions to problems that are identified and studied. There is a large subsidy being requested for problems that have not been demonstrated. He proposed that the Board ask Central Saanich Council to send that letter, get the information, and if at that time it is determined that there is a serious problem that is integrated around that roadway, then action can follow from that. He noted that many people on Senanus have excellent water and lots of it while some people have some problems. A comprehensive study and analysis of the problem has to be done.

Ms. Heather Graham, Senanus Dr. resident, commented that infrastructure leads to development. Everyone seems to be saying that they don't want development so why are small scale solutions not being considered for those who want water. Why is an 8" pipe being requested to supply such a small group of homes? If it was decided that this was the way to go, demands could come from roads feeding off Mt. Newton and along West Saanich and major change to this region would eventually occur. Ms. Graham indicated that this area has remained relatively stable during her lifetime. Senanus is designated a rural area, with minimal service. She stated that she likes her well water. Other people along the proposed pipeline route would also echo this sentiment. The "point" seems to be where the water problem centres. It is a rocky outcrop jutting out into the sea where hard water and limited supply have been issues since it was subdivided 30 years ago. While she does not know what the answer is and sympathizes with people wanting water, she has concerns about the effect of blasting rock to put an 8" pipe three feet underground. It could damage wells and open doors to development of an area that is valued, not just by local residents, but also benefiting Greater Victoria. There must be a viable solution that doesn't cost as much in terms of dollars and future uncertainty. The proposed pipeline seems to be too big and a suitable and adequate solution, fitting the size of the problem, needs to be sought.

Mr. Peter Kittredge, a resident of Central Saanich, stated that he was representing himself as a member of the Task Force and also the Mount Newton Valley Rural Preservation Group. He referred to a Task Force report which details the problems in the area of 27 households in the Senanus area, west of West Saanich Road. The Task Force did a survey of 200+ residences in the area about two years ago and combined that information together with the Loewen report and the Giles report. It was determined that there were no quality problems that were health related problems in the area. This was on the basis of individuals reporting their own well water situation. Of the total of 27 households, 22 responded and 13 said they had no problem in terms of aesthetics, being taste and odour. Nine people reported having various problems with taste and odour. In terms of quantity, 11 of the 22 said they had no limits, 4 said they had some quantity problems and 7 said they had greater limits. Mr. Kittredge then read a letter from Dr. Roy Hyndman, a geophysicist and owner of

nearby property, *re: Opposition to the Proposed Pipeline - Senanus Dr.* in which it was suggested that those residents experiencing water problems could undertake or seriously consider the options proposed by the Task Force.

Grants-in-Aid – Electoral Areas

MOVED by Director Dalon, SECONDED by Director Booth,

that the Board approve the payment of the following grant-in-aid for which the written approval of the Director as been received:

(1)
Outer Gulf Islands
Electoral Area Grant-in-Aid
as approved by Director
Dalon:

Mayne Island
Community Chamber of
Commerce
\$15,000.00

Piers Island
Association
5,000.00

CARRIED

**Renewal Agreement
for Water Service to Port
Renfrew Hotel**

MOVED by Director
Henson, SECONDED by
Director Hunter,

that the
CRD Board:

1.
approve the renewal
of the agreement between the
CRD and the Port Renfrew
Hotel; and

2.
authorize the signing
officers of the Board to
execute the agreement.

CARRIED

**Senanus Drive/Mt.
Newton X Road Health and
Water Issue**

Director Hunter
explained that this issue has
been at the Central Saanich
Council table for at least the

last 4 1/2 years and a
number of years before that.
The reason the issue has
arrived at the CRD Board

table is because a
recent amendment to the
Local Government Act, Sec.
796 allows a regional district
to

operate any service
that the board considers
necessary or desirable for all
or part of the regional district.

The scope of this
matter goes beyond the health
issue. Water has never been
denied to any resident and

if an individual
wished to pay the costs, they

could hook up to the water system. Council has denied

the infrastructure grant down Mt. Newton and, at this time, along West Saanich Road. Director Hunter

indicated that the decision which he would see the Board making is either: • that this is Central Saanich

business and the Board does not wish to be involved; or • that the Board recommend to Central Saanich

Council that it forward the report to Dr. Stanwick, which has heretofore been defeated by Council; or

- the Board could decide to forward the studies and written material which includes the CHR report, the

Loewen report, the Task Force minor and major reports, the Giles report and staff report that are

available on this issue to determine whether this is a quality or quantity issue. It was pointed out that

Central Saanich Council has been split 3 - 3 on this issue due to the fact that one of the Councillors has

a conflict of interest with the matter. With regard to the reports which have been done , Director

Hunter noted that there is not a consistent perspective, but there are a variety of opinions.

Further, because Council is split on this matter, it does not have a conclusive perspective on all of the

information.

There was a question as to why the letter from the Municipality was not sent out to each of the

residents requesting them to identify the problems. Director Hunter responded that Council felt at the

time that if the group of residents was not willing to cooperate with the answers to that letter, then it

would not be worthwhile sending it out.

MOVED by Director Blackwell, SECONDED by Director Robertson,

that the Board request Dr. Richard Stanwick, Regional Medical Health Officer, to

review
all of the reports on the
Senanus Drive water quality
issue, and to provide a

report
to the Board as to the extent
of the health hazard.

During debate, there
was discussion about whether
the CRD would be exposed
to liability if it chose

not to respond to this
matter. The issues of quality,
quantity, development vs.
non-development, local

government
autonomy, infrastructure and
whether it is incumbent on
the Medical Health Officer to

review and comment
on the quality of well water
of individuals or small groups
of property owners

was debated. It was
suggested that it needs to be
determined whether piped
water is the only solution

to this problem or
whether there is some other
independent treatment that
would solve the problem. It

was further suggested
that the onus should be on the
residents to provide complete
information before

Dr. Stanwick is asked
to review the matter.

Director Booth left the meeting at 2:25 p.m.

The motion was then put,

CARRIED

Director Pickup OPPOSED

6. BYLAWS AND RESOLUTIONS

Bylaw No. 2829, "Capital Regional District Regional Park Land Exchange Bylaw No. 1, 2000"

MOVED by Director Watson, SECONDED by Director Lowe,
that Bylaw No. 2829 be adopted.

CARRIED

Bylaw No. 2892, "North Pender Island Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992, Amendment Bylaw No. 3, 2001"

MOVED by Director Dalon, SECONDED by Director Pickup,
that Bylaw No. 2892 be introduced and read a first time.

CARRIED

MOVED by Director Dalon, SECONDED by Director Pickup,

that Bylaw No. 2892 be read a second time.

CARRIED

MOVED by Director Dalon, SECONDED by Director Pickup,

that Bylaw No. 2892 be read a third time.

CARRIED

7. NEW BUSINESS

