

Agenda for the 10:00 am Wednesday, April 12, 2023, Town of Qualicum Beach Regular Council Meeting to be held in the Council Chamber, Municipal Office, 660 Primrose Street, Qualicum Beach, BC

Page No.

(This meeting may be recorded)

1. ADOPTION OF THE AGENDA

1-5 THAT Council adopts the April 12, 2023, regular Council meeting agenda.

2. ADOPTION OF THE CONSENT AGENDA

6-7 (1) **Correspondence Log – April 12, 2023 – For Information**

8-9 (2) **Announcement of Council Meeting Motions**

10-11 (3) **Monthly Fire Department Report – March 2023 - For Information**

12 (4) **Monthly Building Permit Report – March 2023 - For Information**

13 (5) **Monthly Bylaw Report – March 2023 - For Information**

3. APPROVAL OF THE MINUTES

14-30 THAT Council approves the minutes of the following meetings:

- March 8, 2023 Committee of the Whole meeting;
- March 8, 2023 Special Council meeting;
- March 22, 2023 Regular Council meeting;
- March 24, 2023 Special Council meeting.

4. DELEGATIONS

- (1) **Managing Our Urban Forest – the Role of the Interim Tree Protection Bylaw**

Pat Jacobson and Jay Smith

Purpose: For Information

5. CORRESPONDENCE

- 31-32 (1) **BC Farmers' Markets – Seeking Support at Provincial Level – letter received March 13, 2023**

Staff Recommendation:

THAT the Town send a letter to the Minister of Health, Adrian Dix, in support of the BC Farmers' Market Nutrition Coupon Program.

6. BYLAWS

- 33-36 (1) **Municipal Ticket Information Utilization Bylaw Amendment No. 626.05**

Staff Recommendation:

THAT "Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023" be adopted.

7. COMMITTEE & LIAISON REPORTS

- (1) **General Government** (Mayor Teunis Westbroek)
- (2) **Public Safety** (Councillor Scott Harrison)
- (3) **Parks & Recreation** (Councillor Anne Skipsey)

37-38

Notice of Motion:

WHEREAS, The Government of Canada has made the decision in Budget 2023 to make municipalities responsible for all retroactive costs stemming from the latest RCMP collective bargaining agreement; and

WHEREAS, These extraordinary one-time costs, which in some jurisdictions amount to millions of dollars, will cause significant hardship for communities and residents across the country, and were negotiated without meaningful consultation or a seat at the table for the municipalities responsible for paying the bill; and

WHEREAS, Municipal governments are already paying a growing share of policing costs, but unlike other orders of government, cannot run deficits to spread out the impact of these extraordinary one-time sums, and have limited revenue tools; and

WHEREAS, Local governments will now be forced to make difficult decisions that will impact residents, such as cutting essential services, reducing policing levels, raising property taxes significantly, and/or cancelling work on local infrastructure, at a time when Canadians' concerns about community safety and the cost of living are already rising; and

WHEREAS, going forward, it is critical that municipalities be proactively engaged in any forthcoming processes related to contract policing to prevent this occurring again;

THEREFORE, BE IT RESOLVED, THAT the Town of Qualicum Beach joins the Federation of Canadian Municipalities in calling on the federal government to commit to ensuring that local governments are meaningfully consulted, fully informed, and at the table on issues related to policing costs given the municipal role in keeping our communities safe;

AND FURTHER THAT the Town of Qualicum Beach conveys this support in writing to our local Member of Parliament.

- (4) **Community Development** (Councillor Petronella Vander Valk)
- (5) **Arts & Culture** (Councillor Jean Young)

8. STAFF REPORTS

(1) Corporate Administration

(a) Special Event - Earth Day

Staff Recommendation:

THAT Council grants permission to Bare Eco Refillery to hold an Earth Day event on Saturday, April 22, 2023, from 12:00 pm to 3:00 pm, on the sidewalk directly in front of their store located at 106 – 663 Beach Road, Qualicum Beach, BC, including closure of the two nearest street parking stalls for the duration of the event.

39-40

(b) 2023 Subsidized Rental Applications for the Civic Centre and Community Hall

Staff Recommendation:

1. THAT Council approves the School District 69 (Qualicum) KSS Fine Arts Society for a one-time subsidy for use of the Civic Centre on April 20, 2023, including use of the grand piano, portable staging and sound system, for their annual Premier Performance by charging a reduced rate of \$658, plus applicable taxes, as opposed to the regular rate of \$901, plus applicable taxes, resulting in an \$243 subsidy.
2. THAT Council approves the Qualicum Beach Duplicate for a one-time subsidy for use of the Civic Centre on May 5, 6, and 7, 2023 to host the 2023 Qualicum/Parksville Sectional by charging a reduced rate of \$1,560 plus applicable taxes, as opposed to the regular rate of \$2,028, plus applicable taxes, resulting in a \$468 subsidy.
3. THAT Council approves the School District 69 (Qualicum) KSS Dry Grad for a one-time subsidy for the use of the Civic Centre on June 24, 2023, for the Dry Grad Prom event, by charging a reduced rate of \$0.00, plus applicable taxes, as opposed to the regular rate of \$1,575, plus applicable taxes, resulting in a \$1,575 subsidy.
4. THAT Council approves the Qualicum Beach Ukulele Band for a one-time subsidy for the use of the Community Hall on May 8, 2023 (or another alternative date agreed upon by the parties) for the Band to attend a trial session with their group, by charging a reduced rate of \$0.00 plus applicable taxes, as opposed to the regular rate of \$44, plus applicable taxes, resulting in a \$44 subsidy.

41-45 (c) **Accessibility Advisory Team**

Staff Recommendation:

1. THAT an Accessibility Advisory Team be established, as attached to the April 12, 2023, memo to Council.
2. THAT the draft Terms of Reference for the Accessibility Advisory Team be approved, as attached to the April 12, 2023, memo to Council.
3. THAT staff solicit applications for membership on the Accessibility Advisory Team for Council consideration, as attached to the April 12, 2023, memo to Council.

(2) **Financial Administration**

46-47 (a) **Alternative Tax Collection Scheme Options**

Staff Recommendation:

THAT Council directs staff to amend "Town of Qualicum Beach Alternative Municipal Tax Collection Scheme Bylaw 587, 2001", to impose a penalty on current year taxes unpaid by July 2, (or the first business day following July 2), and October 31, (or the first business day following October 31); AND FURTHER THAT, penalties of 5% be applied to both deadlines.

(3) **Fire/Rescue Services**

48-51 (a) **Fire Department Service & Training Level Policy 3013-2**

Staff Recommendation:

THAT Council approve the updated Fire Department Service and Training Levels Policy 3013-2.

(4) **Planning**

52-58 (a) **St. Andrew's Lodge Rehabilitation Requirements and Background**
– For Information

59-100 (b) **Development Variance Permit: 921 Bluffs Drive**

Staff Recommendation:

1. THAT Council refuses the Development Variance Permit application for 921 Bluffs Drive, as described in the April 12, 2023 Planning memo to Council.
2. THAT Council rescinds the following motion made at the December 9, 2020 meeting regarding 921 Bluffs Drive:
"AND FURTHER THAT Council directs staff to not issue occupancy or any other permits [for the property located at 921 Bluffs Drive] until the height issues are resolved."

101-104 (c) **Strata Conversion Request – 633 Beach Road**

Staff Recommendation:

THAT Council authorizes staff to execute the strata conversion request for 633 Beach Road, Lot 1, Plan EPP 95812 (PID: 031-137-598) as detailed in the April 12, 2023, Planning memo to Council.

105-107 (d) **Waterwise Garden Fence Replacement Request**

Staff Recommendation:

THAT Council refers consideration of all encroaching fences adjacent to the Town-owned Waterwise Garden to a meeting after the Town has undertaken a comprehensive review of encroachment issues, including the associated financial, social and environmental issues.

9. MOTION TO CLOSE

THAT the meeting be closed to the public for the purpose of considering the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

10. Review of Comments from the Public

Comments for this regular Council meeting must be received no later than 12:00 pm two days following the meeting (April 14, 2023). Submissions must be regarding business discussed by Council at the meeting, be 300 words or fewer, and any submissions relating to closed public hearing topics, or unrelated to Council business discussed at the meeting, will not be distributed to Council. Submissions that meet these guidelines will be distributed to all Council, posted on the Town's website, and a brief summary of the comments will be included in the meeting minutes. Comments must include a full name and address in order to be submitted for the record.

To submit a comment please use one of the following options:

- Mail: Box 130, Qualicum Beach, BC V9K 1S7
- Phone: 250-752-6921
- Email: communications@qualicumbeach.com

11. ADJOURNMENT

THAT Council adjourns the meeting.

NEXT SCHEDULED

REGULAR COUNCIL MEETING: Wednesday, May 3, 2023 at 10:00 am

THE TOWN OF
QUALICUM BEACH



COUNCIL CORRESPONDENCE LOG
April 12, 2023

DATE REC'D	TOPIC	ACTION
Apr 4	Request for Pickleball Facility	Rec'd for Information
Apr 4	Request to Change Council Meeting Times	Rec'd for Information
Apr 4	Ministry of Indigenous Relations - pentl'ach Street Names Project	Rec'd for Information
Apr 4	230 Second Avenue West - Concerns re Building Shadowing	Rec'd for Information
Apr 4	Artificial Turf - Opposed	Rec'd for Information
Apr 4	Canadian Association of Radon Scientists and Technologists (CARST) - Project to Reduce Cancer Risks	Rec'd for Information
Mar 29	Accountability for Defamation Settlement	Rec'd for Information
Mar 29	Water Supply Concerns	Rec'd for Information
Mar 27	Business Fire Inspection Concerns	Rec'd for Information
Mar 27	Helicopter Noise Complaint	Rec'd for Information
Mar 27	Helicopter Training Support	Rec'd for Information
Mar 27	Seeking Support for Qualicum Beach Cinema	Rec'd for Information
Mar 27	Asbestos Cement Concerns	Rec'd for Information
Mar 27	Island Health - High Acuity Unit Construction	Rec'd for Information
Mar 27	Helicopter Noise Complaint	Rec'd for Information
Mar 27	MLA Walker Birthday Photos	Rec'd for Information
Mar 23	Overnight Parking Concerns	Referred to Staff
Mar 23	ALS Society - Move to Cure Invitation	Rec'd for Information
Mar 23	UBCM - Membership Dues	Referred to Staff
Mar 22	Affordable Housing Appreciation	Rec'd for Information
Mar 22	Seeking Support for Paddle for Bay Sound	Rec'd for Information
Mar 21	Comments on Solving Homelessness	Rec'd for Information
Mar 21	Cyclists Safety Concerns	Rec'd for Information
Mar 21	BC Ministry of Health – Seeking Volunteers for Survey Project	Rec'd for Information
Mar 20	Lack of Recycling Concerns	Rec'd for Information
Mar 17	Requesting Support of Bill to Non-disclosure Agreements	Rec'd for Information
Mar 17	Stop Ship Breaking in Union Bay Information	Rec'd for Information
Mar 17	Ministry of Jobs & Economic Development – Seeking Support for ICET	Rec'd for Information
Mar 17	Suggestions for Street Safety	Rec'd for Information
Mar 17	Island Rail - Press Release re International Investment	Rec'd for Information
Mar 17	RDN – Report on Priority Projects	Rec'd for Information

Various	Various – Streetlight Complaints	Rec'd for Information
Various	Various – Tree Protection Bylaw Support	Rec'd for Information
Various	Various – Tree Protection Bylaw Concerns	Rec'd for Information
Various	Various – 2023-2027 Financial Plan Input	Rec'd for Information
Various	Various - Oceanside Community Track Support	Rec'd for Information

Note: Copies of the correspondence listed on the Council Correspondence Log are available to review in the binder at the Municipal Offices information counter, #201 – 660 Primrose Street, Qualicum Beach, BC. The Correspondence Log contains letters not already on a regular agenda, and does not contain form letters/solicitations and letters that are not routinely releasable.

April 12, 2023 Regular Council Meeting
Consent Agenda – Announcement of Council Meeting Motions

Pursuant to Section 117 of the *Community Charter*, Council authorized the release to the public the following motions from the March 22 and March 29, 2023 in camera meetings:

Harlech Road Fire Hall Building Leases

THAT Council receives the March 22, 2023 report from staff regarding the process to renew the leases in the former Harlech Road Fire Hall building, subject to the inclusion of a clause that provides the Town with the option of early termination.

Shore Restaurant Lease

THAT Council authorizes staff to amend the lease agreement with 1184881 BC Ltd. DBA Shore Restaurant (Steve and Lyndy McKinnon) for the building at 2831 Island Highway (the “Shore Restaurant”) by adding the option for a Renewal Clause for an additional 5 year term for the period January 1, 2029 to December 31, 2033 as described in the March 22, 2023 in-camera memo to Council; AND FURTHER THAT, Council authorizes staff to work with the Shore Restaurant to permit the construction of a Pergola on the exterior deck of the premises and conversion of the exterior landscaping from rock to natural low maintenance ground cover.

St. Andrews Lodge Historical and Cultural Society

THAT Council instructs staff to provide a letter of intent to the St. Andrews Lodge Historical and Cultural Society stating: *The Town supports the restoration of the St. Andrew’s Lodge Historical and Cultural Society in principal and will reasonably consider any lease extensions required to comply with Federal Heritage Restoration grants, or other funding sources.*

THAT the Town provide a letter of support to the St. Andrew’s Lodge Historical and Cultural Society “Society” stating: *The Town of Qualicum Beach supports the St. Andrews Lodge Historical and Cultural Society in its efforts to restore and preserve this local heritage building. At present the Society holds a four-year lease - an extension of the original one-year lease granted by the Town on July 1, 2021. The Society has been diligent in making progress with the Lodge and reported at the expiration of the original lease with a very comprehensive 45-page restoration plan. Providing that the Society continues to move forward and does not breach any of the terms of the lease it will be renewed in five-year increments in accordance with standard Town policy.*

Airport Users Committee

THAT Council appoints Brian Sallows, representing Sunwest Helicopters to the Airport Users Committee for a two-year term ending December 31, 2024.

Select Committee on Beach Day Celebration

THAT Council appoints Ken Caley to the Select Committee on Beach Day Celebration for a three-year term ending October 1, 2025.

Select Committee on Family Day Celebration

THAT Council appoints Kadie Davidson; Rob Ferguson; and Geraldine Lydon to the Select Committee on Family Day Celebration Committee; for a two-year term ending December 31, 2024.

Advisory Planning Commission

THAT Council appoints the following members to the Advisory Planning Commission Deborah Christie; Roy Collver; Richard Nuesch; Maureen Dyson; and Andrew Brown, for an approximate two-year term ending December 31, 2024.



**Town of Qualicum Beach
FIRE RESCUE DEPARTMENT**

M E M O R A N D U M

TO: Lou Varela, CAO **FOR:** Regular Council meeting April 12, 2023

FROM: Peter Cornell, Fire Chief

SUBJECT: **Monthly Fire Department Report for March 2023**

PURPOSE

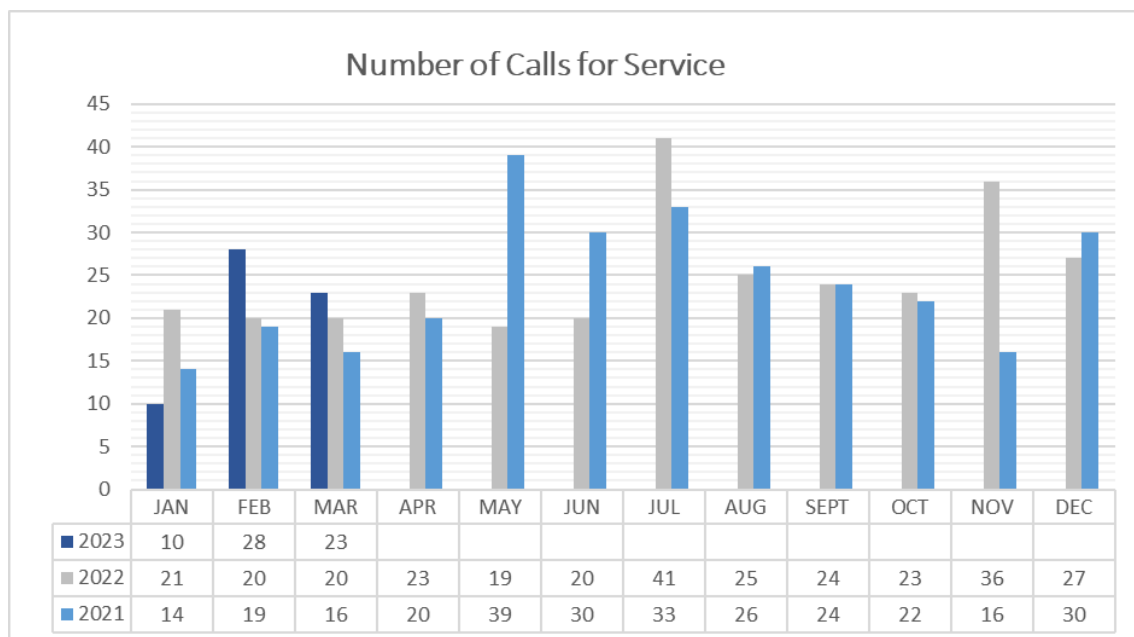
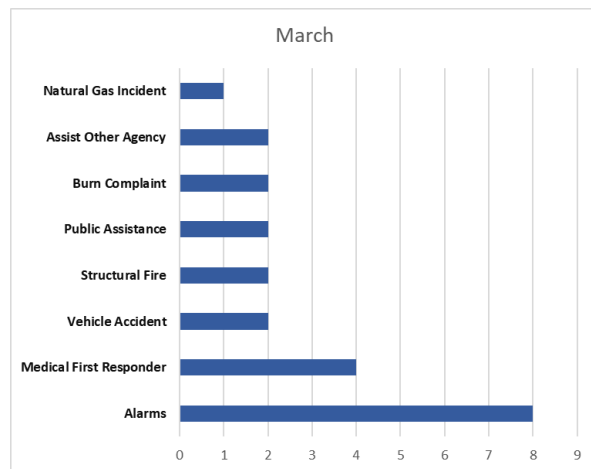
To provide Council with an update regarding Fire Rescue Department activities.

CALLS FOR SERVICE

Summary for March 2023:

Calls for Service in March = **23**
 Duty Officer Only: **7** Automatic Aid: **0** out; **0** in
 Mutual Aid: **2** out; **0** in

- Incident Hours: 38 hours, 10 minutes
- Average # of Personnel responding: 8:06 (Full Time: 2:50 | On-Call: 5:56)
- Incident Staff Hours: 91 hours, 31minutes
- Average Response Time All: 7:56 minutes
- Average Muster Time E52: 4:16 minutes
- Average Response Time E52: 7:01 minutes



OPERATIONS/ADMINISTRATION

- The 2023 Youth Fire Camp took place from March 19- 25, with 12 high school students completing over 100 hours of fire and emergency services training. The camp would not have been possible without the support of the Town of Qualicum Beach, Rotary Club of Qualicum Beach, Regional District of Nanaimo, and Quality Foods. During the week-long camp, members of the areas Fire Departments provided the equivalent of 108 days of instruction and support.

TRAINING

2023	<i>Sessions</i>	<i>Subjects</i>	<i>Session Hours</i>	<i>Instructor Hours</i>	<i>Staff Hours</i>
<i>Weekly:</i>	11	10	24	26	236
<i>Additional:</i>	8	9	56	10	272
<i>Month Total:</i>	19	19	80	36	508
Annual Total:	66	68	253	217	1640

Training highlights:

- Training subjects covered in March included low-slope rescue, an automatic aid scenario, and auto extrication.
- The recruit class of 2022 completed the 48-hour medical first responder course.
- 4 members completed a wildfire task force leader course.

FIRE PREVENTION

34 Inspections; 120 YTD | 3 Public Education Events | 2 Development Plan Review | 0 New Pre-Incident Plans | 0 Pre-Incident Plan Updates | 1 Public Outreach | 15 Garden Refuse Fire Permits

Career Staff Members: 4
Paid On-call Members: 27 (excludes non-operational and Career staff)
Change from previous month: 0

<i>REGULAR DUTY</i>		<i>NON-OPERATIONAL</i>	
Officer	3	Special Duty (Assistant FFs)	2
Full-Service	14		
Interior	4		
Exterior	0		
Recruits	6		



Peter Cornell, ECFO
Fire Chief
Report Writer



Lou Varela, RPP, MCIP
CAO
Concurrence



TOWN OF QUALICUM BEACH 2023 Construction and Building Permit Report

R E S I D E N T I A L																	
No.	Permit #	Roll #	Civic	Street	Scope of Work	Contractor	# of Units SFD	# of Units Sec/Gar Suites	# of Units Multi	Additions and/or Renos	SFD (new)	Multi (new)	Commercial	Institutional	Industrial	Recreational	Totals
Year to Date as at February 28, 2023							2	2	0	\$1,464,000	\$2,700,000	\$0	\$50,000	\$0	\$0	\$0	\$4,214,000
March																	
12	5947	659.454	419	Trio Lane	Single Family Dwelling	Trio Projects Ltd	1				\$813,000						
13	5948	659.454	419	Trio Lane	Accessory	Trio Projects Ltd				\$150,000							
14	5958	879.011	185	Sixth Ave W	Secondary Suite	(self)		1		\$320,000							
15	5962	229.110	150	Crescent Rd W	Renovation	(self)				\$10,000							
16	5963	11802.362	746	West Ridge Way	Single Family Dwelling	Bayshore Construction	1				\$650,000						
17	5964	163.010	441	Mill Rd	Single Family Dwelling	Bate Construction	1				\$572,000						
18	5966	215.000	282	Crescent Rd W	Single Family Dwelling	(self)	1				\$367,000						
19	5968	592.020	225	Crescent Rd W	Secondary Suite	(self)		1		\$10,000							
20	5969	9625.271	678	Windward Way	Renovation	R Dolan Construction				\$37,000							
21	5970	11802363	771	Claymore Rd	Single Family Dwelling	Bayshore Construction	1				\$616,000						
							5	2	0	\$527,000	\$3,018,000	\$0	\$0	\$0	\$0	\$0	\$3,545,000
Year to Date as at March 31, 2023							7	4	0	\$1,991,000	\$5,718,000	\$0	\$50,000	\$0	\$0	\$0	\$7,759,000

MONTHLY BYLAW REPORT - MARCH 2023 - DM

AREAS PATROLLED	NUMBER OF PATROLS			VIOLATIONS NOTED DURING PATROLS IN THESE AREAS					
	Foot	Drive	Bike		Animal	Traffic	Signs	Other	Other Notes
Community Park	4	12			5				
Other Parks									
Community Park Trails	8				4				
Dollymount Trail	2	6							
Heritage Forest Trails	7				3				
Museum Area Trails	3	8							
Other Trails		4							
Homeless Patrols	6	14							
Town Centre Patrols	19	37				17	2		
Residential Areas		33					3		
Main Beach Patrols		39			19				Memorial to Bay st.
Other Beach Patrols		35			12				shady rest x 3/ JR x2/ seacrest/ butterball x 1
TOTALS	49	188	0		43	17	5	0	

COMPLAINTS, CALLS, INQUIRIES RECEIVED and ACTIONS / ENFORCEMENT TAKEN

	Complaints/Calls Received	Voluntary Compliance	Orders / MTI's Removed / Other	Courtesy Tickets Issued	Letters/emails Info sent	Personal visits Follow up/patrols	Notes
Animal Control	7				7	7	aggressive dog x2 / dogs on beach x 2/ dog at large/ SPCA contract/
Burning Outdoor							
Business Licence	6				7	6	Door to door x2 / home based/
Homeless Issues	2		1		1	2	
Illegal Dumping							
Noise	3				3	3	barking x2 /alarm
Parks / Trails / Beaches							
Sign	2				2	2	request for more dog signs along waterfront for Brant & at Old Dump
Traffic	8	7	6	7	8	26	2 hr parking / disabled parking/ 2 MTI/ blocking driveway/
Tree Removal	3	1	1		3	3	
Unsightly Premises	2				2	2	
Vandalism							
Zoning / Building	3				3	3	rv parking/
Other	11				11	11	fundraising/ feeding ducks/encroachment /canadian flags x 2/
TOTALS	47	8	8	7	47	65	

Minutes of the 10:00 am Wednesday, March 8, 2023, Town of Qualicum Beach Committee of the Whole Meeting held in the Council Chamber, Municipal Office, 660 Primrose Street, Qualicum Beach, BC

PRESENT: Council: Mayor Teunis Westbroek
Councillor Anne Skipsey
Councillor Petronella Vander Valk
Councillor Jean Young

ABSENT: Councillor Scott Harrison

ALSO PRESENT: Staff: Lou Varela, CAO
Heather Svensen, Corporate Administrator
Bob Weir, P.Eng, Director of Engineering
Luke Sales, Director of Planning
Peter Cornell, Fire Chief
Weslie Gould, Deputy Corporate Administrator

The Mayor called the meeting to order at 10:00 am acknowledging that the meeting is being held on the traditional lands of the Coast Salish people.

ADOPTION OF THE AGENDA

Council adopted, by unanimous consent, the March 8, 2023 Committee of the Whole meeting agenda, as amended by reordering the delegations to allow the Ambulance Paramedics of BC Union to present first.

CARRIED UNANIMOUSLY

DELEGATIONS

(1) Ambulance Paramedics of BC Union

Troy Clifford of the Ambulance Paramedics of BC Union appeared before Council to discuss the services provided by ambulance paramedics in the community:

- Paramedics in BC face challenges in providing timely services to patients.
- Lack of full-time union officers, doctor shortages, and increasing calls for service from the elderly strain paramedic services.
- Homelessness and mental health issues add to workload and require collaboration with police and bylaw officers.
- Better planning and preparedness needed for natural disasters, especially after the 2021 heat dome.
- "Community Paramedic" program is being advocated for, but funding and implementation are slow.
- Only one 24-hour ambulance covers Qualicum Beach, which delays response times and puts pressure on other emergency services and is not sufficient.
- National benchmark for response time is 8.59 minutes, which paramedic services are not meeting.
- Calls for paramedic services are up 6% for BC.

- Lobbying the Province for additional resources and funding, better planning and preparedness, and collaboration with the community are needed to address challenges.
- Solution-based conversations are necessary to address the challenges faced by paramedic services, and greater planning and preparation with local governments is required.

The Chair invited any person in the gallery to provide comment.

Angie Price, Qualicum Beach, commented on their experience working for BC Ambulance and at the Justice Institute of BC, noting that low wages and poor retention are big issues facing the service.

Mayor Westbroek, on behalf of Council, thanked Mr. Clifford for his informative presentation.

(2) **Prioritizing Food Security and Climate Change in the 2023-2027 Strategic Plan**

Graham Riches appeared before Council to present about prioritizing food security as a climate change issue in the Town's 2023-2027 Strategic Plan, highlighting the following points:

- The role of local government and the community to safeguard and enhance local food security.
- Impacts of climate change, post-pandemic adjustments, war, poverty, inflation, food prices, and disrupted food supply chains on food security.
- Growing, processing, and eating food as the largest contributor to greenhouse gas emissions of any human activity.
- The importance of addressing food security sooner than later.
- The 'Five A's of Food Security'; Availability, Access, Adequacy, Acceptability, and Agency.
- Establishing a Food Policy Council to educate, inform, and advise on short and long-term needs and actions to promote and safeguard food security in the region.

Mayor Westbroek, on behalf of Council, thanked Mr. Riches for his informative presentation.

ADJOURNMENT

Councillor Vander Valk MOVED and Councillor Skipsey SECONDED, THAT Council adjourns the meeting.

CARRIED UNANIMOUSLY

MEETING ADJOURNED: 11:00 am

Certified Correct:

Heather Svensen
Corporate Administrator

Teunis Westbroek
Mayor

DRAFT

Minutes of the 11:00 am Wednesday, March 8, 2023, Town of Qualicum Beach Special Council Meeting held in the Council Chamber, Municipal Office, 660 Primrose Street, Qualicum Beach, BC

PRESENT: Council: Mayor Teunis Westbroek
Councillor Anne Skipsey
Councillor Petronella Vander Valk
Councillor Jean Young

ABSENT: Councillor Scott Harrison

ALSO PRESENT: Staff: Lou Varela, CAO
Heather Svensen, Corporate Administrator
Luke Sales, Director of Planning
Weslie Gould, Deputy Corporate Administrator

The Mayor called the meeting to order at 11:00 am acknowledging that the meeting is being held on the traditional lands of the Coast Salish people.

ADOPTION OF THE AGENDA

Council adopted, by unanimous consent, the March 8, 2023 Special Council meeting agenda.
CARRIED UNANIMOUSLY

MOTION TO CLOSE

Councillor Vander Valk MOVED and Councillor Skipsey SECONDED, THAT the meeting be closed to the public for the purposes of considering negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED UNANIMOUSLY

MEETING CLOSED TO THE PUBLIC AT 11:00 am

MEETING REOPENED TO THE PUBLIC AT 12:06 pm

ADJOURNMENT

Councillor Skipsey MOVED and Councillor Young SECONDED, THAT Council adjourns the meeting.

CARRIED

MEETING ADJOURNED: 12:06 pm

Certified Correct:

Heather Svensen
Corporate Administrator

Teunis Westbroek
Mayor

Minutes of the 10:00 am Wednesday, March 22, 2023, Town of Qualicum Beach Regular Council Meeting held in the Council Chamber, Municipal Office, 660 Primrose Street, Qualicum Beach, BC

PRESENT: Council: Mayor Teunis Westbroek
Councillor Scott Harrison
Councillor Anne Skipsey
Councillor Petronella Vander Valk
Councillor Jean Young

ALSO PRESENT: Staff: Lou Varela, CAO
Heather Svensen, Corporate Administrator
Bob Weir, Director of Engineering and Operations
Luke Sales, Director of Planning
Raj Hayre, Director of Finance
Peter Cornell, Fire Chief
Weslie Gould, Deputy Corporate Administrator

The Mayor called the meeting to order at 10:00 am acknowledging that the meeting is being held on the traditional lands of the Coast Salish people.

ADOPTION OF THE AGENDA

Council adopted, by unanimous consent, the March 22, 2023 Regular Council meeting agenda, as amended to add a topic for discussion, immediately preceding the motion to close the meeting, regarding scheduling a special Council meeting to consider the proposed Tree Protection Bylaw.

CARRIED UNANIMOUSLY

ADOPTION OF THE CONSENT AGENDA

Councillor Harrison requested that the items of correspondence regarding the defamation settlement be removed from the consent agenda for discussion.

Notice of Motion (Councillor Harrison)

WHEREAS, page 21 of the Town's insurance policy with the Municipal Insurance Association of BC (MIABC) states that the policy shall not be liable for any payment for loss arising out of, or resulting from, any intentional, criminal, fraudulent, or malicious act; and WHEREAS, the Town's insurance policy with MIABC states that, after a binding arbitration decision, the insured party shall reimburse MIABC for all costs incurred defending the claim; and

WHEREAS previous correspondence from the adjudicator indicated that the costs for MIABC to defend the defamation claim against Mayor Westbroek amounted to \$10,000; THEREFORE, BE IT RESOLVED, THAT written confirmation is received from MIABC confirming that no costs arising from the defamation of Kelland Holdings by Mayor Westbroek shall be directed towards the Town.

Councillor Skipsey requested that two items of correspondence be removed from the consent agenda for consideration:

- Letter received March 2, 2023 from the Ministry of Forests titled “Wildfire Risk Reduction Project”
- Letter received February 24, 2023 titled “Railway Housing Impact on Environment – Concern”.

Wildfire Risk Reduction Project

Councillor Skipsey noted that the Town has received notice about this project, which will remove trees and brush from the Eagle Park health care facility property to mitigate wildfire risk, to take place from April 2023 to March 2024. Councillor Skipsey noted that she will be bringing forward a Notice of Motion to the next Council meeting to request a walkthrough of the site with MLA Walker.

Railway Housing Impact on Environment – Concern

Councillor Skipsey expressed concern about the loss of an environmental microecosystem by the Residences at Qualicum Station (affordable housing project on Railway Street) and questioned if the groundcover that is to be removed prior to construction could be made available for residents to replant on their own property.

Council adopted, by general consent, the consent agenda including the following items:

- (1) **Correspondence Log** – March 22, 2023 – For Information
- (2) **Monthly Building Permit Report** – February 2023 – For Information
- (3) **Monthly Bylaw Report** – February 2023 – For Information

CARRIED UNANIMOUSLY

APPROVAL OF THE MINUTES

Council approved, by unanimous consent, the minutes of the March 1, 2023 Regular Council meeting, as amended, and the March 1, 2023 Special Council meeting.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM THE MINUTES

- (1) **Recommendations from the January 24, 2023 Select Committee on Environment and Sustainability Meeting**

Councillor Skipsey MOVED and Councillor Harrison SECONDED, THAT a “right tree right place” concept be referred to the upcoming Development Permit regulation review under the next Official Community Plan review.

CARRIED UNANIMOUSLY

(2) **Recommendations from the February 27, 2023 Select Committee on Beach Day Celebration Meeting**

Councillor Skipsey MOVED and Councillor Harrison SECONDED, THAT the Select Committee on Beach Day Celebration meetings be held on the third Monday of each month, except September, October, and November, commencing at 10:00 am, as required; AND FURTHER THAT the event date for the annual Beach Day Celebration be Sunday, July 16, 2023.

CARRIED UNANIMOUSLY

DELEGATIONS

- (1) **Julie Sperber, President, Vancouver Island Economic Alliance** – presented the ‘Island Good’ brand.
- (2) **Peter Drummond and Sandi Reed, Qualicum Beach Pickleball Club** – requested a formal partnership with the Town so that the Club can fundraise and construct pickleball courts on Town property.

Mayor Westbroek, on behalf of Council, thanked the delegates for their presentations.

CORRESPONDENCE

- (1) **Document dated February 17, 2023 from Bertrand Girard** – suggesting transportation improvements on Rupert and Laburnum Roads.

Councillor Harrison MOVED and Councillor Skipsey SECONDED, THAT the correspondence dated February 17, 2023 from Bertrand Girard suggesting transportation improvements on Rupert Road and Laburnum Road be referred to the Town’s traffic consultant, Richard Drdul, for review and potential inclusion in the next Age-Friendly Transportation Plan update.

CARRIED UNANIMOUSLY

- (2) **E-mail dated March 8, 2023 from Colleen Kerr & John Charlton** - regarding a mural for the Memorial Avenue/Highway 19A roundabout.

Councillor Harrison MOVED and Councillor Young SECONDED, THAT the e-mail dated March 8, 2023 from Colleen Kerr & John Charlton regarding a mural for the Memorial Avenue/Highway 19A roundabout be referred to the Advisory Planning Commission; AND FURTHER THAT Councillor Young be invited to attend the Advisory Planning Commission meeting where the mural will be discussed, as the Council member representing the primary interest category of Arts and Culture.

CARRIED UNANIMOUSLY

BYLAWS

- (1) **Zoning Amendment and Development Permit: 230 Second Avenue West**
Councillor Harrison MOVED and Councillor Young SECONDED, THAT "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (230 Second Ave W) Bylaw No. 580.137, 2022" be introduced and read a first time.

CARRIED

Opposed: Councillor Skipsey; Councillor Vander Valk

In Favour: Mayor Westbroek; Councillor Harrison; Councillor Young

Council discussed the request from the proponent for the top floor of the building to be designated for use as short term rentals. Staff were directed to provide additional information when the bylaw is brought back to Council for further consideration.

- (2) **Zoning Amendment and Development Permit: 365 First Avenue West**
Mayor Westbroek MOVED and Councillor Skipsey SECONDED, THAT "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022" be read a third time as amended by replacing, in the second clause, "from Residential 14 Zone (R14) to Residential 19 Zone (R19)" with "from Residential 14 Zone (R14) to Residential 12 Zone (R12)".

CARRIED

Opposed: Councillor Harrison; Councillor Young

In Favour: Mayor Westbroek; Councillor Skipsey; Councillor Vander Valk

- (3) **Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023**
Councillor Harrison MOVED and Councillor Skipsey SECONDED, THAT first reading of "Tree Protection Bylaw No. 725, 2018" be rescinded.

CARRIED UNANIMOUSLY

Mayor Westbroek MOVED and Councillor Skipsey SECONDED, THAT "Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023" be read a first time as amended;

AND FURTHER THAT Council directs staff to amend the 2023 Financial Plan to add an additional fulltime equivalent employee to implement the Tree Protection Bylaw and associated inspection and permitting systems, as detailed in the March 22, 2023 Planning memo to Council;

AND FURTHER THAT "Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023" be introduced and read a first time.

Councillor Skipsey MOVED and Mayor Westbroek SECONDED, THAT the motion on the floor be amended to include “AND FURTHER THAT Council directs staff to undertake a comprehensive public engagement process on “Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023” and provide an updated schedule of Strategic Initiatives within a one-year timeframe.”

CARRIED

Opposed: Councillor Harrison

In Favour: Mayor Westbroek; Councillor Skipsey; Councillor Vander Valk; Councillor Young

Councillor Harrison MOVED, THAT the motion on the floor be amended by adding “AND FURTHER THAT a waiver system is introduced for lower income households who would be adversely impacted by the implementation of Tree Protection Bylaw No. 725, 2023”. Motion did not proceed due to lack of a Seconder.

Councillor Harrison MOVED, THAT the motion on the floor be amended by deleting clause 6.5 the security deposit for Replacement Trees in “Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023”. Motion did not proceed due to lack of a Seconder.

MAIN MOTION AS AMENDED:

THAT “Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023” be read a first time as amended;

AND FURTHER THAT Council directs staff to amend the 2023 Financial Plan to add an additional fulltime equivalent employee to implement the Tree Protection Bylaw and associated inspection and permitting systems, as detailed in the March 22, 2023 Planning memo to Council;

AND FURTHER THAT “Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023” be introduced and read a first time;

AND FURTHER THAT Council directs staff to undertake a comprehensive public engagement process on “Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023” and provide an updated schedule of Strategic Initiatives within a one-year timeframe.

CARRIED UNANIMOUSLY

Councillor Harrison left the meeting at 11:57 am

Councillor Skipsey MOVED and Councillor Vander Valk SECONDED, THAT “Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023” be read a second time.

CARRIED

Opposed: Councillor Young

In Favour: Mayor Westbroek; Councillor Skipsey; Councillor Vander Valk

Councillor Skipsey MOVED and Councillor Vander Valk SECONDED, THAT “Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023” be read a third time.

CARRIED

Opposed: Councillor Young

In Favour: Mayor Westbroek; Councillor Skipsey; Councillor Vander Valk

Councillor Skipsey MOVED and Councillor Vander Valk SECONDED, THAT a special Council meeting be held on Friday, March 24, 2023 at 9:30 am in the Council Chamber at Town Hall, 660 Primrose Street, Qualicum Beach, BC, for the purpose of considering adoption of Tree Protection Bylaw No. 725, 2023.

CARRIED

Opposed: Councillor Young

In Favour: Mayor Westbroek; Councillor Skipsey; Councillor Vander Valk

Mayor Westbroek called for a five-minute recess.

MEETING RECESSED at 11:57 am

MEETING RESUMED at 12:05 pm with all of Council in attendance.

COMMITTEE & LIAISON REPORTS

(1) **General Government** (Mayor Teunis Westbroek)

Mayor Westbroek commented on the following:

- Attending a friendly curling match against the City of Parksville Council.
- Touring the new Into the Woods child care facility with Mitzi Dean, the Minister of Children and Family Development, and MLA Adam Walker.
- Attending the Qualicum Beach Film Festival on March 12, which featured 10 films from students in the Collaborative Education Alternative Program.

(2) **Public Safety** (Councillor Scott Harrison)

Councillor Harrison MOVED, THAT Council allocate a Committee of the Whole meeting in the 2nd quarter of 2023, inviting local governments in the region, relevant non-profits and provincial organizations to discuss the requirements for cold weather shelters, and what similar services are of greatest need in the region. Motion did not proceed due to lack of a Secunder.

(3) **Parks & Recreation** (Councillor Anne Skipsey)

Councillor Skipsey commented on the following:

- Congratulating Chris Stanger, Chief Utility Operator, for his participation in the Wounded Warrior Run.
- Attending the Mount Arrowsmith Biosphere Region Institute (MABRI) meeting on March 10.
- Congratulating Saffron Bisiker on her capstone project, the student film festival held on March 12.

- Attending the Public Open House on March 13, topics discussed: street lights, heat pumps, solar panels, maintenance of town facilities, budget process, trees and branches overhanging communication lines, a Public Square or Gathering Place, the mobility study, traffic study, and a heritage site that may be missing from the heritage registry.
 - Attending the FCM Sustainable Communities Conference, noting that a key takeaways document has been posted on town's website.
 - Attending the curling game against City of Parksville.
 - Noting that 11 trees have been purchased to be planted at the Memorial Golf Course.
 - Attending the Oceanside track meeting.
 - Looking forward to meeting the students participating in the fire camp with the Qualicum Beach Fire Department.
- (4) **Public Safety** (Councillor Scott Harrison)
Councillor Harrison commented on the following:
- Attending the Task Force on Homelessness meeting, noting that there is a lack of services and support in the community for individuals facing homelessness.
 - Attending the March 21, 2023 meeting regarding the Ballenas Track, discussing funding issues.
- (5) **Community Development** (Councillor Petronella Vander Valk)
Councillor Vander Valk commented on the following:
- Attending a meeting with Parksville Qualicum Beach Tourism Association on March 10 to discuss the findings from the Destination Think survey.
 - Attending a meeting with the Oceanside Health and Wellness Network on March 16, discussing restructuring the organization, and various aspects of wellbeing, including mental health and social support in the community.
 - Attending the March 17 meeting with Qualicum Beach Chamber of Commerce to discuss updates to the website, new members for the board of directors, the Chamber's plan for the year, and the annual report.
 - Attending the St. Patrick's Day curling challenge between Qualicum Beach Council and Parksville Council at the Qualicum Beach Curling Club.
 - Attending the board meeting for the St. Andrews Lodge Heritage and Cultural Society to discuss fundraising efforts for the lodge restoration and plans for commemorating the 100th anniversary of Elizabeth Little's birth.
- (6) **Arts & Culture** (Councillor Jean Young)
Councillor Young commented on the following:
- Attending the curling game with the City of Parksville Council.
 - Noting that the Qualicum Beach Cinema Society is hosting its annual general meeting on Thursday, March 23, 2023.
 - Qualicum Beach Rotary Club is offering a new Canadian flag program for \$50; Rotary will set up and take down a Canadian flag on a flag pole, four times a year.

- The Old School House is hosting "Music on Sundays" at 2:30 PM.
- Recommending residents sign up for the Qualicum Beach Museum Society's newsletter.
- Noting that the Town will be participating in Communities in Bloom this year, and extending thanks to Marlys Diamond for her help with this initiative.

STAFF REPORTS

(1) Chief Administrative Officer

(a) Beach Toy Library

Councillor Skipsey MOVED and Councillor Harrison SECONDED, THAT Council authorize the installation of a donated Beach Toy Library at the location identified on the map attached to the March 22, 2023 memo to Council.

CARRIED UNANIMOUSLY

(2) Corporate Administration

(a) Acting Mayor Appointment

Councillor Harrison MOVED and Councillor Skipsey SECONDED, THAT Councillor Young be designated to act in the place of Mayor for the period of May 14 to May 23, 2023.

CARRIED UNANIMOUSLY

(b) 2023 Special Event Approvals

Councillor Harrison MOVED and Councillor Young SECONDED, THAT the following special event applications be approved in principle, subject to event organizers working with Town staff to ensure Town requirements are met:

- Youth Appreciation Lunch, Thursday May 4, 2023 (Town-facilitated event)
- Public Works Day, Thursday May 25, 2023 (Town-facilitated event)
- Oceanside Mother's Day Race, Sunday May 14, 2023 (Oceanside Running Club Association)
- Summer Arts and Music Festival, Saturday June 17, 2023 (St. Andrews Lodge Historical and Cultural Society)
- Street Dance, Saturday June 17, 2023 (Seaside Cruizers)
- Show 'n Shine, Sunday June 18, 2023 (Seaside Cruizers)
- Qualicum Beach Triathlon, Sunday June 25, 2023 (Tri-Athletics Society)

Councillor Skipsey MOVED and Councillor Harrison SECONDED, THAT Council approves the Special Event Requests, as described in the March 22, 2023 memo to Council, for the Oceanside Mother's Day Race on May 14, 2023, the Qualicum Beach Triathlon on June 25, 2023, and the Seaside Cruizers Show 'n Shine weekend on June 17 and 18, 2023.

CARRIED UNANIMOUSLY

(3) **Planning**

(a) **UBCM Emergency Operations Centre Training Grant**

Councillor Harrison MOVED and Councillor Skipsey SECONDED, THAT Council authorizes the City of Parksville to submit a joint grant application on behalf of the Town of Qualicum Beach in the amount of \$34,040 to the Union of BC Municipalities Community Emergency Preparedness Fund to provide a joint Emergency Operations Centre Training Program for the City of Parksville and Town of Qualicum Beach (Emergency Management Oceanside); AND FURTHER THAT the Town authorizes the City of Parksville to apply for, receive and manage the grant funding on behalf of a partnership between the City of Parksville and Town of Qualicum Beach emergency program (Emergency Management Oceanside).
CARRIED UNANIMOUSLY

(b) **Development Variance Permit: 864 Royal Dornoch Drive**

Councillor Harrison MOVED, THAT Council directs staff to issue a Development Variance Permit for 864 Royal Dornoch Drive as described in the March 22, 2023 Planning memo to Council. Motion did not proceed due to lack of a Seconder.

(c) **Bus Garage Site Planning - Phase 1 Request for Proposals**

Councillor Skipsey MOVED and Councillor Harrison SECONDED, THAT Council authorizes staff to issue a "Request for Proposals" for the "Bus Garage Planning - Phase 1", including the Uptown Mobility Study Phase 1 as part of the project scope, as detailed in the March 22, 2023 Planning memo to Council.

Mayor Westbroek MOVED and Councillor Young SECONDED, THAT the motion on the floor be amended to include "AND FURTHER THAT the Uptown Mobility Study Phase 1 be expanded to include an exploration of how Second Avenue W could be reconfigured to reduce parking pressure on the "Bus Garage" and enhance the vitality of the uptown area; AND FURTHER THAT the 2023 budget for the Uptown Mobility Study Phase 1 be increased from \$10,000 to \$30,000."

CARRIED UNANIMOUSLY

MAIN MOTION AS AMENDED:

THAT Council authorizes staff to issue a "Request for Proposals" for the "Bus Garage Planning - Phase 1", including the Uptown Mobility Study Phase 1 as part of the project scope, as detailed in the March 22, 2023 Planning memo to Council;

AND FURTHER THAT the Uptown Mobility Study Phase 1 be expanded to include an exploration of how Second Avenue W could be reconfigured to reduce parking pressure on the "Bus Garage" and enhance the vitality of the uptown area;

AND FURTHER THAT the 2023 budget for the Uptown Mobility Study Phase 1 be increased from \$10,000 to \$30,000.

CARRIED UNANIMOUSLY

(d) **Development Variance Permit: 648 Beach Terrace**

Councillor Skipsey MOVED and Councillor Young SECONDED, THAT Council directs staff to issue a Development Variance Permit for 648 Beach Terrace as described in the March 22, 2023 Planning memo to Council.

CARRIED UNANIMOUSLY

(e) **Residences at Qualicum Station (Kiwanis Affordable Housing Project on Railway Street) - Verbal Update**

Luke Sales, Director of Planning, noted that site preparation for the affordable housing project on Railway Street will begin shortly, starting with removal of trees identified in the landscaping plan. Mr. Sales noted that a biologist has been engaged to ensure any nesting birds are not disturbed, the site has been fenced off, and that a frequently asked questions document has been posted to the Town's website.

Councillor Skipsey questioned if the groundcover that is to be removed prior to construction could be made available for residents to replant on their own property. The Director of Planning responded that he would relay the request to the contractor.

(4) **Fire Department**

(a) **Fire Department Digital Fire Training System – Supply Award**

Councillor Harrison MOVED and Councillor Young SECONDED, THAT Council of the Town of Qualicum Beach awards the contract for the supply of the Digital Fire Training System using an existing Canoe Procurement contract, to Associated Fire Safety Equipment in the amount of \$91,545.16 (including GST).

CARRIED UNANIMOUSLY

With consent from Council, Mayor Westbroek invited the property owner for 864 Royal Dornoch Drive to address Council regarding their development variance permit application.

The property owner provided an overview of his request for a variance, noting that the intent is to place a small art studio on the property, and a variance is required due to grading challenges on the lot.

Councillor Harrison MOVED, THAT Council directs staff to issue a Development Variance Permit for 864 Royal Dornoch Drive as described in the March 22, 2023 Planning memo to Council. Motion did not proceed due to lack of a Seconder.

REVIEW OF COMMENTS FROM THE PUBLIC

Comments for this regular Council meeting were received by 12:00 pm two business days following the meeting (March 24, 2023). Submissions were distributed to all Council, and a brief summary of the comments are as follows:

- Camille Cuthill, Qualicum Beach, regarding the proposed development for 230 Second Avenue West.

MOTION TO CLOSE

Councillor Skipsey MOVED and Councillor Vander Valk SECONDED, THAT the meeting be closed to the public for the purposes of considering:

- a. personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- b. the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- c. the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED UNANIMOUSLY

MEETING CLOSED TO THE PUBLIC at 12:54 pm

MEETING REOPENED TO THE PUBLIC at 2:45 pm

ADJOURNMENT

Councillor Vander Valk MOVED and Councillor Skipsey SECONDED, THAT Council adjourns the meeting.

CARRIED UNANIMOUSLY

MEETING ADJOURNED: 2:45 pm

Certified Correct:

Heather Svensen
Corporate Administrator

Teunis Westbroek
Mayor

Minutes of the 9:30 am Friday, March 24, 2023, Town of Qualicum Beach Special Council Meeting held in the Council Chamber, Municipal Office, 660 Primrose Street, Qualicum Beach, BC

PRESENT: Council: Mayor Teunis Westbroek
Councillor Anne Skipsey
Councillor Petronella Vander Valk
Councillor Jean Young

ABSENT: Councillor Scott Harrison

ALSO PRESENT: Staff: Lou Varela, CAO
Heather Svensen, Corporate Administrator
Luke Sales, Director of Planning
Weslie Gould, Deputy Corporate Administrator

The Mayor called the meeting to order at 9:30 am acknowledging that the meeting is being held on the traditional lands of the Coast Salish people.

ADOPTION OF THE AGENDA

Council adopted, by general consent, the March 24, 2023 Special Council meeting agenda.
CARRIED UNANIMOUSLY

STAFF REPORTS

(1) Planning

(a) Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023

Councillor Skipsey MOVED and Councillor Vander Valk SECONDED, THAT
“Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023” be adopted, as amended to fix minor typographical errors.

CARRIED UNANIMOUSLY

Councillor Skipsey MOVED and Councillor Vander Valk SECONDED, THAT
“Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023” be read a second time.

CARRIED UNANIMOUSLY

Councillor Skipsey MOVED and Councillor Vander Valk SECONDED, THAT
“Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023” be read a third time.

CARRIED UNANIMOUSLY

ADJOURNMENT

Councillor Skipsey MOVED and Councillor Young SECONDED, THAT Council adjourns the meeting.

CARRIED UNANIMOUSLY

MEETING ADJOURNED: 9:47 am

Certified Correct:

Heather Svensen
Corporate Administrator

Teunis Westbroek
Mayor

DRAFT



Date Received

MAR 13 2023

File No. _____

☒ Acknowledgement
Card

☐ Response
Letter

February 16, 2023

Teunis Westbroek
Mayor, Town of Qualicum Beach
Box 130
Qualicum Beach, BC V9K 1S7

Copied to: Council, LV
Reg

Dear Mayor Teunis Westbroek and Council,

We are writing to share a great story from your community with wonderful outcomes:

- People in your community accessed fresh, healthy local food from local farmers.
- Local farmers saw greater economic activity - strengthening their sustainability.

Each year, with funding from the Province of British Columbia, the BC Association of Farmers Markets delivers the BC Farmers' Market Nutrition Coupon Program across the province. In 2022, through an increase in funding we expanded the number of seniors and elders in the program and increased the weekly coupon allocation per family from \$21 to \$27.

In Your Community

In **Qualicum Beach**, we proudly partnered with **District 69 Society of Organized Services, Island Health - Parksville and Oceanside Health Centre** who provided lower-income pregnant persons, families, and seniors with coupons to purchase fresh fruits, vegetables, cheese, eggs, nuts, fish, meat, herbs and honey directly from farmers at your local farmers' market.

And with these coupons they redeemed **\$34,491** with local farmers at the **Qualicum Beach Farmers' Market**.

Over **99** lower-income residents from **Qualicum Beach** ate and enjoyed more local, fresh foods, learned about healthy eating, and felt connected to their community. At the same time, your local food system was strengthened with farmers in your community who benefited from this additional income to sustain their farms.

Our Request To You

If you agree the BC Farmers' Market Nutrition Coupon Program is a valuable program, we kindly ask you to send a thank you letter to the Minister of Health, Adrien Dix. Your encouragement and feedback means a lot and can strengthen support for ongoing funding for the BC Farmers' Market Nutrition Coupon Program.

BC Association of Farmers' Markets

208 - 1089 West Broadway Vancouver, BC V6H 1E5
604 734 9797 bcfarmersmarket.org bcfarmersmarket@trail.com



We are ready to dig in and work with your community again in 2023!

With gratitude,

A stylized, handwritten signature in black ink, appearing to read "Heather O'Hara".

Heather O'Hara
Executive Director

A stylized, handwritten signature in black ink, appearing to read "Wylie Bystedt".

Wylie Bystedt
President, Board of Directors

**TOWN OF QUALICUM BEACH
BYLAW NO. 626.05, 2023**

**A Bylaw to amend the Town of Qualicum Beach Municipal Ticket
Information Utilization Bylaw No. 626. 2008**

The Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

1. The "Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008" is amended as follows:
 - (1) Schedule 1 is deleted and replaced by Schedule 1, attached to and forming part of this bylaw as Schedule 'A';
 - (2) Schedule 22 is added, as attached to and forming part of this bylaw as Schedule 'B'.
2. This bylaw may be cited as "Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023".

INTRODUCED AND READ A FIRST TIME this 22nd day of March, 2023.

READ A SECOND TIME this 24th day of March, 2023.

READ A THIRD TIME this 24th day of March, 2023.

ADOPTED this day of , 2023.

Teunis Westbroek, Mayor

Heather Svensen, Corporate Administrator

Bylaw No. 626.05 – SCHEDULE A

SCHEDULE 1 of Bylaw No. 626

Column 1		Column 2
Schedule No.	Designated Bylaws	Designated Bylaw Enforcement Officers
2.	Animal Control Bylaw No. 649, 2009	Animal Control Officer Bylaw Enforcement Officer R.C.M. Police Poundkeeper
3.	Building Bylaw No. 643, 2009	Building Inspector Bylaw Enforcement Officer
4.	Business Licencing and Regulation Bylaw No. 506.07, 2000	Bylaw Enforcement Officer Building Inspector
5.	Fireworks Regulation Bylaw No. 611, 2007	Bylaw Enforcement Officer Local Assistant to Fire Commissioner R.C.M. Police
6.	Graffiti Bylaw No. 565, 1996	Bylaw Enforcement Officer Building Inspector Superintendent of Public Works, Parks & Buildings Parks Foreman R.C.M. Police
7.	Land Use and Subdivision Bylaw No. 580, 1999	Bylaw Enforcement Officer Building Inspector Director of Planning
8.	Noise Control Bylaw No. 706, 2017	Animal Control Officer Bylaw Enforcement Officer R.C.M. Police
9.	Outdoor Burning Bylaw No. 715, 2017	Bylaw Enforcement Officer Local Assistant to Fire Commissioner
10.	Parks Regulation Bylaw, No. 551, 1994	Bylaw Enforcement Officer Superintendent of Public Works, Parks & Buildings Parks Foreman R.C.M. Police
11.	Property Maintenance and Standards Bylaw No. 720, 2018	Bylaw Enforcement Officer Building Inspector

SCHEDULE 1 of Bylaw No. 626

Column 1		Column 2
Schedule No.	Designated Bylaws	Designated Bylaw Enforcement Officers
12.	Public Nuisance and Disturbances on a Highway or a Public Place Bylaw No. 624, 2008	Bylaw Enforcement Officer R.C.M. Police
13.	Sign Regulation Bylaw No. 553, 1995	Bylaw Enforcement Officer R.C.M. Police
14.	Traffic Bylaw No. 225	Bylaw Enforcement Officer R.C.M. Police
15.	Pesticide Use Bylaw No. 650, 2010	Bylaw Enforcement Officer Parks Foreman
16.	Airport Establishment and Operation Bylaw No. 457.05	Corporate Administrator Bylaw Enforcement Officer R.C.M. Police
17.	Garbage, Food Waste and Recycling Collection Service Rates and Regulations Bylaw No. 654, 2010	Bylaw Enforcement Officer
18.	Smoking Regulation Bylaw No. 730, 2019	Bylaw Enforcement Officer
19.	Waterworks Rate and Regulation Bylaw No. 713, 2017	Bylaw Enforcement Officer
20.	Fire Protection and Life Safety Bylaw No. 698, 2016	Bylaw Enforcement Officer
21.	Noxious Weeds and Grass Control Bylaw No. 722, 2018	Bylaw Enforcement Officer
22.	Tree Protection Bylaw No. 725, 2023	Bylaw Enforcement Officer Parks Foreperson

Bylaw No. 626.05 – SCHEDULE B

SCHEDULE 8 of Bylaw No. 626

Tree Protection Bylaw No. 725, 2023			
Column 1		Column 2	Column 3
Offence		Section	Fine
1.	Cut, remove or remove a Protected Tree	4.1.1	\$2500
2.	Non-compliance with a permit	4.1.2	\$1500
3.	Cutting or damaging Protected Root Zone	4.1.3(a)	\$1500
4.	Operating equipment on Protected Root Zone	4.1.3(b)	\$1500
5.	Placing fill, materials, asphalt or building on Protected Root Zone	4.1.3(c)	\$1500
6.	Damaging bark, branches or roots of Protected Tree	4.1.3(d)	\$1500
7.	Depositing concrete washout or damaging liquid on Protected Root Zone	4.1.3(e)	\$1500
8.	Removing Soil within a Protected Root Zone	4.1.3(f)	\$1500
9.	Blasting within 2x the radius of a Protected Root Zone	4.1.3(g)	\$1500
10.	Topping a Protected Tree	4.1.3(h)	\$1500
11.	Altering the groundwater level within a Protected Root Zone	4.1.3(i)	\$1500
12.	Altering the groundwater level within a Protected Root Zone	4.1.3(j)	\$1500
13.	Cutting or removing more than 25% of the live crown of a protected tree	4.1.3(k)	\$1500
14.	Planting a tree or hedge on Town Property without written permission	4.1.4	\$1500

March 31, 2023



COMMUNiqué



On Tuesday, FCM outlined our profound disappointment in the federal government's decision to not **absorb retroactive costs** associated with the latest RCMP collective bargaining agreement, despite months of municipal advocacy.

FCM issued a [statement](#) on Wednesday responding to this decision to pass unbudgeted and unaccounted-for RCMP costs on to municipalities, without consulting or engaging local governments in the discussions and negotiations. This statement further outlined FCM's position that this situation cannot occur again, and was dispatched to all FCM members.

Today, FCM is reaching out with a practical toolkit to assist RCMP-reliant communities that will be affected by this decision. It includes:

- A [draft press release](#), which affected municipalities can use to articulate their position on this important development in line with FCM's ongoing advocacy. This resource may be useful in engaging with local media or local MPs on this important issue.
- A [draft resolution](#), which can be adopted and utilized to ensure a resolution opposing this decision can be swiftly adopted at your next municipal council meeting.

FCM recognizes the impact and scale of this decision on municipal finances, all the more at a time of inflation and financial uncertainty for Canadians. As such, we will continue to draw attention to this challenge, to help ensure municipalities are properly consulted on issues related to community policing and well-being going forward.

Your FCM team



24 Clarence Street
Ottawa, Ontario K1N 5P3

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fcm.ca

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**Town of Qualicum Beach
M E M O R A N D U M**

TO: Lou Varela, CAO **FOR:** April 12, 2023 Regular Council Meeting

FROM: Heather Svensen, Corporate Administrator

SUBJECT: **2023 SUBSIDIZED RENTAL APPLICATIONS FOR THE CIVIC CENTRE AND COMMUNITY HALL**

RECOMMENDATION:

THAT Council approves the School District 69 (Qualicum) KSS Fine Arts Society for a one-time subsidy for use of the Civic Centre on **April 20, 2023**, including use of the grand piano, portable staging and sound system, for their annual Premier Performance by charging a reduced rate of \$658, plus applicable taxes, as opposed to the regular rate of \$901, plus applicable taxes, resulting in an \$243 subsidy.

THAT Council approves the Qualicum Beach Duplicate for a one-time subsidy for use of the Civic Centre on **May 5, 6, and 7, 2023** to host the 2023 Qualicum/Parksville Sectional by charging a reduced rate of \$1,560 plus applicable taxes, as opposed to the regular rate of \$2,028, plus applicable taxes, resulting in a \$468 subsidy.

THAT Council approves the School District 69 (Qualicum) KSS Dry Grad for a one-time subsidy for the use of the Civic Centre on **June 24, 2023**, for the Dry Grad Prom event, by charging a reduced rate of \$0.00, plus applicable taxes, as opposed to the regular rate of \$1,575, plus applicable taxes, resulting in a \$1,575 subsidy.

THAT Council approves the Qualicum Beach Ukulele Band for a one-time subsidy for the use of the Community Hall on **May 8, 2023** (or another alternative date agreed upon by the parties) for the Band to attend a trial session with their group, by charging a reduced rate of \$0.00 plus applicable taxes, as opposed to the regular rate of \$44, plus applicable taxes, resulting in a \$44 subsidy.

BACKGROUND:

The Town policy states that applications will be considered for a specific event that benefits the residents of the Town of Qualicum Beach. Applicants must be locally-based and their efforts community-based in nature. If the primary purpose of the event is to raise funds to distribute to the community, the non-profit rate will apply unless this is the first year of the event.

SUMMARY:

Three applications for subsidy were submitted for use of the Civic Centre and one application for use of the Community Hall. Applications are evaluated, based on the current Town policy.

In total, four applications were received for use of the Civic Centre and Community Hall of which all four are recommended for subsidy. Subsidy total for the four approved applications amounts to \$2,330.

ALTERNATIVES:

1. That Council accepts only some of the above recommendations.
2. That Council provides other direction to staff.



Heather Svensen
Corporate Administrator
Report Writer



Lou Varela, CAO
Concurrence

Town of Qualicum Beach
M E M O R A N D U M

TO: Lou Varela, CAO

FOR: Regular Council, April 12, 2023

FROM: Heather Svensen, Corporate Administrator

SUBJECT: Accessibility Advisory Team

RECOMMENDATION

1. THAT an Accessibility Advisory Team be established, as attached to the April 12, 2023, memo to Council.
2. THAT the draft Terms of Reference for the Accessibility Advisory Team be approved, as attached to the April 12, 2023, memo to Council.
3. THAT staff solicit applications for membership on the Accessibility Advisory Team for Council consideration, as attached to the April 12, 2023, memo to Council.

PURPOSE

To establish an “Accessibility Advisory Team” to advise the Town on matters of Accessibility and to support the creation of an Accessibility Plan.

BACKGROUND

On June 17, 2021, the *Accessible British Columbia Act* (the “Act”) received royal assent. The Accessible British Columbia Regulation (the “Regulation”) subsequently prescribed the organizations to which the *Act* applies. Under the Regulation, municipalities must comply with the requirements of the *Act* (discussed below) by September 1, 2023.

The *Act* requires that the Town establish an advisory group to assist with identifying barriers to individuals within, or interacting with, the organization, and to provide advice on how to remove and prevent the barriers identified. A “barrier” is defined as “...anything that hinders the full and equal participation in society of a person with an impairment.” A barrier may be the result of environments, attitudes, practices, policies, information, communications or technologies.

The *Act* also requires the development of an Accessibility Plan to outline the activities the Town intends to undertake to identify, remove, and prevent barriers to individuals in, or interacting with, the Town. The Accessibility Plan must be reviewed and updated at least once every three years. The Plan must be developed and reviewed in consultation with the Accessibility Advisory Team and consider the principles of inclusion, adaptability, diversity, collaboration, self-determination, and universal design. The Town must also establish a process for receiving comments from the public on the Plan and on barriers.

DISCUSSION

With the September 1, 2023, compliance deadline, it is important to initiate the process to establish an Accessibility Advisory Team and begin the work on an Accessibility Plan and public feedback processes. The Accessibility Advisory Team must, *to the extent possible*, have:

- a) at least half of its members be persons with disabilities, or individuals who support, or are from organizations that support, persons with disabilities;
- b) have members that reflect the diversity of persons with disabilities in British Columbia;
- c) have at least one member that is an Indigenous Person; and

- d) have members that reflect the diversity of persons in British Columbia.

The Accessibility Advisory Team does not need to be a formal Committee of Council. To provide the advisory group with more autonomy and to minimize the staffing resources required for implementation, staff propose creating a “team”, rather than a formal committee. Draft Terms of Reference for the Accessibility Advisory Team have been prepared for consideration (Attachment A); however, as provincial resources become available amendments may be required. Given the deadline for compliance, it is important to proceed with recruiting team members. Accessibility Plans are intended to evolve, and the initial product can be expanded over time.

FINANCIAL IMPACT:

The 2023-2027 Amended Financial Plan includes \$2,000 in 2023 for the development of the Accessibility Advisory Team. As more information becomes available, further funding needs may be identified for the development of the Accessibility Plan. Additionally, this legislative requirement could represent an increase in workload for Town staff in various areas and the full costs will not be known until the Advisory Team commences its work. Creating the advisory group as a “team”, rather than a committee, will help mitigate the staffing impact due to differences in reporting and participation. Council may need to dedicate new resources to support this program in the long term. In the interim, the Team will be supported by staff from Corporate Services, and it may be necessary to seek Council approval for external expertise (e.g. architects, engineers, designers, etc.) It is possible that upgrades may be recommended to public facilities or spaces to implement changes., with resulting budget consideration.

SUMMARY

The *Accessible British Columbia Act* received royal assent on June 17, 2021. The *Act* is an important piece of enabling legislation that paves the way for future standards that will address barriers to access for people with disabilities in a range of areas.

Part 3 of the *Accessible BC Act* requires organizations listed in the regulation to establish an accessibility committee, develop an Accessibility Plan and create a tool to receive public feedback on accessibility. The proposed creation of an Accessibility Advisory Team will advance these goals.

ALTERNATIVES

1. THAT Council provide alternative direction to staff.



Heather Svensen
Corporate Administrator
Report Writer



Luke Sales, MCIP, RPP
Director of Planning
Concurrence



Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments:

- Draft Terms of Reference

**TOWN OF QUALICUM BEACH
TERMS OF REFERENCE
ACCESSIBILITY ADVISORY TEAM**

1. PURPOSE OF TEAM

The purpose of the Accessibility Advisory Team (“Team”) is to:

- (a) assist with identifying barriers to individuals in or interacting with the Town of Qualicum Beach in accordance with the *Accessible BC Act*;
- (b) provide advice on how to remove and prevent any identified barriers;
- (c) provide input on the development of an Accessibility Plan;
- (d) provide advice on mechanisms to receive public feedback on accessibility;
- (e) provide advice on any matters referred to the Team by Council or Town staff.

2. LIMITATIONS OF THE DUTIES AND POWERS OF THE TEAM

The Team has no delegated authority from Council and is not empowered to manage any property, aspect, or role of the Town’s responsibilities.

3. COMPOSITION OF THE TEAM

The Accessibility Advisory Team (“Team”) will consist of a minimum of five, and a maximum of seven members, who will be appointed by Council based on their experience and credentials, and to the extent possible, include representation as follows:

- (a) at least half of members to be persons with disabilities, or individuals who support, or are from organizations that support, persons with disabilities;
- (b) members that reflect the diversity of persons with disabilities in British Columbia;
- (c) at least one Indigenous Person;
- (d) members that reflect the diversity of persons in British Columbia; and
- (e) at least one member of Council.

4. ADVISORY PERSONS TO THE TEAM

Town staff may participate in meetings of the Team in an advisory capacity but shall not vote.

5. APPOINTMENT AND MEMBERSHIP

(a) Nominations

Advisory Team members will be invited from the community. From applications received, Council will appoint the members and may, in any case, decline to appoint an applicant and invite new applications.

(b) Term and Termination

- (i) Members of the Team shall serve at the pleasure of the Council with a term of approximately two years, ending December 31st of the second year of their term. Team members may be reappointed for an additional term or terms.
- (ii) Council may terminate the appointment of any member of the Team at any time.

(c) Resignation and Absenteeism

A member may resign from the Team on presentation of written notice at a regular meeting of the Team. Any member other than the Mayor or a member of Council who is absent from three (3) consecutive meetings without cause or without notice to the chairperson, shall be deemed to have resigned from the Team.

(d) Vacancies

Any vacancy on the Team other than a vacancy caused by the resignation of a Council member shall, for the expired portion of any term, be vacant or Council may invite fresh nominations from the group or agency that nominated the member who has vacated the position.

(e) Remuneration

All members of the public appointed to the Team shall serve without remuneration. All expenses reasonably incurred in the carrying out of Team business may be reimbursed by the Director of Finance of the Town with the approval of the Chief Administrative Officer or designate.

6. MEETINGS**(a) Regular Meeting**

A Team meeting will be convened upon the appointment of members. The purpose of the inaugural meeting will be to review the Terms of Reference, establish a meeting schedule, and establish preliminary requirements.

(b) Special Meeting

The Chairperson, or any two members may call a special meeting of the Team.

(c) Quorum

- i) The quorum for a Team is a majority of all its voting members.
- ii) Should there be no quorum present within 15 minutes after the time appointed for the meeting, the recorder shall record in the minutes the

names of the members present at the expiration of such fifteen minutes and the meeting shall stand adjourned until the next scheduled meeting.

- iii) The Council member assigned to the Team shall be appointed as the Chair and shall preside at all meetings.

7. Deliverables

- (a) The Team will provide advice to Council on the development of an Accessibility Plan to identify, remove and prevent barriers to individuals in, or interacting with the Town of Qualicum Beach. The Plan must be adopted by September 1, 2023.
- (b) The principles of inclusion, adaptability, diversity, collaboration, self-determination, and universal design must be considered in conjunction with the development and review of the Accessibility Plan.

Town of Qualicum Beach
M E M O R A N D U M

TO: Lou Varela, CAO **FOR:** Regular Council April 12, 2023

FROM: Raj Hayre, Director of Finance

SUBJECT: **Alternative Tax Collection Scheme Options**

RECOMMENDATION

THAT Council directs staff to amend “Town of Qualicum Beach Alternative Municipal Tax Collection Scheme Bylaw 587, 2001”, to impose a penalty on current year taxes unpaid by July 2, (or the first business day following July 2), and October 31, (or the first business day following October 31); AND FURTHER THAT, penalties of 5% be applied to both deadlines.

PURPOSE

The purpose of this memo is to seek Council direction with respect to penalty dates and percentages on property taxes outstanding after the due date.

BACKGROUND

In response to the unprecedented economic disruption caused by the COVID-19 pandemic and to support taxpayers experiencing cash flow issues, penalty dates and amounts were varied for the 2020, 2021 and 2022 tax years as illustrated in table 1 below.

Table 1 – Alternative Tax Collection Scheme

Property Tax Year	Outstanding Current Taxes	
	First Penalty Date and Percentage	Second Penalty Date and Percentage
2001 – 2019	Jul 2 5%	Oct 31 5%
2020	Oct 1 1%	Dec 1 9%
2021	Jul 2 2%	Oct 31 8%
2022	Jul 2 2%	Oct 31 8%

In the absence of an Alternative Tax Collection Bylaw municipalities are required to follow the “default municipal tax scheme” as prescribed under the *Community Charter*. Under this scheme taxes are due on July 2 of each year. Any unpaid tax, including an unclaimed homeowner grant, is subject to penalty after July 2. The penalty rate is established in the *Municipal Tax Regulation* and is currently 10 percent.

The Town of Qualicum Beach, since inception, has opted for an alternative tax collection scheme by bylaw which allowed for a change to the due date and/or penalty.

Given we are in recovery from post-COVID-19, local governments are transitioning back to pre-COVID timing with respect to due dates and penalties for outstanding property taxes. Approaches vary between municipalities and Table 2 below illustrates the approach some of the Town’s neighbouring municipalities are taking.

Table 2 – Proposed 2023 Due Dates and Penalty

Local Government	Outstanding Current Taxes	
	First Penalty Date and Percentage	Second Penalty Date and Percentage
Parksville	Jul 2 5%	Sept 15 5%
Lantzville	Jul 2 5%	Sept 2 5%
Nanaimo	Jul 2 2%	Aug 31 8%
Ladysmith	Jul 2 2%	Sept 15 8%
Cumberland	Jul 2 10%	n/a

Staff recommend amending the property tax due dates as July 2 or the first business day following, with a 5% penalty applied to unpaid current taxes. The second penalty date would be October 31st or the first business day following, with a further 5% penalty applied.

The Town will have to remit almost \$5 million in levies on behalf of other taxing authorities on or before August 1 and considering increased market interest rates, imposing a 2% penalty on the first penalty date could potentially result in a cash shortfall.

ALTERNATIVES:

1. Instruct Staff to leave “Town of Qualicum Beach Alternative Municipal Tax Collection Scheme Bylaw 587, 2001” in place (2% penalty on July 2nd and a further 8% on October 31).
2. Provide alternative direction to staff by varying the penalty dates and/or amounts.



Raj Hayre, CPA, CMA
Director of Finance



Lou Varela, MCIP, RPP
CAO
Concurrence

Town of Qualicum Beach

MEMORANDUM

To: Lou Varela, CAO

For: Regular Meeting April 12, 2023

From: Peter Cornell, Fire Chief

RE: Fire Department Service & Training Level Policy 3013-2

RECOMMENDATION

3013-2. THAT Council approve the updated Fire Department Service and Training Levels Policy

PURPOSE

The purpose of this report is to provide Council with an updated Policy regarding the Fire Department's levels of service and training.

BACKGROUND

A recommendation from the 2021 Behr Fire Service Review was to have the Fire Department's level of service declared by the Authority Having Jurisdiction (local government). This recommendation was resolved at the July 21, 2021, Regular Council Meeting with the approval of Policy 3013-2. Since the Policy's approval in 2021, the *British Columbia Fire Service Minimum Training Standards Structure Firefighters Competency and Training Playbook* was updated to the *British Columbia Structure Firefighter Minimum Training Standards* in 2022. The proposed changes to the Policy will update the referenced Training Standards as well as to document the current level of service that the Fire Rescue Department delivers.

DISCUSSION

The Qualicum Beach Fire Rescue Department currently exceeds the operating and training requirements set out in the *British Columbia Structure Firefighter Minimum Training Standards* released in 2022 for “Full Service Operations.” A Full Service Fire Department can provide many different services beyond those identified in the training standard; the updates to the Fire Department Service & Training Level Policy list the services that the Qualicum Beach Fire Rescue Department currently provides. These services include all aspects of fire protection, rope and confined space rescue, vehicle extrication, hazardous material mitigation, aiding other agencies, and assisting neighbouring fire services. The delivery of medical services with British Columbia Emergency Health Services (BCEHS) is one part of aiding other agencies. The current level of response for medical assistance is restricted to incidents requiring critical life-saving intervention, such as severe respiratory distress and cardiac arrest. The Qualicum Beach Fire Rescue Department will also respond to Delta calls with a BCEHS delay or at the request of a BCEHS unit on scene. Delta calls are defined as medical incidents with issues such as shortness of breath, stroke or unconsciousness.

There will be no anticipated staffing or budget implications from updates to this Policy as there are no proposed changes to the current service level.

ALTERNATIVES

1. THAT Council provides alternative direction to staff.



Peter Cornell, ECFO
Fire Chief
Report Writer



Lou Varela, RPP, MCIP
CAO
Concurrence

Attachment: Fire Department Service and Training Level Policy 3013-2

	Town of Qualicum Beach	Policy Manual
	Subject: Fire Department Service and Training Level	
	Policy Number: 3013-2	

Purpose

This Policy defines the standard for service and training levels for the Town of Qualicum Beach Fire Rescue Department.

Policy

The Qualicum Beach Fire Rescue Department shall maintain the Full-Service level of training as a standard for firefighter competency, as defined by the British Columbia Structure Firefighter Minimum Training Standards.

Procedure

1. Members of the Qualicum Beach Fire Rescue Department will train to Full-Service Operations.
2. *Full-Service Operations* is the level of service which includes activities undertaken by firefighters and officers trained in the full spectrum of Competencies outlined in National Fire Protection Association (NFPA) 1001: Standard for Fire Fighter Professional Qualifications, Fire Fighter II, as well as the relevant Competencies of NFPA 1021: Standard for Fire Officer Professional Qualifications.
3. The Qualicum Beach Fire Rescue Department will provide the following services:
 - A. All aspects of fire protection, including:
 - i. Suppression of all types of fires,
 - ii. Fire prevention inspections,
 - iii. Fire cause determination,
 - iv. Fire and life safety education,
 - v. Pre-fire planning, and
 - vi. Responding to public inquiries.
 - B. The technical rescue of persons from potentially dangerous situations to the NFPA 1006: Standard for Technical Rescue Personnel Professional Qualifications Rope and Confined Space Technician levels.
 - C. The extrication of, and care for, patients during a motor vehicle incident.

Approved: 2021-07-21
Approved By: Council

Amended:
 April 12, 2023

- D. The identification of dangerous goods and taking the appropriate actions to NPFA 1072: Hazardous Materials Emergency Response Personnel Professional Qualifications Operations level.
- E. The Qualicum Beach Fire Rescue Department will aid other agencies such as Emergency Management BC (i.e., road rescues), BC Wildfire Service (i.e., interface fires), neighbouring fire services, and BC Emergency Health Services (BCEHS) in the delivery of medical assistance. The level of response (incidents the Qualicum Beach Fire Rescue Department attends) for medical assistance shall be to those calls requiring critical life-saving interventions, such as severe respiratory distress and cardiac arrest. The Qualicum Beach Fire Rescue Department will also respond to Delta calls with a BCEHS delay and at the request of a BCEHS unit on scene requiring immediate assistance.

Responsibility Fire Chief
Fire Rescue Members
Mayor and Council (matters of Governance)

References BC Structure Firefighter Minimum Training Standards
District 69 Mutual and Automatic Aid Agreements

Delta calls: medical incidents with issues such as shortness of breath, stroke, or unconsciousness

Distribution Mayor and Council
Management Team
Fire Rescue Department

**Town of Qualicum Beach
MEMORANDUM**

TO: Luke Sales, Director of Planning **FOR:** Regular Council, April 12, 2023

FROM: Mark Eshpeter, Building Official

SUBJECT: St. Andrew's Lodge Rehabilitation Requirements and Background

RECOMMENDATION

For information purposes only

PURPOSE

In response to Council direction, this report is provided to summarize Council's decision-making to date regarding the St. Andrew's Lodge located at Saahtlam Park for matters including, but not necessarily limited to, the requirement for seismic upgrades and the inclusion of onsite washrooms.

BACKGROUND

The decision-making history is in Appendix 'A'.

The historic St. Andrew's Lodge building was originally constructed as a hotel and has been used for both residential and hotel purposes throughout its history. It is understood by staff that the current proposal by the Society is to upgrade the building for community use, including the possible addition of a restaurant.

Whenever a building changes use, a building code review is required. This review process involves a thorough examination of the building's construction, design, and materials to ensure compliance with regulations and standards. The purpose of the review is to ensure the safety, health, and accessibility of the building's occupants.

The review would encompass all proposed uses for the building and would evaluate whether any upgrades or modifications are necessary to meet the current *BC Building Code* requirements related to health, safety, and accessibility. This may include an analysis of the building's structural integrity, fire safety systems, plumbing, electrical systems, and other relevant building systems.

In cases where the change of use is from a less restrictive to a more restrictive use, the Building Code review may require physical changes. For instance, converting from a hotel/residential use (lower structural requirements) to a community space (higher structural requirements) may involve an increase in requirements to ensure the safe and accessible use of the building.

DISCUSSION

Has the Town set requirements that make it harder to renovate the St. Andrew's Lodge building?

No. The Town cannot set building code requirements that are higher than the requirements of the *BC Building Code*.

Why weren't seismic upgrades done on the former Harlech Fire Hall?

In 2008, the Town commissioned a seismic assessment of the former Harlech Fire Hall. The report identified the work that would have been needed to bring the building up to a post-disaster standard and recommended replacement instead of renovation.

When the Harlech Fire Hall was used as a fire hall, the lower floor was “industrial” and the upper floor was an office. When new tenants were proposed, an Architect was engaged by the Town to complete a Code review to ensure Fire Separations, Exiting, and Accessibility requirements were substantially met:

- The proposed use on the upper floor was unchanged, so no upgrades were required.
- On the lower floor, upgrades were completed to meet the requirements identified by the Architect.

Currently all uses within this existing structure (former Harlech Fire Hall) are grouped as Business and Personal Services, which are less restrictive uses than Public Assembly Use.

What exactly will be required to rehabilitate the St. Andrew's Lodge building?

Ultimately, a complete Building Code Review is essential to ensure that the building is safe and compliant with relevant codes and regulations. It is not within the jurisdiction of the Town to increase or decrease Building Code requirements. Any *BC Building Code* requirements that are triggered by the change in use are not optional (i.e. Council cannot overturn any applicable requirements for building upgrades).

At this point in the process it is not possible to definitively determine the upgrade requirements. Following is the process that would lead to this determination.

1. Society determines proposed uses for building
2. Third-party professional completes Building Code Review based on proposed uses, occupant load and other factors
3. Professional works with Town Building Official on acceptable solutions
4. Town approves Building Plans
5. Society engages professional to determine costs based on approved Building Plans

Seismic Requirements

As per the Town Policy #3006-4, the Town has adopted the “National Research Council (NRC) – Guidelines for Seismic Evaluations of Existing Buildings”. As part of this requirement a Structural Engineer would evaluate the building in its entirety to ensure that it will withstand a minimum 60% of the current building codes seismic loading criteria. This may reduce some of the requirements by allowing a 40% reduction in loading requirements required by the *BC Building Code* depending on the final use. For reference, this policy was adopted in 2006 to provide clarity to consulting engineers.

Since that time, the Association of Professional Engineers and Geoscientists of BC (APEGBC) has released multiple guidelines to its members, and the building code has been updated several times. The Town's 2006 policy has essentially been superseded by increased requirements. As staff consider the policy to have little impact on the requirements for upgrading St. Andrew's Lodge building, staff have provided Alternative 1 (rescinding the policy) if Council wishes to eliminate any perception that the Town is unnecessarily requiring building upgrades.

	CURRENT	PROPOSED COMMERCIAL/PUBLIC ASSEMBLY USE	
HERITAGE BLDG	Originally not on the Heritage registry	The BC Building Code allows some Alternate compliance methods for heritage buildings regarding Fire Separations, Exits, Door Swings, Stairs, and Room heights. Structural requirements are determined by a structural engineer, but staff are not aware of specific "Alternate Solutions" for seismic.	
ACCESSIBILITY	Not Required	Section 3.8.4.5 of the BC Building Code requires access to the space and all areas where persons with disabilities could reasonably be expected to be employed in or could reasonably be expected to use. This includes access to the building and areas within, and washrooms.	
		More than 30 People or	30 People or less
Building Code USE ("OCCUPANCY")	Residential/ Hotel	Assembly uses (Group A2) include public assembly.	Business and Personal service (Group D).
BC CODE (SECTION)	Part 9	Part 3 - Architect required to oversee design and construction	Part 9 - Architect and/or registered professionals not typically required
SEISMIC (BC Codes) ⁽¹⁾	Not Required	Higher requirements	Lower requirements

- (1) This requirement is to ensure that the existing structure will be sufficient in relation to load carrying systems, and structural material properties/conditions as per "Engineers & Geoscientists of BC" (EGBC) guidelines for existing buildings.

Inclusion of a washroom in the St. Andrew's Lodge Building

Council has not decided on whether to construct washrooms at Saahtlam Park, and there are two options: installing them within the building or constructing a freestanding structure outside. It is staff's understanding that the decision regarding the washrooms will be made during the finalization of the Saahtlam Park site design, which is budgeted for 2023. Budgeting for the washrooms, if approved by Council, would occur in a future year.

Green Building Requirements

There are some types of energy efficiencies improvements that can be undertaken during the building retrofit process. However, Green Building Policy #3008-4 does not apply to the building, as the building is less than 500m² in floor area. Any Building Code requirements would apply.

Archeological Requirements

All archaeological sites in B.C. are protected under the *Heritage Conservation Act*. This applies whether sites are located on public or private land, and whether the site is known or unknown. Protected archaeological sites may not be altered or changed in any manner without a Permit. Staff have engaged an archaeological consultant (March 2023) to provide an Archeological Impact Assessment to establish a baseline understanding for future planning and construction activity.

SUMMARY

The historic St. Andrew's Lodge building was originally constructed as a hotel and has been used for both residential and hotel purposes throughout its history. It is understood by staff that the current proposal is to upgrade the building for community use, including the possible addition of a restaurant. The Building Code requirements will be determined by a Building Code Review, with requirements established by the *BC Building Code*. The Town cannot vary or lessen any standards specified in the Building Code.

ALTERNATIVES

1. THAT Town of Qualicum Beach Policy 3006-4 "Policy on Seismic Evaluation and Upgrading of Existing Buildings" be rescinded;
2. THAT Council provides alternative direction to staff



Mark Eshpeter, RBO
Building Official
Report Writer



Heather Svensen
Corporate Administrator
Concurrence



Luke Sales
Director of Planning
Concurrence



Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments

[/3006-4%20Seismic%20Evaluation%20_%20Upgrading%20of%20Existing%20Buildings.pdf](#)

memo.Plan.StAndrewsDecisionsandSeismic.v4

Appendix 1: Saahtlam Park Decision-making History

Following is a summary of decisions, starting in December 2020. and including all adopted motions reported in Open Council Meetings. Failed motions are not included in this list.

December 9, 2020

Report was presented to Council regarding the upgrade of the St. Andrew's Lodge building. Council adopted the following resolution:

- THAT consideration of the December 9, 2020 staff report regarding the restoration and rehabilitation of the St. Andrew's Lodge structure be deferred to a future meeting, after the St. Andrew's Lodge Historical and Cultural Society has been formed.

January 13, 2021

Announcement of In Camera Meeting Motions (November 16, 2020)

- THAT Council directs staff to install an electric portable heater in St. Andrew's Lodge as soon as possible;
- AND FURTHER THAT the Town be responsible for the electrical costs up to December 31, 2020;
- AND FURTHER THAT, all invoices for electricity to power and heat the St. Andrew's Lodge be borne by the Society;
- AND FURTHER THAT should a Society not be formed by January 1, 2021, electrical costs for the Lodge building from January 1, 2021 onwards will be invoiced and collected from the Society as soon as the Society is created.

Councillor Westbroek MOVED and Mayor Wiese SECONDED, THAT the St. Andrew's Lodge Historical and Cultural Society ("Society") be granted access to the St. Andrew's Lodge by providing the Society a key to the building, subject to the Society entering into a lease with the Town of Qualicum Beach.

January 27, 2021

- THAT Council requires that the restoration and rehabilitation of the existing St. Andrew's Lodge structure include upgrades required for:
 - *BC Building Code*;
 - Town of Qualicum Beach Seismic Evaluations Policy 3006-4;
- AND FURTHER THAT staff report at a future date on any implications of heritage status as it relates to the *BC Building Code* and Town of Qualicum Beach Seismic Evaluations Policy 3006-4.
- THAT Council instructs staff to prepare a draft bylaw designating the St. Andrew's Lodge as a heritage site; AND FURTHER THAT staff be directed to work with the St. Andrew's Lodge Historical and Cultural Society to prepare a Statement of Significance in preparation of applying for heritage status for the St. Andrew's Lodge building.

April 7, 2021

- THAT Council directs staff to refer the draft Statement of Significance for St. Andrew's Lodge, as provided by the St. Andrew's Lodge Historical and Cultural Society to a heritage consultant for review, at no cost to the Town.
- THAT once the heritage consultant is satisfied with the St. Andrew's Lodge Statement of Significance, staff be directed to add St. Andrews Lodge to the Community Heritage Register.

April 28, 2021

Announcement of In Camera Meeting Motions (April 9, 2021)

- **St. Andrews Lodge – lease negotiations**
Council could not reach a consensus on next steps for the lease negotiations with the St. Andrews Historical and Cultural Society at this time and agreed to wait until after the By-Election to review the matter.

July 21, 2021

Announcement of In Camera Meeting Motions (June 23, 2021)

- THAT Council directs staff to issue a media release confirming that the Town, upon completion of existing Purchase and Sale agreements, will fulfill the 2018 goal of replenishing Town reserves spent on the purchase of St. Andrew's Lodge and other strategic land acquisitions.
- THAT Council of the Town of Qualicum Beach ("Town") authorizes the Corporate Administrator and the Mayor enter into a lease agreement between the Town and the St. Andrew's Lodge Historical and Cultural Society for use of the St. Andrew's Lodge for an 12-month term starting July 1, 2021 and ending June 30, 2022 with annual rent payable based on the insurance costs for the building; with provision for an additional 48-month term subject to the completion of the following: (a) Provision of a detailed report showing progress toward the goal of renovating and operating the Building, including but not limited to a comprehensive work plan and budget as described in the April 9th, 2021 memo to Council and recirculated on June 23, 2021.

The following motion was released from the June 30, 2021 in camera meeting: "THAT Council directs staff to decline the offer from Ian Lindsay to represent the Town in the sale of properties to the south of the former St. Andrew's Waterfront Park."

February 23, 2022

- THAT Council instructs staff to invite the St. Andrew's Lodge and Historical Society to submit a proposal/plan for a public washroom at the St. Andrew's Park.

August 10, 2022

- THAT the question "Should the Town spend the necessary funds, up to a maximum of \$700,000, to refurbish the St. Andrew's Lodge building?" be placed on the ballot.

Announcement of In Camera Meeting Motions (July 20, 2022)

- THAT Council accepts the reports from the St. Andrew's Lodge Historical and Cultural Society as fulfillment of the conditions required to extend the initial 12-month lease term for an additional 48 months.
- THAT staff be directed to prepare a report on washrooms at the St. Andrew's Lodge Waterfront Park, including but not limited to the option of constructing public washrooms in the lodge building.

January 18, 2023

- THAT Council direct staff to prepare a report summarizing Council decision making to date regarding the St. Andrew's Lodge located at Saahtlam Park for matters including, but not necessarily limited to, the requirement for seismic upgrades and the inclusion of onsite washrooms; AND FURTHER, THAT the Mayor respectfully request Chief Recalma's consideration of, and welcomed participation in, design of a plaque recognizing the gifting of the name Saahtlam from the Qualicum First Nation, for the Park formerly recognized as St. Andrew's, as per the Council resolution dated September 28, 2022.



Town of Qualicum Beach Policy Manual

Policy No.: 3006-4

Date of Implementation: February 13, 2006

Policy on Seismic Evaluation and Upgrading of Existing Buildings

Policy

The Town of Qualicum Beach adopts the National Research Council (NRC) Guidelines for Evaluations of Existing Buildings as its standard for evaluation of existing buildings and determination of upgrading required. The guideline establishes an acceptable level of compliance to current BC Building Code standards regarding life-safety.

Procedure

NRC Guidelines for Seismic Evaluations of Existing Buildings is a technical manual to guide engineers in evaluating existing buildings to determine potential earthquake hazards and to identify buildings or building components that present unacceptable risk to human lives.

A building does not meet the life-safety objective of the guidelines if, in an earthquake, one or more of the following occurs:

- The entire building collapses
- Parts of the building collapse
- Components of the building fail or fall
- Exit/entry routes are blocked, preventing evacuation or rescue.

An evaluation of the building is made by a structural engineer, licenced in BC. Any building component unable to withstand 60% of the current building code's seismic loading criteria is targeted for upgrade. The format for evaluation reports and an evaluation checklist is included in the NRC Guidelines.

Required upgrades specific to the building are determined by the engineer's evaluation and must be completed as part of the building permit to change the building's occupancy classification.

Town of Qualicum Beach
M E M O R A N D U M

TO: Luke Sales, Director of Planning

FOR: Regular Council Meeting, April 12, 2023

FROM: Rebecca Augustyn, Planner

SUBJECT: Development Variance Permit: 921 Bluffs Drive

RECOMMENDATION:

1. THAT Council refuses the Development Variance Permit application for 921 Bluffs Drive, as described in the April 12, 2023 Planning memo to Council.
2. THAT Council rescinds the following motion:
 - a. AND FURTHER THAT Council directs staff to not issue occupancy or any other permits until the height issues are resolved.

PURPOSE:

To request direction on an application for a Development Variance Permit for 921 Bluffs Drive. The request is to vary the maximum building height from 8.0m to 8.6m to permit the existing single-family dwelling. The applicant is also requesting that the Section 57 notice be removed from the land title of the subject property.

BACKGROUND:

A Development Variance Permit has been requested for 921 Bluffs Drive. The property is zoned Residential 5 (R5). The subject property is in the development known as the "Bluffs" and is surrounded by residential properties. The maximum height in the R5 zone is 8.0m. The owner of 921 Bluffs Drive has made an application to vary the maximum building height from 8.0m to 8.6m to permit a single-family dwelling that was built over the maximum height. The building plans approved by the Town at the time of building permit show the maximum height at 8.0m; however, a survey submitted to the Town after the building was completed, shows the building height of the single-family dwelling as 8.6m. The following is background on the subject property:

- On May 2, 2016 an application was received for the construction of a single-family dwelling for 921 Bluffs Drive. A survey was submitted to the Town on September 21, 2016 showing a floor elevation of 19.8m that would allow for the home to be constructed below the maximum 8.0m height allowance.
- On January 17, 2017 a revised BCLS survey was completed that showed the floor elevation to be 19.7 m which is 0.1m less than the original proposal and noted the elevation at the ridge would be 27.6 m, which was less than the maximum allowable elevation of 27.7m.
- On January 20, 2017 a building permit was issued with the notations regarding the requirements for a Surveyor to verify the siting and height of the structure. An inspection was performed on March 15, 2017 at completion of the foundation and prior to any other construction with a request for the surveyor to provide siting and height confirmation.
- The building permit expired on January 17, 2018 and was renewed on September 18, 2018, with the same notes regarding the requirement for a surveyor to verify height compliance.
- On September 25, 2018 an email was sent to the Surveyor to confirm if they had completed the survey and height resolve for this property, as a survey had not been submitted by the owner. An email was also sent to the owner on September 26, 2018.
- On October 15, 2018 a survey was completed by a BCLS to confirm siting and the height of the structure that showed the height at the ridge as 28.3m which is 0.6m (24") higher than the maximum allowed of 27.7m.

- On October 24, 2018 an application for a variance to the roof height was received and refused by Council. The Building Inspector notified the owner of Council's refusal on March 12, 2019.
- On November 28, 2019 an email was sent to the owner regarding the options and a possible solution to the issue of the over-height structure by way of a legal document and securities held by the Town to ensure work is completed by a specified date.
- On December 9, 2020, Council registered a notice in the Land Title Office, under Section 57 of the *Community Charter*, stating that a resolution was made relating to 921 Bluffs Drive. Council also directed the matter to be referred to a solicitor, and that staff was not to issue an occupancy permit or any other permits until the height issues were resolved.
- On September 21, 2021, the applicant went before the Board of Variance and requested a variance to the height. The Board denied the request.



DISCUSSION:

The owner of 921 Bluffs Drive has submitted a new application to vary the maximum building height to permit an existing single-family dwelling. The proposal is to vary the maximum building height from 8.0m to 8.6m, which requires a 0.6m variance. The applicant is also requesting that the Section 57 notice be removed from the title of the subject property.

The original plans submitted to the Town at the time of building permit application showed the building height to be within the 8.0m height limit. In cases like this, where a building will be close to the maximum height, the Town requires a survey to confirm that the building is within the maximum height prior to final inspection. A reminder of this requirement was included on the foundation inspection report dated March 2020. The Town received the survey eight months after the reminder, which showed the building height to be over the maximum height.

As part of the new application, the applicant asserts that neighbouring homes are also over the maximum height in the zoning bylaw. Staff are unable to confirm or refute this claim based on available information. The Town measures height from "natural grade", and the natural grade of the land has been significantly altered during the construction of the surrounding homes and landscaping. The Town did not receive a grading plan at the time of the Bluffs subdivision, which is now a standard municipal practice.

Legal counsel advised that the cost of enforcement (i.e. forcing the applicant to lower their building), estimated in excess of \$25,000, is high for a height variance civil injunction, particularly where it is possible that neighbouring properties are in a similar situation. Counsel has advised that a Notice on Title is sufficient to acknowledge the breach of the Building Bylaw.

SUMMARY:

The proposed variance for 921 Bluffs Drive would vary the maximum building height from 8.0m to 8.6m. A building permit was issued for a design that complied with the 8.0m maximum height. However, when the applicant submitted a final survey of the building height, it showed that the building was 0.6m higher than the permitted 8.0m. Staff recommend that the variance be refused and that the Section 57 Notice on Title remain. Based on advice from legal counsel, staff recommend Council direct staff to proceed with the occupancy permit process.

ALTERNATIVES

1. THAT Council directs staff to fulfill statutory notification requirements so that Council can consider issuance of a Development Variance Permit for 921 Bluffs Drive at a future meeting.
2. Provide alternative direction to staff.



R. Augustyn, MCIP, RPP
Planner
Report Writer



Luke Sales, MCIP, RPP
Director of Planning
Concurrence



Heather Svensen,
Corporate Administrator
Concurrence



Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments
[memo.PLANS.921BluffsDrive.pdf](#)

memo.DVP.921BluffsDrive.v2

Date Received

JAN 03 2023

File No.

3090-20-Bluffs 921 (2023)

☐ Acknowledgement

☐ Response

LS / RA / ME



Crease Harman LLP

BARRISTERS & SOLICITORS

Since 1866

800 -1070 Douglas Street
Victoria, B.C. V8W 2C4

t. (250) 940-6095

f. (250) 388-4294

www.crease.com

Reply to
Email
File No.

Josh A. Bloomenthal
jbloomenthal@crease.com
2211018001

December 20, 2022

By email: lsales@qualicumbeach.com
with original letter to follow by courier

Town of Qualicum Beach
#201-660 Primrose Street
Qualicum Beach, BC V9K 1S7

Attn: Luke Sales

Dear Mr. Sales:

**Re: Development Variance Permit application for 921 Bluffs Drive, Qualicum Beach, BC
PID: 026-723-361, STRATA LOT 25 DISTRICT LOT 122 NANOOSE DISTRICT STRATA
PLAN VIS6042 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN
PROPORTION TO UNIT ENTITLEMENT OF STRATA LOT AS SHOWN ON FORM V**

We are retained by Krystyna Janik. As you know, our client is the registered owner of the above-captioned property located at 921 Bluffs Drive, Qualicum Beach, BC V9K 0A2 (the "**Property**").

Please find enclosed herewith:

1. Development Variance Permit application seeking a variance of section 6.4.75 of the Town of Qualicum Beach Land Use & Subdivision Bylaw No. 580, 1999 (the "**Bylaw**") to increase the maximum height of a building from 8.0 meters to 8.63 metres for our client's existing single family dwelling located on the Property (the "**Application**").
2. State of Title for the Property;
3. Elevations for the Property;
4. Site Plan for the Property;
5. Rationale for the DVP; and
6. Expert report from Rob Leiper, Division Manager of Geomatics at McElhanney Ltd.

Please note that we ordered a Certificate of Indefeasible Title for the Property, but will not receive a same until January due to holiday delays at Land Titles. We will deliver a copy of the Certificate of Indefeasible Title to Qualicum to complete the DVP application as soon as we receive same.

Please be advised that a \$1,500 cheque for the prescribed DVP application fee will be enclosed with the physical copy of this letter delivered to Qualicum by courier.

We strongly urge you to review Mr. Leiper's expert report forthwith and reconsider the position taken by the Town of Qualicum Beach's ("Qualicum") thus far in relation to our client's residence. In his enclosed report, Mr. Leiper finds based on the available data that the single family dwellings on Strata Lot 24 and Strata Lot 26 on either side of our client's Property both exceed 8.0 metres.

Unfortunately, it appears that Qualicum staff have enforced the Bylaw in against our client in an uneven manner without applying the same scrutiny to the adjacent properties. According to Qualicum's records, Qualicum never ordered a height resolve on either of the dwellings located on Strata Lot 24 and Strata Lot 26 nor refused to issue occupancy permits to the owners. We have also confirmed that Qualicum never registered a section 57 notice on title to Strata Lot 24 or Strata Lot 26 at any time notwithstanding that both of those dwellings are over height.

As you know, the previous Council placed a section 57 notice on title to our client's Property. As a consequence, our client has been unable to secure homeowners insurance or an occupancy permit for more than two years. In our view, the registration of the section 57 notice on title to our client's Property was unlawful. Section 57 of the *Community Charter* is reserved for circumstances where the subject dwelling is unsafe for occupation. The only other circumstance where a section 57 notice could be permitted is where the subject dwelling is unlikely to be usable for its expected purpose during its normal lifetime. Neither of these conditions apply to our client's residence. In the circumstances, we are instructed to make the following formal requests on behalf of our client:

1. immediate removal of the section 57 notice from title to the Property;
2. approval of the enclosed DVP application;
3. inclusion of the writer on the council agenda as a delegation on each and every occasion that this matter is before the Council;
4. receipt of any responding staff reports or public submissions in relation to this matter; and
5. failing approval of the DVP, that Qualicum immediately proceed with enforcement of the Bylaw against all other over height houses in the neighbourhood, including by revoking all occupancy permits and registering section 57 notices against title to their properties.

We trust that you will find the enclosed DVP application in order and proceed with the approval of same and the removal of the section 57 notice from title to our client's Property forthwith.

If you have any questions or concerns, please contact the writer directly.

Yours truly,

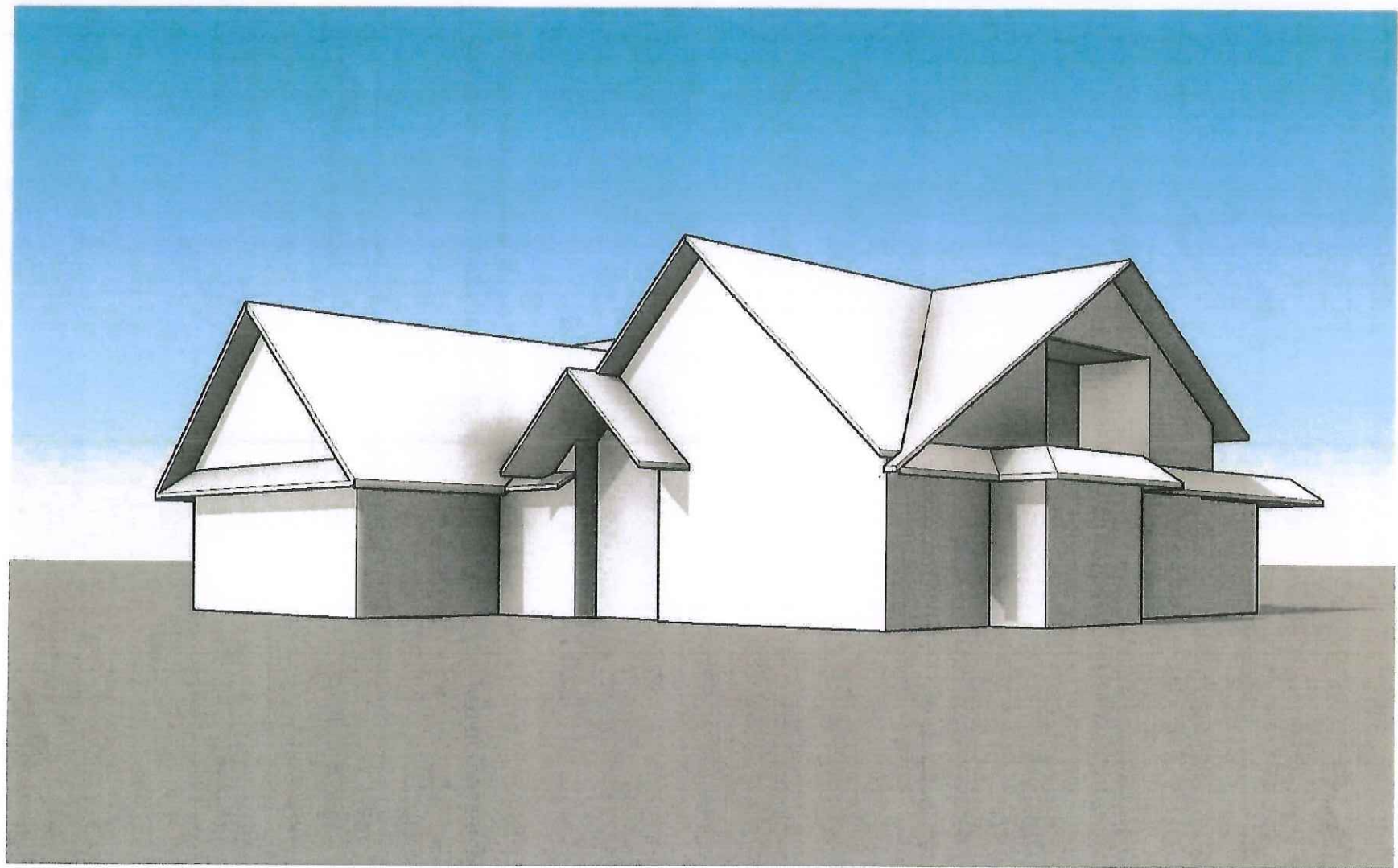
CREASE HARMAN LLP

Per:



Josh A. Bloomenthal

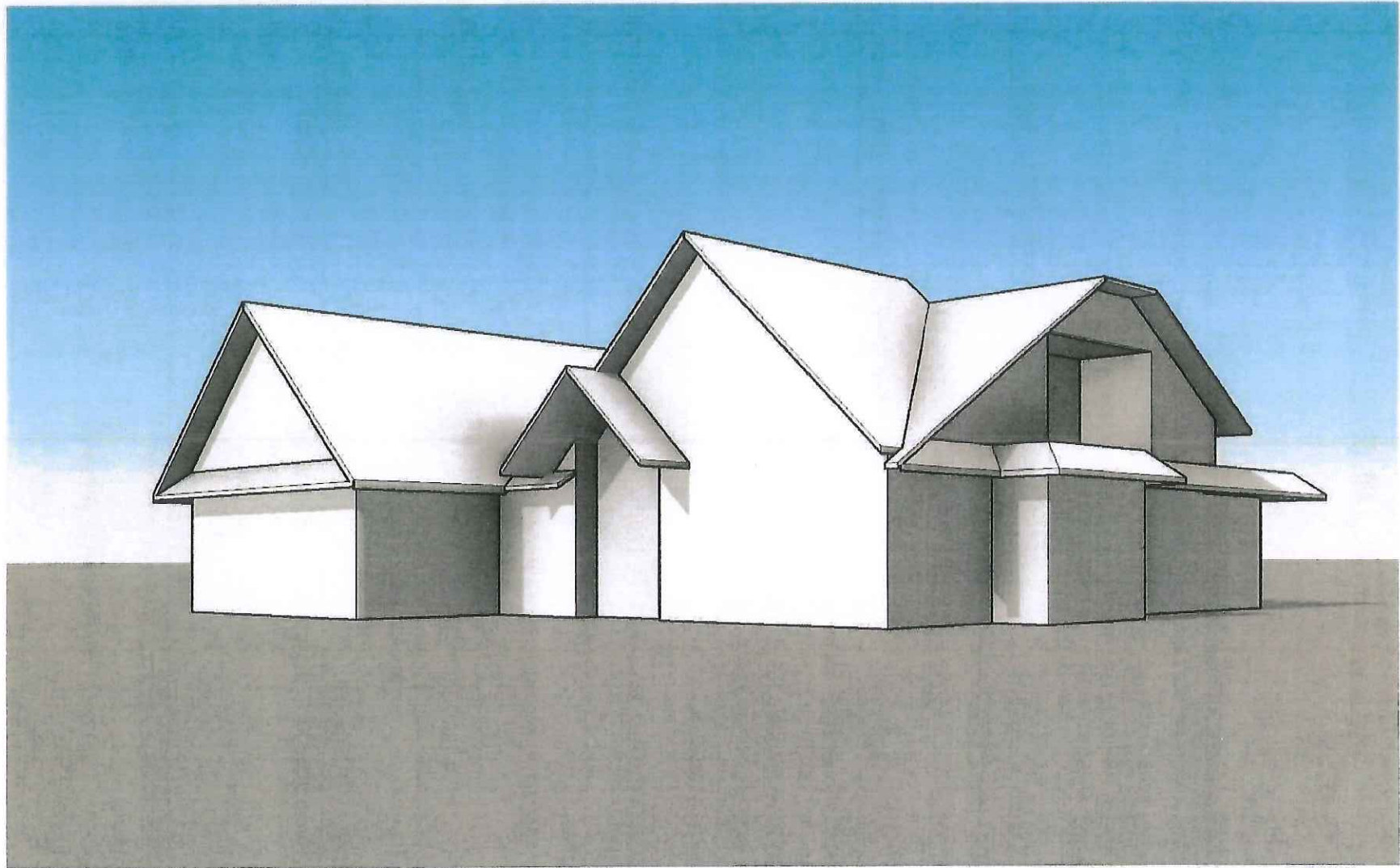
cc. Lou Varela, CAO
client



921 BLUFFS DRIVE
PERSPECTIVE 1 - EXISTING

101a APR 17, 2019
Scale:

SKOOKUM DESIGN SERVICES
t. 250-702 3744
e. niklas@skookumdesigns.com



921 BLUFFS DRIVE

PERSPECTIVE 1 - PROPOSED

101b

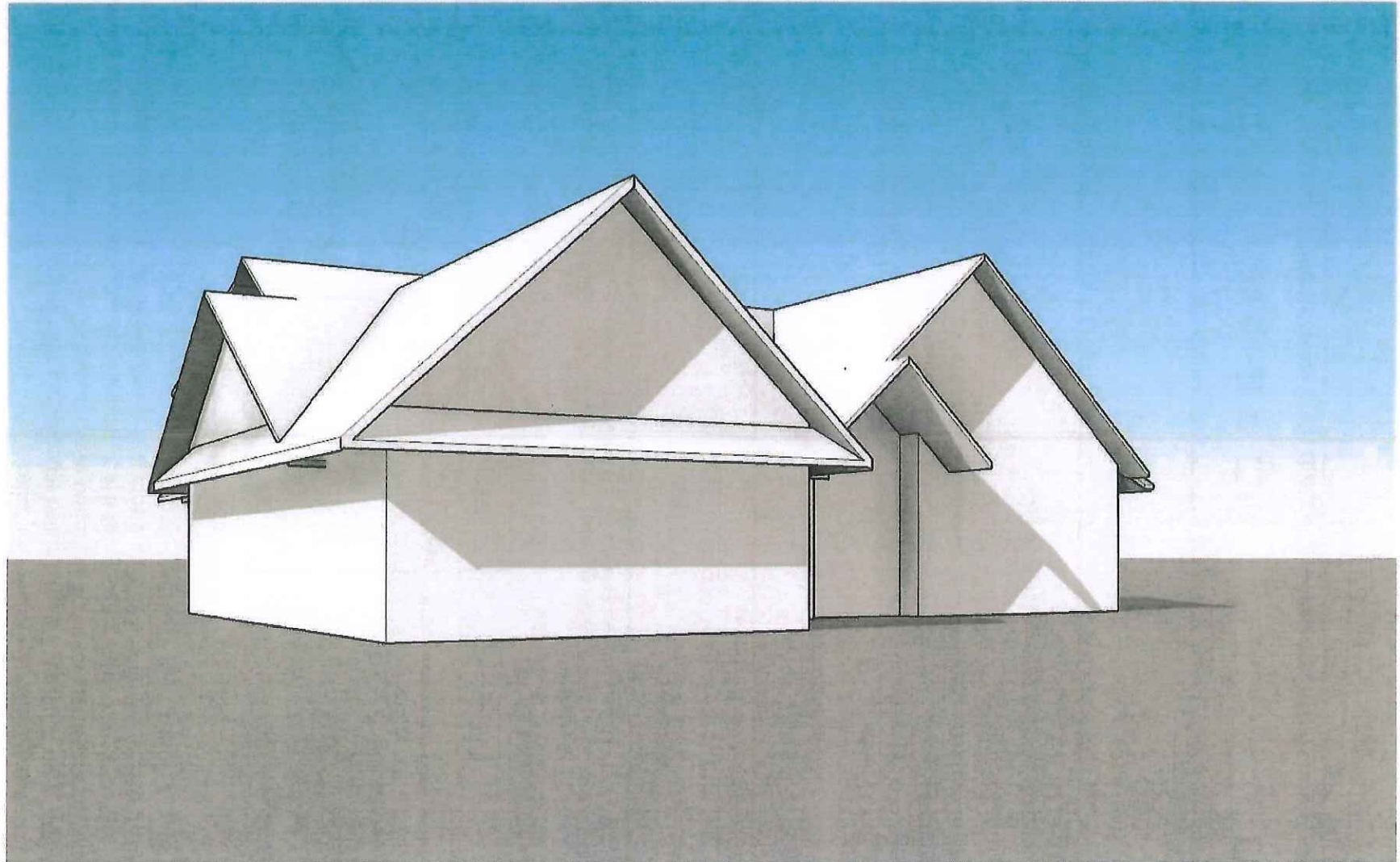
APR. 17, 2019

Scale:

SKOOKUM DESIGN SERVICES

t. 250-702 3744

e. niklas@skookumdesigns.com



921 BLUFFS DRIVE

PERSPECTIVE 2 - EXISTING

102a

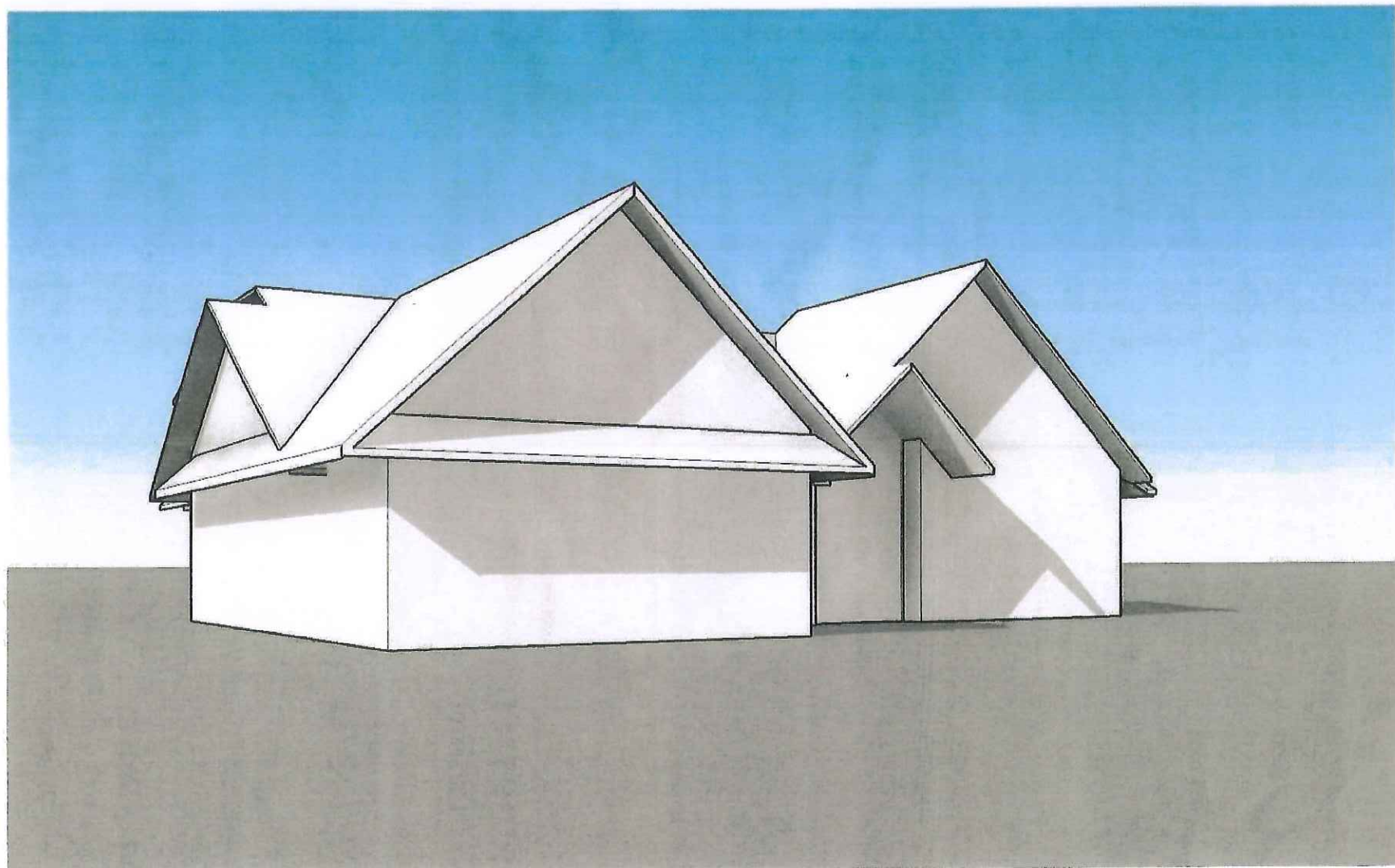
APR. 17, 2019

Scale:

SKOOKUM DESIGN SERVICES

t. 250-702 3744

e. niklas@skookumdesigns.com

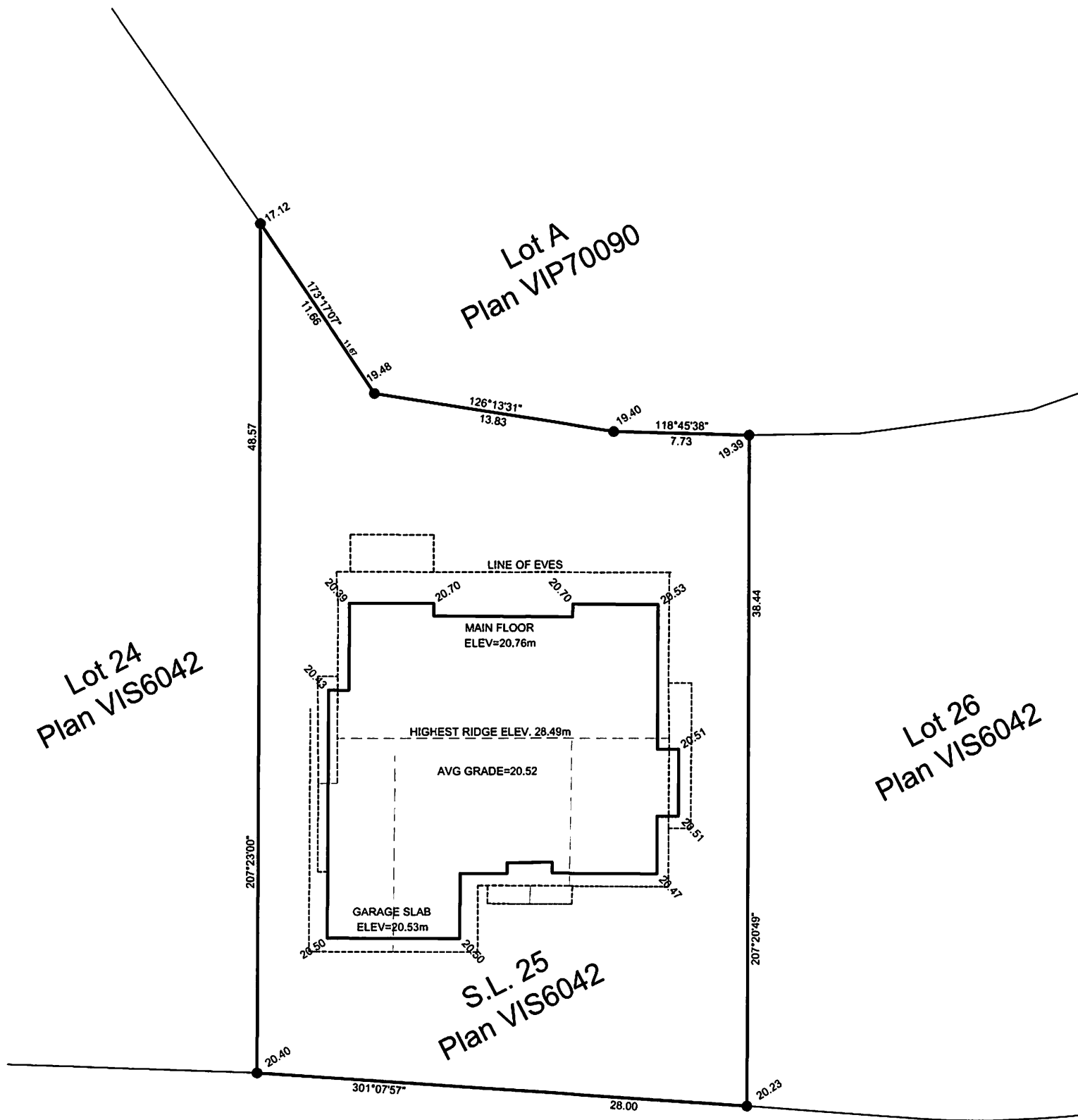


921 BLUFFS DRIVE
PERSPECTIVE 2 - PROPOSED

102b

APR. 17, 2019
Scale:

SKOOKUM DESIGN SERVICES
t. 250-702 3744
e. niklas@skookumdesigns.com



921 Bluffs Drive – Application for a Development Variance Permit

Dear Mayor and Council:

Thank you for the opportunity to present our application rationale. We are requesting that Council issue a Development Variance permit for 921 Bluffs Drive. The purpose of this variance is to increase the maximum Building Height of an existing Single-Family Dwelling from 8.0m to 8.63m as measured from “**Natural Grade**” – this variance will allow our client to occupy her home.

- For clarity, the existing building is within the 8.0m height limit when measured from existing “**Finished Grade**”; however, when measured from the assumed “**Natural Grade**” the maximum height limit is surpassed by approximately 0.63m (2 feet).
- These height definitions are problematic as the township does not have publicly available grade data. In fact, there is no way to know what natural grade is in the absence of survey data assessed at the time of the subdivision (and this was not done by the township), or in the absence of other survey data which may or may not exist depending on the survey history of each property in the Town. We spent months searching for existing survey data to determine natural grades of properties in the neighbourhood.
- *Appendix ‘A’* explains the key differences between *Finished Grade* and *Natural Grade* as per the *Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 199*.

New information has come to light that was not available when the previous Town Council considered a Development Variance Permit Application for this property; namely, the adjacent Single-Family Dwellings are also over height when measured from the “**Natural Grade**”. Please see the attached survey report from McElhanney Ltd.

To help provide context, we have included a summary of the previous permits and missteps by the Township that may have affected past variance considerations (*Appendix ‘B’*). This background is important as there has been unfounded speculation and misinformation presented to the previous Council and to the Town’s Board of Variance. This misinformation includes a suggestion that the home owner had ample opportunity to address the height issue before the

building was substantially completed. This is simply not the case (we have documented process issues in *Appendix 'C'*). We have also provided photographs (*Appendix 'D'*) which demonstrate that the subject property is entirely consistent with the neighbourhood and seems to be lower in height when compared to neighbouring dwellings.

The procedural fairness of the process followed in coming to the decision to withhold an occupancy permit for 921 Bluffs Drive is questionable.

- Neighbouring dwellings do not comply with height restrictions; additionally, some of these dwellings are taller than our client's home.
- None of the neighbouring home owners were required to submit a height survey before receiving occupancy permits.
- All of the neighbouring dwellings have received occupancy permits.

The previous Council placed a Section 57 Notice on title of 921 Bluffs Drive. The consequence of this action is that our client is unable to secure homeowner insurance, or occupancy of her home for over two years. This notice is unlawful – the enabling legislation only permits a Section 57 Notice in instances where building regulations are contravened in a manner that relates to the construction or safety of buildings/structures. Township staff have confirmed that all health and life safety items are complete within the dwelling unit. The issue at hand is a zoning regulation (height) which is distinctly different from a building regulation. This ongoing hardship continues to impact our clients health and wellbeing. Accordingly we request the immediate removal of this notice.

In our opinion; the home built at 921 Bluff's Drive fits well with the neighbourhood character and is appropriate land use, does not substantially affect the use and enjoyment of adjacent land, and does not defeat the intent of the bylaw by virtue of the quality and fit of the home in the neighbourhood.

We ask that Council discharge the Section 57 Notice and issue a variance for the building's height so that an occupancy permit can be issued for 921 Bluff Drive. Denying this variance means that the only option available to our client is to make changes to the roof that would require replacement of the entire roof and truss structure. This is an unreasonable, punitive, and impractical option that will cause financial and emotional hardship. Our client is experiencing great stress and emotional impact from this situation and is consequently under her doctor's care.

Your approval will allow our client to finally occupy her home and remove the stress that continues to impact her wellbeing. While the approval of the proposed variance will provide a solution for our client, it does not resolve the outstanding height issues of the surrounding residences; therefore, Council may also wish to direct staff to amend *the Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999* or order variances for neighboring residences.

Appendix 'A' - How the Township Currently Measures Building Height:

In layman's terms, height must be measured from the ground level that existed when a lot was created and not the ground levels that exist today. Unfortunately, the Town of Qualicum has no data on the natural grade that existing for this subdivision when the lots were created.

In cases where the grade data was not required to be documented by the Township at time of subdivision, the bylaw calls for a building inspector's or surveyor's estimate of natural grade. This estimate is a 'best guess', and this guess can be very uncertain and may need to rely on speculation and assumptions depending on how long ago the subdivision occurred. While it may be possible to obtain historic grade data independent of the town, this approach is not guaranteed and is not freely accessible to the general public.

The Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 defines:

"Height" as the greatest vertical distance between a line connecting two intersections of the **natural grade** and the outermost exterior building walls or supports as indicated on a drawing showing any complete vertical cross section of that part of the building or structure being measured.

"Natural Grade" as the best estimate by the building inspector or a British Columbia land surveyor of the elevation of the ground surface of land at the time of final approval of the most recent subdivision of the land which was approved;

- a) prior to the adoption of this bylaw, by a Subdivision Approving Officer; or the Registrar or the Deputy Registrar where there is no final approval by a Subdivision Approving Officer shown on a plan of subdivision; or
- b) after the adoption of this bylaw by a Subdivision Approving Officer

This definition is problematic as the Town has not regularly documented 'natural grade' at time of subdivision. The Town did not require that historic grade be documented for this subdivision (and likely not for any other). The consequence of this regulation, without a procedure to consistently document historic grade, is that no one can be certain as to what the natural grade is since the town has no data. **Fortunately, we were able to find grade data independent of the town in private hands which we are using to ascertain the natural grade.** Because of the problem in the Town's definition of height, we advise that the bylaw itself may be defeated on the basis of its inherent uncertainty.

Appendix 'B' - Previous Permits for 921 Bluffs Rd:

In January 2017, the home owner (Ms. Janik) hired a licensed Residential builder (1045664 BC Ltd) to construct her home at 921 Bluff's Drive. The home owner is not a home builder and did not manage or oversee this project.

Building Permit:

Our client obtained a building permit (No. 5130) in 2017 to construct a Single-Family Dwelling. The buildings plans approved for construction indicated that all bylaw requirements (including height) would be met. Appendix E shows the language of the building permit. Note that two different types of surveys (setbacks and heights) are identified and timing is specified to be prior to final inspection not at foundation inspection.

Building Inspections:

On March 15th, 2018 the Building Inspector approved foundation. The inspector did not ask for a height survey but he did give approval to proceed with the construction. The foundation inspection notice calls for the provision of a survey certificate. At this stage this would be typically requested to verify setbacks. The notice does not refer to building height nor does it specify when it building height survey details should be provided. It makes no reference to height whatsoever.

- Unfortunately, Council and the Board of Variance were both seriously misinformed by the staff reports which inaccurately stated that height data was requested on March 15th, 2018.
- Our client inquired if there were any matters she needed to address on Sept 20, 2018 and the Building Inspector responded "*nothing now*", permitted construction to continue, and made no references to building

height surveys. Clearly no one new about the issue until the surveyor's certificate was provided in October 2018. Well after the roof was complete.

Completed Construction:

Our client was unaware of the height issue until after the house was completed. There was no indication of a height issue during construction and there was no request for verification of Building Height until September 25, 2018 (after the roof had been constructed).

- It is a fact that the Building Inspector asked for height survey details after the roof was fully completed. This means that our client did not know about the problem and had no opportunity to rectify the issue before the home was substantially complete.
- As a matter of good practise, height surveys (if required) should be provided once a roof is framed since this is when the height can actually be measured. This timing allows home owners have an opportunity to remedy potential issues without substantial expense or demolition. To ensure procedural fairness some municipalities also adopt policies/procedures to help guide staff and provide consistency for survey requests and the timing of those requests. We note that the town had no practice of asking for height surveys at the time our clients house was built and did not have any policies and procedures regarding this matter. It had at best inconsistent and infrequent adhoc responses on this matter.

The dwelling was substantially completed in 2018 and all health and life safety items are complete within the dwelling unit; however, without the owner's direction or knowledge the building was constructed in a manner that exceeds the maximum height requirement by 0.63m (2 feet). Occupancy has been withheld on the basis that the building exceeds 8.0m in height when measured from "**Natural Grade**". A Section 57 notice has also erroneously been registered on title despite there being no life safety issue relating to a building regulation.

Past efforts to resolve the height issues:

Our client has made multiple attempts to resolve the height issue since the September 25th, 2018 inspection without success.

1. The home owner attempted to obtain a Development Variance Permit in 2018 to allow for the 0.63m height increase; however, this application was denied by Council.
 - a. Council was advised by Town staff that *a mistake by a home owner is not a compelling reason to grant a variance*. This opinion is presented as professional advice even though there are no planning principles that would support this harsh and unreasonable stance.
 - b. It is common practise for Municipal Councils and Regional Boards to consider unintentional mistakes or errors in considering variance requests. Major consequences resulting from inadvertent or unintentional mistakes are a reasonable consideration for Council's in their deliberation of Variance applications.
2. The home owner proposed to achieve height requirements by modifying the roof. The owner was willing to remove the top two feet of the roof and replace it with a very small section of flat roof; however, since the property is within a Bare-Land Strata Subdivision approvals from a Design Coordinator are required.
 - a. The roof modification proposal was rejected by the strata's Design Coordinator on the basis that 'Flat roofs' are not permitted.
 - b. The Design Coordinator has removed all practical options that are within our client's ability to control. Our clients' only options are to pursue a variance, consider a court case, or to demolish and replace the entire roof and truss structure at a substantial expense.
3. The home owner made an appeal to the Town's Board of Variance; however, the Board was misinformed and did not discuss the nature of the home owners' hardship and denied the appeal.
 - a. The Board of Variance is a quasi-judicial body which is independent from Council. A person may apply to the BOV for a minor variance if they feel compliance with the bylaw would cause them a hardship.
 - b. The Board's mandate and limitations under the Provincial statute enable them to consider minor variances and variance to address undue hardship (subject to some conditions). The Board is supposed

to primarily focus on hardship relating to matters such as siting, dimensions and size of buildings.

- c. Unfortunately, our client cannot re-apply to the Board of Variance and ask that they consider the hardship because all Board decisions are final without a process for appeal. At this time, only Council can consider issuing a variance.

The Result:

The home owner is faced with an impasse as the Town previously denied a variance which would have allowed the existing Dwelling to remain, and the Strata's Design Coordinator has rejected design modifications that would allow a reduction of building height without significant deconstruction and cost.

The home owner's other avenue for appeal was through the Town' Board of Variance; however, the Board of Variance was unwilling to discuss the undue hardship and was misinformed by township staff as to the timing of the height survey request.

Consequently, the property owner cannot receive occupancy for her home, is unable to secure homeowner insurance, and this ongoing hardship continues to impact her health.

The home owner has significantly suffered during this extended problem:

- Being unable to receive occupancy despite the dwelling being substantially completed in 2018 because her home was built too high without her knowledge has created a serious ongoing stress.
- Being unable to achieve a variance from the Town Council or the Board of Variance had added to this stress. At this time, only Council has the power to relieve this stress and eliminate the ongoing hardship without imposing substantial cost.
- Being unable to remove two feet because the Design Coordinator will not permit her to have a flat peak on her roof has taken away the only practical solution that the home owner was willing to do substantially adds to her suffering.

- The grade of the home owner's property is consistent with the grades of both adjacent houses. When measured from "Finished Grade" 921 Bluffs Drive would be compliant with the height restriction of 8 meters.

This is clearly not a case where someone is artificially raising the grade of their property to the detriment of the neighbourhood; however, previous staff reports imply that this is the case. This misinformation was presented to Council during the previous application and Section 57 hearing.

Appendix 'C' – Process Issues

Ms. Janik has had a previous Development Variance Permit and a Board of Variance appeal denied.

The Board of Variance meeting principally focussed on arguing that Ms. Janik was responsible for the height overage by virtue of being the owner. They did not focus on hardship despite it being their primary purpose under Provincial Law.

The previous Council also issued a Section 57 notice due to a zoning issue; however, provincial legislation makes it clear that Section 57 Notices can only be registered to address a building regulation that results in a life safety issue, or for instances where building occurs without a building permit (neither of which are applicable to our clients property).

The main issues include:

- 1) There is misleading and negative information in the staff report for the DVP and subsequent Section 57 notice.
 - a. Staff previously advised Council and the Townships Board of Variance that the home owner was asked to provide height information when changes were able to be made without excessive waste or costs from the removal or modification of other building elements; however, the reality is that the height details were not requested or documented until well after the home was substantially completed.
 - b. Staff reports have suggested that height details were requested at time of foundation inspection; however, the actions of staff contradict this as the Building Inspector gave permission to proceed with construction. It is both incorrect and prejudicial to the owner to

state that the owner was asked for this information at the time the footings/floor was set.

- c. The March 15, 2017 foundation inspection notice calls for the provision of a survey certificate but does not refer to building height nor does it specify when it should be provided. This note refers to the building siting, not building height. The building height survey is noted on the Building Permit as a separate requirement that would be completed prior to final inspection (See *Appendix 'E'*).
- 2) At the time of the build, there was no consistent or common practice for having any height surveys provided in building permit processes. Moreover, only one other house in the subdivision seems to have had any grade data at all.
- 3) The Town does not have any natural grade data from which building heights can be determined. Only one other survey with natural grade data was provided for houses in the neighbourhood in response to our previous FOI request.
- 4) Staff have previously advised Council that *a mistake by a home owner is not a compelling reason to grant a variance*. This is a personal opinion presented as professional advice. It is also patently untrue – Municipal Councils can issue variances to address mistakes by builders, home owners or even municipal staff.
- 5) At the time of the construction, there was no consistent or common practice for having any height surveys provided in building permit processes for this subdivision, and there were no other height surveys requested in this neighbourhood.
- 6) Our height surveys suggest that several other houses are also likely over height – based on the assumed natural grade, any building that is within 0.61 meters (7.24 meters or higher) may be over height. Of the 14 houses McElhanney surveyed, every one is higher than 7.24 meters suggesting that there are many over height houses in this neighbourhood. Moreover, we have verified that both the houses adjacent 921 Bluffs are definitely overheight (see McElhanney Report). The house at 921 Bluff Drive does not

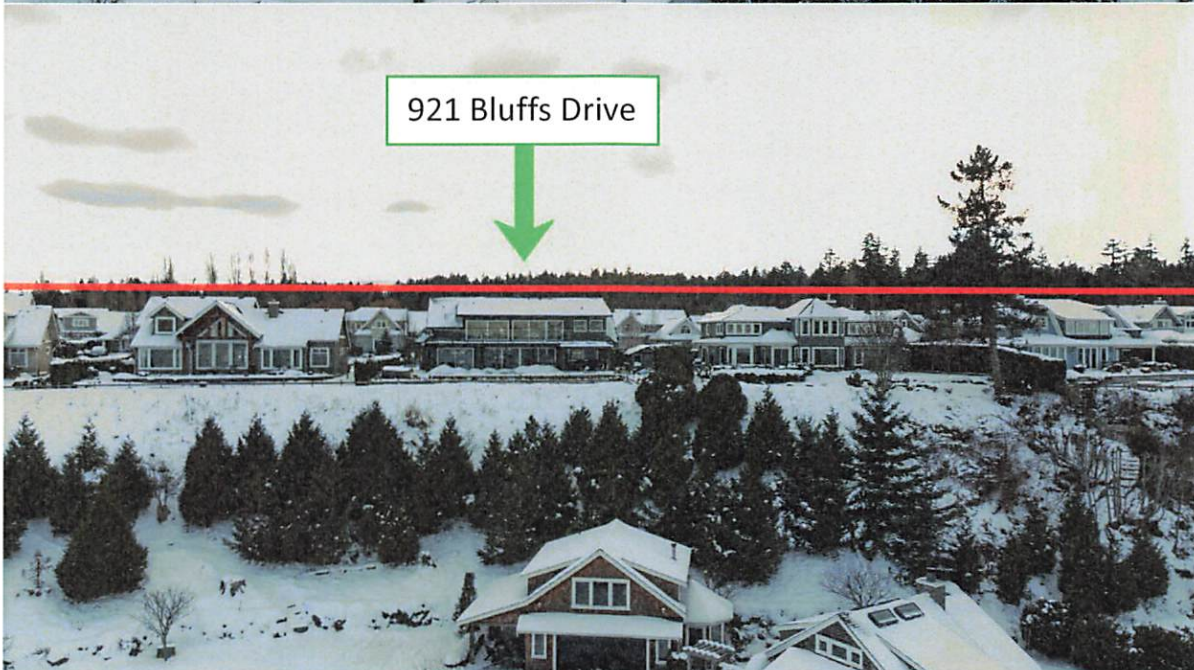
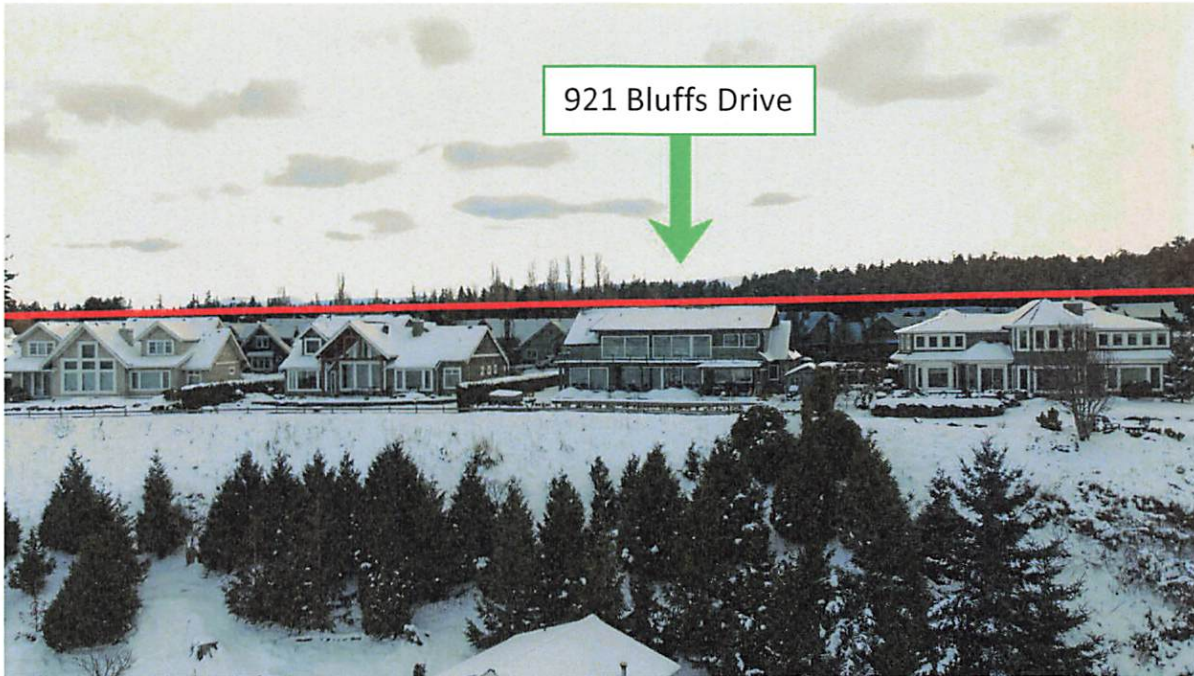
appear over height compared to neighbouring houses. It is consistent with their heights.

- 7) The Strata development approval authority has stipulated that they will not allow the house to have its roof modified with any flat sections. This means changing the roof height would likely require a complete rebuild with great waste, disruption and hardship to the owner and significant inconvenience to the neighbourhood.
- 8) The Board of Variance was also provided with misinformation by Town staff and were lead to believe that:
 - a. The height of the main floor above the natural grade was altered during construction without regard to the specified and approved elevation. This implies a deliberate and knowing change to the height which is incorrect and unfounded; and
 - b. The BCLS height survey was requested before the roof was constructed when changes to the structure could have been made to correct this issue prior to completion of the home. There is no evidence that a height survey was requested. A survey was requested and this would have reasonably been interpreted to be the setback survey and there was no timing stipulated on that request.

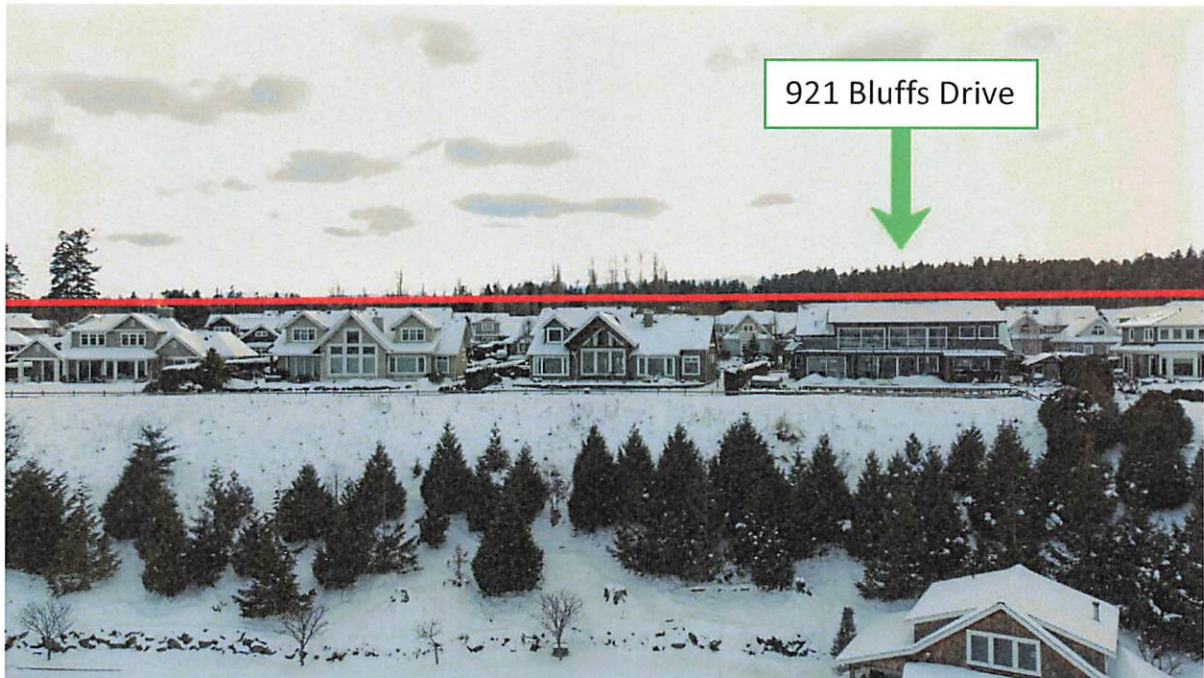
The home owner has endured this stress for a very long time and we respectfully request your approval to allow her to finally occupy her home. We also request that the Section 57 Notice on Title be removed/cancelled immediately as all health and life safety items are complete within the dwelling unit.

Appendix 'D' - Photographs

921 Bluff when Compared to Neighbours:



921 Bluff when Compared to Neighbours (Continued):



Street view of 921 Bluffs Drive



View of house across and north of 921 Bluffs Drive: This attractive home appears to be as high as 921 Bluffs Drive. This demonstrates fit with neighbourhood.



View of 921 Bluff (on left) and neighbouring home also demonstrating fit of 921 into the neighbourhood.



Appendix 'E' – Building Permit

	
TOWN OF QUALICUM BEACH PO Box 130, #201 – 660 Primrose St. Qualicum Beach, BC V9K 1S7 T: 250.752.6921 F: 250.752.1243 E: building@qualicumbeach.com	ADDENDUM 1 BUILDING PERMIT No. 5130
Part 6: CONDITIONS AND COMMENTS	
1. POST AND MAINTAIN THE PERMIT in a conspicuous place on the property in respect of which the permit was issued; keep a copy of the accepted designs, plans and specifications on the property; and POST THE CIVIC ADDRESS on the property in a location visible from any adjoining streets. 2. ALL CONSTRUCTION must comply with the Building Code, this bylaw and all other applicable enactments respecting safety, and must not omit to do any work required by the Building Code, this bylaw, or any other applicable enactment respecting safety. 3. Construction waste fires are not permitted as per Bylaw No. 601.	
Permit Specific Conditions/Comments	
BCLS TO CONFIRM SITING is in compliance with the Town of Qualicum Beach Land Use and Subdivision Bylaw No.580, 1999. EROSION AND SEDIMENT control to be maintained to the minimum requirements as set out in Bylaw No. 617, Best management practices for erosion and sediment control. A revised Geotechnical report must be registered on title prior to completion of construction. Approval is based upon site survey dated January 17, 2017. BCLS site and height survey certificate must be provided prior to final inspection. Prior to and During Excavation it is the responsibility of the owner/contractor to investigate the site and soil conditions to ensure that any concerns relevant to flooding, drainage and soil stability or other related potential hazards are addressed and resolved with notification to the Building Official. NO PERSON SHALL OCCUPY a building or structure or part of a building or structure until an occupancy permit has been issued in the form prescribed by the building official or the Town from time to time. RESTRICTIVE COVENANT registered on property, all work to comply. THIS PERMIT IS ISSUED in accordance with Part 16.1 of Town of Qualicum Beach Building Bylaw No. 643, 2009. The Town of Qualicum Beach is relying on this certification of the registered professional that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety. THIS PERMIT IS ISSUED in accordance with Part 16.1 of Town of Qualicum Beach Building Bylaw No. 643, 2009. The Town of Qualicum Beach is relying on this certification of the registered professional that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety. THE TOWN WILL RELY SOLELY ON FIELD REVIEWS undertaken by the registered professional and the letters of assurance submitted pursuant to this bylaw as assurance that the construction substantially conforms to the design and that the construction complies with the Building Code, this bylaw and other applicable enactments respecting safety. REGISTERED PROFESSIONALS FIELD REVIEW REPORTS shall be submitted to the Building Inspector within 7 days of occurrence. VENTILATION CALCULATIONS are to be submitted at time of Insulation inspection to verify compliance with Section 9.32 and 9.36 of the BC Building Code. THE TOWN WILL RELY SOLELY ON FIELD REVIEWS undertaken by the registered professional and the letters of assurance submitted pursuant to this bylaw as assurance that the construction substantially conforms to the design and that the construction complies with the Building Code, this bylaw and other applicable enactments respecting safety.	
TOWN OF QUALICUM BEACH www.qualicumbeach.com	
Page 2 of 2	

December 12, 2022

Krystyna Janik
921 Bluffs Drive
Qualicum Beach, BC V9K 0A2

Attention: Krystyna

Survey and Height Analysis for 909, 921, and 927 Bluffs Drive

At the request of your consultant Dr. Rob Buchan, I have completed a survey and building height analysis for your property at 921 Bluffs Drive, as well as the adjacent properties to the east and west, being 921 and 909 Bluffs Drive respectively. The results of our work can be seen on the attached sketch plan and in *Table 1* below following a detailed summary of the measurement process, data analysis, and findings.

BACKGROUND

For the purposes of this report, *height* shall have the same meaning as *height, buildings and structures* as defined in the Town of Qualicum Beach Bylaw No. 580, being

"...the greatest vertical distance between:

- a) any part of the building or structure being measured above land..., and;*
- b) a line connecting two intersections of the natural grade and the outermost exterior building walls or supports as indicated on a drawing showing any complete vertical cross section of that part of the building or structure being measured;*

but specifically excludes...[various appurtenances]...where permitted in the applicable zone"

Critically, height is measured relative to *natural grade*, defined by Bylaw 580 as

"...the best estimate by the building inspector or a British Columbia land surveyor of the elevation of the ground surface of land at the time of final approval of the most recent subdivision of the land which was approved..."

Typically, this is measured individually for each lot before excavation occurs to establish the limit on elevation for the structure, however, at present, much development has occurred and direct measurement of natural grade is no longer possible. We therefore required a historic dataset that was representative of site grading at or near the date of most recent subdivision.

SOURCE FOR NATURAL GRADE

The subject properties are legally described as Strata Lots 24, 25, and 26 of Strata Plan VIS6042, being the most recent subdivision of the subject lands, and which was approved by the Approving Officer for the

Town of Qualicum Beach on June 21, 2006. Therefore, we sought to find grading information dated as closely to June, 2006 as possible.

Through correspondence with the certifying BCLS of Strata Plan VIS6042, I learned Mr. Ken Kyler, BCLS, had prepared a Plan of Topographic Survey over the 4 parcels that eventually formed the parent parcel (Lot A, Plan VIP81219) from which this subdivision (Plan VIS6042) occurred. It also covered a parcel adjacent to the subject subdivision, being Lot A, Plan VIP70090. The chronology of plans follows a typical development process:

1. January 11, 2000 – Plan of Topographic Survey – File 64-02-10 – *Ken Kyler, BCLS*
2. January 11, 2000 (Date approved) – Plan of Subdivision VIP70090, severing Lot A – *Ken Kyler, BCLS*
3. 2005-2006 – Various Geotechnical Reports and Letters concerning slope stability, setbacks, etc. on the north side of VIS6042 – *Kerr Wood Leidal*
4. June 21, 2006 (Date approved) – Reference Plan VIP81219, consolidating and forming the parent parcel Lot A for Plan VIS6042 – *Bruce Lewis, BCLS*
5. June 21, 2006 (Date approved) – Bare Land Strata Plan, subdividing Strata Lots 1-57 – *Bruce Lewis, BCLS*

Attached are aerial photos showing site conditions in September 1998, July 2005, and October 2006. I note that conditions between 1998 and 2005 look largely the same, aside from development of Lot A Plan VIP70090. By October 2006, construction of Bluffs Drive and some park areas have been completed, and construction has begun on Strata Lot 26. I note that in October 2006 several trees are still in existence, including those on Lots 24 and 25. While image quality is poor in 1998 and only fair in 2005, there appears to be no evidence of grade change on Lots 24 and 25 from 1998 to October 2006. I believe it is also fair to assume that construction on Lot 26 began after the subdivision was registered in June.

All considered, I conclude that the Plan of Topographic Survey by Mr. Kyler from January 2000 is the best estimate of natural grade for Lots 24-26, and others, at the time subdivision VIS6042 was approved (June 21, 2006).

PLAN OF TOPOGRAPHIC SURVEY (JANUARY 11, 2000) – KYLER, FILE 64-02-10

Scanned portions of the above noted plan, which I will now refer to as the Kyler Survey, were obtained from Mr. Kyler, however due to changes in technology in his practise, the digital data was unavailable as it was collected in a format which is now obsolete. I therefore utilized the contour and spot elevation data to recreate the natural grade surface in a digital format for my use. The Kyler Survey shows generally moderate and consistent sloping (2-5%) across the subject properties, which is consistent with site characteristics seen in the historic aerial imagery. This geometry favours the digitization as described and is the best method to generate a digital natural grade surface from the available information.

SURVEY OF BUILDING HEIGHTS

Firstly, it was of critical importance for any new survey data to relate back to the datum used for the Kyler Survey to allow heights to be derived. To ensure this, several dual-frequency GNSS differential measurements were made between the benchmark indicated on the Kyler Survey at the west end of Seacrest Place, being the south rim of a manhole rim and having an elevation of 4.150m, and our newly established site control network. Additional checks were made to the manhole rim north of the benchmark and having an elevation of 3.14m to ensure consistency.

An aerial survey was performed using a Remotely Piloted Aircraft System (RPAS, aka drone) to acquire several images for the purpose of developing a 3D model of target roofs, peaks, and ridges using photogrammetric methods. The RPAS survey was rigorously controlled and verified by conventional survey, and has an estimated vertical accuracy of +/- 3-4cm relative to the natural grade. The resulting data was used to model critical roofs and ridges using robust methods with high degrees of redundancy to ensure the most precise result achievable.

RESULTS

The following table and attached sketch summarize our results, which indicate that the buildings on Strata Lots 24, 25, and 26 are all over the allowable height of 8.00m for R5 zoning.

Table 1 - Measured Heights of Subject Properties

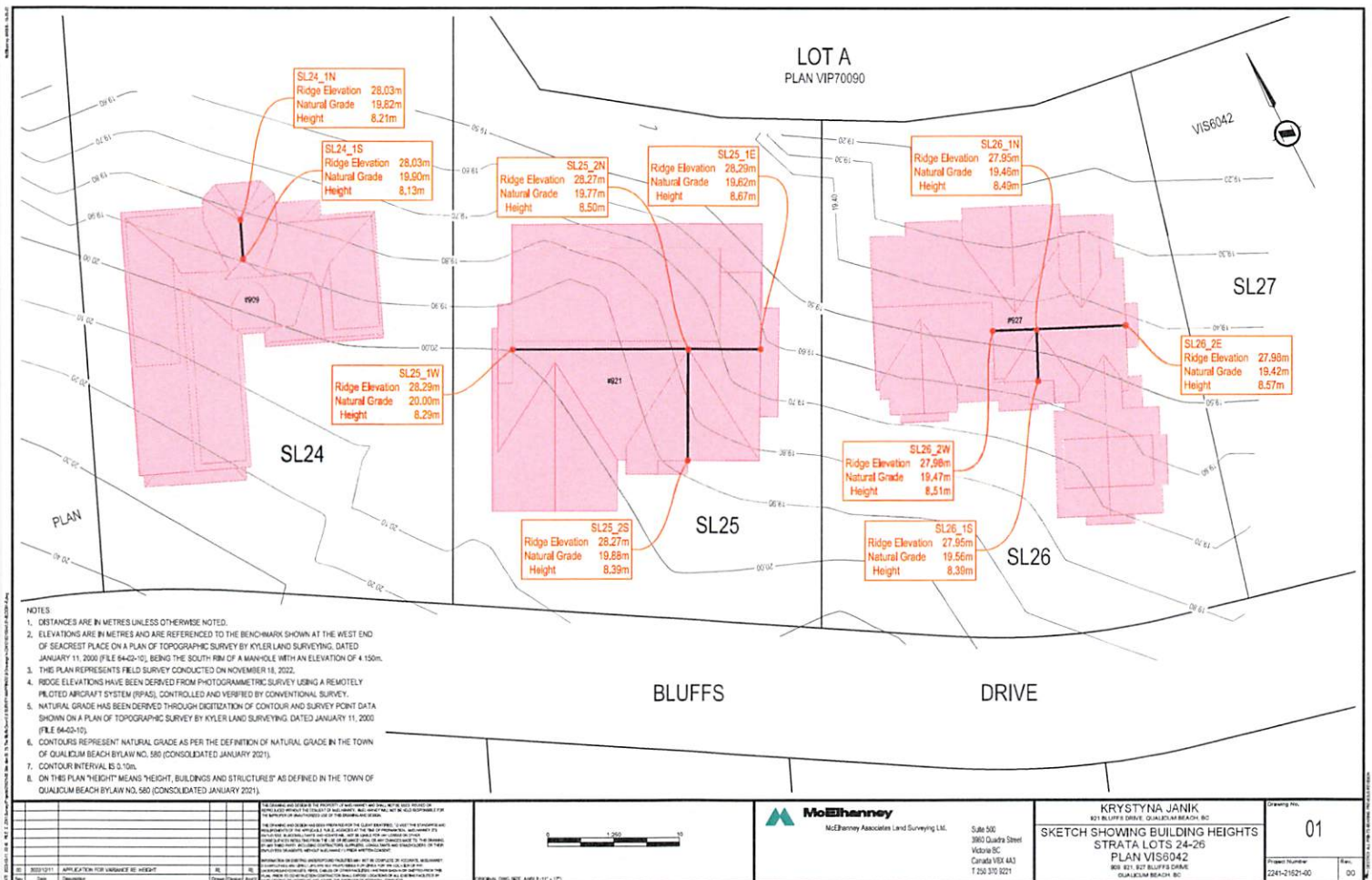
Street #/ Strata Lot	Point ID	Point Elevation	Natural Grade (KGK 64-02-10)	Height (m)	R5 Allowable Height (m)	Amount Over Height (m)
909/24	SL24_1N	28.03	19.82	8.21	8.00	0.21
909/24	SL24_1S	28.03	19.90	8.13	8.00	0.13
921/25	SL25_1E	28.29	19.62	8.67	8.00	0.67
921/25	SL25_1W	28.29	20.00	8.29	8.00	0.29
921/25	SL25_2N	28.27	19.77	8.50	8.00	0.50
921/25	SL25_2S	28.27	19.88	8.39	8.00	0.39
927/26	SL26_1N	27.95	19.46	8.49	8.00	0.49
927/26	SL26_1S	27.95	19.56	8.39	8.00	0.39
927/26	SL26_2E	27.98	19.42	8.57	8.00	0.57
927/26	SL26_2W	27.98	19.47	8.51	8.00	0.51

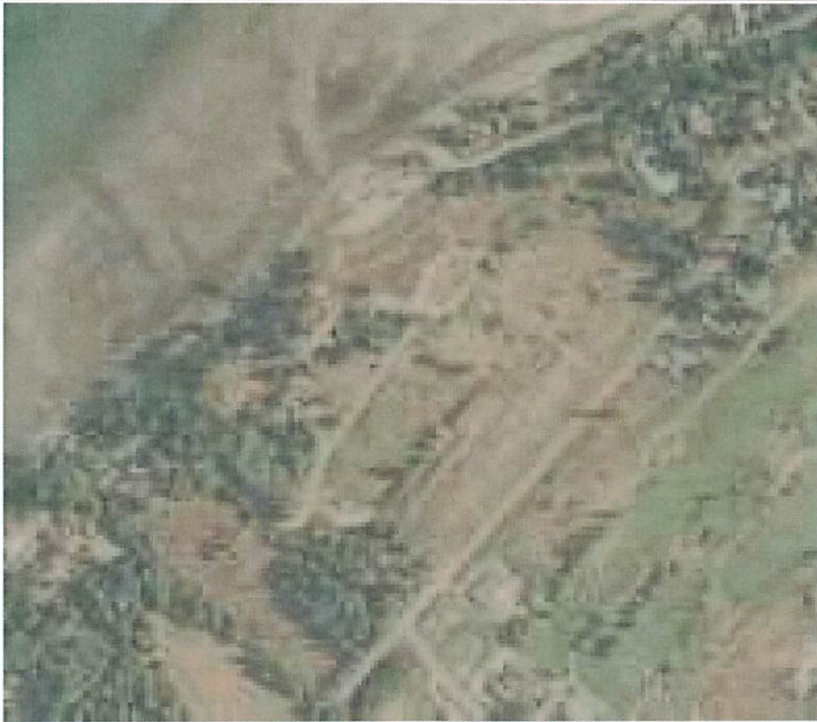
I trust that you will find my process and findings to be comprehensive, fair, unbiased, and objective. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
McElhanney Ltd.



Rob Leiper P.Surv, BCLS | Division Manager - Geomatics
RLeiper@mcelhanney.com | 778-746-7431





Bluffs Drive, September 1998

PHOTO PLATE | Bluffs Drive, Qualicum Beach, BC
Our file: 2241-21621-00

 **McElhanney** 
McElhanney
500 – 3960 Quadra Street, Victoria BC Canada, V8X 4A3
Tel. 250-370-9221 | Fax. 1-855-407-3895 | www.mcelhanney.com



PHOTO PLATE | Bluffs Drive, Qualicum Beach, BC
Our file: 2241-21621-00

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SCALE: - 1 : 500



All dimensions are in metres.

ELEVATIONS ARE DERIVED FROM THE INVERT OF THE SANITARY MANHOLE
AT THE WEST END OF SEACREST DRIVE - INVERT ELEVATION 1.75 METRES.
A CUT CROSS BENCH MARK WAS PLACED ON THE SOUTH RIM OF THE MANHOLE
- ELEVATION 4.150 METRES.

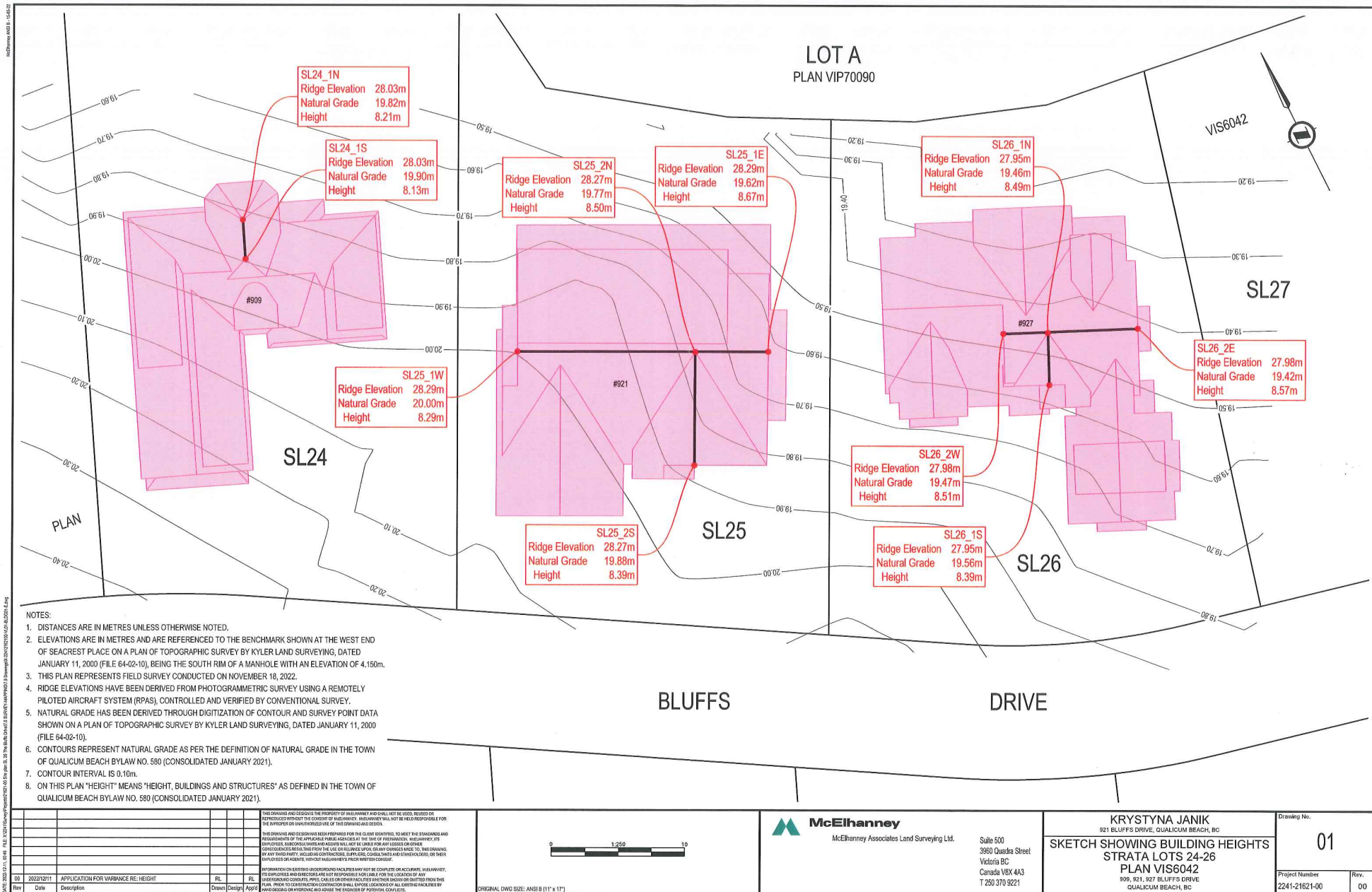
ELEVATION OF PRESENT NATURAL BOUNDARY IS 2.4 m.











Town of Qualicum Beach
M E M O R A N D U M

TO: Lou Varela, CAO

FOR: Regular Council, April 12, 2023

FROM: Luke Sales, Director of Planning

SUBJECT: Strata Conversion Request – 633 Beach Road

RECOMMENDATION

THAT Council authorizes staff to execute the strata conversion request for 633 Beach Road, Lot 1, Plan EPP 95812 (PID: 031-137-598) as detailed in the April 12, 2023, Planning memo to Council.

PURPOSE

To consider a strata conversion application for a previously occupied building for 633 Beach Road, Lot 1, Plan EPP 95812 (PID: 031-137-598).

BACKGROUND

The 14-unit residential development at 633 Beach Road was approved via a zoning amendment on October 28, 2019, and is now fully occupied. Staff have been advised that due to an oversight on the part of the development team, the property was not strata-titled and is now a single entity with units that cannot be sold separately. The owner has requested a “strata conversion” to divide each of the residential units into a separate strata unit. As the buildings are “previously occupied” according to the *Strata Property Act*, Town authorization is now required to proceed.

DISCUSSION

To register a strata on lands that have been “previously occupied” requires authorization from the Town. The Town has an “Officer and Delegation Bylaw” that delegates strata conversion authority to staff; however, there is a caveat that the Approving Officer can only authorize a strata conversion when the residential rental vacancy rate is above 3%. In this case, the residential vacancy rate is nearly zero.

The reason for this clause in the Officer and Delegation Bylaw is that the most common application of strata conversions is to register a strata plan on residential rental buildings. This case is unusual in that the Town, during the 2019 development process, was informed by the developer that the units would be strata-titled. After approval by the Town, the developer completed construction, but did not register the strata.

Short-term Impact of Governance Decision

In the short term, Council's decision on whether or not to permit the strata conversion will have no effect. At the time these units were constructed, the developer filed for exemption from the home warranty program. For reference, a new dwelling unit in B.C. that is under construction cannot be sold unless the property is covered by a new home warranty or falls into an exemption provided by the *Homeowner Protection Act*. To qualify for an exemption during construction, the developer registered a covenant on title preventing the sale of any units for a 10-year period from the date of registration, July 23, 2020. In other words, with or without strata titles, the units will be used as rental units until July 23, 2030.

Long Term Impact of Governance Decision

There is arguably a long-term benefit to the Town in denying the strata conversion request, as refusal would perpetuate these units as much-needed long-term rentals until the vacancy rate exceeds 3% (as per the Town's Officer and Delegation Bylaw). However, at the time of development, the Town was informed by the developer that the units would be strata-titled, but the developer did not register the strata. As such, the rental tenure units added would be a benefit gained from the mistake of the developer, and staff are bringing the matter before Council with a recommendation for approval.

In theory, the developer could undertake a strata conversion at any point in the future (with authorization from Council if the vacancy rate is low, or approval from the approving officer if the vacancy rate is above 3%). However, there are building code implications related to strata conversions, as a strata conversion at a later date would require compliance with the *BC Building Code* and zoning at the time of that conversion. If the strata conversion were done in the year 2030, the units would have to substantially comply with the 2030 BC Building Code and Town zoning bylaw.

Council has no obligation to approve the authorization for a strata conversion. The Officer and Delegation Bylaw sets a threshold of 3% with the clear intention of protecting rental housing stock when the vacancy is low. Supporting rental tenure is also in line with the Town's Official Community Plan.

However, this request is necessitated by an unusual development scenario that was not anticipated by the Officer and Delegation Bylaw. As such, staff recommend authorizing the strata conversion request.

SUMMARY

The owner of 633 Beach Road has requested authorization for a strata conversion. With authorization from the Town, the developer could register a strata plan at the Land Title Office. This would create individual strata units, which could be sold. Due to a covenant required through the *Homeowner Protection Act*, the units cannot be sold regardless until July 23, 2030.

ALTERNATIVES

1. THAT Council provide alternative direction to staff.



Luke Sales, MCIP, RPP
Director of Planning
Report Writer



Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments:

[strata%20conversion%20request.pdf](#)

September 14, 2022

Town of Qualicum Beach
#201 – 660 Primrose Street
Qualicum Beach, B.C. V9K 1S7

Attention: Mayor and Council
Director of Planning

Re: Strata Plan – Conversion – Previously Occupied Buildings
PID: 031-137-598 Lot 1 District Lot 57 Newcastle District Plan EPP95812

Please accept our application seeking the approval of the enclosed strata plan, which plan includes previously occupied buildings, by the approving authority pursuant to Section 242 of the Strata Property Act.

We ask that the municipal council, at its meeting on September 21, 2022, to delegate its authority by way of resolution as permitted under s. 242(10) wholly to the municipality's Director of Planning and Community Development so as to not delay the approval by reason of the upcoming election given the circumstances surrounding this application. Should the Council not be willing to delegate its authority accordingly, then we ask that this Council pass a resolution approving the enclosed strata plan at its September 21, 2022 meeting.

Section 242(6) of the Strata Property Act obligates the council to consider the following:

1. The priority of rental accommodation over privately owned housing in the area;
2. Proposals for relocation of persons occupying a residential building,
3. Life expectancy of the building
4. Projected major increases in maintenance costs due to the condition of the building; and
5. Other matters, that, in its opinion are relevant.

Local Rental Housing Stock

In 2020 the Owner granted to the British Columbia Housing Management Commission a covenant registered against title under charge number CA8303641 prohibiting the sale of any dwelling unit for a period of 10 years from the date that the first dwelling unit was occupied and restricted the use of the dwelling units to only rental purposes.

Also in 2020 the Owner granted to the municipality a covenant registered against title under charge number CA9865378 which ensures that the occupancy of dwelling units constructed on the subject property is not restricted by reference to the age or family composition of persons who may occupy the dwelling units.

As a result of Covenant CA8303641 and Covenant CA9865378, the registration of the strata plan including previously occupied buildings will be neutral in terms of its effect on local rental housing stock.

Proposals for relocation of persons occupying residential building

The current occupants of the buildings will continue in occupation.

Life Expectancy of the Building

The life expectancy of the building is more than 50 years.

Projected Maintenance Costs

The anticipated maintenance costs for the next 10 years is \$6,000 a year, including reserves.

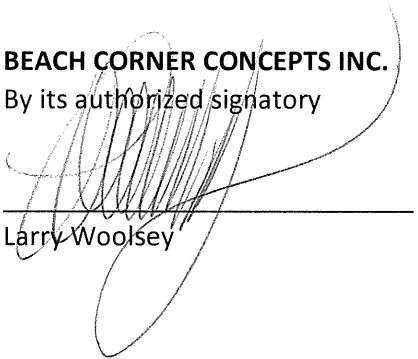
Any Other Matters

The agreement between the Municipality and the Owner relating to the subject property, as evidenced by the covenant granted to the Municipality and to BC Housing at the Municipality's request, specifically contemplated the stratification of the subject property.

Thank you for your consideration,

BEACH CORNER CONCEPTS INC.

By its authorized signatory



Larry Woolsey

**Town of Qualicum Beach
MEMORANDUM**

TO: Lou Varela, CAO

FOR: Regular Council, April 12, 2023

FROM: Luke Sales, Director of Planning and Community Development

SUBJECT: Waterwise Garden Fence Replacement Request

RECOMMENDATION

THAT Council refers consideration of all encroaching fences adjacent to the Town-owned Waterwise Garden to a meeting after the Town has undertaken a comprehensive review of encroachment issues, including the associated financial, social and environmental issues.

Purpose:

To request a governance decision regarding a property owner's request (Lot 6) for the Town to replace a failing fence adjacent to the Town-owned Waterwise Garden.

Background:

The issue of encroachments onto Town-owned land has been a concern for the Town for several years, and a comprehensive review is scheduled for 2024. In the meantime, the Town has received repeated requests from the property owner of Lot 6 to address a failing fence adjacent to the Waterwise garden. The fence in question was constructed prior to the incorporation of the area into the Town boundaries.

In 2022, the Town commissioned a legal survey of the fence lines (see attached). The fences are either coincident with, or inside the boundaries of the Town-owned lot except for a small portion of fence adjacent to Lot 5 to the south, where it is located on private property. The fence for Lot 6 was not constructed by the Town and is considered by staff to primarily be a benefit to the private property owner, rather than the Town.

DISCUSSION

After careful consideration, staff do not recommend taking action to replace the fence in this area at this time. Requests for work such as this are usually handled by staff and would not require a Council decision. However, several factors make this a governance decision:

- The request for replacement of a portion of the Lot 6 fence back to 2016, at which time the property owner was informed by staff that fence replacement would be the responsibility of the property owner.
- In recent years, the Town has worked to resolve fence encroachment issues near the subject property, in the Yambury Road right of way adjacent to York Place and Dover Court. Several of those property owners demolished and/or relocated their fences without any assistance from the Town. Replacement of the Lot 6 fence would be a departure from that precedent.
- A comprehensive review of the encroachment policy is scheduled for 2024. Replacing fences for private property owners adjacent to Town-owned land could set a precedent that is difficult to maintain in all areas of Town. Individual issues such as this are recommended to be considered in the context of a comprehensive encroachment review so that all the implications are fully understood.

If the Council wishes to support the property owner of Lot 6, a compromise solution is provided as Alternative 1. The Town would remove the portion of the damaged fence adjacent to the

property, and the property owner would be responsible for constructing a fence of their choosing on their own property. This approach would ensure that the Town is not taking on undue liability or setting an unfeasible precedent.

SUMMARY

Staff are seeking clarity from Council as to whether the Town should replace a portion of fencing between private property and the Town-owned Waterwise Garden on Yambury Road, at municipal expense.



Figure 1: Waterwise Garden and Problematic Fencing

ALTERNATIVES

1. THAT Council directs staff to remove the fencing adjacent to the private property at 1209 Miraloma Drive, with the understanding that the property owner be responsible for constructing a new fence entirely on private property.
2. THAT Council directs staff to inform the property owner at 1209 Miraloma Drive (Lot 6) that fence removal and replacement are entirely the responsibility of the private property owner.
3. THAT Council provides alternative direction to staff.



Luke Sales, MCIP, RPP
Director of Planning
Report Writer



Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments

[/Waterwise%20Garden%20Fence%20Survey.pdf](#)

memo.Plan.FenceReplacementRequest.v3

SITE PLAN OF LOT 4, DISTRICT LOT 88, NANOOSE DISTRICT, PLAN VIP57488.

SCALE 1:150

ALL DISTANCES ARE IN METRES.

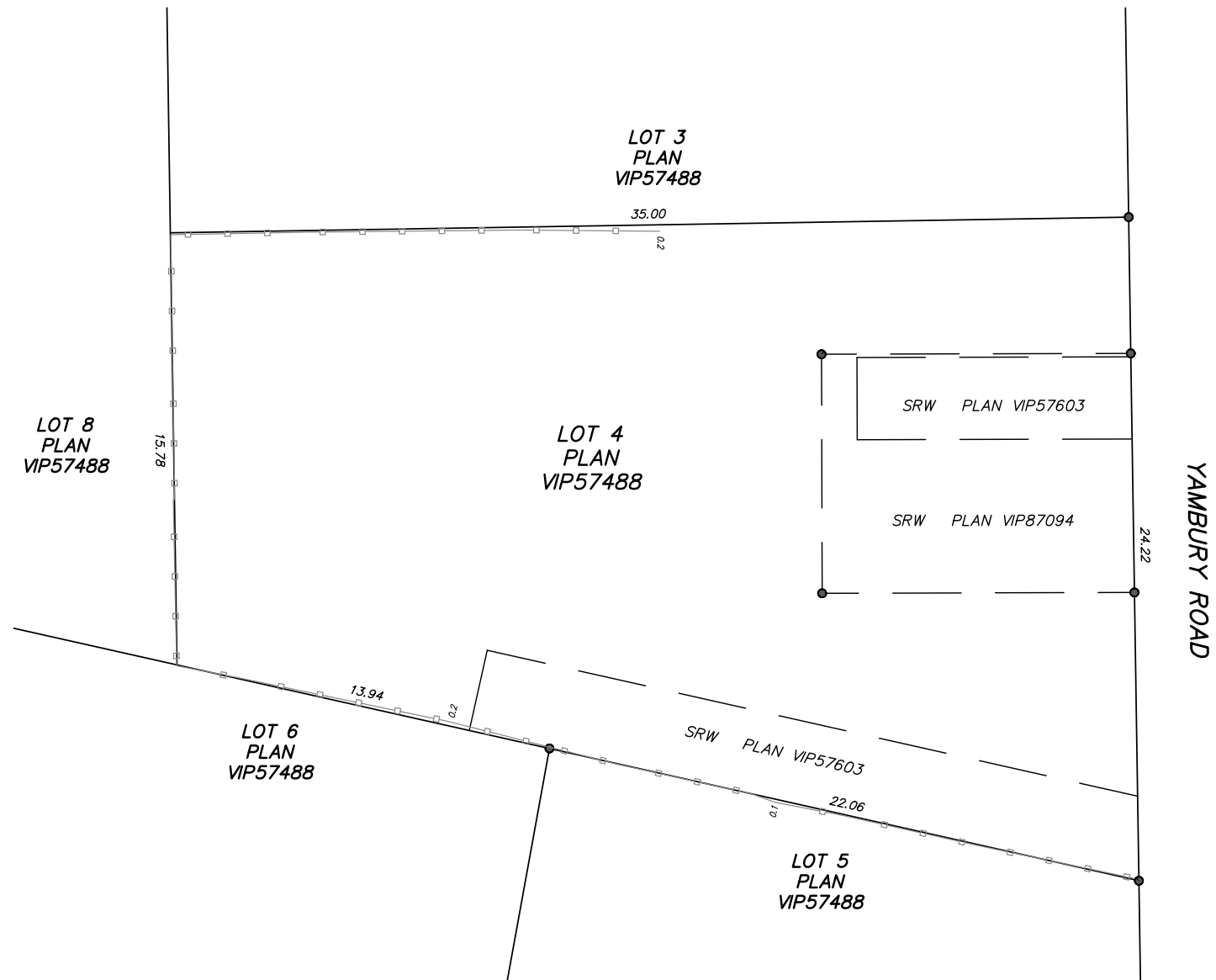
JURISDICTION: TOWN OF QUALICUM BEACH,

PID NO: 018-453-686

CIVIC ADDRESS: 846 YAMBURY ROAD,
QUALICUM BEACH

LEGEND

- DENOTES WOOD FENCE
● DENOTES STANDARD IRON POST FOUND



223 FERN ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 22-199-BL
DRAWING FILE: 22-199 SP1.dwg
DATE: 2022-12-01