

CADBORO BAY RESIDENTS ASSOCIATION

Minutes: Regular Board Meeting

Time: 6:30 p.m.

Date: September 14, 2009

Place: Goward House

Call to Order: The meeting was called to order at 6:30 p.m. by President Irene Stewart.

Present: Irene Stewart, Bill Dancer, Dave Lynn, Eric Dahli, John Sawka, Peter Eckard, Mona Goode, Elizabeth Borek, Anke Venema, Deborah Dickson, and guests: Sandy Argue, Bob Ivorson, and Steve Cushing, representing 6 property owners and residents of properties fronting Telegraph Cove Beach.

Absent: Leah Kinarythy, Brenda Pare

Guest Presentation:

Sandy Argue requested CBRA support in his petition to Saanich to ban fires on Telegraph Cove Beach on the following basis:

Beach fires on Telegraph Cove have been a problem for several years now but the problem has escalated in 2009 to the point the fires have become a significant safety issue and deprived the owners of the enjoyment of their property because of smoke, theft, property destruction, late parties with drinking, noise and fighting and littering of the beach and a vacant property with debris (bottles, broken glass, cans, human waste and personal hygiene items). During April – June of 2009, there were 140 legal beach fires compared to 52 in 2006. These statistics are taken from the permits department and represents the number of legal fires only.

This is a small beach and one of only five beaches in the entire CRD where fires are permissible. Fires are allowed by permit only. As of late July, 2009, there are only two locations on Telegraph Cove Beach which currently meet the criteria for a fire permit. Even these two locations will no longer meet the criteria for a fire permit and will become illegal in a short time when the owner of 4040 Lochhaven Drive builds on his property.

One evening In May, 2009 (before Saanich officials began enforcing the 2 fire limit in order to conform to existing bylaws) there were 7 fires and up to 90 people on this small beach. Cars, parked end to end on Telegraph Bay Road, present an obstacle if an emergency health or fire vehicle is needed for either residents or beach visitors; i.e., this is a safety issue. Fires are left burning on the beach. Residents' property is regularly trespassed and/or destroyed either as inadequately supervised children play or as beach goers search for fire materials and help themselves to whatever fire materials they can find including firewood stacked by the residents on their own property for their own use. At the end of the school year students frequently burn their furniture and construction material (e.g. pallets with nails), exposing residents and others on the beach to toxic compounds and dangerous debris.

Residents have requested the Mayor, Saanich Council and the Fire Chief to ban fires. Residents were advised there will be no ban without process; therefore the residents have come to CBRA. Mr. Argue emphasized that residents are requesting a ban on beach fires only; that the residents believe this is a public beach which should remain public for any legal use except fires, and finally that this ban will merely move forward the date when fires are illegal on the beach because when the owner of 4040 Lochehaven builds on his property, the existing legal locations for fires on the beach will not qualify for permits. Mr. Argue asked for CBRA support for a ban on fires on Telegraph Cove Beach. President Stewart thanked Mr. Argue for his presentation and advised him the Board would notify him of our decision. Msrs. Argue, Ivorsen and Cushing left the meeting.

Election of Secretary

The position of Secretary has been vacant since the annual meeting which has delayed some business of CBRA.

Director Goode nominated Director Borek who agreed to serve. The Board unanimously approved the nomination.

Motion No. 1: Director Borek moved Board meetings be recorded by a recording machine to ensure accuracy of minutes on the condition that, should a speaker wish to speak off the record, the recorder will be turned off. Director Venema amended the motion as follows: The recording of the minutes will be destroyed as soon as the minutes have been approved.

Seconded by Director Goode

Motion No. 1 Passed: Directors Dancer, Dahli, Dixon, Sawka, Borek, Venema, Goode, Eckard In Favor

Director Lynn Opposed

Review of Minutes of Previous Meetings

Revisions were required to each of four draft minutes. Secretary Borek will make the revisions and resubmit at the next meeting.

Director Dahli moved the minutes be tabled.

Director Sawka seconded the motion

Motion No. 2 Passed – Unanimous

Treasurers Report

Director and Treasurer Dancer submitted his report reflecting a current balance of \$7,037 plus the GIC liability account. The balance excludes about \$1,000 of bills outstanding incurred to hold public meetings on sewage. Most of the money spent during the period was for advertising the meetings on sewage.

Director Dancer reported CBRA, in accordance with a motion passed at the June 8/09 Board meeting, had donated proceeds from the rock climbing wall at the Annual Cadboro Bay Festival in the amount of \$380.00 to the Queen Alexandra Foundation for Children.

He submitted a letter from the Foundation thanking the Residents Association for the donation.

Director Dancer moved his report be accepted.

Director Dahli seconded the motion.

Motion No. 3 Passed - Unanimous

Director Dancer moved CBRA renew the annual membership in Volunteer Victoria for \$95. He noted the organization has been generous with volunteers for the upkeep of Haro Woods.

Director Dahli Seconded the Motion

Motion No. 4 Passed – Unanimous

Reports of Standing Committees and Subcommittees

1. Fact Finding Committee

Director Dahli left the meeting prior to the report.

Director Venema reported that all parties involved in the Tudor Meridian complaint, reported in the June 8/09 minutes, have been notified there is an investigation. The Committee will report fully at the next meeting.

Director Dahli returned to the meeting.

2. Emergency Preparedness Committee

Director Dancer reported the Committee will hold an internal local exercise with about 270 people involved in the spring. The exercise will attempt to align our preparedness procedures with that of Saanich.

Rick Page, a member of the EMP Committee, is talking with Saanich, which holds an open house once a year, with the idea of consolidating our relationship.

Director Dancer reported the Committee will paint its kiosk at the United Church with paint donated by a generous resident.

Director Dancer moved the Emergency Preparedness Committee Report be accepted.

Director Venema seconded the motion.

Motion No. 5 Passed – Unanimous

3. SCAN Report

Director Sawka reported SCAN meetings are a round table discussion of notable events within each member organization. Discussion focused on two issues:

- a) The H1N1 virus is present on Vancouver Island and is a threat to public health. Following discussion it was agreed Director Sawka will submit either the Centre for Disease Control website or the website of a SCAN member, which has excellent and current information on H1N1, for posting on the CBRA website as an information resource on this potentially fatal illness for residents in our community.
- b) Should residents be allowed to raise chickens on their property at the resident's discretion?

After discussion, the Board believes the overriding consideration of this issue is that of food self sufficiency on Vancouver Island and that food self sufficiency should be encouraged.

Director Sawka moved: In Principle, CBRA supports allowing chickens on residential property as a means of supporting food self sufficiency on Vancouver Island.

Director Goode seconded the motion.

Motion No. 6 Passed – Unanimous

Director Sawka will send a letter to the members of SCAN advising them of CBRA support.

- c) Director Sawka moved: In the future, when possible, Director Sawka will forward SCAN meeting minutes to members of the CBRA board in advance of CBRA meetings to allow CBRA board members to be informed on a timely basis. Director Venema seconded the motion
- Motion No. 7 Passed – Unanimous

4. Parks and Trails Committee

Director Dancer stated there is nothing to report.

President Stewart reported she had talked to Harry Drage who advised Konukson Park has so much ivy it will be a fire hazard next year.

5. Community Events - Cadboro Gyro Park Festival

President Stewart reported Saanich has thanked CBRA for support at the festival and hopes to see it grow and improve in the future.

Saanich has also asked for feedback.

Members are asked to send any feedback to Directors Sawka or Director Pare.

6. Community Mobility

Director Eckard stated there is nothing to report.

NEW BUSINESS

1. Request for CBRA support to ban fires on Telegraph Cove Beach

All board members expressed empathy with the owners of the properties near the beach for the loss of the enjoyment of their property .

A spirited debate ensued focused primarily on how to balance the rights of property owners to enjoy their own property versus the right of the public to build fires on a public beach. The following factors were considered and opinions were offered: Several board members opposed a ban on the basis that groups generally assumed to be responsible such as church outings and family celebrations would lose the right to have a fire. Further, owners of property fronting a public beach should expect some inconvenience. On the other hand, up to 90 people on a very small beach building fires with smoke and noise is overwhelming even if they are all perfectly behaved. No one should be subjected to property theft and destruction of property. It is important to realize it is the fire that creates a center for and keeps the party going. The residents requesting the ban have been very reasonable and have not complained until the situation has gotten out of control in 2009. The safety issue is very serious with 45 cars parked on a small road. This entire beach is unsuitable for fires because if one takes the time to observe the tides, they will see there is no room for fires on this small beach. The residents have no recourse currently because even if the situation gets out of hand, the Fire Department is not authorized to ticket and, currently, the police cannot ticket because fires are permitted on the beach. Police and fire department have had to be called frequently this year at a significant cost to taxpayers. Several directors favored looking for an alternative solution to banning fires, such as restrictions, e.g. allowing fires on the beach only until 6 p.m., when the tide is low and/or there is room on the beach. It was pointed out similar restrictions have been tried before at other beaches and have not been effective. Fires were banned on Esquimalt Beach for many of the same reasons the residents are requesting a ban on Telegraph Cove Beach. Even prior to this complaint, Board members' family who have visited the Beach observed broken glass, charcoal and personal hygiene debris. Banning fires right now will merely be moving forward the date when no fires are permitted because, when the owner of 4040 Lockhaven builds his house, even the current permissible 2 fire pits will not qualify for a fire permit as the fire pits will be too close to the home.

Gyro Park was suggested as an alternative public beach for fire pits but it would be inappropriate without extensive consultation with residents near Gyro Park.

Director Lynn moved CBRA write a letter to Saanich supporting the residents of Telegraph Cove Beach in their request to ban fires on Telegraph Cove Beach.

Director Dahli seconded the motion

Motion No. 8 Passed: Directors Sawka, Borek, Dixon, Lynn, Dahli, Dancer, Eckard, In Favor

Opposed: Directors Goode and Venema

2. CBRA Position on Variances

Director Goode asked if CBRA takes a position on variances, or is each Director free to take an individual position. If CBRA, why do we take a position?

President Stewart and Director Dancer explained CBRA takes one of three positions on variances: Support,

Do Not Support

Support, But Would Like More Information.

Even if the application for variance conforms to the Local Area Plan, Saanich needs to know how residents feel about the variances and if the applicant has informed his neighbors and done due diligence. Saanich requests all community associations to comment, not just CBRA. Community association support or non support is not necessarily the final word.

Director Borek added CBRA's ability to comment affords us the opportunity to introduce and implement progressive community building concepts such as contextual planning.

3. Haro Woods as a Sewage Treatment Site Versus the Local Area Plan

John Sawka advised the Board that, after studying the Local Area Plan (LAP), he believes the use of Haro Woods as a sewage treatment site violates the Local Area Plan.

Director Sawka moved CBRA send a letter to the Chair, CRD, all CRD board members, As well as Saanich Mayor and all Councillors, requesting Haro Woods be withdrawn as a site for sewage treatment because it does not comply with the Local Area Plan.

Director Dahli seconded the motion.

President Stewart asked the Board to consider the scenario that CRD goes ahead despite our objections, the community may lose all of Haro Woods. Perhaps by allowing use of

the less valuable part of the Woods for sewage treatment, we may save the older growth portion.

CALMWC Chair and Saanich Councillor Judy Brownoff is going into discussions with Mayor Leonard about using the Saanich portion of Haro Woods. This letter would put them both on notice that use of Haro Woods for a sewage treatment site does not comply with the LAP.

Director Sawka recommended we deal with saving the old growth portion of the Woods if the situation arises because it is zoned R 10 and R12 (residential). Hence the zoning would need to be changed before it can be approved as a treatment site providing a time window for further action to be taken if necessary.

Motion No. 9 Passed - Unanimous

4. New Organization Concerned About Sewage Treatment

Director Dixon reported that citizen and activist Doug Christie, concerned with the public consultation process and the tax consequences of CRD plans to finance sewage treatment, and motivated by what he considered anti-democratic behavior designed to stifle legitimate process at a CRD meeting by the CRD, and Judy Brownoff in particular, called a public meeting. Out of this public meeting a new organization called Sensible on Sewage, SOS, was formed. The objective of SOS is to require a public referendum on sewage treatment.

Director Dixon requested CBRA to post an SOS petition calling for a public referendum on sewage treatment on the CBRA website.

Discussion: All Directors agreed residents should have as much information as possible regarding sewage treatment. Director Borek objected to posting the petition on the basis that one statement was factually questionable, and that posting the petition on the CBRA website would imply that CBRA supported the SOS petition and position. Director Sawka stated we have a responsibility to provide as much information as possible. Director Goode noted this was an SOS petition, not information, and represents one particular view. She suggested CBRA post a statement on our website mentioning there are different positions on sewage treatment and post listings of numerous links which provide information on sewage treatment.

Director Goode moved: CBRA will prepare an information package for the community that would include access/links to the various positions on sewage treatment which will be posted on the CBRA website and bulletin board.

Director Dahli seconded the motion.

Motion No. 10 Passed – Unanimous

5. Director Eckard Notice of Redevelopment Plans & Request for Variance

Director Eckard presented his plans to redevelop his property at 2590 Arbutus Road based on “contextual planning”; i.e., an attempt to minimally impact the surrounding neighborhood. He noted he is legally entitled to 40% lot coverage but his application for redevelopment requests only 25%. A variance is needed for minimum lot width. The Board reviewed his plans but did not issue a recommendation.

Announcement:

President Stewart announced Director Leah Kinarthy has resigned from the Board.

Meeting Adjourned at 10 p.m.