

Agenda for the 10:00 am Wednesday, March 22, 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

1-6 THAT Council adopts the March 22, 2023, regular Council meeting agenda.

2. ADOPTION OF THE CONSENT AGENDA

7-8 (1) **Correspondence Log** – March 22, 2023 – For Information

9 (2) **Monthly Building Permit Report** – February 2023 - For Information

10 (3) **Monthly Bylaw Report** – February 2023 - For Information

3. APPROVAL OF THE MINUTES

11-18 THAT Council approves the following meeting minutes:

- March 1, 2023 regular Council meeting;
- March 1, 2023 special Council meeting minutes.

4. BUSINESS ARISING FROM THE MINUTES

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

In response to direction from Council, the Select Committee on Environment and Sustainability reviewed the Urban Forest Master Plan and the Wildfire Protection Plan and provided the following recommendations:

- a) THAT an interim tree protection bylaw, based on the 2018 bylaw, be implemented, AND FURTHER THAT a new bylaw be created with public consultation, that includes “right tree, right place” principles.

Staff Comment: Refer to item 7(3) ‘Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023’; bylaw is under consideration.

- b) THAT a set of guidelines be implemented for new developments in order to maintain a certain level of tree and vegetation cover for each parcel.

Staff Comment: Refer to item 7(3), ‘Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023’; development of tree canopy targets is one of the alternatives.

- c) THAT a Town tree inventory be completed to help inform future decision around forest management.

Staff Comment: Included in 2023 – 2027 Financial Plan.

- d) THAT a “right tree right place” concept be referred to the upcoming Development Permit regulation review under the next Official Community Plan review.

Staff Comment: Staff support this resolution.

- (2) **Recommendations from the February 27, 2023 Select Committee on Beach Day Celebration Meeting**
 - a) 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.
 - b) THAT the event date for the annual Beach Day Celebration be Sunday, July 16, 2023.

5. DELEGATIONS

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

6. CORRESPONDENCE

- 19-20 (1) **Document dated February 17, 2023 from Bertrand Girard** – suggesting transportation improvements on Rupert and Laburnum Roads
- Staff Recommendation:**
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.
- 21 (2) **E-mail dated March 8, 2023 from Colleen Kerr & John Charlton** – regarding a mural for the Memorial Avenue/Highway 19A roundabout
- Staff Recommendation:**
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.

7. BYLAWS

- 22-37 (1) **Zoning Amendment and Development Permit: 230 Second Avenue West**
- Staff Recommendation:**
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.

38-67 (2) **Zoning Amendment and Development Permit: 365 First Avenue West
Staff Recommendation:**

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.

68-99 (3) **Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023
Staff Recommendation:**

1. THAT first reading of “Tree Protection Bylaw No. 725, 2018” be rescinded.
2. 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 full-time 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.
3. 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.
4. THAT Council considers additional readings to “Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023” and “Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023”, to a maximum of three readings at this meeting.

8. COMMITTEE & LIAISON REPORTS

(1) **General Government** (Mayor Teunis Westbroek)
Notice of Motion

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.

(2) **Public Safety** (Councillor Scott Harrison)
Notice of Motion - deferred from the February 8, 2023 regular Council meeting

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.

- (3) **Parks & Recreation** (Councillor Anne Skipsey)
- (4) **Community Development** (Councillor Petronella Vander Valk)
- (5) **Arts & Culture** (Councillor Jean Young)

9. STAFF REPORTS

- 100-103 (1) **Chief Administrative Officer**
- (a) **Beach Toy Library**
Staff Recommendation:
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.
- (2) **Corporate Administration**
- (a) **Acting Mayor Appointment**
Staff Recommendation:
THAT Councillor Young be designated to act in the place of Mayor for the period of May 14 to May 23, 2023.
- 104-107 (b) **2023 Special Event Approvals**
Staff Recommendation:
1. 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)
 2. 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.

- (3) **Planning**
- 108-109 (a) **UBCM Emergency Operations Centre Training Grant**
Staff Recommendation:
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).
- 110-123 (b) **Development Variance Permit: 864 Royal Dornoch Drive**
Staff Recommendation:
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.
- 124-127 (c) **Bus Garage Site Planning – Phase 1 Request for Proposals**
Staff Recommendation:
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.
- 128-137 (d) **Development Variance Permit: 648 Beach Terrace**
Staff Recommendation:
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.
- (e) **Residences at Qualicum Station (Kiwanis Affordable Housing Project on Railway Street) – Verbal Update**
- (4) **Fire/Rescue Services**
- 138 (a) **Fire Department Digital Fire Training System – Supply Award**
Staff Recommendation:
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).

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 (March 24, 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. MOTION TO CLOSE

THAT the meeting be closed to the public for the purpose 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;
- (c) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Following adoption of the above motion, the meeting will be closed to the public.

MEETING REOPENS TO THE PUBLIC

12. ADJOURNMENT

THAT Council adjourns the meeting.

NEXT SCHEDULED

REGULAR COUNCIL MEETING: Wednesday, April 12, 2023 at 10:00 am

THE TOWN OF
QUALICUM BEACH



COUNCIL CORRESPONDENCE LOG
March 22, 2023

DATE REC'D	TOPIC	ACTION
Mar 13	BC Farmers Market - Seeking Provincial Support by Town	Rec'd for Information
Mar 13	Letter to Province re Lack of Medical Care in Oceanside	Rec'd for Information
Mar 13	Request of Road Safety for Arrowview Students	Rec'd for Information
Mar 13	City of Parksville - Media Release re Passing of Al Greir	Rec'd for Information
Mar 13	Suggestion of Mural on Roundabout	Rec'd for Information
Mar 8	Climate Change Quantum Computing	Rec'd for Information
Mar 8	Request for Grant Full Funding to be Disclosed – Beach Creek	Rec'd for Information
Mar 6	Sale of Art Supplies at The Old School House – Request for Review	Referred to Staff
Mar 6	Nanaimo Regional General Hospital Status & Clarification	Rec'd for Information
Mar 6	Need for Increased Rental Accommodation	Rec'd for Information
Mar 6	864 Royal Dornoch Dr – Concerns re DVP application	Rec'd for Information
Mar 3	Strategic Planning Services - Offering Services – Kelly Rudyk	Rec'd for Information
Mar 3	Arrowsmith Search & Rescue - Donation Appreciation for Art Supplies	Rec'd for Information
Mar 2	Housing Concerns	Rec'd for Information
Mar 2	Ministry of Forests - Wildfire Risk Reduction Project	Rec'd for Information
Mar 2	Community Action Initiative - Invitation March 30	Rec'd for Information
Mar 2	Curbside Organics Appreciation	Rec'd for Information
Mar 2	Timing of Council Meeting to be More Inclusive	Rec'd for Information
Mar 2	Parksville Qualicum Beach Tourism Association - AGM Invitation Mar 30	Rec'd for Information
Mar 2	Support for Train Travel to Restart	Rec'd for Information
Mar 2	Parksville Qualicum Beach Tourism Association - Destination Strategy Invitation	Rec'd for Information
Mar 2	Memorial Avenue Safety Complaint at Crescent Road West	Rec'd for Information
Mar 2	Pheasant Glen Newsletter – Plans Submission	Rec'd for Information
Mar 1	QB Elementary – Support for Rebuilding Grandon Creek Stairs	Rec'd for Information
Feb 28	Society of Organized Services – Art Supply Donation Appreciation	Rec'd for Information
Feb 28	Strategic Plan in Relation to Waterfront Project	Rec'd for Information
Feb 27	Island Health – Notice of Community Wellness Grant	Rec'd for Information
Feb 24	Cell Tower in French Creek - Opposed	Rec'd for Information
Feb 24	Eaglecrest Golf Course Development Questions	Rec'd for Information

Feb 24	Railway Housing Impact on Environment - Concerns	Rec'd for Information
Feb 21	Communities in Bloom – Invitation to Participate in 2023	Rec'd for Information
Various	Various Letters re 2119 Island Highway West	Referred to Staff
Various	Various Letters re Regarding Defamation Settlement	Rec'd for Information
Various	Various Letters re LED Streetlight Complaints	Referred to Staff

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.



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 January 31, 2023							1	1	0	\$289,000	\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$1,789,000
February																	
6	5943	207.000	363	Hoylake Rd W	Single Family Dwelling	Alair Homes	1				\$1,200,000						
7	5950	187.000	373	Crescent Rd W	Secondary Suite			1		\$300,000							
8	5953	926.000	277	Garden Rd E	Accessory					\$25,000							
9	5954	690.000	210	First Ave W	Tenant Improvement	Pickard Construction							\$50,000				
10	5955	987.000	681	Hollywood Rd	Renovation	Alair Homes				\$500,000							
11	5957	10084.107	1160	Pintail Dr	Renovation					\$350,000							
Year to Date as at February 28, 2023							1	1	0	\$1,175,000	\$1,200,000	\$0	\$50,000	\$0	\$0	\$0	\$2,425,000
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

MONTHLY BYLAW REPORT - February 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	6	15			4				
Other Parks									
Community Park Trails	8				3				
Dollymount Trail		5							
Heritage Forest Trails	9				2				
Museum Area Trails	4	12							
Other Trails		6							
Homeless Patrols	8	14							
Town Centre Patrols	18	29				18			
Residential Areas		33					1		
Main Beach Patrols		22				4			
Other Beach Patrols		5							
TOTALS	53	141	0		9	22	1	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	3				3	3	dogs on beach /
Burning Outdoor	1	1	1		1	1	
Business Licence							
Homeless Issues	5				5	5	
Illegal Dumping							
Noise	4				5	4	barking x 2 / heat pump/
Parks / Trails / Beaches	2				2	2	excavator on beach / dogs on beach
Sign	2		1		2	2	signage for stripping bark from trees/ signs for Town Sq. homeless
Traffic	5	6	10	12	5	28	10 mti's / 2 hour parking
Tree Removal	4				4	4	
Unsightly Premises	2				2	2	
Vandalism	1				1	1	
Zoning / Building							
Other	5				30	5	25 snow & ice notices/ gate repair needed/trip hazard/remuneration/
TOTALS	34	7	12	12	60	57	BEO equipment/ lights from business/

Minutes of the 10:00 am Wednesday, March 1, 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
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 1, 2023 Regular Council meeting agenda.
CARRIED UNANIMOUSLY

ADOPTION OF THE CONSENT AGENDA

Council adopted, by unanimous consent, the consent agenda:

- (1) **Correspondence Log** – March 1, 2023 – For Information
- (2) **Announcement of Council Meeting Motions**

CARRIED UNANIMOUSLY

APPROVAL OF THE MINUTES

Council approved, by unanimous consent, the minutes of the January 27, 2023 special Council meeting and the February 8, 2023 regular Council meeting.

CARRIED UNANIMOUSLY

PUBLIC AND STATUTORY HEARINGS

- (1) **Zoning Amendment and Development Permit: 365 First Avenue West**

At 10:06 am, the Mayor declared open the Public Hearing, convened pursuant to Section 464 of the *Local Government Act*, to allow the public to make representations to Council respecting matters contained in the proposed “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022”.

The Mayor called for any person who deemed themselves affected who wished to be heard or present written submissions to come forward.

- Isaac Morgan, proponent, provided a history of the property and overview of the development proposal, including changes made from feedback received from the Advisory Planning Commission and the Public Information Meeting.
- Fran Gallagher, Qualicum Beach, spoke in opposition to the development, expressing concerns about compatibility with the neighbourhood, negative impact to property values, increased traffic, and parking.
- Rod Burkosky, Qualicum Beach, spoke in opposition to the development, expressing concerns with the fit of the neighbourhood and safety impacts with street parking.
- Tracy Ford, Qualicum Beach, expressed concern about setting a precedent, commented that the R19 zone is not appropriate for the neighbourhood, and expressed concerns about parking, setbacks from neighbouring properties, landscaping, and introducing multi-family dwellings into single-family dwelling neighbourhoods.
- Brian Gaensbauer, Qualicum Beach, spoke against the application, noting objection to the density, relaxation of parking rules, and pedestrian safety.
- Dan Anderson, Qualicum Beach, agreed with the previous speakers and commented that the development would have a negative impact on the neighbours.
- Don Wilshire, Qualicum Beach, is opposed to the development and expressed concern with the fit with the neighbourhood, suitability for young families or seniors, pedestrian safety, and setting a precedent.
- Marlene Cockburn, Qualicum Beach, expressed safety concerns due to the lack of sidewalks in the neighbourhood and the impact of street parking for pedestrians and traffic.
- Grace Barkman, Qualicum Beach, requested that the application be denied.
- Jennifer Morgan, proponent, provided information about their application, including the choice of a duplex for Lot B, parking, landscaping, and fit with the Official Community Plan.

The Mayor called a second time for any persons who deemed themselves affected by Bylaw No. 580.135, 2022, who wished to be heard or present written submissions, to come forward.

- Rod Burkosky read aloud a letter from Julie Whyknaht in opposition to the development.
- Rod Burkosky read aloud a letter from Paul Trudeau in opposition to the development.
- Tracy Ford commented on the Village Neighbourhood boundary, questioning if the boundary should be moved, and further noted that the letters in support of the development are not from those that live in the neighbourhood.
- Jennifer Morgan commented on the number of people in support of the application, noting that it is difficult for people with young families or that work during the day to attend Council meetings to lend support.

- Marlene Cockburn expressed concerns about traffic, pedestrian safety, and impeded sight lines due to cars parking on the road near the corner.
- Tracy Ford commented on parking requirements, neighbourhood transitions, and affordable housing.
- Jennifer Morgan commented that the proposal is not for affordable housing, but that a duplex would provide diversity to address the 'missing middle' housing type.
- Brian Gaensbauer questioned if the parking configuration could be adjusted to address the concerns raised about on street parking.

The Mayor called a third time for any persons who deemed themselves affected by Bylaw No. 580.135, 2022, who wished to be heard or present written submissions, to come forward and, hearing no one, declared the public hearing on Bylaw No. 580.135, 2022, closed at 11:24 am. Council cannot accept further comments directly from the public; all comments must go through staff.

Mayor Westbrook called for a five-minute recess.

MEETING RECESSED at 11:24 am

MEETING RESUMED at 11:30 am

COMMITTEE & LIAISON REPORTS

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

Mayor Westbrook commented on the following:

- Extended a welcome to Raj Hayre, the Town's new Director of Finance.
- Requested a letter of support for Island Coastal Economic Trust (ICE-T) be sent to the Provincial government.
- Announcement from the Regional District of Nanaimo regarding the expansion of curbside pickup to include yard waste in green bins, effective March 1, 2023.

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

Councillor Harrison commented on the following:

- Orthodox Ukrainian Church will be hosting a ceremony on March 3, 2023 to commemorate the one-year anniversary of the war in Ukraine.

Councillor Harrison MOVED and Councillor Skipsey SECONDED, THAT the Town send a letter in support for the Island Coastal Economic Trust to encourage continued financial support for the Trust from the provincial government.

CARRIED UNANIMOUSLY

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

Councillor Skipsey commented on the following:

- Attending the Federation of Canadian Municipalities (FCM) Sustainable Communities conference from February 6 to 10, discussing lifecycle costing, the Green Municipal Fund and upcoming grant opportunities, and noting that information will be posted on the Town's website.
- The recent announcement from the Regional District of Nanaimo about organic yard waste collection, expressing support for the reduction in greenhouse gas emissions.
- Attending a gathering on February 28, 2023 with the Qualicum Beach Streamkeepers to celebrate Peter Drummond for over 20 years of service on the Streamkeepers board.

Councillor Skipsey MOVED and Mayor Westbroek SECONDED, THAT Council approve installation of signs stating "This forest is for the quiet enjoyment of nature – Please walk your bike." at the Heritage Forest entrances on Hemsworth Road, Chester Road, and Crescent Road East.

CARRIED UNANIMOUSLY

Councillor Skipsey MOVED and Mayor Westbroek SECONDED, THAT Council support the initiative for T. Whitfield to work with the Brant Wildlife Festival to engage a maximum of 10 people at a time in educational tours of the Heritage Forest on April 6 and 7, 2023.

CARRIED UNANIMOUSLY

(4) **Community Development** (Councillor Petronella Vander Valk)

Councillor Vander Valk commented on the following:

- The "Destination Think" survey from the Parksville Qualicum Beach Tourism Association.
- Attending the Public Open House, discussing the doctor shortage, Communities in Bloom, the community garden on Railway Street, safety issues on Laburnum Road at Rupert Road, bicycle parking uptown, homelessness, and upgrades to Miraloma Park, among others.
- Attending the Local Government Leadership Academy conference.
- Attending the St. Andrews Lodge Historical and Cultural Society board meeting, discussing seismic requirements, grant opportunities, lease terms, overall park plan, and plans for Elizabeth Little's 100th birthday.
- Attending the Parksville Qualicum Beach Tourism Association board meeting, discussing short-term rentals and how they affect tourism.

(5) **Arts & Culture** (Councillor Jean Young)

Councillor Young commented on the following:

- The Coldest Night of the Year fundraising walk on Saturday, February 25, noting that St. Stephens Church raised just under \$21,000, and that the broader community of Oceanside raised over \$83,000.
- Referencing several Notices of Motion, which will be added to a future Council agenda, regarding Communities in Bloom, National Culture Day, green initiatives for new buildings, attainable/affordable housing, and housing templates.

STAFF REPORTS

(1) **Corporate Administration**

(a) **Council Standards of Conduct Policy Review**

Councillor Harrison MOVED and Councillor Vander Valk SECONDED, THAT Council has reviewed the principles within the "Principles for Codes of Conduct Regulation, BC Reg 136/2022";

AND FURTHER THAT, in accordance with sections 113.1 and 113.2 of the *Community Charter*, Council affirms that it has reviewed Standards of Conduct Policy No. 3004-7 and confirms the Policy complies with the prescribed legislative requirements.

CARRIED UNANIMOUSLY

(b) **Family Day 2023**

Councillor Skipsey MOVED and Councillor Vander Valk SECONDED, THAT Council authorizes the Town of Qualicum Beach to hold the annual Family Day Celebration on Sunday May 28, 2023, including street closures required for the parade that will marshal along Harlech Road, proceed along Harlech Road and First Avenue West, up Primrose Street to Second Avenue, along Second Avenue West to Jones Street, ending at the Main entrance of the Civic Centre, and subject to emergency service notification, traffic control, insurance, washrooms and litter control; AND FURTHER authorizes Town staff expenditure and payment of related invoices (materials, activities, performers) not to exceed a total of \$10,000.

CARRIED UNANIMOUSLY

(2) **Financial Administration**

(a) **Early Budget Approval for Strategic Initiatives and Capital Projects**

Councillor Harrison MOVED and Councillor Skipsey SECONDED, THAT Council provide early budget approval for the Strategic Initiatives and Capital Projects to be included in the 2023 to 2027 Financial Plan, as identified in the March 1, 2023 memo from the Director of Finance.

CARRIED UNANIMOUSLY

- (b) **Town Participation in Cooperative Buying Groups – Verbal Update**
Raj Hayre, Director of Finance, provided an overview of the Canoe Procurement Group, which allows BC municipalities and regional districts to leverage group purchasing power to access preferential pricing for items ranging from office supplies to heavy equipment.

Staff committed to providing a report with more details on the Canoe Procurement Group at an upcoming Council meeting.

(3) **Planning**

- (a) **Development Variance Permit: 2119 Island Highway West**
Councillor Harrison MOVED, THAT Council directs staff to issue a Development Variance Permit for 2119 Island Highway West as described in the March 1, 2023 Planning memo to Council.
MOTION FAILED due to lack of a Secunder.
- (b) **Development Variance Permit: 864 Royal Dornoch Drive**
Councillor Skipsey MOVED and Councillor Young SECONDED, THAT consideration of issuance of a Development Variance Permit for 864 Royal Dornoch Drive, as described in the March 1, 2023 Planning memo to Council, be deferred to the March 22, 2023 regular Council meeting.
CARRIED
Opposed: Councillor Harrison
In Favour: Mayor Westbroek; Councillor Skipsey; Councillor Young
- (c) **Development Variance Permit: 648 Beach Terrace**
Councillor Harrison MOVED and Councillor Skipsey SECONDED, THAT Council directs staff to fulfill statutory notification requirements for Council consideration of issuance of a Development Variance Permit for 648 Beach Terrace at a future meeting of Council.
CARRIED UNANIMOUSLY

(4) **Engineering & Operations**

- (a) **Beach Creek Waterfront Walkway and Viewing Platform – Tender Issuance**
Mayor Westbroek MOVED and Councillor Harrison SECONDED, THAT Council authorizes staff to issue a tender for the Beach Creek Waterfront Walkway and Viewing Platform, as described in the March 1, 2023 Engineering memo to Council.
CARRIED UNANIMOUSLY

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 3, 2023). Submissions were distributed to all Council, and a brief summary of the comments are as follows:

- Tim Pritchard, Qualicum Beach, regarding the transitional area surrounding the village core.
- Pat Jacobson, Qualicum Beach, regarding the Beach Creek Waterfront Walkway project.
- John Wood, Qualicum Beach, regarding the public hearing process and the development variance permit for 2119 Island Highway West.

ADJOURNMENT

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

CARRIED UNANIMOUSLY

MEETING ADJOURNED: 12:40 pm

Certified Correct:

Heather Svensen
Corporate Administrator

Teunis Westbroek
Mayor

Minutes of the 9:00 am Wednesday, March 1, 2023, Town of Qualicum Beach Special Council Meeting held in the Committee Room, 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
Luke Sales, Director of Planning
Raj Hayre, Director of Finance

The Mayor called the meeting to order at 9:00 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 1, 2023 Special Council meeting agenda.

CARRIED UNANIMOUSLY

MOTION TO CLOSE

Councillor Skipsey MOVED and Councillor Vander Valk 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: 9:00 am

MEETING REOPENED TO THE PUBLIC: 9:57 am

ADJOURNMENT

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

CARRIED UNANIMOUSLY

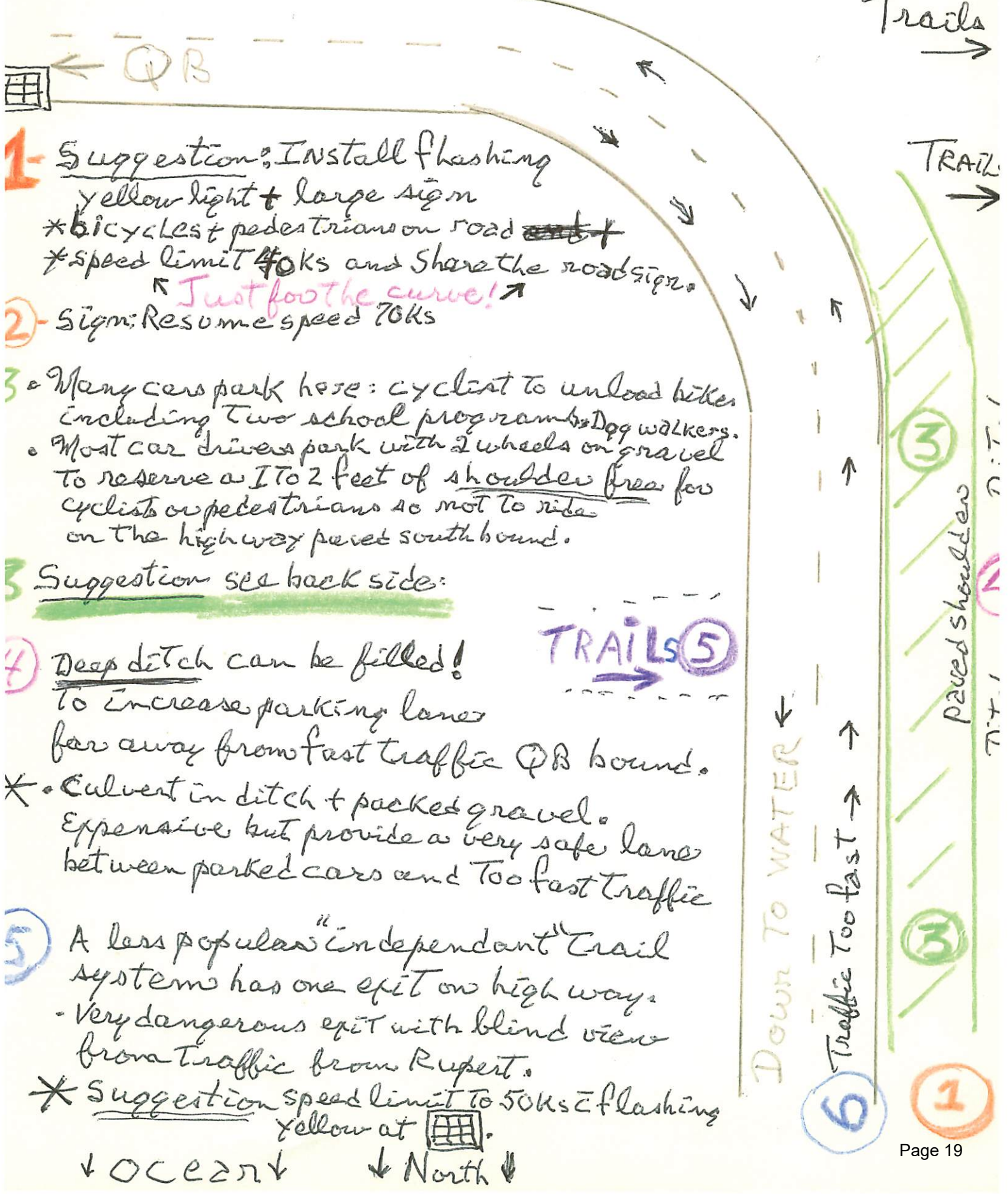
MEETING ADJOURNED: 9:57 am

Certified Correct:

Heather Svensen
Corporate Administrator

Teunis Westbroek
Mayor

Separated Pathway end
 SAFER cycling + walking To QB
 Heavily used Trail west of road.

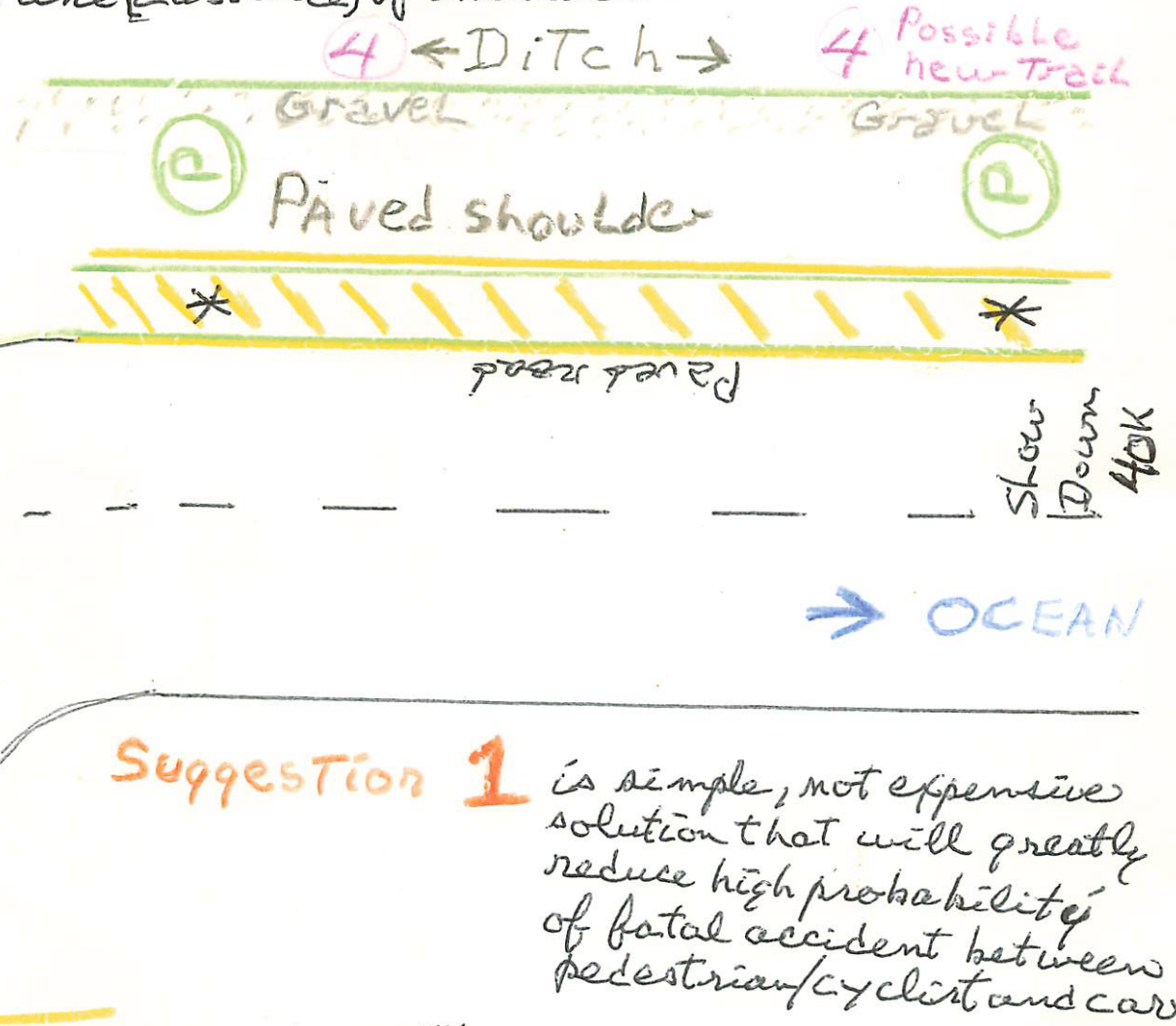


- 1- Suggestion: Install flashing yellow light + large sign
 * bicycles + pedestrians on road ~~and~~ +
 * speed limit 40ks and share the road sign.
 Just foot the curve!
- 2- Sign: Resume speed 70ks
- 3- Many cars park here: cyclist to unload bikes including two school programs, Dog walkers.
 * Most car drivers park with 2 wheels on gravel to reserve a 1 to 2 feet of shoulder free for cyclists or pedestrians so not to ride on the highway paved south bound.
- 3- Suggestion see back side:

- 4- Deep ditch can be filled!
 To increase parking lanes far away from fast traffic QB bound.
 * Culvert in ditch + packed gravel.
 Expensive but provide a very safe lane between parked cars and Too fast traffic
- 5- A less popular "independant" Trail system has one exit on highway.
 * Very dangerous exit with blind view from traffic from Rupert.
 * Suggestion speed limit to 50ks + flashing yellow at .
 Ocean North

TRAILS 5

- 3 ① Many cars park on shoulders: cyclists, dog walkers, hikers...
- ② Traffic "uphill" or toward Rupert Rd often drive very fast. The curve creates a blind spot for opposing traffic.
- x At least one vehicle Northbound took the ditch in ④
- Suggestion The shoulder is wide enough for parking.
- x Do create a safer (walk or walk a bike) between road ⑥ and (East side) of shoulder.



Suggestion 1 is a simple, not expensive solution that will greatly reduce high probability of fatal accident between pedestrian/cyclist and cars

x Suggestion = The shoulder can be divided in two distinct areas:

A well marked (yellow) 2 Feet for walkers or walk a bike only so car parking on (Green) P Do not park on yellow stripes

A more expensive suggestion would be to fill the ditch to provide parking away from road

QB Town

From: media
Sent: Thursday, March 9, 2023 8:34 AM
To: QB Town
Subject: FW: Mural for New Roundabout

From: John C
Sent: Wednesday, March 8, 2023 10:33 AM
To: media <media@qualicumbeach.com>
Subject: Mural for New Roundabout

Dear Sir,

The new roundabout at Memorial and Old Island Hwy. is such a welcomed change and improvement for vehicular and pedestrian traffic. As long time residents of Qualicum, we are so happy to see this improvement. We understand there is Federal funding to expand this area for residents and visitors. We have a suggestion which hopefully will be considered by Mayor and Council. Award a local artist(s) to paint a mural along the inside of the barrier of the roundabout. A suggestion to consider is the life cycle of a 'Salmon' (from Fry to Spawning Salmon\). This would be a beautiful and colorful image for vehicular traffic and informative to those walking along the inside of the barrier. This would also be a good option to work with our local Indigenous Community or even commission an artist from their Community to paint the Mural with an Indigenous theme.

Thank you,

Colleen Kerr
John Charlton

Date Received

MAR 13 2023

File No. _____

☒ Acknowledgement
Card

☐ Response
Letter

Council, BW, LS

Action Required By

Log

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

TO: Luke Sales, Director of Planning

FOR: Council Meeting, March 22, 2023

FROM: Rebecca Augustyn, Planner

SUBJECT: Zoning Amendment and Development Permit: 230 Second Avenue West

RECOMMENDATION

- 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.

PURPOSE

To consider a zoning amendment and Development Permit application for 230 Second Avenue West to permit a mixed-use building with ground floor commercial, four short-term rental units and one accessory dwelling unit. Three of the four short-term rental units have a lock-off bedroom.

BACKGROUND

The Town has received a zoning amendment and Development Permit application for 230 Second Avenue West to permit a mixed-use development that consists of 191m² of ground floor commercial, four short-term rental units and one accessory dwelling unit. Three of the four short-term rental units include the ability to lock off a bedroom. The subject property is currently zoned Commercial 1 (C1) and is designated “Commercial Residential” in the Official Community Plan (OCP). The C1 zone permits commercial uses, including office, personal service use, public assembly use, recreation facility, restaurant, retail store, and public parking lot, as well accessory dwelling units. The C1 zone does not currently permit short-term rental as a permitted use, and as such, a zoning amendment is required for this use to be allowed.

If the application is to proceed, staff are proposing the subject property be rezoned to a new commercial zone, Commercial Tourism 4 (CT4). This zone is similar to the Commercial 4 zone, but “accessory short-term rental” has been added as a permitted use and the maximum height has been increased from 10.0m to 11.5m. The C4 zone is a denser zone than the C1 zone and has “accessory hotel” as a permitted use. The C1 zone requires a site area of 185m² per unit whereas the C4 zone requires 100m² of site area per unit. A definition for “accessory short-term rental” is also part of this zoning amendment. The short-term rental units, as proposed, do not fit within any of the current definitions in the zoning bylaw and a new definition was required. The subject property is within the Uptown Commercial C1 Form and Character Development Permit Area and requires a Development Permit.

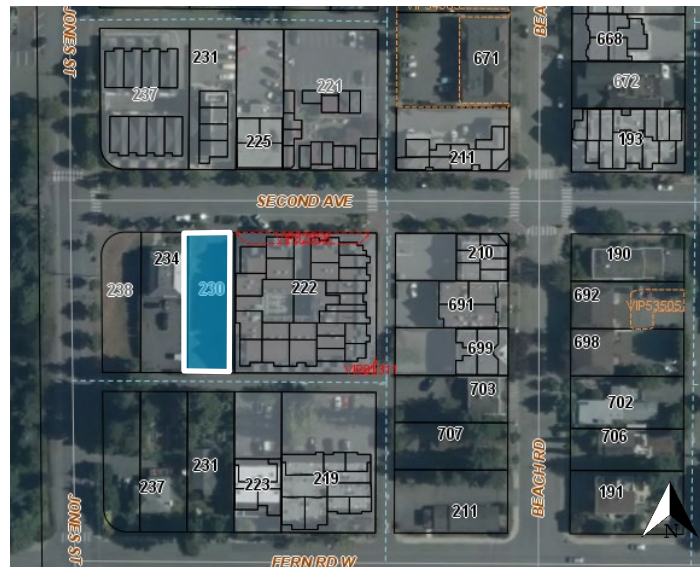


Figure 1: Subject Property

On December 7, 2022, the Development Permit for 230 Second Avenue West went before Council:

- THAT the Development Permit application for 230 Second Avenue West be referred to the Advisory Planning Commission for comment.
- THAT a public information meeting be held for the Development Permit application for 230 Second Avenue West after the application is considered by the Advisory Planning Commission and before the application is brought back to Council for further consideration.

At the time of the December 7, 2022 Council meeting, the applicant had applied for a Development Permit only. Since then, a zoning amendment application has been made that would change the proposed accessory dwelling units to short-term rental units. The zoning amendment application was made to clarify some ambiguity around the intended tenure.

Both the zoning amendment and Development Permit went before the Advisory Planning Commission (APC) on January 25, 2023. The following motions were adopted:

- THAT the Advisory Planning Commission supports the zoning amendment application for 230 Second Avenue West, and FURTHER THAT the Advisory Planning Commission recommends THAT a site-specific zone be created in response to the application for 230 Second Avenue West on the provision that Commercial (C1) zone rules apply, with permitted uses to include ‘hotel condominium’.
- THAT the Advisory Planning Commission supports the Development Permit for 230 Second Avenue West, subject to the following changes:
 - If short term rental is not pursued, that long term rental be implemented and that the size of the kitchen and configuration be reassessed.
 - Include light wells to bring light into the units.

The minutes from the APC are attached to this memo.

A Public Information Meeting (PIM) was held on March 8, 2023. A variety of comments were received and include, but are not limited to, the following:

- Proposed building colour;
- Adding “accessory short-term rental” as a permitted use;
- Number of off-street parking spaces; and,
- Impact on adjacent building.

DISCUSSION

Following is an overview of land use regulations and design guidelines relevant to the property.

Zoning Comparison			
Zoning Provision	Existing	Proposed Zoning	Development Permit Proposal
Zoning	Commercial 1 (C1)	Commercial Tourism 4 (CT4)	Mixed-use Building
Density	54 units/ha	100 units/ha (six residential or short-term rental units)	73 units/ha (four short-term rental units and one residential unit)
Height	10.0m	11.5m	11.2m
Front Setback	1.0m	1.0m	1.0m
Interior side setback	Reduced to 0.0m because adjoining parcel is commercial.	1.0m	1.0m
Rear Setback	2.0m	2.0m	5.7m
Parcel Coverage	75%	75%	67%
*Parking (off street)	Ground floor commercial: 1/40m ² Dwelling unit: 1 per unit Total of 11 parking spaces	11 parking spaces	9 parking spaces

Parking: The applicant is proposing on-site electric vehicle charging stations, which reduces the required number of off-street parking spaces to nine. The proposal includes nine off-street parking spaces.

2018 Official Community Plan

The proposed development is within the Village Neighbourhood and is designated as Commercial Residential. As well, the subject property is within the C1 – Uptown Commercial Development Permit Area.

Development Permit Area C1 – Uptown Commercial: The subject property is in the “Development Permit Area C1 – Uptown Commercial”. DPA C1, as shown on Official Community

Plan map 'Schedule No. 2.3'. Developments within this area must conform to the design guidelines. Following is a review of the C1 Development Permit Area Guidelines.

1. Buildings shall avoid massive building components in favour of smaller clustered designs of human scale. Breaks in the street frontage to accommodate driveways and parking shall be avoided along the major shopping streets, where possible.
Staff Comment: The proposed development aligns with this provision of the OCP.
2. Courtyards and "boutique"-like clustering of commercial premises with associated street furniture scaled toward Pedestrian traffic are desirable. Public spaces for community gathering should be integrated into designs wherever possible. Lighting should be adequate, but should avoid the use of high-intensity fixtures in favour of more ornamental lighting at lower levels of illumination.
Staff Comment: There is no courtyard, but given the size of the parcel and proximity to the community park, staff find the lack of public space acceptable.
3. Parking facilities shall be integrated with on-site landscaping. Smaller, clustered facilities are preferable to large blacktopped areas.
Staff Comment: The parking area located at the rear of the property consists of a large black topped area with minimal landscaping. However, most of the parking is covered by the second floor of the building.
4. Residential uses may be considered on the ground floor subject to the following conditions:
 - a) Ground-floor dwelling units must not have direct street frontage. *n/a*
 - b) Ground-floor dwelling units must be adaptable to future commercial uses. *n/a*

Section 2.2.1 Village Neighbourhood references tourist accommodation. The policies are as follows:

1. Zoning and subdivision regulations shall provide opportunities for bed and breakfast tourist accommodation as an accessory use to the Residential, Commercial and Cultural uses permitted within the "Village Neighbourhood" area as shown on map 'Schedule 2.2'.
Staff Comment: While the proposal does not include a bed and breakfast, the proposed development will provide tourist accommodation in the form of "accessory short-term rental". These units will also be accessory to the ground floor commercial units
2. The Town shall consider rezoning applications for a major tourist facility combining residential use with a destination resort hotel within the "Village Neighbourhood" area.
Staff Comment: The proposal provides tourist accommodation. At the time this policy was included in the OCP, tourist accommodation consisted of hotel/motel/resort units rather than short-term rental units such as AirBnB or VRBO. Based on how tourist accommodation has changed, staff find it reasonable for the proposed zoning amendment to be considered by Council.

SUMMARY

A zoning amendment and Development Permit application has been made for 230 Second Avenue West to permit a mixed-use development with ground floor commercial and four short-term rental units and one residential unit. Three of the four short-term rental units have lock-off suites. The zoning amendment requires the subject property to be rezoned from Commercial 1

(C1) to Commercial Tourism 4 (CT4), which is a new Commercial zone created to accommodate the proposed short-term rental units. Staff consider the amended application supportable and ready for Council's consideration and decision making.

ALTERNATIVES

1. **THAT** Council requests the following changes to the proposed development at 230 Second Avenue West: *[insert changes]*;
2. **THAT** Council denies the zoning amendment application for 230 Second Avenue West;
3. **THAT** Council provides alternative direction to staff.


R. Augustyn, MCIP, RPP
Planner
Report Writer


Luke Sales, MCIP, RPP
Director of Planning
Concurrence

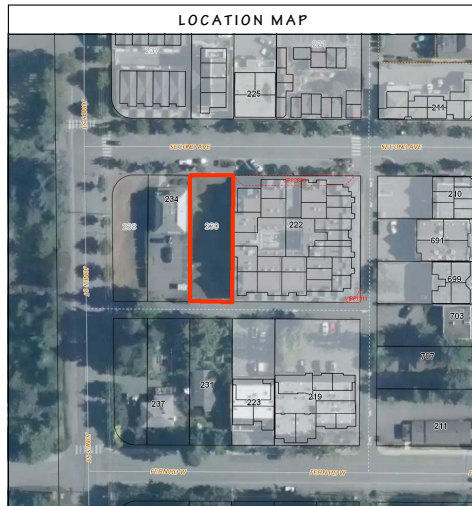

Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments:

[memo.230SecondAveW.PLANS.pdf](#)
[memo.230SecondAveW.APCMinutes.pdf](#)
[memo.230SecondAveW.BYLAW.docx](#)

/2023/03 22 Regular Council Meeting/ memo.Plan.DP.230SecondAveW.v2.docx

SITE & PLANNING SUMMARY			
CIVIC ADDRESS: 230 SECOND AVENUE W. QUALICUM BEACH PID: 026-6114-074			
LEGAL DESCRIPTION: L. 15 DK. 1.0 DL. 75 NEWCASTLE DISTRICT PL. 1884			
ZONING: COMMERCIAL 1 (C-1)			
LOT SIZE: 689.2 m ²			
CURRENT PRIMARY USE: VACANT			
PROPOSED PRIMARY USE: MIXED USE, MAIN LEVEL COMMERCIAL, SECOND AND THIRD LEVEL APARTMENTS.			
HEIGHT:	BYLAW	PROPOSED	
TOP OF PARAPET:	10.0 m	11.2 m	
TOP OF ELEVATOR:	"	11.5 m	
PARCEL COVERAGE:	75% (516.9 m ²)	67% (463.0 m ²)	
LANDSCAPED AREA:			
PLANTED AREAS:	30.5 m ²		
SIDEWALKS & PATIOS:	105.4 m ²		
TOTAL:	20% (137.9 m ²)	18.5% (126.9 m ²)	
SETBACKS:			
FRONT:	1.0 m	1.0/1.5 m	
REAR:	2.0 m	5.7 m	
INTERIOR SIDE:	0.0 m	1.0 m	
FLOOR AREAS:			
MAIN FLOOR:	260.1 m ²		
SECOND FLOOR:	440.0 m ²		
THIRD FLOOR:	305.6 m ²		
TOTAL FLOOR AREA:	2,005.7 m ²		
UNIT SUMMARY:			
MAIN FLOOR:			
COMMERCIAL UNIT "A":	52.2 m ²		
"B":	86.3 m ²		
"C - OFFICE":	17.5 m ²		
"D":	27.8 m ²		
SECOND FLOOR:			
APARTMENT UNIT "201":	87.7 m ²		
"202":	85.2 m ²		
"203":	110.9 m ²		
"204":	103.5 m ²		
THIRD FLOOR:			
APARTMENT UNIT "301":	356.6 m ²		
OFF-STREET PARKING:			
MAIN FLOOR NON-RESIDENTIAL (1,140 m ²):	BYLAW	PROPOSED	
4":	4"	4	
DWELLING UNIT (1 PER UNIT):	5	5	
TOTAL PARKING SPACES:	9	9	
*ON-SITE EV CHARGERS PROVIDE A REDUCTION IN NUMBER OF REQUIRED PARKING SPACES.			



1 VIEW AT WEST SECOND AVE. - LOOKING SOUTH
NOT TO SCALE



2 VIEW AT WEST SECOND AVE. - LOOKING SOUTH-WEST
NOT TO SCALE



3 VIEW AT WEST SECOND AVE. - LOOKING SOUTH-EAST
NOT TO SCALE

SUMMARY AND PERSPECTIVE

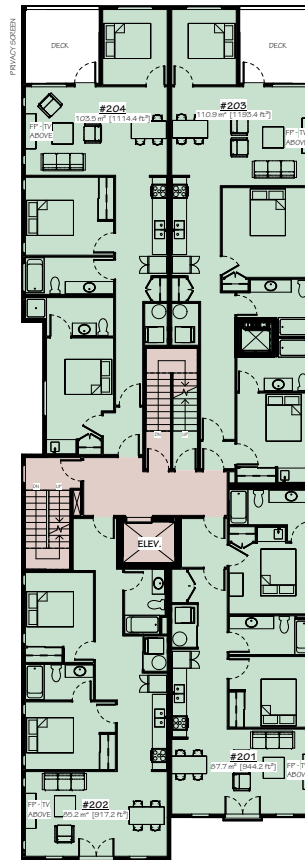
"THE AGORA"
230 WEST 2ND AVENUE, QUALICUM BEACH

Carsten Jensen Architect
#107-663 BEACH ROAD
QUALICUM BEACH, BC, V9K 2H7
TELEPHONE: (250) 752 0292
carsten@carstenjensenarchitect.com

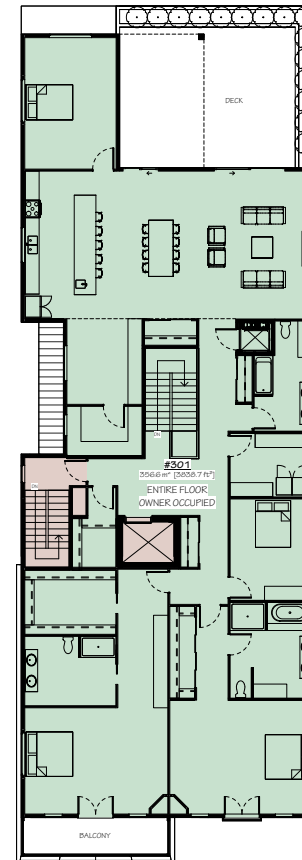
PROJECT NO: 2204
DATE: FEB. 21, 2023
SCALE: As indicated



1 MAIN FLOOR / SITE PLAN
1:100



2 2ND FLOOR PLAN
1:100



3 3RD FLOOR PLAN
1:100

FLOOR PLANS

"THE AGORA"
230 WEST 2ND AVENUE, QUALICUM BEACH

PROJECT NO: 2204
DATE: FEB 21, 2023
SCALE: 1:100

Carsten Jensen Architect
#107-663 BEACH ROAD
QUALICUM BEACH, BC, V8K 2H7
TELEPHONE: (250) 752 0292
carsten@carstenjensenarchitect.com



3 SOUTH - LANE
1:100



1 NORTH - W SECOND AVE.
1:100



4 EAST
1:100



2 WEST
1:100

EXTERIOR FINISH LEGEND

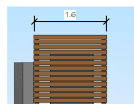
1. FIBRECEMENT LAP SIDING - "TERRACOTTA"
2. FIBRECEMENT SHINGLES - "TERRACOTTA"
3. HORIZONTAL METAL CLADDING - "TERRACOTTA"
4. VERTICAL HIDDEN FASTENER METAL CLADDING - "TERRACOTTA"
5. TIMBER - SEMITRANSSPARENT NATURAL TONE
6. CORNICE - PAINTED "DARK BLACK/BROWN"
7. WOOD AND DOOR TRIM - PAINTED "DARK BLACK/BROWN"
8. COMMERCIAL ALUMINUM WINDOWS AND DOORS - "BLACK ANODIZED"
9. RESIDENTIAL WINDOWS AND DOORS - PREFINISHED VINYL "BLACK"
10. SIGNS - GOLD LETTERING ON BLACK BACKGROUND
11. POSTS AND LATTICE - SOLID WESTERN RED CEDAR - NATURAL STAIN
12. GOOSE-NECK LIGHT FIXTURES
13. TRANSPARENT COVER OVER WALKWAY
14. STONE
15. PRIVACY GLAZING
16. PRIVACY LATTICE SCREEN

ELEVATIONS

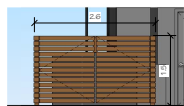
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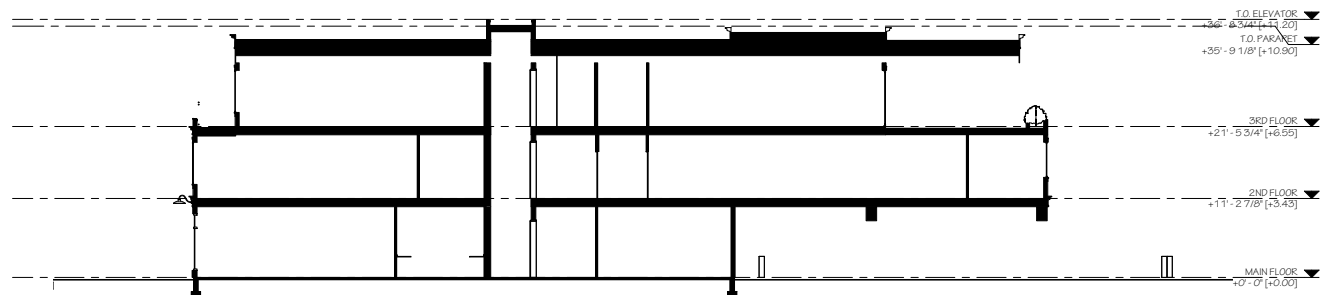
PROJECT NO: 2204
DATE: FEB 21, 2023
SCALE: As indicated



GARBAGE ENCLOSURE TO BE
CONSTRUCTED WITH PRESSURE
TREATED NOM. 4X4 POST AND WESTERN
RED CEDAR NOM. 1X4 SLATS, SPACED 1"
HINGED GATE WITH POWDERCOATED
HARDWARE.



4 GARBAGE ENCLOSURE
1:50



3 SECTION - NORTH-SOUTH
1:100



1 BIRDSEYE VIEW - LOOKING SOUTH-EAST
NOT TO SCALE



2 BIRDSEYE VIEW - LOOKING NORTH-WEST
NOT TO SCALE

BIRDS-EYE VIEWS, SECTION, AND GARBAGE ENCLOSURE

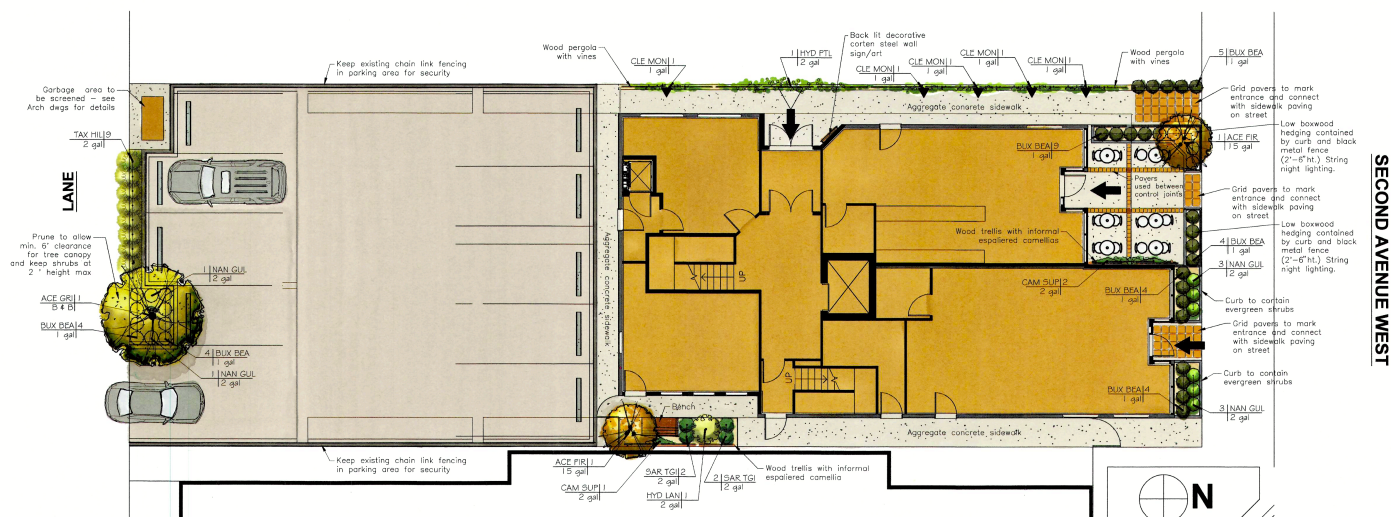
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PROJECT NO: 2204
DATE: FEB. 21, 2023
SCALE: As indicated

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CONT	GAL
	ACE GR1	1	Acer griseum / Paperbark Maple	B 4 B	5cm
	ACE FIR	2	Acer palmatum 'Fireglow' / Fireglow Japanese Maple	15 gal	
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	FIELD2
	BUX BEA	34	Buxus microphylla japonica 'Green Beauty' / Green Beauty Japanese Boxwood	1 gal	
	CAM SUP	3	Camellia japonica 'Kramer's Supreme' / Kramer's Supreme Camellia	2 gal	
	CLE MON	5	Clematis montana 'Freda' / Freda Anemone Clematis	1 gal	
	HYD LAN	1	Hydrangea macrophylla 'Lanarth White' / Lanarth White Hydrangea	2 gal	
	HYD PTL	1	Hydrangea petiolaris / Climbing Hydrangea	2 gal	
	NAN SUL	8	Nandina domestica 'Sulf Stream' / Sulf Stream Heavenly Bamboo	2 gal	
	SAR TSI	4	Sarcococca hookeriana humilis 'Sarsidi' / Fragrant Valleyx2122 Trailing Sweetbox	2 gal	
	TAX HL	4	Taxus x media 'Hillii' / Hill's Anglo-Japanese Yew	2 gal	

1. install minimum of 12" topsoil or amended organic soil in all new planting beds.
2. Tree pits to be excavated and amended to provide adequate growing area for each newly planted tree. Trees must have a minimum 12" (300mm) of topsoil or amended organic soil around all sides of root ball. Bottom of root ball should sit on firm ground and not be compacted, for ease of new root growth. See tree planting detail on drawing for further guidelines.
3. All planting beds to be mulched with minimum 4" of very fine fir hemlock bark mulch.
4. All trees and shrubs are to conform to the Landscape Canada Guide Specifications for Nursery Stock. All trees 5 cm and larger should be planted and staked according to the Canadian Landscape Standard (CLS - Second Edition).
5. Irrigation system to be designed and installed in accordance with applicable plumbing, electrical and health codes, and by an irrigation contractor in good standing with the Irrigation Industry Association of BC (IIABC).
6. Contractor to design and provide all drawings, including drawings for details of building layout, parking lot layout, paving, sidewalks, curbs, fencing, gates, pergolas, and garbage/recycling enclosure.
7. Contractor is responsible for researching location of existing utilities (BC One Call) prior to any site excavation.
8. Contractor will be responsible for all work and materials throughout installation and shall guarantee the work and materials for one year after completion of installation. Contractor should relay all maintenance information to landscape contractor hired for regular care of landscaping.
9. Any substitutions or changes to the plans must have written approval from landscape designer and Town of Qualicum.
10. To sign off, Landscape designer must be contacted for reviews 24 hours in advance as follows:
 - a. At start of landscape installation to review general scope of work with owner and landscape contractor
 - b. At time of completed landscape



LANDSCAPE SITE PLAN

[illegible]

SCALE: 1/8" = 1'-0"

**DRAFT Minutes of the 2:00 pm Wednesday, January 25, 2023, Town of Qualicum Beach
Advisory Planning Commission Meeting held in Council Chambers, Municipal Office,
660 Primrose Street, Qualicum Beach, BC**

PRESENT: Chair, Bill Scott
Andrew Brown
Susan Hong
Walter Hoogland
Maureen Dyson

ABSENT:

Staff Present: Luke Sales, Director of Planning
Bernadette Ritter, Recording Secretary

The Chair called the meeting to order at 2:00 pm

ADOPTION OF THE AGENDA

W. Hoogland MOVED, and A. Brown SECONDED, THAT the Commission adopts the January 25, 2023, Advisory Planning Commission meeting agenda.

CARRIED

APPROVAL OF THE MINUTES

A. Brown MOVED, and S. Hong SECONDED, THAT the Commission approves the minutes of the January 10, 2023, meeting of the Advisory Planning Commission.

CARRIED

NEW BUSINESS

Zoning Amendment and Development Permit: 230 Second Avenue West

L. Sales provided an overview of the application.

The applicant presented on the application.

The Commission discussed the following:

- Short term rentals
- Form and character
- Staff housing need
- Massing
- Lighting
- Combination of short-term rental and staff housing
- Village Design Guidelines

M. Dyson MOVED, and S. Hong SECONDED, THAT the Advisory Planning Commission supports the zoning amendment application for 230 Second Avenue West, and FURTHER THAT the Advisory Planning Commission recommends THAT a site-specific zone be created in response to the application for 230 Second Avenue West on the proviso that Commercial (C1) zone rules apply, with permitted uses to include 'hotel condominium'.

CARRIED

A. Brown MOVED THAT the Advisory Planning Commission recommends to Council that the application for 230 Second Avenue West be refused.
Motion did not proceed due to lack of seconder.

W. Hoogland MOVED and A. Brown SECONDED, THAT the Advisory Planning Commission supports the Development Permit for 230 Second Avenue West, subject to the following changes;

- If short term rental is not pursued that long term rental be implemented and that the size of the kitchen and configuration be reassessed.
- Include light wells to bring light into the units.

CARRIED

MEETING ADJOURNED: 3.45 pm

Certified Correct:

Bill Scott, Chair

TOWN OF QUALICUM BEACH
BYLAW NO. 580.137, 2022

A BYLAW TO AMEND THE TOWN OF QUALICUM BEACH
LAND USE AND SUBDIVISION BYLAW NO. 580, 1999

WHEREAS the Council may, under Section 479 of the *Local Government Act*, divide the municipality into zones, regulate within a zone the use of land, buildings and structures, the density of use of land, buildings and structures, and the siting, size and dimensions of buildings and structures and may, under Section 482 of the *Local Government Act*, establish different density regulations for a zone depending on whether conditions relating to the provision of amenities or affordable or special needs housing are met, and may designate an area within a zone for particular types of housing, and

WHEREAS the owner of the land described in this Bylaw has consented to the designations set out in the Bylaw;

The Council of the Town of Qualicum Beach, in open meeting lawfully assembled, hereby enacts as follows: "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999" is hereby amended as follows:

1. "Part 2 – Interpretation" is hereby amended by inserting:
"accessory short-term rental unit means a unit that:
a) is located in the same building as a retail store, restaurant, office, or personal service use,
b) provides overnight accommodation in sleeping units which may include washroom facilities and cooking facilities to paying guests for a total of no more than 42 days in any 90-day period,
c) contains a total floor area occupied by all guest sleeping units of no more than 50% of the total floor area of the building,
d) is not located on the ground floor of the building, and,
e) provides separate sleeping units with separate entrances to a common interior hallway."
2. "Part 6 – Land Use Regulations" is hereby amended by adding Section 6.4.27.3 Commercial Tourism 4 Zone (CT4)' as shown on Schedule 'A' which is attached to, and forms part of, this bylaw.
3. "Schedule 6A – Zoning Map" is hereby amended by changing the zoning designation of Lot 15, Block 10, District Lot 78, Newcastle District, Plan 1894, from Commercial 1 to Commercial Tourism 4 Zone (CT4) as shown outlined in heavy black line on Schedule 'B' which is attached to, and forms part of, this Bylaw.
4. This bylaw may be cited as "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (230 Second Avenue West) Bylaw No. 580.137, 2022."

INTRODUCED FOR FIRST READING this day of , 2023.

READ A SECOND TIME, as amended, this day of , 2023.

Notice published pursuant to Section 466 of the *Local Government Act* on the day of , 2023 and the day of , 2023.

PUBLIC HEARING held this day of, 2023.

READ A THIRD TIME this day of, 2023.

ADOPTED this day of, 2023.

Teunis Wesbroek, Mayor

Heather Svensen, Corporate Administrator

Schedule 'A' – Bylaw No. 580.137

Section 6.4.27.3

(580.137)**Commercial Tourist 4****CT4****Permitted Uses and Minimum Site Area****Permitted Use****Required Site Area**

a) Office	n/a
b) Personal Service Use	n/a
c) Public Assembly Use	n/a
d) Recreation Facility	n/a
e) Restaurant	n/a
f) Retail Store	n/a
g) Accessory Dwelling Units – each unit	100m ²
h) Accessory Hotel – each unit	100m ²
i) Short-term Rental	100m ²

i. Density Bonus For Amenity

For density bonuses, please refer to Section 6.3 (19) "Density Bonuses".

Maximum Number and Size of Buildings and Structures

Height	11.0 m
Parcel coverage	75%

Landscape Requirements

20% of the lot must be landscaped.

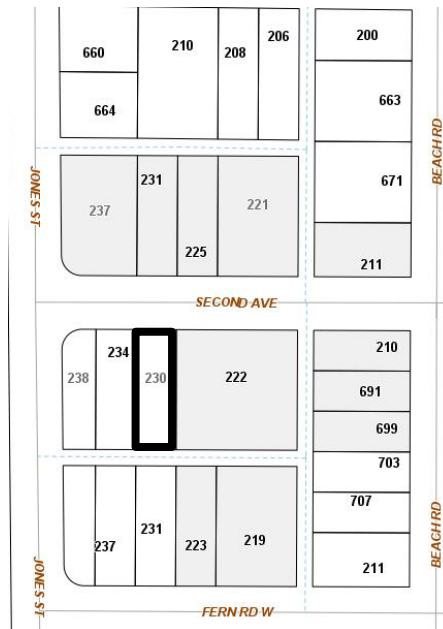
Minimum Setback Requirements

Front lot line	1.0 m
Interior side lot lines	1.5 m
Interior side lot line adjacent to a lane	1.5 m
Exterior side lot line	1.0 m
Rear lot line	2.0 m

Except:

- a) where the adjoining parcel is zoned commercial or industrial then the setback from the common interior side lot line may be reduced to zero;
- b) where any part of a parcel contains a watercourse then the regulations in Section 3 of this Part shall apply
- c) that any roof overhang, eave, cornice or gutter may project up to a maximum of 1.0m into any required setback area.

Schedule 'B' - Bylaw No. 580.127



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

TO: Luke Sales, Director of Planning **FOR:** Council Meeting, March 22, 2023

FROM: Rebecca Augustyn, Planner

SUBJECT: Zoning Amendment and Development Permit: 365 First Avenue West

RECOMMENDATION

- 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.

PURPOSE

To consider a zoning amendment and Development Permit application for 365 First Avenue West that would facilitate the subdivision of the parcel into two parcels, with a duplex permitted on proposed Parcel B.

BACKGROUND

The owner of 365 First Avenue West has submitted a zoning amendment and Development Permit application to facilitate development of the subject parcel. The existing single-family dwelling would remain on Lot A and a duplex is proposed for Lot B. The subject property is currently zoned Residential 14 (R14) and is identified as Mixed Residential 1 in the Official Community Plan and falls within Development Permit Area M1 – Village Neighbourhood.

The zoning amendment would change the Subdivision District from Subdivision District "D" to Subdivision District "J" to permit subdivision of the parcel. Subdivision District "D" has a 700m² minimum parcel size, whereas Subdivision District "J" has a 500m² minimum parcel size. Parcel A is proposed to be approximately 624m² and Parcel B is proposed to be approximately 553m². The zoning amendment would also change the zoning for Parcel B from R14 to Residential 19 (R19). The R19 zone will permit a duplex to be built on Parcel B. Parcel A is proposed to remain zoned R14.



Figure 1: Subject Property

On June 8, 2022, Council adopted the following motions:

- THAT "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022" be introduced and read a first time.

- THAT “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022” be referred to the Advisory Planning Commission, subject to submission of the following additional information: (a) Tree and vegetation management plan; and, (b) Alternative access options.
- THAT prior to the bylaw entitled “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022” being adopted, that the developer makes a contribution to the Village Neighbourhood Sidewalk Reserve Account equivalent to the value of constructing a sidewalk for this property.

In response to the Council motions, the applicant submitted an arborist report and rationale for access to the parcel from Pine Street. The application went before the Advisory Planning Commission (APC) on August 17, 2022. The APC adopted the following motions:

- THAT the Advisory Planning Commission supports the zoning amendment application for a change of zoning of 365 First Avenue West from Residential 14 (R14) to Residential 19 (R19) and changing the Subdivision District from Subdivision District “D” to Subdivision District “J”.
- THAT the Advisory Planning Commission supports the development application for 365 First Avenue West, subject to a review of the north façade interface to mitigate the impact on the existing property to the north.

The application went before Council on September 21, 2022 and the following motions were adopted:

- THAT the bylaw entitled “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 second time;
- AND FURTHER THAT consideration of the Public Hearing for “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022” be referred to the November 23, 2022 Regular Council Meeting.
- THAT, prior to the Public Hearing for the development at 365 First Avenue West, there be a review of the north façade interface to mitigate the impact on the existing property to the north.

In response to the Council motion to review the north façade, the applicant submitted the following:

- *The existing home will require renovation due to spatial separation reasons, these renovations will include covering the majority of the windows. The living spaces inside become oriented to the East-West rather than the South. Increasing setbacks would be of very minimal benefit at the expense of valuable floor area and usable, landscape-able yard space. Solid fencing is necessary to screen an area that will be used as an outside utility and storage space. Addressing the interface while keeping needed privacy the solid fencing is pulled back to align with the two-storey portion of the home and extending a green landscaping screen.*

Revised plans were submitted by the applicant to reflect these changes.

The applicant hosted a Public Information Meeting on November 3, 2022. The applicant received comments on the following:

- Laneway access to the parcel;
- Future of the existing single-family dwelling and if it will become a duplex;
- Height of the duplex and impact on surrounding properties;
- Proposed density;
- Zoning amendment process and timelines to build the duplex; and,
- Design of the duplex.

The application went before Council on November 23, 2022, and Council adopted the following motion:

- THAT Council hold a Public Hearing on January 18, 2023 at 10:00 am at the Qualicum Beach Town Hall, 660 Primrose Street, Qualicum Beach in regard to “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022”; AND FURTHER THAT, prior to the Public Hearing being held for the development at 365 First Avenue West, the applicant submits details on building colours and materials.

A Public Hearing was held on January 18, 2023. At the Public Hearing, residents raised concerns regarding the Public Hearing process, including how notifications were sent out, who received notifications and the dates included on the notification. Upon review of the Public Hearing process, staff noted an error in the distribution of notices and recommended a second Public Hearing be held.

On February 8, 2023, Council adopted the following motions:

- THAT Council rescinds second reading of “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022”.
- 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 second time as amended, as described in the February 8, 2023 Planning memo to Council.
- THAT Council hold a Public Hearing on March 1, 2023 at 10:00 am at the Qualicum Beach Town Hall, 660 Primrose Street, Qualicum Beach in regard to “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022”.

A second Public Hearing was held on March 1, 2023.

DISCUSSION

Following is a comparison of the existing and proposed zoning designation, as well as the actual building proposal (Development Permit Application).

Zoning Provision	Zoning Comparison			Development Permit Proposal
	Existing	Proposed Zoning: Parcel A	Proposed Zoning: Parcel B	
Zoning	Residential 14 (R14)	R14	R19	Residential
Density	8.5 units/ha	16 units/ha	40 units/ha (two units in total)	36 units/ha (two units in total)
Height	9.0m	No Change	9.0m	Less than 9.0m
Front Setback	5.5m	No Change	3.0m	3.0m
Interior side setback	1.5m 4.5m aggregate combination of two interior sides	No Change	1.5m	1.5m
Exterior Side	4.5m	No Change	3.5m	3.8m
Setback (Rear)	3.0m (less than 6m height) 6.0 (more than 3.m height)	No Change	2.0m	3.6m
Parcel Coverage	45%	No Change	50%	41%
Parking (offstreet)	2 stalls per dwelling	No Change	1.5 stalls per dwelling	1 stall per dwelling *

** The third parking space is on the boulevard and is not considered to be off-street parking. Council may require the addition of another parking space, require cash-in-lieu, or vary the parking requirements. Council can make this determination at a future meeting.*

2018 Official Community Plan (OCP):

The property is located within the “Village Neighbourhood” land use designation in the 2018 Official Community Plan (OCP), the area where development, redevelopment and densification are encouraged. The Village Neighbourhood General Policies are as follows:

1. The Town shall support the redevelopment of the “Village Neighbourhood” in a manner that demonstrates the vision of the Sustainability Plan, encouraging expanded services, compact residential development, and tourism facilities while maintaining a strong village character.

Staff Comment: Staff consider the proposed development to align with this provision of the OCP.

2. The Town shall discourage owners from restricting occupation or ownership of a residential unit because of age.

Staff Comment: It is not anticipated that the proposed development will restrict occupation based on age.

3. The emphasis of street design shall be pedestrian-friendly, rather than car-friendly.

Staff Comment: The design utilizes the laneway as well as Pine Street for access. There are minimal street improvements proposed.

4. In order to support school enrollment, the Town shall explore ways to attract young families to the Town and school catchment area.

Staff Comment: The proposed development could fit the needs of different age groups, including young families.

5. The Town shall require new developments in the Village Neighbourhood to submit a Rainwater Management Plan as part of the development approval and permitting process.

Staff Comment: The applicant has committed to engaging a professional engineer to develop a storm water management plan. The storm water management plan will be reviewed by staff during the subdivision process.

6. The Town shall discourage multi-family housing projects that seek to separate themselves from the surrounding community by containing the development within walled or fenced enclaves with centralized and/or controlled access points.

Staff Comment: Staff consider the proposed development to align with this provision of the OCP.

7. Through various methods including rezonings, regulatory bylaws, incentive programs and education, the Town shall encourage a diversity of housing to meet the needs of people of all ages, income levels and special needs.

Staff Comment: Staff consider the proposed development to align with this provision of the OCP.

8. Through various methods including rezonings, regulatory bylaws, incentive programs and education, the Town shall explore opportunities to improve the energy efficiency of subdivisions and building construction.

Staff Comment: The duplex will be built to meet or exceed Step Code 2 of the British Columbia Step Code. Council could establish, by resolution, that the proposed development achieve a higher Step Code than Step Code 2, as a requirement of the zoning amendment.

9. The Town shall encourage the efficient use of land within the Village Neighbourhood.
Staff Comment: The density proposed is significantly less than what is permitted in the OCP. However, the proposal is considered compatible with the surrounding neighbourhood from a land use planning perspective.
10. The Town shall require a site-specific tree and vegetation management and conservation plan for all new development proposals in the Village Neighbourhood.
Staff Comment: A landscape plan has been provided, as well as an arborist report. The arborist report identifies moving one tree, removing two trees, and retaining two other trees. The report also notes the proposed development contains a 2:1 replacement ratio for trees that are removed.
11. As part of the off-site works and services related to a building permit or subdivision, the Town shall consider the requirement that owners provide for improvements to the street frontage, including sidewalks, street trees, and street lighting.
Staff Comment: Offsite works and services have not been detailed. A service agreement will occur at either the subdivision or building permit stage.
12. Buildings should be a maximum of three storeys in height. However, the Town may consider taller buildings on a case-by-case basis with consideration to factors such as topography, solar access, compatibility with adjacent uses, neighbourhood impact, views and community amenities. The Town will also recognize increases in typical ceiling heights in the consideration of height limits.
Staff Comment: Staff consider the proposed development to align with this provision of the OCP.

The following policies are specific to Mixed Residential 1 designation:

1. The Town recognizes existing single-family and two-family dwellings within the area designated as 'Mixed Residential', as shown on map 'Schedule 2.2'.
Staff Comment: Staff consider the proposed development to align with this provision of the OCP.
2. The Town will consider rezonings for multi-family residential uses within the area designated 'Mixed Residential', as shown on map 'Schedule 2.2'.
Staff Comment: Staff consider the proposed development to align with this provision of the OCP.
3. The maximum density for residential dwellings in the Mixed Residential 1 area shall be up to 60 dwellings/ha. However, the Town will consider density bonuses in order to provide affordable housing, underground parking, 'green' buildings, adaptable design features, public amenities and public open space as part of multi-family residential development within the "Village Neighbourhood".
Staff Comment: The proposal is significantly less than the maximum density allowed.
4. The Town shall develop a suitable multi-family residential zoning for the 'Mixed Residential' area that will encourage small-scale developments in accordance with 'Development Permit Area M1' design guidelines.
Staff Comment: The Town has developed several suitable multi-family residential zones. The R19 zone has been used several times in recent years.

5. The implementing bylaws and policies of the Town shall ensure that existing trees are retained where possible, as part of the on-site landscape requirements for multi-family residential developments.
Staff Comment: An arborist report has been submitted as part of the application. The report identifies moving one tree, removing two trees, and retaining two other trees. The report also notes the proposed development contains a 2:1 replacement ratio for removed trees.
6. Sidewalks, curbs and gutters, grass boulevards, trees, and pedestrian-friendly streetscapes shall be encouraged as part of multi-family developments.
Staff Comment: Boulevard trees will be planted in accordance with the landscaping plan. Council has directed the applicant to make a contribution to the Village Neighbourhood Sidewalk Account equivalent to the value of constructing a sidewalk for this property.
7. Building designs and site development for multi-family residential developments shall conform to the 'Development Permit Area M1' design guidelines.
Staff Comment: The guidelines are discussed later in this memo.
8. The Town shall develop more detailed design guidelines for 'Development Permit Area M1'. After development of design guidelines, the densities for Mixed Residential 1 and Mixed Residential 2 should be reviewed to ensure compatibility with the design guidelines.
Staff Comment: Additional detailed guidelines have not been developed at this time. This clause was added to the OCP in 2006, and since then, multi-residential guidelines have not been identified as a priority by Council to be advanced by staff.

Development Permit Area M1 – Village Neighbourhood: The subject property is in the “M1 – Village Neighbourhood” Development Permit Area (DPA). If this development proceeds through the zoning amendment process, Council would consider issuance of a Development Permit in conjunction with adoption of the proposed zoning amendment bylaw. Following is a review of the M1 Development Permit Area Guidelines.

1. Developments shall be at a scale to complement the existing single-family residential uses while creating a transition area for the commercial and institutional uses.
Staff Comment: Staff consider the proposed development to align with this provision of the OCP.
2. The shape of developments shall avoid massive building components in favour of more intimate clustered designs. Such designs could include varied rooflines, ground floor access to individual units, courtyards and landscaping that stress the human scale of buildings and site improvements.
Staff Comment: Staff consider the proposed development to align with this provision of the OCP.
3. Public spaces for community gathering should be integrated into designs wherever possible.
Staff Comment: There are no public spaces for community gathering. However, given the location and size of the parcel, staff consider this approach to be supportable.

4. Parking facilities shall be integrated with the site landscaping and buffered from adjoining parcels and buildings on site through the use of trees, shrubs and screens. Smaller clusters are preferable.

Staff Comment: The on-street parking on First Avenue West is not integrated with landscaping; however, this is not a large parking area, so staff consider the approach to be supportable.

5. Driveways, and off-street parking areas shall be located off lanes and shall be avoided along major and local streets to produce a streetscape that is visually more pleasing and to reduce the conflict with pedestrians.

Staff Comment: The proposed development utilizes access off Pine Street and the laneway, and as a result, the access off Pine Street conflicts with this policy. The applicant has submitted rationale for creating an additional access off Pine Street, which notes that to access both duplex units off of the laneway would have implications to the floor plan and yard. Staff find the rationale reasonable.

SUMMARY

An application has been received to amend the zoning and issue a Development Permit for 365 First Avenue West. The zoning amendment would change the Subdivision District from Subdivision District "D" to Subdivision District "J" to permit subdivision of the parcel. The zoning amendment would also amend the zoning for Parcel B to permit a duplex. Parcel A will remain as R14. In the opinion of staff, the application generally aligns with the OCP. Staff consider the amended application supportable and ready for Council consideration and decision making.

ALTERNATIVES

1. **THAT** Council requests the following changes to the proposed development at 365 First Avenue West: *[insert changes]*;
2. **THAT** Council requires the proposed development at 365 First Avenue West to achieve Step Code 3 or higher;
3. **THAT** Council denies the zoning amendment application for 365 First Avenue West;
4. **THAT** Council provides alternative direction to staff.



R. Augustyn, MCIP, RPP
Planner
Report Writer



Luke Sales, MCIP, RPP
Director of Planning
Concurrence



Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments:

[memo.Plan.DP365FirstAve.PLANS.pdf](#)
[memo.Plan.DP365First0Ave.NotificationMap.pdf](#)
[BYLAW.580.135 - 365 First Avenue West \(R19\).docx](#)

/2023/03 22 Regular Council Meeting/memo.Plan.DP.365FirstAve.v3.docx

May 4, 2022

Attn: Luke Sales, Director of Planning

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

**Re: Zoning Amendment Application for 365 First Avenue West
Lot 8, Block 3, District Lots 54 and 55, Newcastle District, Plan 2005, PID 001-947-257**

On behalf of the property owners, I am making a Zoning Amendment application for 365 First Avenue West. Please find below a brief overview and design rationale for the proposed development.

Context & Land Use

The site is located at the northwest corner of First Avenue West and Pine Street. It is accessible by vehicle on three sides and it backs onto a developed laneway. The surrounding land use is single family residential, except to the east where there is a currently undeveloped parcel.

The site is located within walking distance of the village core, reducing vehicle dependence. This is a sustainable location for infill development.

The site is currently zoned Residential 14 (R14) and is located within the Town of Qualicum Beach 'Village Neighbourhood'. The OCP land use designation is Mixed Residential 1. This is a location where development, redevelopment, and densification are encouraged under the OCP.

Development Proposal

The development proposal is to rezone the property to Residential 19 (R19) and subdivide it into two parcels to allow for the construction of a duplex on the south half of the property, while retaining the existing single family home on the north half of the property. The duplex will subsequently be stratified.

Form and Character

Careful design work has been done to ensure that each unit in the new duplex provides a highly functional indoor living environment along with a comfortable, private, outdoor living space.

Both units in the duplex will be family-oriented with three bedrooms on the upper floor. This reduces the footprint, leaving larger yard spaces for the occupants to enjoy.

This project will increase the diversity of housing options in a way that is both complementary and compatible with the scale and character of the surrounding neighbourhood.

The project supports the Housing Needs Assessment and the top goal in the Town's 2019-2022 Strategic Plan, to "support a diversity of housing for all ages and incomes".

The landscape plan includes private patios and planted areas. Six trees will be planted to replace the three that need to be removed during construction

Parking

The west unit will have one off-street parking space in the attached garage. The east unit will have one off-street parking space in the attached garage and another in the driveway. Both units will benefit from additional lay by parking on the boulevard. Additionally, the existing house will retain two off-street parking spaces in its two driveways.

Civil Works

This infill project will connect to existing water and sewer located under First Avenue West and Pine Street.

A consulting civil engineer has been retained to provide a stormwater management plan and is confident we can achieve a satisfactory solution. At this early stage, we are looking at including either an infiltration pit or a rain garden with specifics to be coordinated with the Town.

Sustainable Features

A stacked building form that is inherently more sustainable and energy efficient than a single story form. The new duplex will be constructed to meet or exceed Step 2 of the British Columbia Step Code. Rough-ins will be provided for optional electric vehicle charge points and solar panels. The south-facing roof design includes dedicated areas for solar panels.

Enclosures

In support of this application, please find enclosed:

- Application Form
- \$4,000 Cheque for Application Fee
- Current Title Search
- Existing survey plan.
- Building and Landscape concept plans prepared by Skookum Design Services

Thank you for your time and consideration of this application. Please feel free to contact me if you have any questions or require any additional information.

Yours truly,



Niklas Andersson

January 27, 2023

Attn: Luke Sales, Director of Planning

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

**Re: Rezoning Application for 365 First Avenue West
Lot 8, Block 3, District Lots 54 and 55, Newcastle District, Plan 2005, PID 001-947-257**

Our zoning amendment and development permit application for 365 First Avenue West is intended to facilitate the subdivision of Lot 8 into two parcels, with the existing house to be retained on proposed Lot A, and a new duplex to be built on proposed Lot B.

In response to feedback from our immediate neighbours received at the Public Information Meeting on November 3, 2022, and at the Public Hearing on January 18, 2023, we are writing to the Town to formally request a narrowing of the scope of our application.

Specifically we want to clarify to the public that there is no proposal to build a second duplex on proposed Lot A.

To that end, we are formally requesting that the text of Rezoning Bylaw No. 580.135 be modified to allow for a split zoning of Lot 8.

- The entire property would continue to change from Subdivision District D (700m²) to Subdivision District J (500m²).
- Proposed Lot A with the existing house on it would retain its R14 single family zoning.
- Proposed Lot B would continue to be changed from R14 to R19 to facilitate the construction of the proposed new duplex.

We trust the above changes clarify to all concerned that the scope of our proposal is to retain the existing house on proposed Lot A, and to construct a new duplex on proposed Lot B.

Yours truly,

A handwritten signature in black ink, appearing to read 'Isaac Morgan', with a stylized flourish at the end.

Isaac Morgan

TOPOGRAPHIC SITE PLAN OF LOT 8, BLOCK 3, DISTRICT LOTS 54 AND 55, NEWCASTLE DISTRICT, PLAN 2005.

SCALE 1:200

THE INTENDED PLOT SIZE IS 432mm IN WIDTH AND 280mm IN HEIGHT
(B SIZE) WHEN PLOTTED AT A SCALE OF 1:200.

NOTES:

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
UNLESS OTHERWISE INDICATED.
CONTOUR INTERVAL IS 0.2 METRES.
ELEVATIONS ARE IN METRES AND ARE ASSUMED
AGGREGATE TOTAL OF THE MINIMUM DISTANCES FROM EACH INTERIOR
SIDE LOT LINE TO THE PRINCIPAL BUILDING SHALL NOT BE LESS
THAN 4.5 METERS.

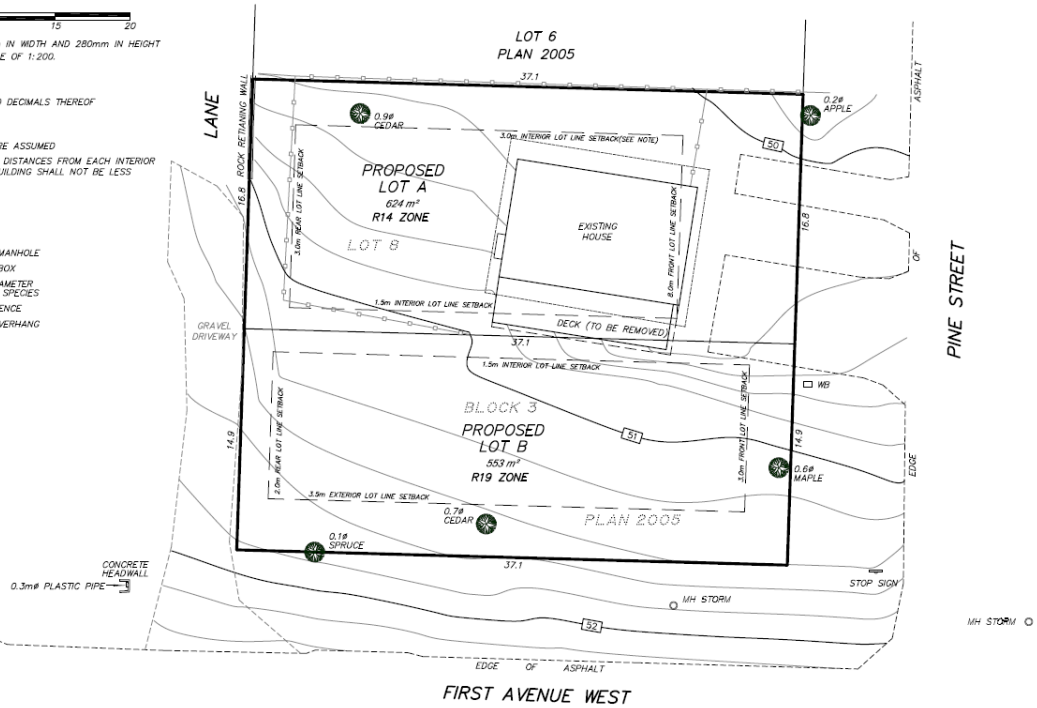
LEGEND:

MH STORM ○ DENOTES STORM MANHOLE
WB □ DENOTES WATER BOX
0.9# CEDAR ○ DENOTES TREE DIAMETER
(IN METRES) AND SPECIES
○ DENOTES WOOD FENCE
--- DENOTES ROOF OVERHANG



PRISM
LAND SURVEYING LTD.

223 FERN ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 21-264-S
DRAWING FILE: 21-264 T1.dwg
DATE: 2021-10-12





5 VIEW FROM LANE
1/2" = 1'-0"



4 VIEW FROM FIRST AVE. WEST
1/2" = 1'-0"



3 BIRDEYE PERSPECTIVE
1/2" = 1'-0"



LOCATION MAP



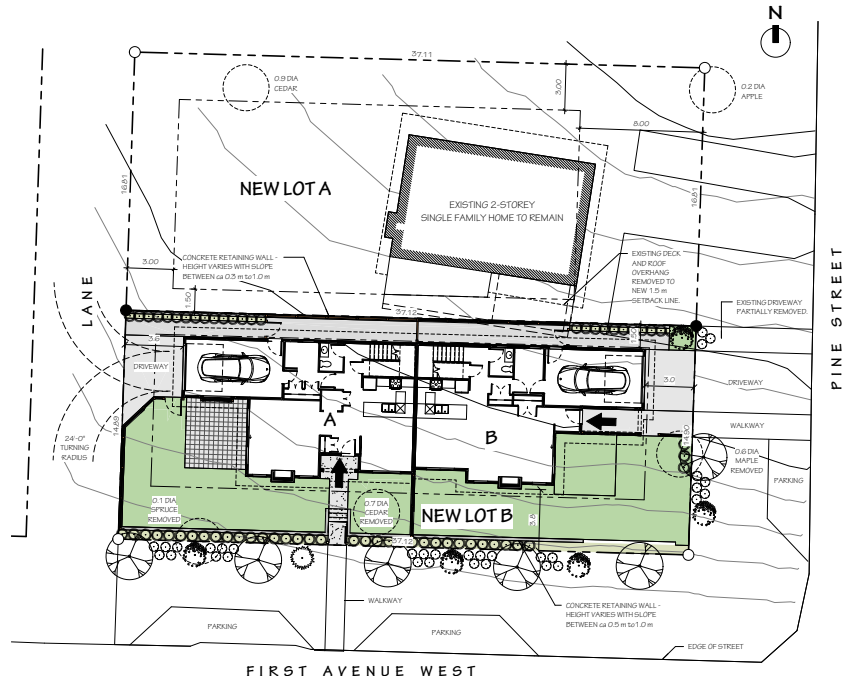
2 VIEW LOOKING NORTH-WEST AT FIRST AVENUE WEST / PINE ST
1/2" = 1'-0"

SUSTAINABILITY FEATURES

- DENSIFICATION, MAKING USE OF EXISTING LAND BASE.
- DUPLEX TYPE AND COMPACT TWO STOREY MASSING.
 - SITE FOOTPRINT REDUCED
 - BETTER FLOOR AREA TO EXTERIOR WALL RATIO, INCREASED EFFICIENCY.
- LARGE SOUTH FACING ROOFS - ADVANTAGEOUS TO SOLAR PANEL INSTALLATION.
- LOWER ROOF OVERHANGS AID IN SUMMER SHADING, REDUCED COOLING LOADS.
- COMMITMENT TO B.C. STEP CODE "STEP 2" OR BETTER, HIGHER THAN REQUIRED BUILDING ENERGY EFFICIENCY - REDUCED HEATING AND COOLING LOADS.
- PROVIDE FOR FOR ELECTRIC VEHICLE CHARGING AND PHOTOVOLTAIC SOLAR, DECREASED RELIANCE ON GRID-GENERATED POWER.

SITE & PLANNING SUMMARY

CIVIC ADDRESS: 3605 FIRST AVENUE WEST PID: 001-047-207 LEGAL DESCRIPTION: L.6 BK.3 DLS 54.55 NEWCASTLE DISTRICT PL 2005			
OFFICIAL COMMUNITY PLAN DESIGNATION: VILLAGE NEIGHBOURHOOD, MIXED RESIDENTIAL 1			
CURRENT ZONING: R-14 PROPOSED ZONING: K-19			
LOT SIZE: NEW LOT A - 623.8 m ² NEW LOT B - 552.8 m ²			
HEIGHT	K-19	PROPOSED	NOTES:
INTERIOR HEATED SPACE:	7.5 m	6.5 m	BUILDING DRAWN AT 5.6 m RIDGE
EDGE OF CHABLE ROOF:	9.0 m	9.0 m	HEIGHT FROM AVERAGE GRADE.
PARCEL COVERAGE	50%	225.3 m ² (41%)	TO FACE OF EXTERIOR WALLS AND POSTS.
SETBACKS:			
FRONT:	3.0 m	3.0 m	ROOF OVERHANG EAVE, CORNICE OR
REAR:	2.0 m	3.6 m	GUTTER MAY PROJECT UP TO A
SIDE - EXTERIOR:	3.5 m	3.6 m	MAXIMUM OF 0.6 M TO ANY
SIDE - INTERIOR:	1.5 m	1.5 m	REQUIRED SETBACK AREA.
SIDE - INTERIOR AT LANE:	2.0 m	N/A	
OFF-STREET PARKING:		2	SINGLE CAR GARAGES PROVIDED. BOULEVARD PARKING ADDED.
UNIT A - GROSS FLOOR AREAS		UNIT B - GROSS FLOOR AREAS	
MAIN FLOOR:	84.3 m ² (908 SF)	MAIN FLOOR:	80.2 m ² (860 SF)
UPPER FLOOR:	87.9 m ² (946 SF)	UPPER FLOOR:	85.4 m ² (918 SF)
TOTAL:	172.1 m ² (1,855 SF)	TOTAL:	165.6 m ² (1,781 SF)
GARAGE:	25.4 m ² (273 SF)	GARAGE:	25.4 m ² (273 SF)



1 PROPOSED SITE PLAN
1:150

NOTES

SKOOKUM DESIGN SERVICES

Tel: (250) 702 3744
@: niklas@skookumdesigns.com
web: www.skookumdesigns.com

ALL WORK SHALL BE IN COMPLIANCE WITH THE CURRENT EDITION OF THE
BUILDING CODE ENFORCED BY THE AUTHORITY HAVING JURISDICTION.
DO NOT SCALE DRAWINGS.
CONTRACTOR TO VERIFY ALL DIMENSIONS OF WORK AND REPORT ANY
DISCREPANCIES TO OWNER PRIOR TO PROCEEDING.

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ISSUES & REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUES & REVISIONS	

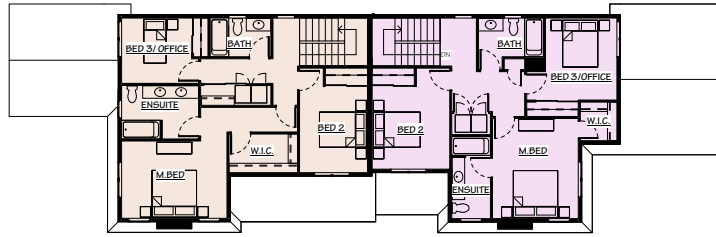
NEW DUPLEX

ISAAC & JENNIFER MORGAN
3605 FIRST AVE. WEST, QUALICUM
BEACH V9K 2H6

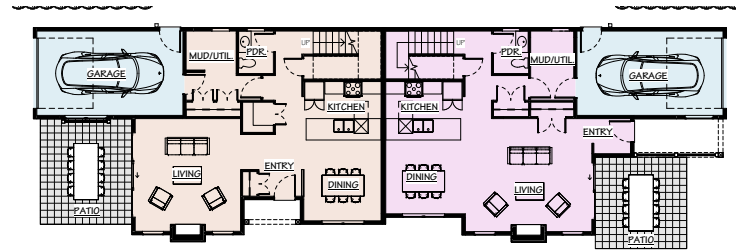
TITLE SITE PLAN & SUMMARY

PROJECT
2120
DATE
FEB. 17, 2023
SCALE
As Indicated

A101



6 2ND FLOOR PLAN
1:100



5 MAIN FLOOR PLAN
1:100



2 NORTH ELEVATION
1:100



3 EAST [PINE ST.] ELEVATION
1:100



4 WEST [LANE] ELEVATION
1:100



1 SOUTH [FIRST AVE.] ELEVATION
1:100

NOTES

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ISSUES & REVISIONS

NO.	DESCRIPTION	DATE
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NEW DUPLEX

ISAAC & JENNIFER MORGAN
365 FIRST AVE. WEST, QUAAQUIM
BEACH V9K 2H6

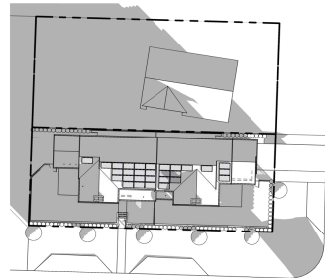
TITLE
CONCEPTUAL
BUILDING
ELEVATIONS &
FLOOR PLANS

PROJECT
2120
DATE
OCT. 24, 2022

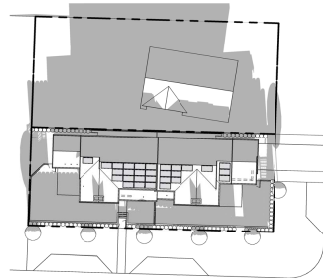
SCALE
1:100

A102

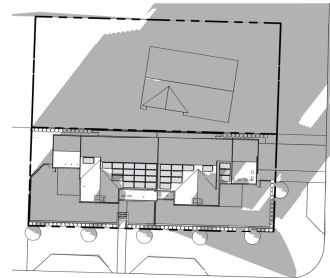
NOTE: SHADOW STUDIES ACCOUNT FOR BUILDINGS ON THE SUBJECT PROPERTY ONLY.
EXISTING TREES AND SURROUNDING BUILDINGS MAY CAST SHADOWS NOT INDICATED IN THESE STUDIES.



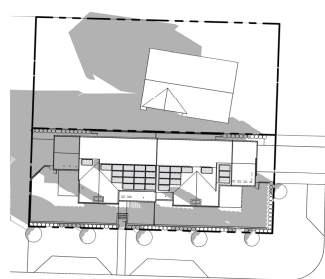
10 WINTER SOLSTICE 9:00 AM
1:350



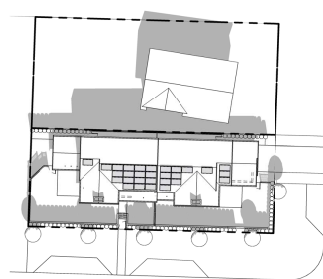
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1:350



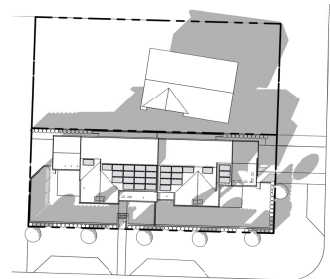
12 WINTER SOLSTICE 3:00 PM
1:350



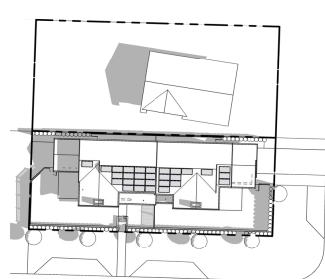
7 SPRING EQUINOX 9:00 AM
1:350



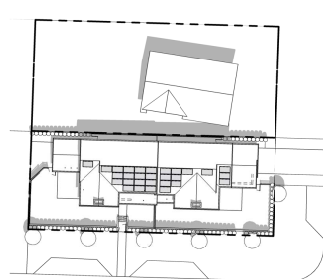
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1:350



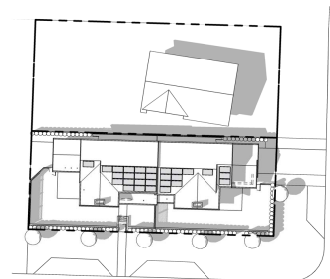
9 SPRING EQUINOX 3:00 PM
1:350



4 SUMMER SOLSTICE 9:00 AM
1:350



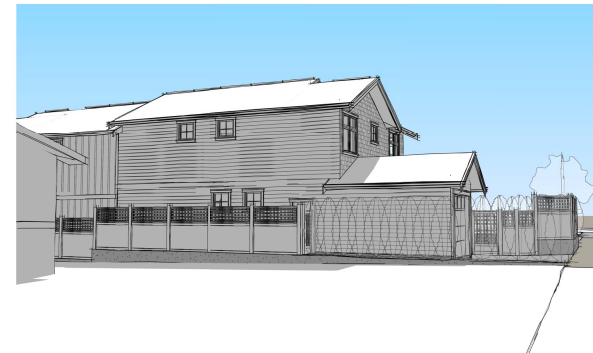
5 SUMMER SOLSTICE 12:00 PM
1:350



6 SUMMER SOLSTICE 3:00 PM
1:350



3 VIEW FROM LANE



2 VIEW FROM EXISTING HOME BACKYARD



1 VIEW FROM PINE ST.

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ISSUES & REVISIONS

NO.	DESCRIPTION	DATE
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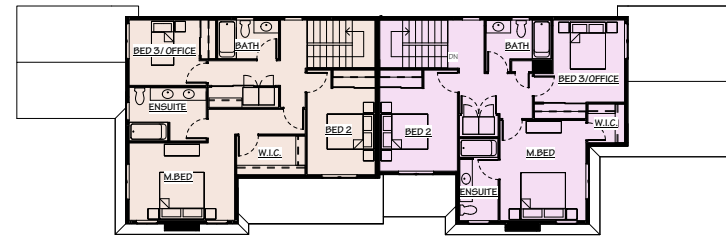
NEW DUPLEX

ISAAC & JENNIFER MORGAN
365 FIRST AVE. WEST, QUALICUM
BEACH V9K 2H6

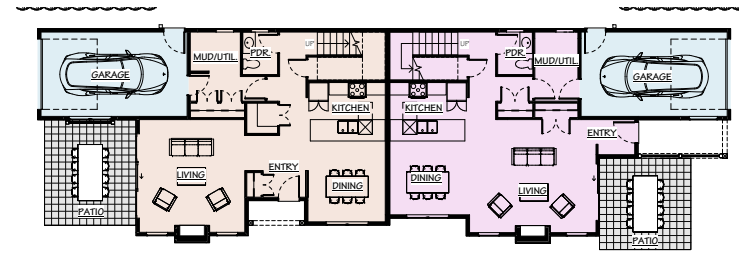
TITLE PERSPECTIVES AND SHADOW STUDIES

PROJECT
2120
DATE
OCT. 24, 2022
SCALE
1:350

A103



6 2ND FLOOR PLAN
1:100



5 MAIN FLOOR PLAN
1:100



2 NORTH ELEVATION
1:100



3 EAST [PINE ST.] ELEVATION
1:100

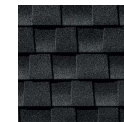


4 WEST [LANE] ELEVATION
1:100



1 SOUTH [FIRST AVE.] ELEVATION
1:100

EXTERIOR FINISHES



ASPHALT ROOF SHINGLES
GAF TIMBERLINE
'CHARCOAL'



WINDOWS
PREFINISHED VINYL BLACK
WITH MATCHING MUNTINS



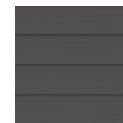
SHINGLES
FIBERCEMENT PAINTED
LIGHT BEIGE



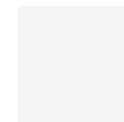
SHINGLES
FIBERCEMENT PAINTED
CHARCOAL GRAY



VERTICAL BOARD & BATTEN
FIBERCEMENT PANEL &
WOOD BATTENS PAINTED
LIGHT BEIGE



HORIZONTAL SIDING
FIBERCEMENT PAINTED
CHARCOAL GRAY



TRIM AND ACCENTS
WOOD PAINTED
BRIGHT WHITE



TIMBER ACCENTS
FIK STAINED NATURAL

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ISSUES & REVISIONS

NO.	DESCRIPTION	DATE
3	ADDED COLOURS	2022-07-08
2	REVISED FLOOR PLAN	2022-10-05
1	ISSUE DURING MEETING	2022-08-04

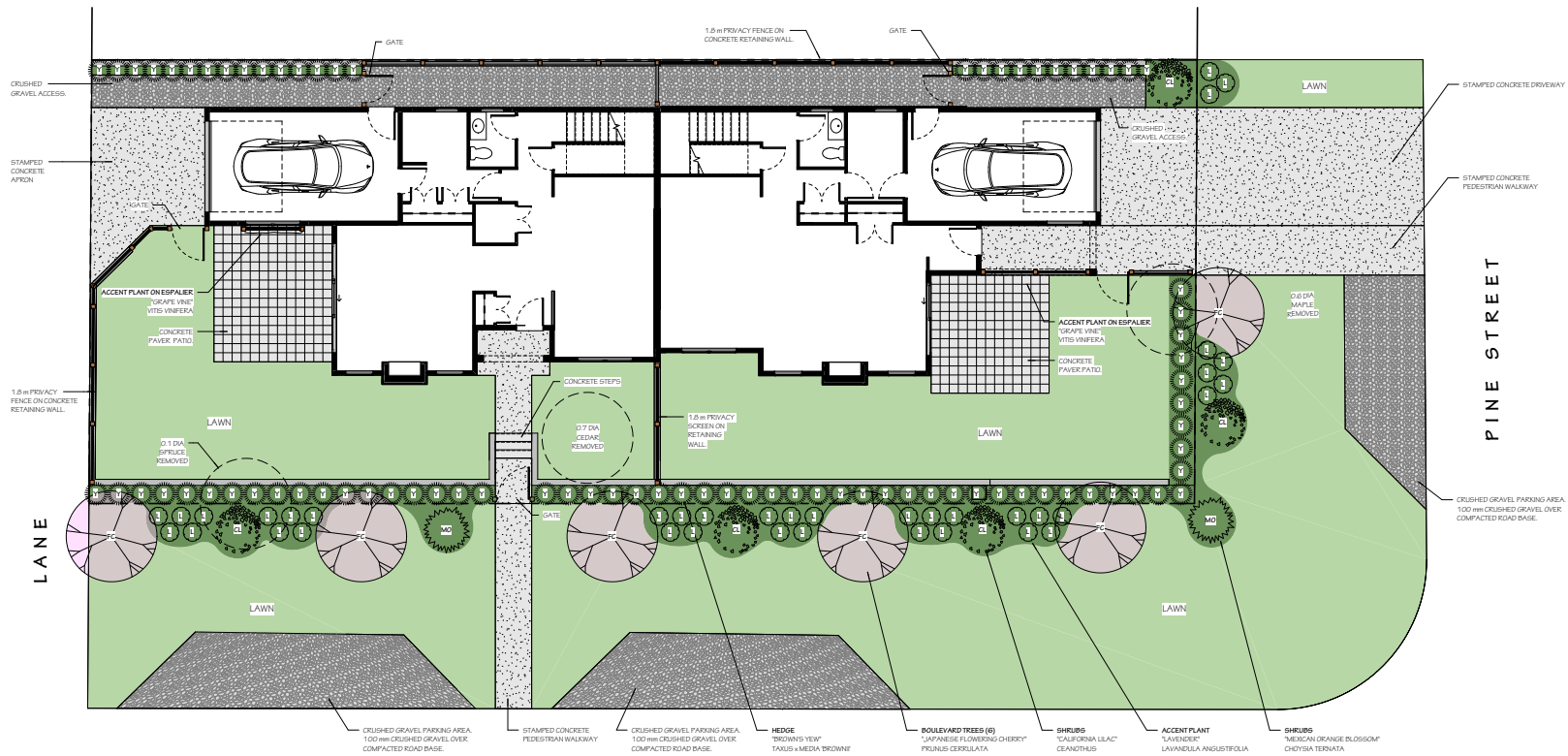
NEW DUPLEX

ISAAC & JENNIFER MORGAN
365 FIRST AVE. WEST, QUALICUM
BEACH V9K 2H6

TITLE CONCEPTUAL BUILDING ELEVATIONS & FLOOR PLANS

PROJECT
2120
DATE
JAN. 03, 2022
SCALE
As Indicated

A102



FIRST AVENUE WEST

1 LANDSCAPING



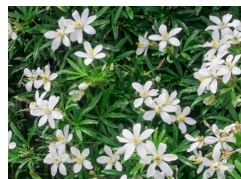
FLOWERING CHERRY



BROWN'S YEW HEDGE



CALIFORNIA LILAC



MEXICAN ORANGE BLOSSOM



LAVENDER

PLANTING SCHEDULE					
SYMBOL	LABEL	NO.	SCIENTIFIC NAME	COMMON NAME	REMARKS
TREES					
	FC	6	PRUNUS CERRULATA	JAPANESE FLOWERING CHERRY	
SHRUBS					
	Y	B2	TAXUS x MEDIA 'BROWNII'	BROWN'S YEW	NON-TOXIC MALE VARIETY
	CL	5	CEANOTHUS	CALIFORNIA LILAC	
	MO	2	CHOYSIA TERNATA	MEXICAN ORANGE BLOSSOM	
ACCENT PLANTS					
	L	36	LAVANDULA ANGUSTIFOLIA	LAVENDER	

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ISSUES & REVISIONS

NO. DESCRIPTION DATE

NEW DUPLEX

ISAAC & JENNIFER MORGAN
365 FIRST AVE. WEST, QUALICUM
BEACH V9K 2H6

TITLE LANDSCAPING

PROJECT

2120

DATE

OCT. 24, 2022

SCALE

As Indicated

L-1

Assignment

Assess the trees for a potential development and provide pre, during and post construction measures, if required.

Observations

On June 30, 2022, I assessed five trees located on the property at 365 First Avenue West in Qualicum Beach.

Tree 1 is a 3 cm diameter, 1-meter-tall Colorado blue spruce located at the front edge of the property, see Picture 1. This tree can be easily moved to another location on the property.



Picture 1

Tree 2, a western red cedar, at the front center of the property. Diameter is 65 cm, height of 17 meters. It is in good health, see Picture 2. Previously, it was topped resulting in multiple stems to grow, the red arrows in Picture 3 indicates five stems.



Picture 2



Picture 3

Tree 3 is a big leaf maple located on the front edge of the property. It has a tree house built in it. 71 cm in diameter and 9 meters tall. See Picture 4. It has been topped more than once with regrowth. Picture 5 shows the location of decay cavities in several stems.



Picture 4



Picture 5

Tree 4 is a apple tree (Picture 6) and Tree 5 a western red cedar, Picture 7. Both are located outside the development area and within the yard of the existing home.



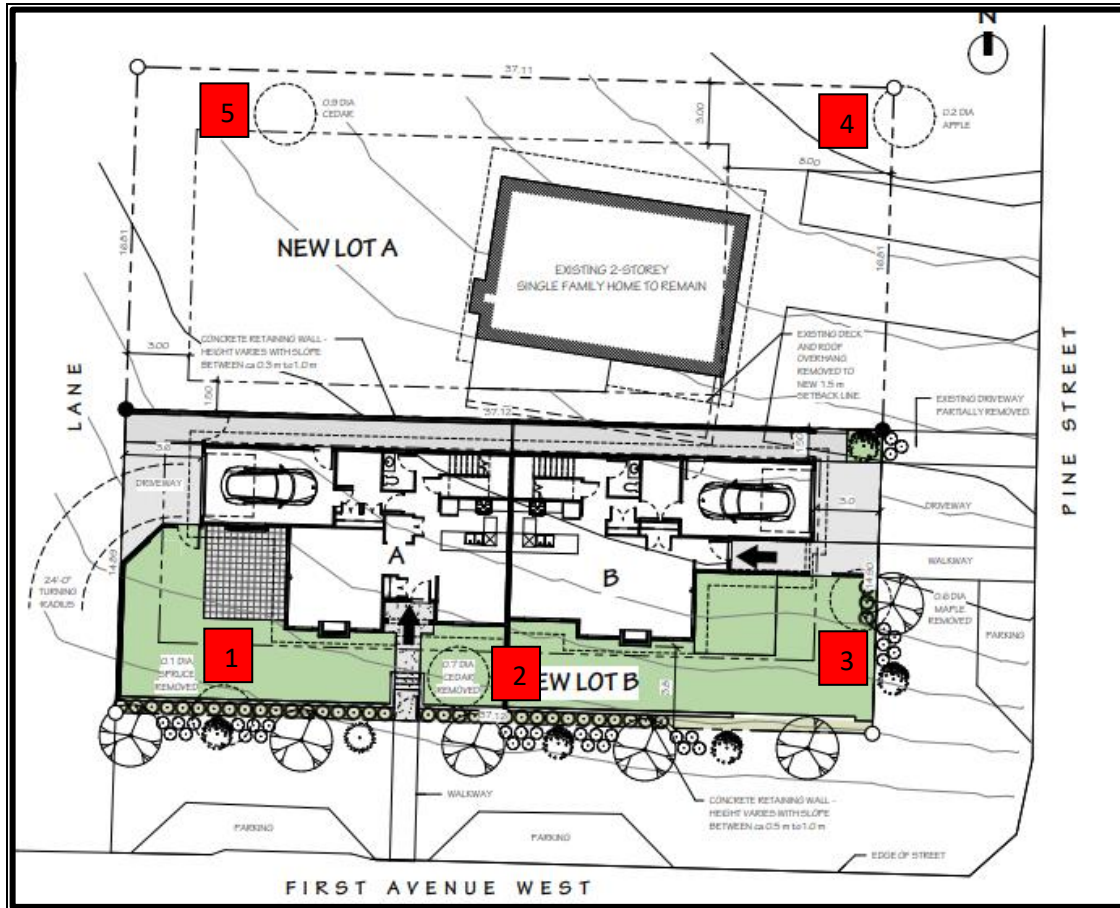
Picture 6



Picture 7

Discussion

The development site plan indicates trees #1, 2 and 3 will be impacted by the construction. Tree #1 can be moved. Trees #2 and 3 are within the footprint of the development. Tree #2 has a poor upper canopy structure due to the topping and not viable to retain. Tree #3, the maple has upper canopy decay in a number of the stems and not viable to retain.



Tree 4 should not be impacted by the construction. Tree 5, being a large western red cedar located in a low area of the yard is presently obtaining some groundwater due to natural drainage. I ask the development to ensure this natural drainage is not changed by the construction. Cedars do not tolerant changes to hydrology.

Next to the property are two large Douglas fir trees, both over 24 meters tall, see Picture 8. The lane is in the foreground of the photo. This lane is outside the construction zone and on the neighboring property however, bear in mind the structural roots of these Douglas fir trees are located under the dripline of the tree. If, there any reason excavation must occurs within the dripline of the tree, a certified arborist must be on site to confirm the impacts to the trees root zone.



Picture 8

Conclusion

Of the 5 trees located on the property, tree #1 can be moved, trees #2 and #3 are not viable for retention and should be removed. Trees #4 and #5, located near the existing house will be minimally impacted by the construction.

The landscape design indicates a 2:1 replacement for the trees and the installation of pollinator shrubs. This is an attractive and useful landscape design.

ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist or seek additional advice. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period. Likewise, remedial treatments, like any medicine, cannot be guaranteed. Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures. Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk.

The only way to eliminate all risks is to eliminate all trees. I further certify that I am a member in good standing of the American Society of Consulting Arborists and the International Society of Arboriculture. I have been involved in the field of Arboriculture in a full- time capacity for a period of more than twenty years.

July 06, 2022

Attn: Luke Sales, Director of Planning

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

**Re: Access rationale for 365 First Avenue West
Lot 8, Block 3, District Lots 54 and 55, Newcastle District, Plan 2005, PID 001-947-257**

The property in question is in a well-established part of west Qualicum Beach. The site is a corner property bounded by First Avenue West to the South and Pine Street on the East. There is a partially developed lane to the West, the lane is surfaced with gravel and used by neighbours to access off-street parking. The existing house, while addressed on First Ave. West is oriented and accessed from Pine St.

First Avenue West is identified in the Official Community Plan as a *Major Collector Road* connecting West Qualicum Beach to the Village core.

Our proposal continues the established patterns of site access with a side-by-side building layout.

Positive aspects to this proposal include:

- Driveways are accessed from Pine St. and the lane rather than directly from busier First Ave. West.
- A pleasant and continuously landscaped streetscape on the longest and most prominent frontage.
- Emphasis on a sunny, green, and usable outdoor space suitable for all ages.

See figures 1-6 below for a sample of preliminary access studies with short viability commentaries.

Yours truly,



Niklas Andersson

Fig 1. – Existing conditions. Accessed from Pine St and lane.

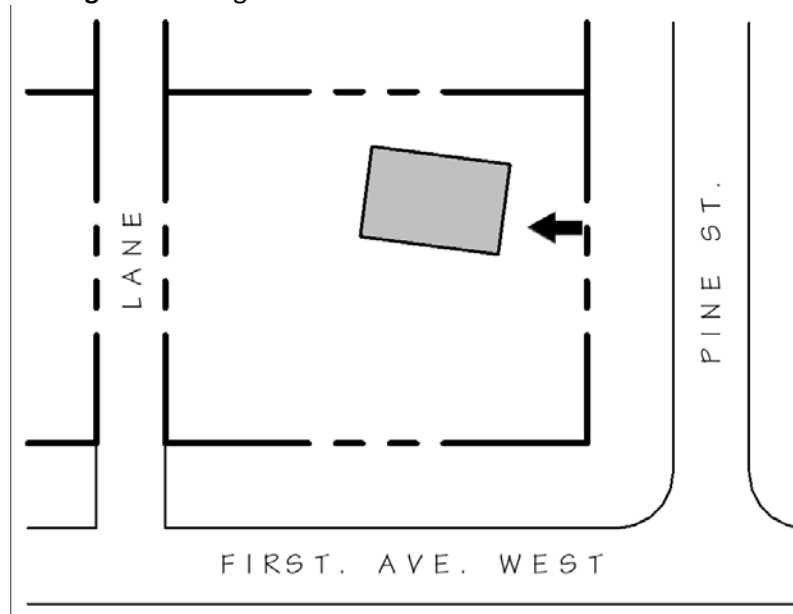


Fig 2. – Proposed site plan. See rationale above.

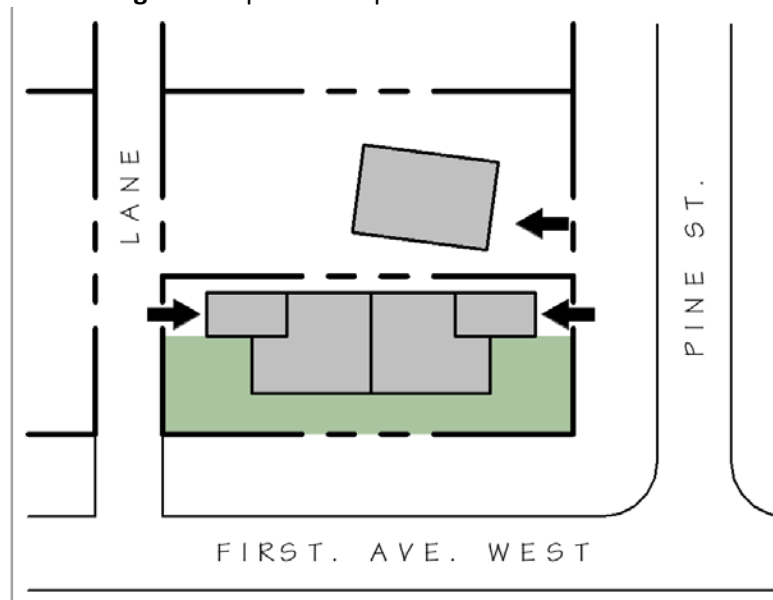


Fig 3. – Lane access only. Not considered viable due to floor plan and yard impact.
Similar issues with Pine St. access only.

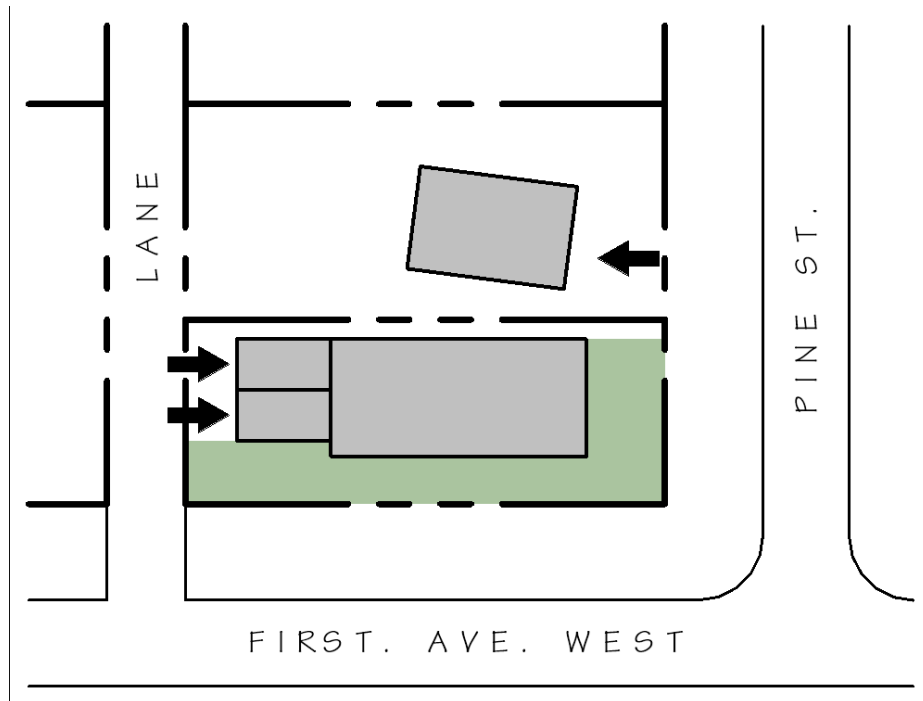


Fig 4. – Access from First Ave West. Not considered viable due to existing traffic patterns and yard impact.

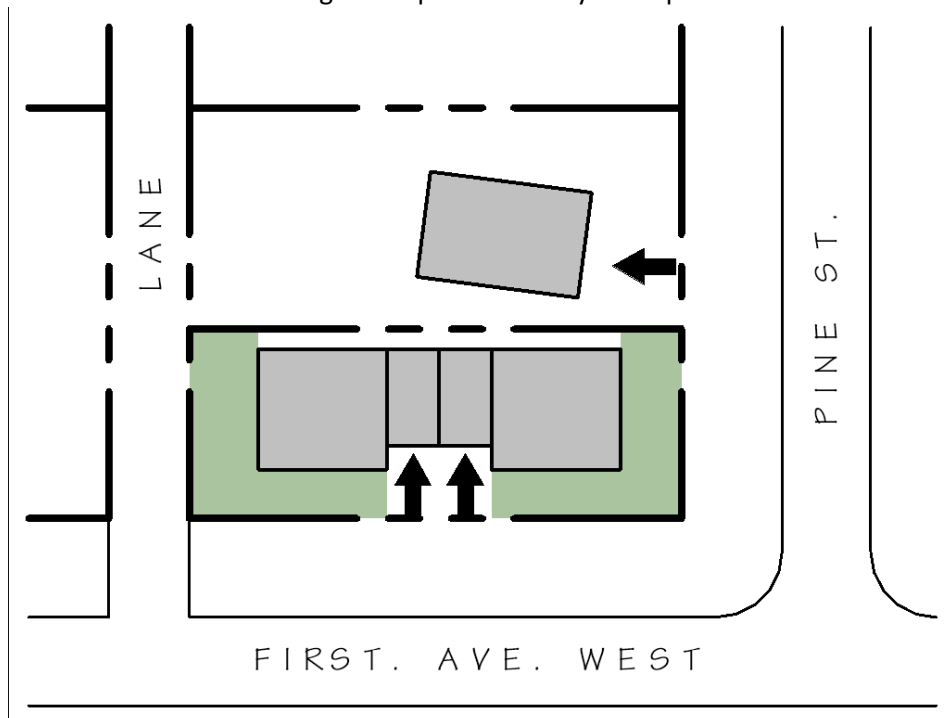


Fig. 5 – Access off First Ave. West and lane. Not considered viable due to traffic and impact to yard space and landscaping.

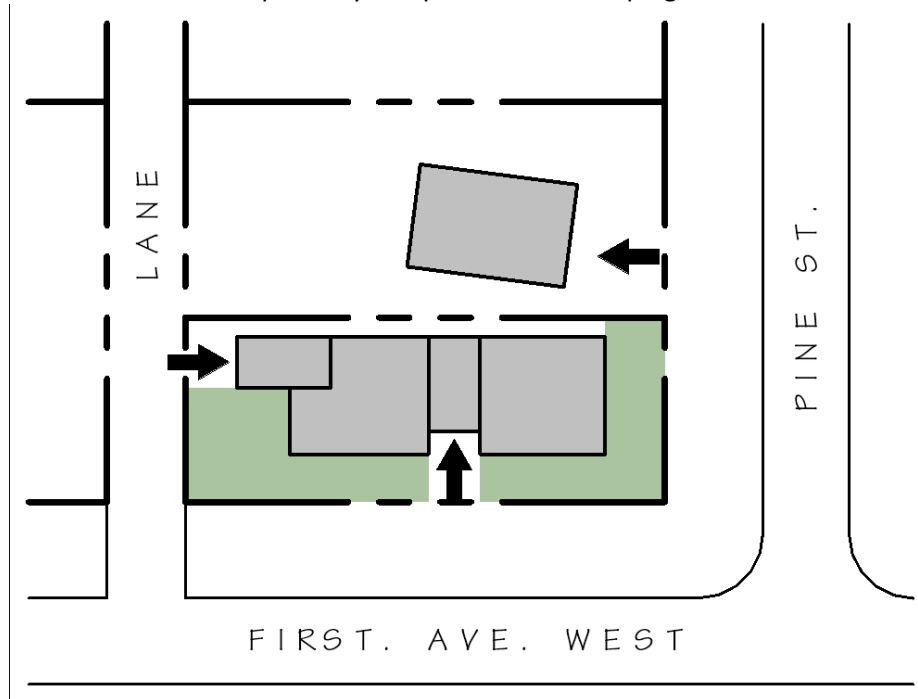
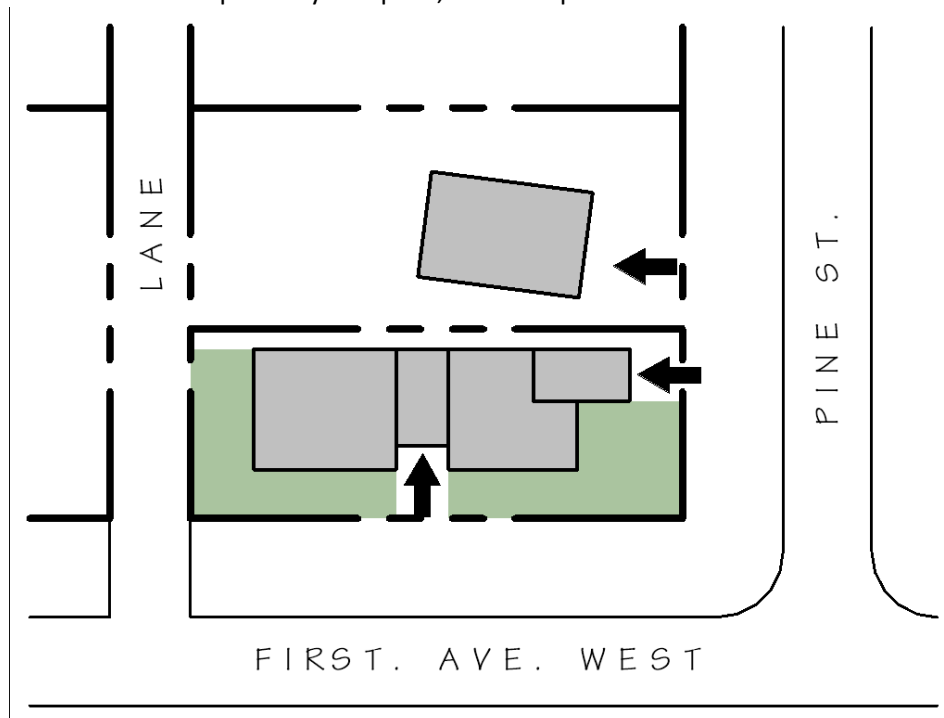
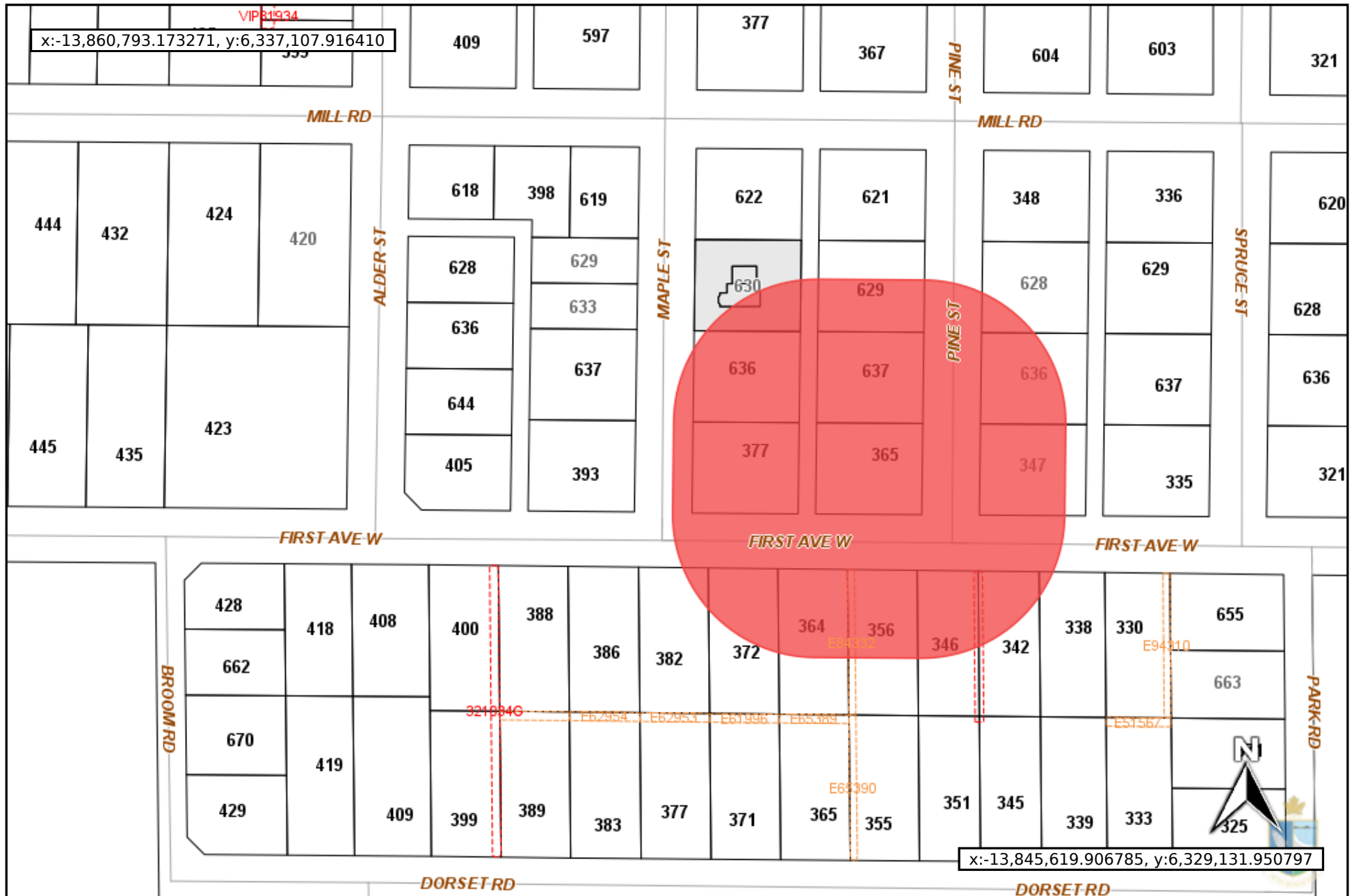


Fig. 6 – Access off First Ave. West and Pine St. Not considered viable due to traffic, impact to yard space, and suboptimal use of lane.





50 m
200 ft

Jan/26/2023
Scale 1:2647.593371903

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**TOWN OF QUALICUM BEACH
BYLAW NO. 580.135**

**A BYLAW TO AMEND THE TOWN OF QUALICUM BEACH
LAND USE AND SUBDIVISION BYLAW NO. 580, 1999**

WHEREAS the Council may, under Section 479 of the *Local Government Act*, divide the municipality into zones, regulate within a zone the use of land, buildings and structures, the density of use of land, buildings and structures, and the siting, size and dimensions of buildings and structures and may, under Section 482 of the *Local Government Act*, establish different density regulations for a zone depending on whether conditions relating to the provision of amenities or affordable or special needs housing are met, and may designate an area within a zone for particular types of housing, and

WHEREAS the owner of the land described in this Bylaw has consented to the designations set out in the Bylaw;

The Council of the Town of Qualicum Beach, in open meeting lawfully assembled, hereby enacts as follows: “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999” is hereby amended as follows:

1. “Schedule 6A – Zoning Map” is hereby amended by changing the zoning designation of a portion of Lot 8, Block 3, District Lot 54 and 55, Newcastle District, Plan 2005 (365 First Avenue West) from Residential 14 Zone (R14) to Residential 19 Zone (R19) as outlined in heavy black line on Schedule ‘A’ which is attached to, and forms part of, this Bylaw.
2. “Schedule 7A – Subdivision District Map” is hereby amended by changing the designation Lot 8, Block 3, District Lot 54 and 55, Newcastle District, Plan 2005 (365 First Avenue West) from Subdivision District ‘D’ to Subdivision District ‘J’ as highlighted and outlined in a heavy black line on Schedule ‘B’ which is attached to, and forms part of, this Bylaw.
3. This bylaw may be cited as “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (365 First Avenue West) Bylaw No. 580.135, 2022.”

INTRODUCED FOR FIRST READING this 8th day of June, 2022.

READ A SECOND TIME this 21st day of September, 2022.

Notice published pursuant to Section 466 of the *Local Government Act* on the day of, 2022 and the day of, 2022.

PUBLIC HEARING held this 18th day of January, 2023.

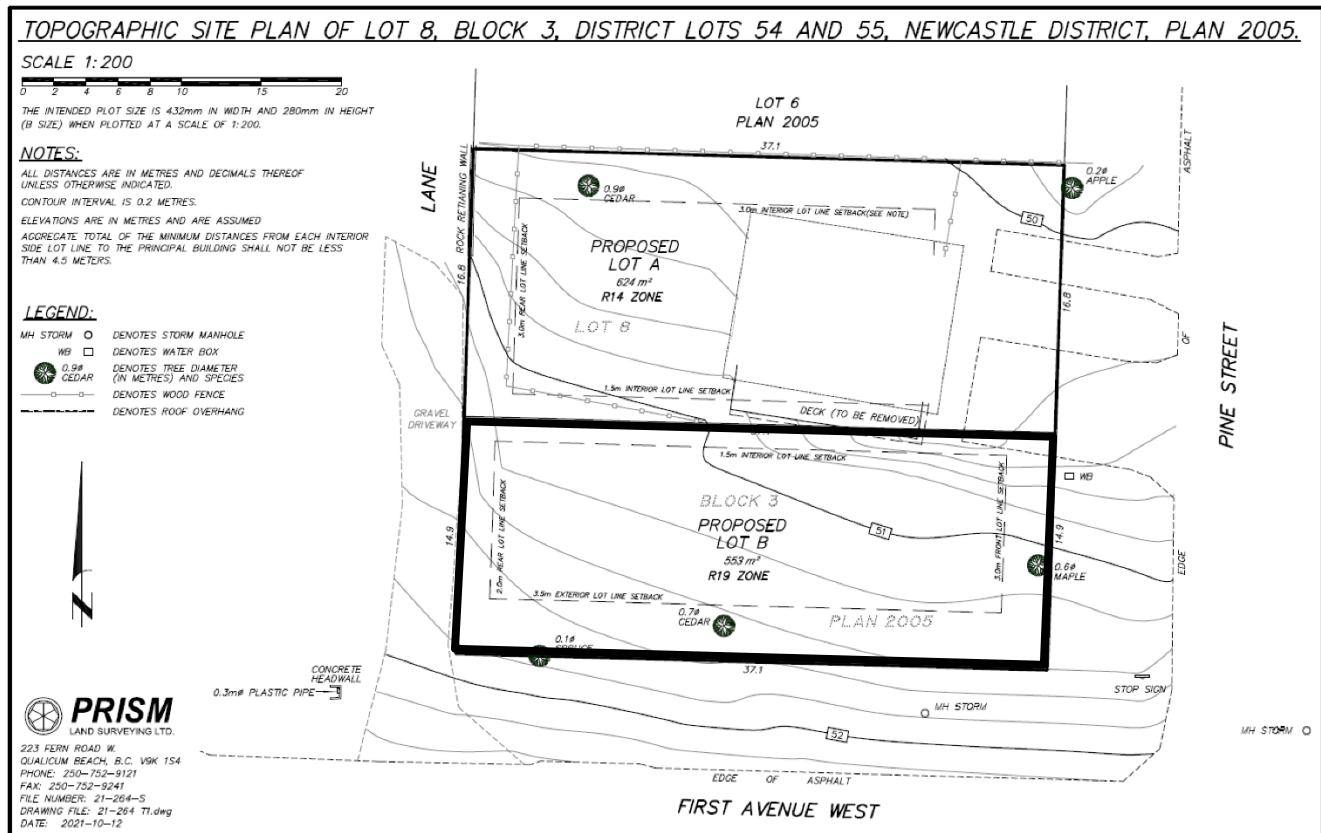
READ A THIRD TIME this day of, 2023.

ADOPTED this day of, 2023.

Teunis Westbroek, Mayor

Heather Svensen, Corporate Administrator

Schedule 'A' - BYLAW NO. 580.135



Schedule 'B' - BYLAW NO. 580.135

398	619	622	621	348				
629	630	629	628					
633	636	637	636					
637	377	365	347					
393								
FIRST AVE W								
388	386	382	372	364	356	346	342	338

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

TO: Lou Varela, CAO **FOR:** Council Meeting, March 22, 2023

FROM: Luke Sales, Director of Planning

SUBJECT: Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023

RECOMMENDATION

1. THAT first reading of "Tree Protection Bylaw No. 725, 2018" be rescinded;
2. 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 full-time 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.
3. 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.
4. THAT Council considers additional readings to "Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023" and "Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023", to a maximum of three readings at this meeting.

PURPOSE

Staff are seeking governance decisions on:

1. a bylaw that would regulate the removal of trees in Qualicum Beach.
2. an amendment to the "Municipal Ticketing Information Bylaw" so that tickets can be issued in relation to violations of the Bylaw.

BACKGROUND

- On October 5, 2016 the Environment and Sustainability Committee discussed the development of a Tree and Vegetation Management Plan.
- On October 24, 2016 Council directed staff to prepare a Tree and Vegetation Management Plan.
- Three members of the Environment and Sustainability Committee met with Town staff to discuss a Tree and Vegetation Management Plan.
- The 2017 Quality of Life Survey identified public priorities to consider the development of a Tree and Vegetation Management bylaw for public and private land. These priorities were incorporated into the 2018 Official Community Plan (OCP).
- A subcommittee of the Environment and Sustainability Committee made recommendations to address the goals for tree management identified in the Official Community Plan.
- On March 19, 2018 Council adopted the following motion, "THAT Council directs staff to prepare a Tree and Vegetation Management Bylaw based on the general approaches described in the March 19, 2018 Planning memo to Council."
- Council directed staff to complete an Urban Forest Management Strategy prior to consideration of a tree protection bylaw.

- A “Tree Canopy and Land Cover Analysis Summary Report” was provided to Council on June 17, 2019. The report indicates that there was a net increase in tree canopy cover by 11% (60.3 ha.) during the 10-year study period 2009 to 2018. This figure rises to a 29% gain (58.5 ha.) in urban areas and a gain of only 0.5% (1.8 ha.) in rural areas.
- *Gye and Associates, Urban Forestry and Arboriculture* submitted a draft Tree and Vegetation Management Plan (TVMP) to the Town in March 2020.
- The draft report was reviewed by the Environment and Sustainability Committee on June 4, 2020. The Committee requested time to make written submissions.
- On October 7, 2020 the Select Committee on Environment and Sustainability (SCES) discussed the written comments from members as a follow-up to the June 4th meeting.
- On March 17, 2021, Council adopted the following resolution: “THAT Council allocates a budget of \$10,000 to complete the Tree and Vegetation Management Plan with Gye and Associates, Urban Forestry and Arboriculture Ltd.”
- On June 16, 2021, Council adopted the following resolution: “THAT the Tree and Vegetation Management Plan be amended to contain a clear pathway to a desired condition, including definitive actions around a street tree policy, a tree canopy coverage policy, a vegetation management plan for redevelopment, and a strategy to retain forested areas within Town boundaries.”
- After working with the Environment and Sustainability Committee, the name changed to “Urban Forest Master Plan” (UFMP), rather than “Tree and Vegetation Management Plan”.
- Council identified a Tree Protection Bylaw as a priority during the 2023-2026 Strategic Planning sessions.
- Staff updated Tree Protection Bylaw No. 725 and it is now ready for Council’s consideration.

DISCUSSION

Tree Protection Bylaw No. 725 was initially prepared by *Gye and Associates, Urban Forestry and Arboriculture* based on Council direction and public input in 2018. The Bylaw is also based on the community values and priorities identified in the 2017 Quality of Life survey:

1. Invasive plant management
2. Watershed protection
3. Falling tree hazards
4. Fire safety
5. Achieving a balance between tree cover and light to houses and garden areas
6. Slope stability
7. Tree retention
8. Wildlife habitat protection/ management
9. Maintaining views
10. Climate change management
11. Retain specific species (e.g. Garry Oak or Arbutus)

“A tree bylaw is the most effective means to promote, preserve, enhance and transition urban forest on private lands” (Urban Forest Master Plan, p.3). Managing the Town’s urban forest also plays an important role in both climate change mitigation and adaptation. The Urban Forest Master plan also identifies other initiatives such as tree planting programs that advance many of the same goals.

Due to s. 50(2) of the *Community Charter*, municipal tree bylaws “cannot have the effect on a parcel of land of preventing all uses permitted under the applicable zoning bylaw or preventing the development to the density permitted under the applicable zoning bylaw”. In other words, a tree bylaw cannot be used to prevent uses that are permitted in the zoning.

The Bylaw was reviewed by legal counsel in 2023 and was updated for consistency. A substantive change is the introduction of a security deposit to ensure that replacement trees survive for a minimum of two years after planting. Also, the Bylaw was adjusted to minimize the staffing increase needed to administer the tree bylaw process. Key points include:

- One tree can be removed per parcel, every two years, without a permit. Specific species, as well as very large trees (>30 inches Diameter at Breast Height) still require a permit.
- Large parcels can remove one tree per acre per year, up to a maximum of ten trees per lot per year. Specific species, as well as very large trees (>30 inches Diameter at Breast Height) still require a permit for removal.
- Trees approved for removal via a Development Permit can be removed with a permit.
- Trees where the dripline protrudes into a building footprint authorized by a building permit can be removed. Removals can be approved where the “Protected Root Zone of a protected tree extends into an approved building footprint for which a building permit has been issued and a Qualified Professional determines that the building footprint cannot be adjusted to avoid tree removal.”

Details on Alternatives

1. The Bylaw currently allows property owners to remove a tree on an emergency basis because it has been severely damaged and poses an imminent danger of falling and injuring persons or property, provided that they inform the Town within three days of the removal. If Council does not support this allowance, Alternative 1 would be to remove s. 4.2.2
2. The security deposit to ensure tree replacements is \$700 per tree. This amount is based on the cost of planting and maintaining the tree for a two-year period. Although the security deposit is refunded after the replacement tree is still healthy after two years, the cost may be a concern for some property owners. If Council eliminates clause 6.5, there would be no security deposit. If a property owner does not fulfill the tree replacement requirements, the Town could provide notice to the property owner, requiring the replacement of the tree or a \$1,250 charge per tree that could be levied to the owner’s taxes. This is Alternative 2.
3. There are two exemptions to permitting requirements that reduce the impact on most residential properties and also reduce the administrative impact of the permitting system:
 - Homeowners can remove one tree every two years without a permit.
 - Homeowners on large lots can remove one tree per .4 ha (1 acre) per year without a permit.

Alternative 3 would eliminate these two exceptions, with a corresponding increase in staff time to account for the increased number of permits. In total, Alternative 3 would require two additional new Full-Time Equivalent positions dedicated to the Tree Bylaw inspection and administration.

4. To further promote tree retention and increase tree coverage, some municipalities have implemented minimum tree density or canopy coverage targets in addition to requiring

replacement trees. These targets can serve as an incentive for property owners to retain more trees. Alternative 5 would direct staff to develop tree canopy targets to complement the Tree Protection Bylaw and permitting system. Staff would report back with details on the timing and resource requirements of such a change. This is tentatively scheduled for 2024 based on current Strategic Initiatives identified for 2023.

5. Alternative 5 would initiate a comprehensive public engagement process on “Tree Protection Bylaw No. 725, 2023” prior to finalizing the bylaw, which would require an update to the schedule of Strategic Initiatives.

Financial Implications

The Town’s budget does not currently include staff capacity for a robust tree permitting and inspection program. Communities with a comprehensive permitting system have a corresponding staff complement. For example, Oak Bay estimates that the equivalent of 3.0 FTE (Full Time Equivalent) staff support their tree bylaw and associated inspection and permitting process. Implementation of a tree bylaw could require amendment of the Financial Plan as currently proposed, based on Council’s decision-making.

Staff have drafted the Bylaw as presented to maximize the tree preservation benefits while minimizing the impacts on staffing capacity. One such example is allowing property owners to remove one tree every two years without a permit. Even with these reduced measures, there is still an estimated staffing impact of half a full-time position in Parks, and half a full-time equivalent in administration. On an annual basis staff anticipate approximately 40 tree removal applications associated with Building Permits, and another 50 standalone tree removal applications.

	<i>Staffing implications (average per permit)</i>	
	Parks Department	Administrative Support
General customer service regarding permitting system	1 hr	1 hr
Receive permit and payment		.5 hr
Distribute application for review		.5 hr
Review application	1 hr	
Site visit	1.5 hr	
Corresponding with applicant if changes are required	2 hrs	
Appeals to Council (average including applications without appeal)	2 hrs	4 hrs
Issue permit and record management		1 hr
Totals hours/permit	7.5 hrs	7 hrs

Table 1: Average staffing requirement per permit, based on current draft bylaw

14.5 hrs * 90 permits = 1305 hrs. This is approximately one half of a Full-Time Equivalent (FTE) in Parks, and another .5 FTE in Administrative Services.

Following is a summary of the staffing requirements of the Recommendation as well as Alternatives. The staffing implications are cumulative. In other words, if Council chooses to advance the bylaw (Recommendation), with the amendments in Alternative 1 and Alternative 3, there would be a total increase in staffing requirements of 2.2 FTE (1+.2+1).

<i>Alternative</i>	<i>Description</i>	<i>Staffing implications (in FTE)</i>
	Recommendation (see detailed analysis in previous table)	1
1	Alternative 1 would remove s. 4.2.2 (Exemption to allow emergency removal without a permit).	.2
2	Alternative 2 would eliminates clause 6.5 and there would be no security deposit. There are no staffing impacts of this change.	0
3	There are two exemptions to permitting requirements that reduce the impact on most residential properties and also reduce the administrative impact of the permitting system. Alternative 3 would eliminate these two exceptions, with an increased staff request.	1
4	Alternative 4 would direct staff to develop tree canopy targets to complement the Tree Protection Bylaw and permitting system. Staff would report back with details on the timing and resource requirements of such a change. This is tentatively scheduled for 2024 based on current Strategic Initiatives identified for 2023.	TBD
5	Alternative 5 (initiation of public consultation on this Bylaw) would require an adjustment to the schedule of Strategic Initiatives.	n/a

Table 2: Estimated staffing requirements for Alternatives

Public Engagement

Typically, staff would recommend a process to engage the public in the exploration of regulatory and implementation options. However, engagement is not planned for the bylaw at this time, for the following reasons:

1. Through the Strategic Planning process, Council has conveyed a sense of urgency in the development and adoption of a Tree Protection Bylaw. A robust public engagement process would not be achievable in the immediate short-term based on current work plans, without further Council direction (see below).
2. Council identified an ambitious schedule of Planning initiatives during the Strategic Planning process, including many initiatives that require public engagement. Undertaking public engagement at this time would require postponing other Strategic Initiatives such as the Quality of Life Survey.

Alternatively, should Council provide direction to undertake public engagement on the Tree Bylaw at this time, staff will seek Council direction on an amended schedule of strategic initiatives accordingly (Alternative 5). Should Council adopt this Bylaw with minimal public engagement, it is anticipated that the Bylaw would be reviewed again in several years, or as directed by Council.

SUMMARY

Tree Bylaw No. 725, 2023 is a moderate step toward regulating tree removal within the Town. It is not considered to be overly strict in terms of prohibiting tree removals for residential property owners. However, introducing a tree removal permitting system will undoubtedly be a significant change for residents that are accustomed to having no regulations on tree removals. The most significant impact would be on properties that are heavily treed or currently undeveloped.

The Tree Bylaw can be given a maximum of three readings at this meeting. The amendment to the Municipal Ticket Information (MTI) Bylaw should be given an equivalent number of readings. There should be at least one clear day between third reading and final adoption of a bylaw, so the soonest Council should consider adoption of the Bylaw would be Friday, March 24th, 2023.

ALTERNATIVES

1. THAT "Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023" be amended by deleting clause 4.2.2 (a) addressing the removal of trees on an emergency basis.
2. THAT "Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023" be amended by deleting clause 6.5 the security deposit for Replacement Trees.
3. THAT "Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023" be amended by deleting clauses 4.2.3 and 4.2.4 that provide exceptions to permitting requirements and inserting those clauses into section 4.3 to require permits for those removals, and renumber the bylaw as required;
AND FURTHER THAT Council directs staff to amend the Financial Plan to add an additional Full-time equivalent employee (two in total) to implement the Tree Protection Bylaw inspection and permitting system.
4. THAT Council directs staff to prepare a report on the implications and resource requirements of establishing minimum tree density or canopy cover targets, to be completed in 2024;
5. 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.
6. THAT "Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023" be read a second time;
7. THAT "Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023" be read a third time;
AND FURTHER THAT Council directs staff to schedule a Special Council meeting on March 24, 2023 to consider adoption of "Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023";

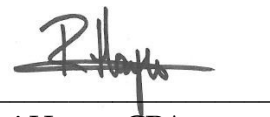
8. THAT "Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023" be read a second time.
9. THAT "Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, Amendment (Tree Protection) Bylaw No. 626.05, 2023" be read a third time.
10. THAT Council provides alternative direction to staff.



Luke Sales, MCIP, RPP
Director of Planning
Concurrence



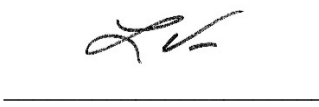
Kevin Goldfuss
Manager of Operations
Concurrence



Raj Hayre, CPA
Director of Finance
Concurrence



Heather Svensen
Corp. Administrator
Concurrence



Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments

[725.TreeProtectionBylaw.March 22 2023 v6.docx](#)

[memo.Plan.TreeBylaw.Bylaw626.05Amendments.v3.doc](#)

memo.Plan.TreeBylaw.March22 2023.v8

TOWN OF QUALICUM BEACH
BYLAW NO. 725, 2023
TREE PROTECTION BYLAW

WHEREAS pursuant to Sections 8(3)(c) and 50 to 52 of the *Community Charter*, S.B.C. 2003, c.26, a Council may, by bylaw, exercise powers to preserve and protect **Trees** within the Town, and may regulate, prohibit and impose requirements in relation to the **Cutting, Replacement and Removal of Trees**;

AND WHEREAS Council considers it is in the public interest to provide for the protection and preservation of urban forest through the regulation of **Tree Cutting, Removal and Replacement**;

NOW THEREFORE the Council of the Town of Qualicum Beach enacts as follows:

1. **Title**

This Bylaw may be cited as “Town of Qualicum Beach Tree Protection Bylaw No. 725, 2023”.

2. **Definitions**

In this Bylaw:

“Arborist”	means a Qualified Professional who is holding a current certification by the International Society of Arboriculture.
“Alter” or “Altering” or “Alteration”	means any of the following: a. to Remove the top portion of a Tree; b. lift and Prune where the lower branches of the live crown (green branches) of the Tree are Removed to reduce the live crown to less than 50% of the total Tree height; c. to Cut off or destroy by any means the roots of a Tree within its Protected Root Zone.
“Council”	means the Town Council of the Town of Qualicum Beach.
“Cut” or “Cutting”	means to Cut down a Tree and shall include to pull up, push or pull over or otherwise fall or substantially destroy a Tree .
“Damage” or “Damaged” or “Damaging”	means any action which will cause a Tree to die or to decline, including, but not limited to, ringing, poisoning, burning, Topping or excessive Pruning .
“DBH” (Diameter at Breast Height)	means: a. the diameter of a Tree measured at 1.4 meters (4.6 feet)

above the highest point of natural grade of the ground measured from the base of a **Tree** or the diameter of the remaining stump; or

- b. for multi-stemmed **Trees**, the three largest stems shall be measured 1.4 meters (4.6 feet) above the highest point of natural grade and the **DBH** of the **Tree** shall equal the cumulative total of the **DBH** of the three largest stems.

"Director"	means the Director of Planning or their designate.
"Disturbance"	means any disturbance of the ground, soil, Tree roots or vegetation within the Protected Root Zone of a Protected Tree .
"Hazard Tree" or "Hazardous Tree"	means a Tree identified in writing by a Qualified Tree Risk Assessor as having defects sufficient to significantly increase the likelihood that all or part of the Tree will fall resulting in a risk of personal injury or property Damage , and also includes Trees that interfere with utility wires, drainage, water or sewer systems, or the movement of people and vehicles along public rights-of-way.
"Hedge"	means a row of three or more Trees less than 6.0 metres in height that through growth and pruning forms a continuous dense screen of vegetation from ground level which provides privacy, fencing, wind breaking, and/or boundary definition.
"Move"	means uprooting and transferring a Tree from one location to another.
"Officer"	means a Town of Qualicum Beach Fire Chief, Bylaw Enforcement Officer, RCMP Police Officer or appointed designates.
"Owner"	means a person who has any right, title, estate or interest in property, other than that of an occupant, and shall include the agent of any such person.
"Parcel"	means any lot, block or other area in which land is held or into which land is subdivided but does not include a highway.
"Permit"	means a permit issued by the Director under authority of this Bylaw to Cut or Remove a Protected Tree or Trees .
"Protected Root Zone"	means: a. the area of land surrounding the trunk of a Tree that contains the bulk of the critical root system of the Tree which has been specifically delineated on a Tree Protection Plan prepared by an Arborist and approved by the

Director; or

- b. in the absence of such information, the area of land surrounding the trunk of a **Tree** contained within a circle having a radius which is calculated by multiplying the **DBH** of the **Tree** by 18.

“Protected Tree”

means any of the following **Trees**:

- a. the following **Tree** species 50 centimetres (20 inches) or more in height, or 5 centimetres (2 inches) or more in diameter when measured 15 cm (6 inches) above natural grade:
 - i. *Arbutus* (*Arbutus menziesii*);
 - ii. Garry Oak (*Quercus garryana*);
 - iii. Pacific Dogwood (*Cornus nuttallii*);
 - iv. Pacific Yew (*Taxus brevifolia*);
 - v. Cascara (*Rhamnus purshiana*);
 - vi. Manzanita (*Arcotostaphylos columbiana*);
 - vii. Seaside Juniper (*Juniperus maritima*);
 - viii. Trembling Aspen (*Populus tremuloides*);
 - ix. Oregon Ash (*Fraxinus latifolia*);
- b. any **Tree** having a **DBH** that is 30 centimetres (12 inches) or more;
- c. any **Replacement Tree** planted as a condition of a prior **Permit**;
- d. any **Tree** within an Environmental or Hazard Development Permit Area as designated in “Town of Qualicum Beach Official Community Plan Bylaw No. 800”;
- e. any **Tree** planted or retained as a requirement of a subdivision application, Development Permit or Building Permit;
- f. any **Tree** with evidence of a nest or use by:
 - i. raptors as defined in the *Wildlife Act*, R.S.B.C. 1996, c. 488;
 - ii. osprey; or
 - iii. a heron colony
 - iv. any cavity-nesting bird species

“Prune”
or **“Pruning”**

means the selective **Cutting** or removal of branches to improve timber quality, or to remove dead or diseased wood, or to correct undesirable growth patterns.

“Qualified Professional”

means a registered professional consultant with relevant expertise and experience in the specific domain for which an opinion is being given.

“Qualified Tree Risk Assessor”	means an Arborist with additional current training and a qualification in Tree risk assessment as determined by the International Society of Arboriculture and endorsed by Worksafe BC.
“Removal” or “Remove”	means to Cut a Tree and to Remove it from the location where it exists.
“Replacement Tree”	means a Tree required to be planted to replace a Tree Altered, Cut, Damaged or Removed in accordance with this Bylaw.
“Town”	means the Town of Qualicum Beach.
“Topping” or “Topped”	means to entirely sever the stem of a Tree such that the upper stem and branches of the Tree are completely removed, resulting in an abruptly truncated stem.
“Tree”	means a living, erect, perennial woody plant, that is a species of coniferous or deciduous genus where the DBH is six (6) cm or more and is capable of reaching a mature height of 4.5 m or greater within its natural range.
“Tree Protection Barrier”	means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the Protected Root Zone of a Tree that is to be preserved.
“Watercourse”	watercourse means any natural or man-made depression with well-defined banks and a bed of 0.6 m or more below the surrounding land serving to give direction to or containing a current of water at least six months of the year and includes the sea or any lake, river, stream, creek, spring, ravine, swamp, gulch, surface source of water supply or source of groundwater supply whether enclosed or in a conduit.
“Wetland”	means land consisting of marshes, swamps, or saturated land.

3. **Application and Purpose**

2.1 **Application**

- 2.1.1 This Bylaw applies to **Trees** which are within the Town of Qualicum Beach.
- 2.1.2 This Bylaw does not apply to **Trees** on provincial or federal lands.
- 2.1.3 This Bylaw does not apply to **Trees** on land where “Silviculture” is a permitted use in the zoning, as described in Town of Qualicum Beach

Land Use and Subdivision Bylaw No. 580, 1999.

2.2 Purpose

This Bylaw is intended to:

- 2.2.1 Regulate the **Altering, Cutting, Damaging or Removing of Protected Trees** within the Town of Qualicum Beach through a **Permit** process;
- 2.2.2 Describe the conditions under which **Permits** will be granted for the **Altering, Cutting, Damaging or Removing of Protected Trees**;
- 2.2.3 Prohibit the **Altering, Cutting, Damaging or Removal of Protected Trees** without a **Permit**;
- 2.2.4 Set requirements for replacement, mitigation or other forms of compensation for the **Altering, Cutting, Damaging or Removal of Trees**; and
- 2.2.5 Establish provisions relating to inspection and enforcement of **Tree Altering, Cutting, Damaging or Removing** in relation to the established **Permit** process and offences.

4. Prohibitions, Exemptions and Permissions

4.1 Prohibitions

- 4.1.1 A person must not **Cut or Remove, or Move** any **Protected Tree**, or cause, suffer or permit any **Protected Tree** to be **Cut, Removed or Moved**, except in accordance with the terms and conditions of a valid **Permit** issued under this Bylaw. Without limiting the generality of the foregoing, this section includes **Replacement Trees** planted as a condition of a prior **Permit**.
- 4.1.2 A person must comply with the terms and conditions of a **Permit** issued under this Bylaw.
- 4.1.3 Except to the extent permitted by a **Permit**, or as provided for in Section 4.2 a person must not **Alter a Protected Tree** by carrying out any of the following activities:
 - a. **Cutting, Damaging** or undermining the roots of a **Protected Tree** growing within the **Protected Root Zone**;
 - b. Operating trucks, backhoes, excavators or other heavy

equipment within the **Protected Root Zone** of a **Protected Tree**;

- c. Placing fill, building materials, asphalt or a building or structure on land inside the **Protected Root Zone** of a **Protected Tree**;
- d. Denting, gouging or **Damaging** the bark, trunk, branches or roots of a **Protected Tree**;
- e. Depositing concrete washout or other liquid or chemical substances harmful to the health of a **Protected Tree** on land inside **Protected Root Zone**;
- f. Removing soil from inside the **Protected Root Zone** of a **Protected Tree**;
- g. Blasting within 2x the **Protected Root Zone** radius of a **Protected Tree**;
- h. **Topping** a **Protected Tree**;
- i. **Altering** the ground water or surface water level within the **Protected Root Zone** of a **Protected Tree**; or
- j. **Cutting** or **removing** more than twenty-five (25) percent of the live crown of a **Protected Tree** in any twelve (12) month period.

4.1.4 A person shall not plant a **Tree** or **Hedge** on **Town** lands or cause **Trees** or **Hedges** to be planted on **Town** lands without prior written authorization from the **Town**.

4.2 Exemptions

4.2.1 A **Permit** is not required for the pruning of a **Hedge**, except within the Steep Slope Development Permit Area, as defined in "Town of Qualicum Beach Official Community Plan Bylaw No. 800".

4.2.2 A permit is not required prior to **Cutting** or **Removing** a **Protected Tree** where:

- a. the **Protected Tree** poses an imminent danger of falling and injuring persons or property, provided that the homeowner or property manager notifies the **Director** within three business days following the work done to the **Protected**

Tree, including photos or other documentation to justify the **Removal**; or

- b. The **Protected Tree Cutting** or **Removal** is carried out by the **Town** or its agents on public property.

4.2.3 Where the **Protected Tree** is located on a residential lot with an occupied dwelling, the lot **Owner** will be authorized to **Remove** one **Protected Tree** per 2 calendar years; this permission does not apply in the following exceptions:

- a. the **Protected Tree** is a Garry Oak, Arbutus, Pacific Yew or Pacific Dogwood;
- b. any **Tree** having a **DBH** that is 75 centimetres (29.5 inches) or more;
- c. **Protected Trees** that have already been permitted for **Removal** under s. 19. a), b), c), d) and e) of this Bylaw.

4.2.4 Where **Protected Trees** are growing on properties with a lot size greater than .4046 hectare (1 Acre), the property **Owner** is authorized to **remove** one **Protected Tree** for each .4046 hectare (1 Acre) in a lot per calendar year, up to a maximum of ten **Trees** per lot per calendar year; this permission does not apply in the following exceptions:

- a. the **Protected Tree** is a Garry Oak, Arbutus, Pacific Yew or Pacific Dogwood;
- b. any **Tree** having a **DBH** that is 75 centimetres (29.5 inches) or more;
- c. **Protected Trees** that have already been permitted for **Removal** under s. 19. a), b), c), d) and e) of this Bylaw.

4.3 Permissions

A **Permit** to **Alter**, **Cut**, **Damage** or **Remove** a **Protected Tree** may be issued by the **Director** in the following circumstances:

4.3.1 Where the applicant has demonstrated that the **Protected Tree** is a **Hazardous Tree** or is dead, **Damaged**, diseased or in decline beyond expectation of recovery. If during a visual assessment by the Town of Qualicum Beach the condition of the **Tree** is not apparent, the applicant may be required to provide an **Arborist** report to the satisfaction of the **Director** that the **Tree** is an unreasonable hazard to safety of persons or

property;

- 4.3.2 Where a **Qualified Professional** determines that the **Protected Tree** is impairing, interfering with, or presents a risk or hazard to the operation of sewers, drains, water lines, septic fields, electrical lines, poles or similar equipment and appurtenances and that the impairment, interference or risk cannot be reduced or removed in any other way than the **Removal** of the **Tree**;
- 4.3.3 Where a **Protected Tree** has been identified as a fire hazard to property. In these cases, a report may be required from a Qualicum Beach Fire Prevention Officer, **Arborist**, or **Qualified Professional** that the **Protected Tree** poses a fire hazard to property and the risk cannot be reduced or removed in any other way than the **Removal** of the **Protected Tree**;
- 4.3.4 Where a **Protected Tree** is located within the Agricultural Land Reserve (ALR) or outside the ALR on land zoned for agricultural use and the **Protected Tree** must be **Removed** to permit the land to be used for an agricultural use. The application must be accompanied by a sworn declaration (affidavit) from the **Owner** stating that the **Protected Tree(s)** is to be **Cut** or **Removed** to permit agricultural use and that the agricultural use cannot be located elsewhere on the lot so as to accommodate the **Protected Tree**;
- 4.3.5 Where the **Protected Root Zone** of a **Protected Tree** extends into an approved building footprint for which a building permit has been issued and a **Qualified Professional** determines that the building location cannot be adjusted to avoid **Tree Removal**;
- 4.3.6 Where the **Removal** of a **Protected Tree** is required for the construction or installation of a driveway, required off-street parking area, septic tank or field, or underground or above ground utility corridor, and where no other locations are available where the driveway, parking area, septic tank or field or utility corridor may be located;
- 4.3.7 Where the **Removal** of the **Protected Tree** is required for the installation of roads or services shown on an engineering drawing that has been approved by the Director; or where the **Removal** of the **Protected Tree** is required for the installation of an access route or above ground or underground service of a subdivision that has been approved by the Town of Qualicum Beach Approving Officer;
- 4.3.8 Where the **Protected Tree** is located within a designated view corridor identified in existing Policy 4002-4 and authorized in writing by the **Director**; or

- 4.3.9 Where **Removal** of the **Protected Tree** is required for implementation of an approved Development Permit.

4.4 Mandatory Removal or Pruning of Hazardous Trees or Hedges

- 4.4.1 **Owners** and occupiers of real property must cause any **Trees, Hedges** and shrubs on that property to be **Pruned, Cut** or **Removed** if the **Director** considers that the **Trees, Hedges**, or shrubs are:

- a. a hazard to the safety of persons;
- b. likely to Damage public property;
- c. seriously inconveniencing the public; or
- d. a fire hazard.

- 4.4.2 The **Director** may notify the **Owner** or occupier of real property that the **Town** will take, at the **Owner's** or occupier's expense, the action required under Section 4.4.1 if the **Owner** or occupier does not take that action within ten days of receiving the notice. Notice from the Town will be provided by Registered mail.

- 4.4.3 The **Town's** employees or contractors may enter real property and undertake, at the **Owner's** or occupier's expense, the work referred to in Section 4.3.1 if the **Owner** or occupier does not undertake or complete that work.

5. Permit Requirements and Application Process

5.1 General Conditions of Permit

- 5.1.1 A **Permit** for the **Cutting, Removal** or **Disturbance** of any **Tree** to which this Bylaw applies shall be in the form issued by the **Director**.
- 5.1.2 A **Permit** issued under this Bylaw is non-transferable.
- 5.1.3 A **Permit** for the **Cutting** or **Removal** of any **Tree** to which this Bylaw applies shall include a requirement for one or more **Replacement Trees** to be planted and maintained in a viable condition for at least two growing seasons following planting.

5.2 Application Requirements

- 5.2.1 Every application for a **Permit** shall be made in writing to the

Director and shall include the following documents, plans and information relating to the proposed **Tree Cutting or Removal or Disturbance**:

- a. The civic address or a legal description of the **Parcel** on which the **Tree Cutting** is proposed to occur;
- b. A brief statement explaining the purpose or rationale for the proposed **Tree Cutting, Removal or Disturbance**;
- c. The consent in writing of the registered **Owner** of the property where the proposed **Tree Cutting** is to occur, if different from the applicant, authorizing the applicant to act as the **Owner's** agent;
- d. A sketch drawn to approximate scale identifying:
 - i. the boundaries of the subject **Parcel**;
 - ii. any abutting streets, lanes or public access rights of way;
 - iii. the location of existing buildings and structures;
 - iv. the location, species and **DBH** of those **Trees** proposed to be **Cut, removed or disturbed**;
 - v. for **Trees** proposed for **Cutting or Removal** only, the location, species and **DBH** of proposed **Replacement Trees** (see Section 6 below);
- e. The proposed methods for disposal of wood waste and other debris;
- f. The proposed completion dates for **Tree Cutting, Removal or Disturbance**;
- g. Where the **Tree Cutting or Removal** is for a **Hazard Tree**, a report prepared by a **Qualified Tree Risk Assessor** certifying that the **Tree** is dead, diseased, damaged or otherwise constitutes a physical hazard to persons or property;
- h. Such further and other information as the **Director** determines is necessary to adequately describe the nature and extent of the **Tree Cutting, Removal or Disturbance** operation.

- 5.2.2 Where **Disturbance** activities such as excavation, tilling, trenching, addition of soils or machine use are proposed that may encroach into the **Protected Root Zone** of one or more **Protected Trees**, application for a **Permit** shall include the following additional information and measures:
- a. A **Tree Protection Plan** prepared by an **Arborist** in accordance with Schedule “B” of this Bylaw that documents the **Tree** protection measures and best practices to be followed by the applicant in order to minimize impacts from the proposed disturbance to the **Protected Tree’s** health, condition and growing environment.
 - b. Mark on the ground with paint, stakes or flagging the **Protected Root Zones** of all **Trees** on the **Parcel** and from **Trees** located on adjacent properties that encroach into the applicant’s **Parcel** within which activities are proposed to occur.
- 5.2.3 Any **Treed Parcel** that is the subject of an application for rezoning, subdivision, development-permit, demolition permit or building-permit shall include the following plans prepared by an **Arborist** in accordance with Schedule “B” of this Bylaw:
- a. A **Tree Plan Drawing and Report** that describes and evaluates the existing **Tree** resource and relevant site conditions and land-use (current or historical);
 - b. A **Tree Protection Plan Drawing and Report** that indicates the following for each stage of construction (e.g. site servicing, demolition and building permit):
 - i. measures taken at the site planning stage to minimize loss of **Protected Trees**;
 - ii. **Protected Trees** proposed for **Removal** and **Retention**;
 - iii. measures proposed for the effective protection of **Trees** proposed for retention, including the mitigation of development-related **Disturbance** and additional measures to restore or enhance the **Tree** habitat within the **Protected Root Zone** of **Trees** proposed for retention.
- 5.2.4 On parcels within the Steep Slope or Ecological Development Permit Areas, as defined in “Town of Qualicum Beach Official Community

Plan Bylaw No. 800", every application for a permit shall include the following documents in addition to the relevant requirements in Sections 5.2.1, 5.2.2 and 5.2.3:

- a. Where the site of the **Tree Cutting, Removal or Disturbance** is within a Steep Slope Development Permit Area, a report prepared by a **Qualified Professional** certifying that the proposed **Tree Cutting, Removal or Disturbance** will not create an adverse impact including flooding, erosion, land slip or contamination of a **Watercourse**.
- b. Where the site of the **Tree Cutting, Removal or Disturbance** is on a **Parcel** adjacent to or containing any part of a **Watercourse or Wetland**, a report prepared by a **Qualified Professional** certifying that the proposed **Tree Cutting or Removal** will not create an adverse impact to the **Watercourse, Wetland** or its associated riparian area.

5.3 Permit Fee:

5.3.1 Permit fees are exempted in the following cases:

- a. No permit application fee shall be charged for applications to **Remove** dead, dying or **Hazard Trees**;
- b. No permit application fee shall be charged for applications granted for the **Removal** of one **Protected Tree** in a given two calendar-year period.

5.3.2 A non-refundable application fee of \$100 is required on all parcels when applying for the **Removal** of two or more **Trees** within a given two calendar-year period.

5.3.3 A refundable security deposit of \$700 per **Replacement Tree** is required before a **Tree Cutting** permit is issued. The security deposit will be refunded to the applicant:

- a. Two years after planting if the **Replacement Tree(s)** is in good health and the applicant requests the security refund in writing; or
- b. After expiration of a permit without completion of any Tree removals and the applicant requests the security refund in writing.

5.4 Permit Issuance or Refusal

- 5.4.1 The **Director** may:
- a. Issue a **Permit**;
 - b. Issue a **Permit** with additional conditions specified in the permit which in the opinion of the **Director** are necessary to achieve the purposes of this Bylaw; or
 - c. Refuse to issue a permit.

5.5 Permit Expiry

- 5.5.1 Every **permit** shall expire 6 months from the date of issue or upon such earlier date as may be specified in the **Permit**.

5.6 Permit Renewal, Extension or Modification

- 5.6.1 If the **Tree Cutting** or **Removal** operations authorized by a **Permit** are not completed before the **Permit** expires, or it becomes necessary to **alter** or deviate from the particulars of the **Permit** application or the **Tree Cutting** and replacement plan submitted for a **Permit**, the **Director** may renew, extend or modify the **Permit** upon written request of the **Permit** holder, subject to the following:

- d. A **Permit** holder has no vested right to receive an extension, renewal or modification and the **Director** may require that a new **Permit** be obtained;
- e. The **Director** may not renew or extend a **Permit** for a period of more than two years from the date of issuance of the original **Permit**;
- f. The **Director** may require that the **Permit** holder provide additional information authorized by this Bylaw as a pre-condition to considering an application for a **Permit** renewal, extension or modification; and
- g. All terms and conditions set out in the original permit shall apply to each renewal, extension or modification of the permit except as amended or modified by the renewal, extension or modification.

6. Replacement Trees

- 6.1 For all **Parcels**, as a condition of any **Permit** issued under this Bylaw, two **Replacement Trees** must be planted and maintained for each **Tree Cut** or **Removed** on the applicant's **Parcel**, in accordance with the requirements of Schedule "A".

- 6.2 If a **Tree** or **Trees** located on any **Parcel** form part of a **Hedge**, the **Director** may require that less than two **Replacement Trees** be planted and maintained for each **Tree** that is **Cut** or **Removed**.
- 6.3 As an alternative to the planting of two or more **Replacement Trees** on the **Parcel** from which one or more **Trees** have been **Removed**, the **Director**, upon application by the **Owner** and after considering the state of development and landscaping of the **Parcel**, may accept from the **Owner** payment in an amount specified in Section 6.5, for the costs of purchasing, planting and one year's maintenance of the requisite **Replacement Trees** elsewhere in the **Town**.
- 6.4 **Replacement Trees** shall be planted and maintained in accordance with sound horticultural and arboricultural practices to the satisfaction of the **Director**.
- 6.5 If the lot cannot accommodate the planting of the required **Replacement Trees**, or if the **Director** has otherwise waived the requirement for a **Replacement Tree**; for each **Protected Tree** that is **Altered**, **Cut**, **Damaged**, or **Removed** the **Owner** shall be required to pay the Town of Qualicum Beach, cash in lieu, for each **Tree Altered**, **Cut**, **Damaged** or **removed**, the sum of ONE THOUSAND (\$1000) DOLLARS per **replacement Tree**.
- 6.6 Where no construction or site **Disturbance** is proposed that would affect the planting of **Replacement Trees**, the **Replacement Trees** must be planted within ninety (90) days of the date of issuance of the **Tree Cutting** permit.

7. **Inspection and Enforcement**

7.1 **Inspection**

- 7.1.1 The **Director** is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this Bylaw or a **Permit** issued under this Bylaw are being observed.
- 7.1.2 No person shall prevent or obstruct or attempt to prevent or obstruct the **Director** or designate from entering upon lands (see Sections 8.1 and 8.4 of this Bylaw).

7.2 **Notice of Non-compliance**

- 7.2.1 The **Director** may give notice to any person of a breach of, or non-compliance with, any of the provisions of this Bylaw or a **Permit** issued under this Bylaw, and such person shall immediately cease all **Tree Cutting** or **Removal** activities until such breach or non-compliance is remedied to the satisfaction of the **Director**, and every **Owner** of real property shall refuse to suffer or permit further **Tree Cutting** or

Removal operations upon the real property until such time as the breach or non-compliance is remedied to the satisfaction of the **Director**. Notice from the Town will be given by Registered mail.

7.3 Failure to Remedy Non-compliance

- 7.3.1 In the event that a person having received notice under Section 7.2 fails within the time specified therein to remedy such breach, the **Town** or its appointed agents may enter upon the real property and undertake, at the **Owner's** or occupier's expense, the works required to remedy the breach.

7.4 Notice of Remedial Requirement

- 7.4.1 In addition to any other provision of this Bylaw, where an Owner **Cuts, removes or Damages**, or causes, suffers or permits any **Protected Tree** to be **Cut, Removed or Damaged** in contravention of this Bylaw or in violation of any term or condition of a **Permit** issued under this Bylaw, that person, within 30 days of receiving notice of such requirement from the **Director**, shall:

- a. Submit for the **Director's** approval a **Tree Cutting** and replacement plan in accordance with the requirements of **Schedule "A"**, specifying the location and species of all **Replacement Trees**; and
- b. Plant and maintain on the same **Parcel** in accordance with the approved **Tree Cutting** and replacement plan a minimum of two (2) **Replacement Trees** for each **Tree** unlawfully **Cut, Removed or Damaged** and in the event the **Director** determines it is not feasible or practical to replace the **Trees** on the same **Parcel**, the **Replacement Trees** shall be planted on **Town** land in a location designated by the **Director**.

- 7.4.2. In addition to any other provision of this Bylaw, where an Owner fails to properly maintain a **Replacement Tree** such that the **Tree** is judged by the **Director** to be dead or in poor health or condition at the end of its second growing season after planting, that Owner will be considered to be in violation of the terms and conditions of the **Permit** issued under this Bylaw and shall, within 30 days of receiving notice of such requirement from the **Director**:

- a. Plant and maintain on the same **Parcel** in accordance with the approved **Tree Cutting** and replacement plan a minimum of two (2) **Replacement Trees** for each failed **Replacement Tree**.

- b. In the event the **Director** determines it is not feasible or prudent to replace the **Tree(s)** on the same **Parcel**, the **Replacement Trees** shall be planted on **Town** land in a location designated by the **Director** at a charge of \$1,250 per **Replacement Tree** to the applicant.

7.4.3 In the event that a person having received notice under Section 7.3.1 fails within the time specified therein to remedy such breach, the **Town** or its appointed agents may enter upon the real property and undertake, at the **Owner's** or occupier's expense, the works required to remedy the breach.

7.5 Suspension or Cancellation of Permit

7.5.1 Without limiting the application of **Section 8** of this Bylaw, if:

- a. There is a contravention of any term, condition, requirement or restriction of this Bylaw or a **Permit** issued under this Bylaw; or
- b. A **Permit** was issued under this Bylaw on the basis of statements made in the **Permit** application or a report, declaration or record required under this Bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

The **Director** may:

- i. Suspend in whole or in part the rights of the **Permit** holder under the **Permit**;
- ii. Cancel the **Permit**; or
- iii. Amend or attach new conditions to a **Permit**.

7.6 Right of Reconsideration

7.6.1 Where an **Owner** or occupier of real property is subject to a requirement or a decision made by the **Director** under this Bylaw, the **Owner** or occupier may apply to **Council** for reconsideration of the matter.

7.6.2 There is no charge for an application for reconsideration.

7.6.3 An **Owner** or occupier who wishes to have a decision reconsidered by **Council** must apply for the reconsideration by delivering to the **Director**

of Corporate Services, within 30 days after the decision is communicated in writing to the **Owner** or occupier, a request for reconsideration which includes the following:

- a. The date of the decision and the nature of the decision;
- b. Reasons why the **Owner** or occupier considers the **Director's** decision or requirement to be inappropriate;
- c. The decision the **Owner** or occupier wishes to have **Council** substitute for the **Director's** decision, with brief reasons in support of the request; and
- d. A copy of any materials considered by the **Owner** or occupier to be relevant to the reconsideration by **Council**.

7.6.6 In reconsidering a decision, **Council** will consider the material that was considered by the **Director** in making the decision.

7.6.9 After having reconsidered a decision, **Council** may either confirm the **Director's** decision, amend the **Director's** decision, or may set aside all or part of the **Director's** decision and substitute the decision of **Council**.

7.7 Recovery of Costs and Fees from Real Property Taxes

7.7.1 The costs of fees and actions taken by the **Town** under this Bylaw may be collected by the **Town** in the same manner as real property taxes, and will be added as arrears of taxes if unpaid by December 31 in the year in which the costs are incurred.

8. Offences and Penalties

8.1 In addition to other bylaw enforcement powers, enforcement of this Bylaw against a person may be by Municipal Ticket Information ("MTI") and if convicted, that person shall be liable to pay the full amount of the penalty and fine prescribed in the Town of Qualicum Beach Municipal Ticket Information Bylaw No. 626.

8.2 For greater certainty, an **Owner** of a property who permits a person to violate any provision of this Bylaw is in violation of this Bylaw.

8.3 If the penalty indicated on a MTI is not paid, and the Municipal Ticket is not disputed within fourteen (14) days of the date of service of MTI, the amount in full becomes due and payable to the Town of Qualicum Beach.

- 8.4 Any person who fails to pay the penalty indicated may have the amount transferred to a collection agent or be subject to collection through other legal processes.
- 8.5 Any person who contravenes or violates any provision of this Bylaw or of any **Permit** issued under this Bylaw, or who suffers or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw or any **Permit** issued under this Bylaw, or who fails or neglects to obey any order, direction or notice given under this Bylaw or any **Permit** issued under this Bylaw, commits an offence against this Bylaw and is liable on summary conviction to a fine of \$50,000 in addition to the costs of prosecution.
- 8.6 Where one or more **Protected Tree** is **Cut** or **Removed** other than as authorized by this Bylaw, or more than one **Protected Tree** is not replaced or maintained in accordance with a **Permit** issued under this Bylaw, a separate offence is committed in respect of each such **Tree**.
- 8.7 For the purposes of this Bylaw, each **Tree Altered, Cut, Damaged or Removed** in violation of this Bylaw and each day that a violation of this Bylaw is caused or permitted to exist by any person shall constitute a separate offence.
- 8.8 Notwithstanding Section 9.1, any person who is guilty of obstructing the **Director** or **Officer** or their appointed designates while performing their duties in relation to this Bylaw is liable upon summary conviction to a fine of not less than \$2,000.00 and up to \$50,000.00, or to imprisonment for not more than 6 months, and the cost of prosecution.

9. **Severability**

- 9.1 If any part, section, sub-section, sentence, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid section shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this Bylaw.
- 9.2 Section headings do not form part of this Bylaw. They are included for convenience only and must not be used in interpreting this Bylaw.

READ A FIRST TIME this day of , 2023.

READ A SECOND TIME this day of , 2023.

READ A THIRD TIME this day of , 2023.

ADOPTED BY Town Council this day of , 2023.

Heather Svensen
Corporate Administrator

Teunis Westbroek
Mayor

SCHEDULE "A"
REPLACEMENT TREES

Where **Replacement Trees** are required to be provided pursuant to this Bylaw, such **Replacement Trees** shall be provided and planted as follows:

1. Minimum **Replacement Tree** Sizes (at time of planting):
 - 1.1 Deciduous **Replacement Trees** are to be a minimum of 2m in height and a minimum 4cm caliper*,
 - 1.2 Coniferous **Replacement Trees** are to be a minimum of 3m in height.
2. Every **Replacement Tree** shall be spaced from existing **Trees** and other **Replacement Trees** in accordance with an approved landscape plan and in all cases shall be planted in accordance with the current BCSLA (British Columbia Society of Landscape Architects) or BCLNA (British Columbia Landscape & Nursery Association) Landscape Standards.
3. All **Replacement Trees** shall meet current BCSLA or BCLNA standards.
4. The type, size, condition and location of **Replacement Trees** must be approved by the **Director**.

* Caliper size is the caliper width, or diameter, of a **Tree** at 15cm height from the ground.

SCHEDULE "B"
TREE PROTECTION PLANS: REQUIRED CONTENT

1. Written Report and Summary

- Executive Summary (project and proponent info, Summary statistics, total **Trees** proposed for removal, retention and replacement).
- Introduction (project background and consultant's assignment).
- Site observations (including aerial context photo).
- Description and Evaluation of **Tree** Resource, including risk assessment.
- Discussion of Proposed Site Plan, including potential Tree impacts. (Should address grading plan, site servicing, building elements and landscape grading, soil preparation, planting plan and proposed hardscape, irrigation and lighting elements).
- Proposed classification of **Trees** to be removed or retained.
- Discussion and recommendations for Tree Protection Measures.

2. Tree Inventory Table (append to Plan)

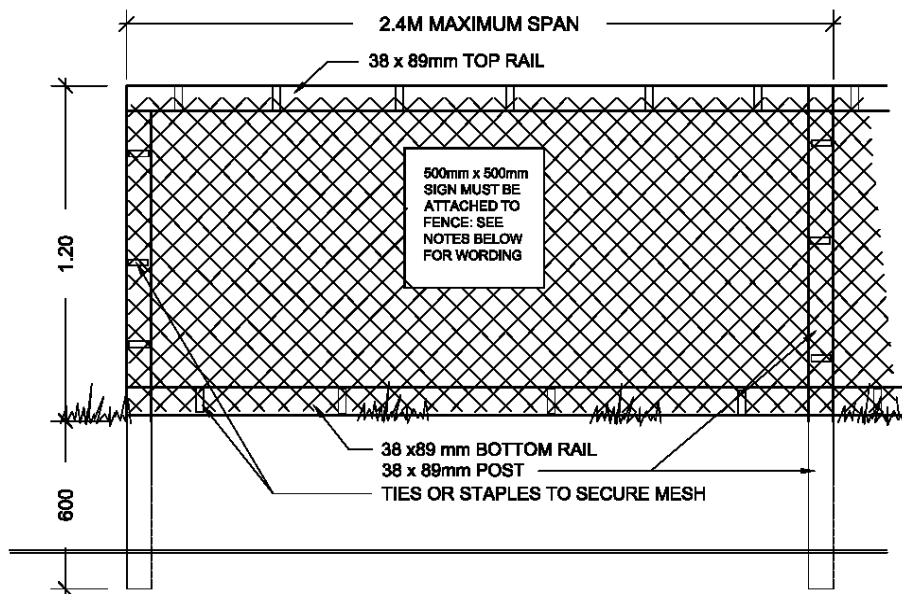
- Tree tag #, Common Name, **DBH**, Canopy radius, Protected Root Zone radius, Biological Condition, Structural Condition, Comments and Recommendations

3. Tree Protection Drawing (append to Plan)

- Topographic **Tree** Survey elements (north arrow, land contours, **Tree** locations, property lines, roads, driveways, etc.)
- Site Plan Element overlays (architectural, grading, servicing, landscape)
- Protected **Tree** tag #s, labels, canopy extents, calculated and protected root zone extents
- **Replacement Tree** labels and locations
- **Proposed Tree Protection Barrier** alignment
- Comprehensive and relevant annotated Tree Protection Measures

4. Tree Protection Fencing Detail (appended to Plan) in accordance with Schedule "C" to this Bylaw.

SCHEDULE "C"
TREE PROTECTION BARRIER REQUIREMENTS



TREE PROTECTION FENCING

NOTES:

1. FENCE WILL BE CONSTRUCTED USING 38 X 89 mm (2"X4") WOOD FRAME: TOP, BOTTOM AND POSTS. *
 USE ORANGE SNOW-FENCING MESH AND SECURE TO THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.
2. ATTACH A 500mm x 500mm SIGN WITH THE FOLLOWING WORDING:
WARNING-HABITAT PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE FACE OR AT LEAST EVERY 10 LINEAR METRES.

* IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED

DETAIL NAME: **TREE PROTECTION FENCING**

**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 day of , 2023.

READ A SECOND TIME this day of , 2023.

READ A THIRD TIME this day of , 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

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

FOR: Regular Council Meeting **DATE:** March 22, 2023
TO: Mayor and Council **FROM:** CAO Lou Varela
SUBJECT: Beach Toy Library

RECOMMENDATION:

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.

BACKGROUND

Staff has received a request to consider a possible location for a Beach Toy Library, proposed to be built by a member of the community and donated to the Town, for installation on the waterfront walkway.

Staff have identified the west side of the beach bathrooms (as per the attached photo) as a possible location for the Beach Toy Library to be installed. Availability of staff time for installation maintenance and inspection has also been confirmed. As such, the matter is before Council for direction.

Upon Council approval, staff will

- work with the donor to coordinate the installation
- confirm structural integrity of the Beach Toy Library prior to installation
- implement a maintenance and inspection schedule within current inspection procedure

DISCUSSION

Staff sought guidance from the Municipal Insurance Association of BC (MIABC) and received the following recommendations:

Space delineation Designate the area that toys are to be borrowed, used and returned to.

Signage Communicate the rules and guidelines expected for safe play. The signage should also include information that would be found in general park or beach areas such as the name of the beach, the civic address to provide to first responders, an emergency contact number, and a contact number for the Town to report an incident or maintenance issue. Signage could also advise that the "hours of operation" are from dawn until dusk.

Inspection and Maintenance Policy If the Town is offering and managing this amenity it is recommended that this be included in an existing inspections and maintenance policy or that an inspection and maintenance policy is created for the Beach Toy Library and the toys being loaned out. This will ensure that the toys and the library continue to be in safe working condition and that any issues that need to be addressed are done so in a timely manner.

FINANCIAL IMPLICATIONS:

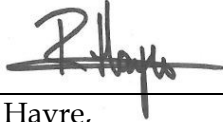
Staff time for installation, maintenance and inspection can be accommodated within existing budget and staff capacity. Materials required for the installation can be provided from existing inventory. Toys will be provided through donation.

STRATEGIC ALIGNMENT

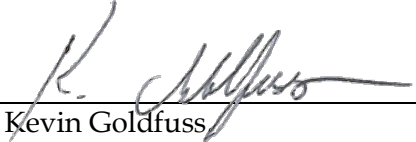
Community Health and Wellbeing



Lou Varela, CAO
Report Writer



Raj Hayre,
Director of Finance
Concurrence



Kevin Goldfuss,
Interim Director of Operations
Concurrence

Attch: (2)

Picture of sample toy library

Picture of possible location

Sample Toy Library





Proposed Toy Library Location

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

TO: Lou Varela, CAO

FOR: Regular Council, March 22, 2023

FROM: Weslie Gould, Deputy Corporate Administrator

SUBJECT: 2023 Special Event Approvals

RECOMMENDATION:

1. 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)
2. 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.

PURPOSE

To inform Council of upcoming special events to be hosted within the Town, and to request authorization for various requests from event organizers, including road closures, use of Town equipment, use of staff time, and financial assistance.

SPECIAL EVENT REQUESTS

Event organizers have requested the following support from the Town of Qualicum Beach to facilitate their special events:

OCEANSIDE MOTHER'S DAY RACE (May 14, 2023)

- | | |
|--------------------------------|---|
| Public Access Closures: | <ul style="list-style-type: none">• Complete closure of Berwick Road N from Veterans Way to the Dollymount Trail (approximately 50m).• Non-exclusive use of Dollymount Trail.• Non-exclusive use of public roads and sidewalks along race route; no partial or complete road closures required. |
| Staff Services: | <ul style="list-style-type: none">• Consultation with staff to ensure Town requirements are met.• Event set up and tear down (Town items only, e.g. delivery and pick up of waste bins, signs, barricades, etc.)• Additional collection of waste after the event. |

Use of Town Items:	• Barricades x 10 • Garbage, recycling, and compost bins (quantity to be determined) • Event in Progress signs x 4
---------------------------	--

STREET DANCE & SHOW 'N SHINE (June 17 and 18, 2023)

Public Access Closures: (e.g. roads, sidewalks, public park land, etc.)	Street Dance Road Closures (June 17, 2023): • Second Avenue W from Memorial Avenue to Primrose Street • Primrose Street from First Avenue W to Fern Road Show 'n Shine Road Closures (June 18, 2023): • Qualicum Beach Civic Centre parking lot • First Avenue W from Primrose Street to Harlech Road • Second Avenue W from Memorial Avenue to Jones Street • Fern Road from Primrose Street to Jones Street • Jones Street from First Avenue W to Fourth Avenue W • Beach Road from First Avenue W to Fern Road • Primrose Street from First Avenue W to Fern Road
Staff Services:	• Consultation with staff to ensure Town requirements are met. • Event set up and tear down (Town items only, e.g. delivery and pick up of waste bins, signs, barricades, etc.) • Additional collection of waste during and after the event. • Additional maintenance of Town washroom facilities during the event (Qualicum Beach Civic Centre, Town Hall, Leigh House public washrooms).
Use of Town Items:	• Traffic and event signage, various x 50+ • Barricades x 50+ • Delineators x 100+ • Traffic cones x 32 • Garbage, recycling, and compost bins x 30+ • High visibility vests for volunteers x 20 • Flagging tape x 5 rolls
Electrical Access:	Access and use of power for the stage, to be located on the southwest corner of Primrose Street and Second Avenue W
Facility Access:	Access to washrooms at the Qualicum Beach Civic Centre, Town Hall, and Leigh House Access to Town Hall parkade on Sunday, June 18
Other:	Financial assistance in the amount of \$6,000 as follows: • Portable washroom rentals, approximately \$4,000 • Electrical services for stage and sound system set up, approximately \$2,000

QUALICUM BEACH TRIATHLON (June 25, 2023)

Public Access Closures: (e.g. roads, sidewalks, public park land, etc.)	• Complete closure of Jones Street from Second Avenue W to Fourth Avenue W • Closure of street parking along the west side of Jones Street from Second Avenue W to the Qualicum Beach Cemetery • Closure of a portion of the Qualicum Beach Civic Centre and Ravensong Pool parking lot
Staff Services:	• Consultation with staff to ensure Town requirements are met. • Event set up and tear down (Town items only, e.g. delivery and pick up of waste bins, signs, barricades, etc.) • Additional collection of waste during and after the event. • Street sweeping along bike route and Civic Centre parking lot prior to event. • Temporary relocation of trail barricades/boulders around the Civic Centre.
Use of Town Items:	• Traffic signage, various, x 30 • Barricades x 50 • Delineators x 120 • Traffic cones x 18 • Folding tables x 5 • Garbage, recycling, and compost bins (quantity and location to be determined by staff) • Safety fencing (75 ft) and rebar posts x 16 • High visibility vests for volunteers x 20 • Water fill station and potable water hose
Electrical Access:	Access and use of power at the Civic Centre for public address system.
Water Access:	Access and use of potable water at the Civic Centre for water bottle fill station.
Facility Access:	Access to Field House washrooms in the Community Park.

FINANCIAL IMPLICATIONS

Direct financial costs include the \$6,000 requested from Seaside Cruizers for portable washroom rentals and electrical services.

Indirect financial costs are considerable, but difficult to estimate, and are consistent with those incurred in previous years (Show 'n Shine; Triathlon). Indirect costs include the amount of staff time required to facilitate the requests and wear and tear on equipment.

The Director of Finance has reviewed the Financial Implications.

STRATEGIC ALIGNMENT

Focus Area – Community Health and Wellbeing

Focus Area – Economic Prosperity

SUMMARY

Staff have processed several applications to host special events within the Town and are seeking Council's approval in principle for the events. Additionally, authorization is required for various requests from event organizers, including road closures, use of Town equipment, use of staff time, and financial assistance.



Weslie Gould, Deputy
Corporate Administrator
Report Writer



Heather Svensen, Corporate
Administrator
Concurrence



Lou Varela, CAO
Concurrence

MEMORANDUM

TO: Lou Varela, CAO **FOR:** Council Meeting, March 22, 2023

FROM: Luke Sales, Director of Planning

SUBJECT: UBCM Emergency Operations Centre Training Grant

RECOMMENDATION

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).

PURPOSE

To seek Council support for a grant application to fund an Emergency Operations Centre (EOC) training program focusing on power outages following a severe wind event for the City of Parksville and Town of Qualicum Beach emergency program (Emergency Management Oceanside).

BACKGROUND

The Community Emergency Preparedness Fund (CEPF), administered by UBCM, is a suite of funding programs intended to enhance the resiliency of local governments, First Nations, and communities in responding to emergencies. CEPF was established as part of an \$80 million announcement from the Ministry of Transportation and Infrastructure.¹ CEPF is currently accepting applications for Emergency Operations Centres and Training, and Public Notification and Evacuation Route Planning.

Currently the City of Parksville and Town of Qualicum Beach staff train through online or in-person courses to gain the knowledge and skills required to work in an EOC. Small-scale drills are held at the individual municipalities to ensure staff remain current in their skills, but large-scale joint exercises are costly, time consuming, and difficult to effectively leverage into the continued development of an emergency program. Emergency Management Oceanside staff propose hiring a contractor to design, develop, facilitate, and evaluate a 12-month emergency management exercise program focusing on the effects of power outages on EOC continuity and operations. The program will comprise small-group drills, debriefing sessions, a tabletop exercise, and a comprehensive after-action report.

A regional application for funding to strengthen organizational emergency preparedness by training in partnership increases resilience in both communities by increasing the personnel available to staff an EOC. Staff from either local government will be able to work in an EOC in either municipality, or in a joint EOC situation.

The recent Hazard Specific Guidelines (HSG) project and Business Continuity Planning (BCP) project demonstrate the potential impact of power interruptions to regular municipal operations, EOC operations, and incident site level operations. The 2019 Hazard Risk and Vulnerability Analysis (HRVA)

identified wind events as the third greatest risk faced by the Town of Qualicum Beach and City of Parksville. Focusing an annual emergency management training and exercise program on the impact of power outages following a wind event will allow the recent HSG and BCP findings to be exercised; will enable emergency management personnel to identify areas for future improvement in procedures, resources, and planning; and will provide opportunities for municipal staff to practice their critical roles in controlled and progressively more complex scenarios.

FINANCIAL IMPACT

A successful grant application would enable the emergency program to enhance its service to regional residents with no additional cost to the taxpayers. Should the partnership receive less than 100% of the cost, the scope of the project may be reduced or a follow-up report may be provide to Council to consider other options.

SUMMARY

UBCM administers the Community Emergency Preparedness Fund provided by the Province of BC. Under this program, local authorities can apply for funding to support emergency preparedness activities including Emergency Operations Centre (EOC) supplies and training. This grant program can contribute up to 100% of the cost of eligible activities, to a maximum of \$30,000 per local government. There is an opportunity for a regional grant application in which one lead local government represents the others and all are then eligible for a larger grant total.

The City of Parksville and Town of Qualicum Beach continue to collaborate, plan, and prepare for the efficient and effective response to any emergency in the Oceanside area and are proposing to submit a regional grant application to support training opportunities.

ALTERNATIVES

1. THAT Council provides alternative direction to staff



Luke Sales, MCIP, RPP
Director of Planning
Concurrence



Lou Varela, MCIP, RPP
CAO
Concurrence

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

TO: Luke Sales, Director of Planning **FOR:** Council Meeting, March 22, 2023

FROM: Rebecca Augustyn, Planner

SUBJECT: Development Variance Permit: 864 Royal Dornoch Drive

RECOMMENDATION

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.

PURPOSE

To consider issuance of a Development Variance Permit for the property located at 864 Royal Dornoch Drive that would vary the minimum interior lot line setback and minimum rear lot line setback to permit an accessory building (art studio).

BACKGROUND

A Development Variance Permit has been requested for 864 Royal Dornoch Drive. The property is zoned Residential 7 (R7) and is under Land Use Contract Authorization Bylaw No. 350, 1978. To the east of the property is a large Town-owned forested lot. To the south is a residential lot. The minimum rear lot line setback is 3.0m and the minimum interior lot line setback is 2.1m for parcels that have over 23m of frontage. The owner is planning to build an art studio located on the southeast corner of the parcel. Given the proximity to the interior lot line and rear lot line, a variance is required.

The application went before Council on January 18, 2023 and Council directed staff to fulfill statutory notification requirements. At the time of writing, the Town received two letters in support of the application and two letters in opposition of the application. The application went back to Council on March 1, 2023 and Council deferred the application to the March 22, 2023 Council meeting. The application is now back before Council.



Figure 1: Subject Property

DISCUSSION

The owner of 864 Royal Dornoch Drive has applied to vary the minimum rear lot line setback and minimum interior lot line setback to accommodate an art studio. The proposal is to vary rear setback as shown below:

	Existing Regulation (R7 Zone)	Proposed	Variance
Rear Setback	3.0m	0.15m	2.85m
Interior Side Lot Line	2.1m	0.15m	1.95m

In similar residential zones in other parts of Town, including Residential 1 and Residential 14, if an accessory building has an area less than 10m² and is less than 3m in height, the interior lot line setback and rear lot line setback are reduced to 0m. Given the proposed art studio will be no more than 3m in height and is 14m² in area, staff find it supportable to request that Council consider a variance.

Additional Information:

Staff visited the subject property on March 10, 2023 and met with the property owner. The following is additional information since the application last went before Council:

- The existing shed will remain and the studio will be built beside the shed;
- The shed will be within the maximum height of 4.5m.

SUMMARY

A Development Variance Permit application has been received for 864 Royal Dornoch Drive. The proposed variance for 864 Royal Dornoch Drive would vary the minimum rear lot line from 3.0m to 0.15m and the minimum interior lot line from 2.1m to 0.15m. Staff consider the application to be supportable and ready for Council consideration and decision making.

ALTERNATIVES

1. Refuse the Development Variance Permit for 864 Royal Dornoch Drive; or
2. Provide alternative direction to staff.



R. Augustyn, MCIP, RPP
Planner
Report Writer



Luke Sales, MCIP, RPP
Director of Planning
Concurrence



Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments

[memo.Plan.DVP864RoyalDornoch.PLANS.pdf](#)
[memo.Plan.DVP864RoyalDornoch.NotificationMap.pdf](#)

/2023/03 22 Regular Council Meeting/ memo.Plan.DVP.864RoyalDornoch.v3.docx

Development Variance Permit Application December 11, 2022

864 Royal Dornoch Drive Qualicum Beach BC V9K 2J9

Schedule 1

We wish to build a 156 sq. foot art studio in the southeast corner of the property. The studio would be for wood carving and sculpting. It would have electricity and heat. It is not designed for and will not be used for habitation.

Out lot is 8,712 sq. feet. The house is 1695 sq. feet, the attached garage is 480 sq feet. There is an 80 sq. foot garden shed. The studio would be 12' x 13' = 156 sq. feet. The combined developed total is 2411 sq. feet which is 27.64 % of the property.

There are no developments or neighbours on either side of our property; adjacent to where the studio would be. To the east is city property, a narrow green space leading to a larger green space: PT Lot 126. Next to that is the property of Ian and Diana Blaikie Lot 43, 870 Royal Dornoch Drive: they support the variance and development. To the south is lot 136 which is vacant, next to that lot 135 the property of Shirley and Dave, 538 Sandwedge Close; they support the application for variance and the development.

A boundary survey was completed on October 13, 2022. The confirmation of the property boundaries allowed us to ensure the fence we built, and the proposed studio are within our property boundaries. Photo 1: the fence we built along the east side of the property. Photos 2 & 3 show the location of the proposed studio.

A second survey and building diagrams was completed on December 2, 2022; see the attached survey. The studio would be 156 sq feet sitting 0.3048 meters (12") inside of the east and south property lines. It is my understanding that we would be able to build a building up to 108 sq. feet in this location. The requested variance would allow an extra .914 meters (36") of building along the south property line and an extra .6096 meters (24") of building along the east property line.

Steve Boechler and Karen Sterner.

PLAN OF LOT 137, DISTRICT LOT 122, NANOOSE DISTRICT, PLAN VIP59818.

SHOWING PROPOSED BUILDING THEREON (FOR DEVELOPMENT VARIANCE PERMIT APPLICATION).

SCALE 1:200

ALL DISTANCES ARE IN METRES.

FOR BUILDING INSPECTION ONLY.

AS PER BUILDING PLANS RECEIVED NOVEMBER 28, 2022.

JURISDICTION: TOWN OF QUALICUM BEACH

PID NO: 018-951-538

CIVIC ADDRESS: 864 ROYAL DORNOCH DRIVE,
QUALICUM BEACH, BC

NOTES:

PROPOSED PARCEL COVERAGE: 30.5%

BUILDING SETBACKS DERIVED FROM
"LAND USE CONTRACT AUTHORIZATION
BYLAW NO. 350, 1978"

2.0m VARIANCE REQUIRED FOR SOUTH LOT LINE

2.9m VARIANCE REQUIRED FOR EAST LOT LINE

INSPECTED THIS 2ND DAY OF DECEMBER, 2022.

Neil Bauder
D3K5I3

Digitally signed by Neil
Bauder D3K5I3
Date: 2022.12.02
15:28:32 -08'00'

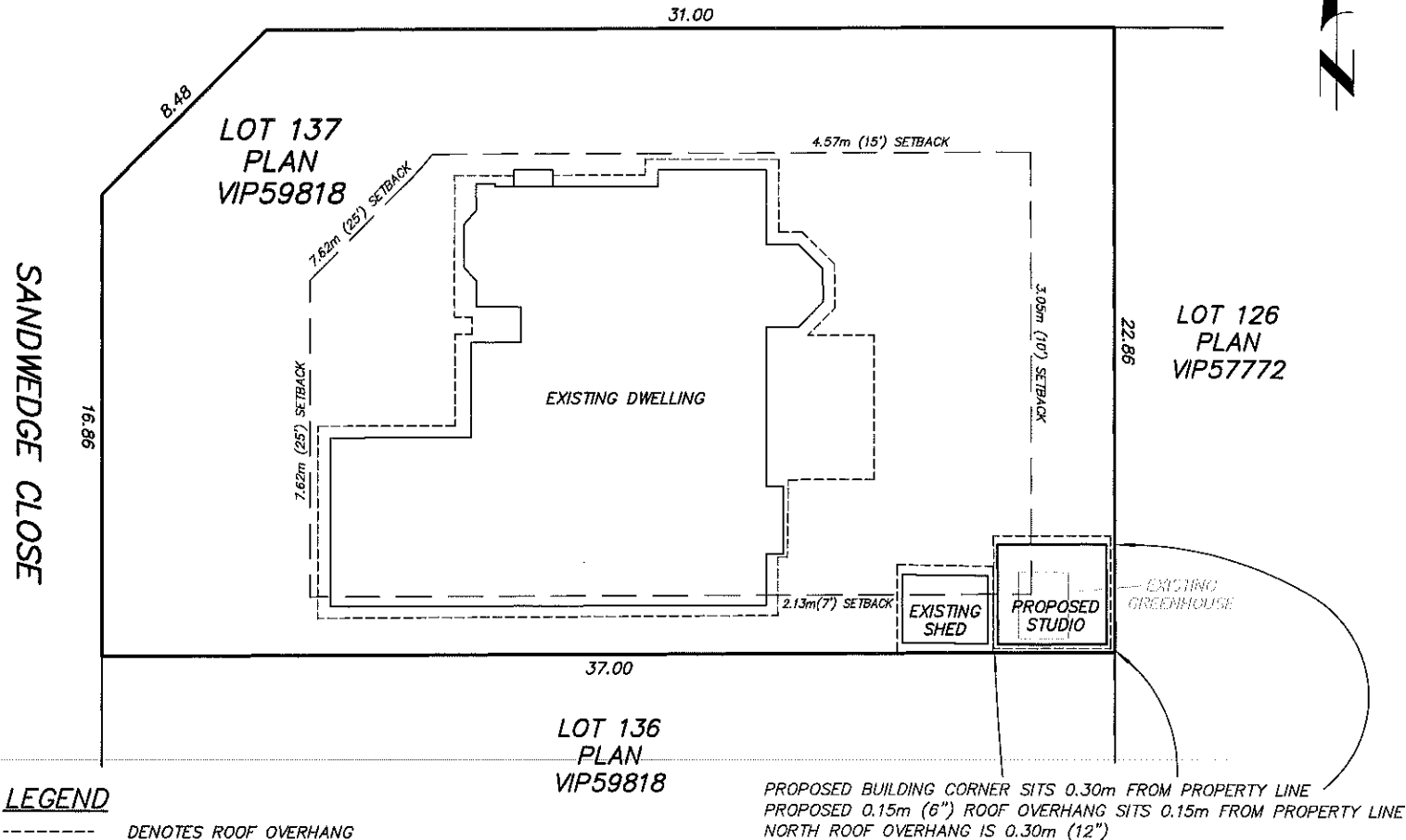


223 FERN ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 22-164-BL
DRAWING FILE: 22-164 BL1.dwg
DATE: 2022-12-02

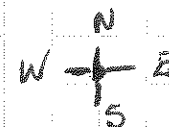
LEGEND

----- DENOTES ROOF OVERHANG

ROYAL DORNOCH DRIVE



864 Royal Darnoch Dr.
Qualicum Beach



31 m

22.860 m

18.860 m

↑ 1.676 m.
↓

37 m

Proposed
Studio

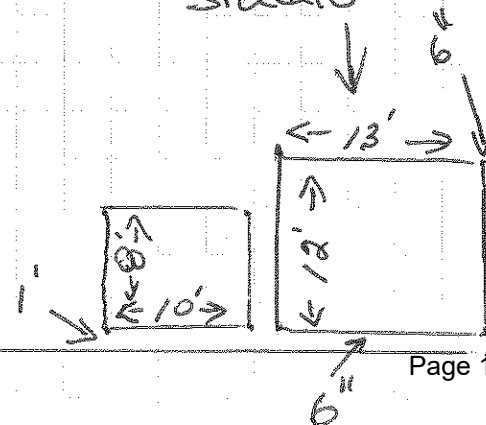


Photo #1

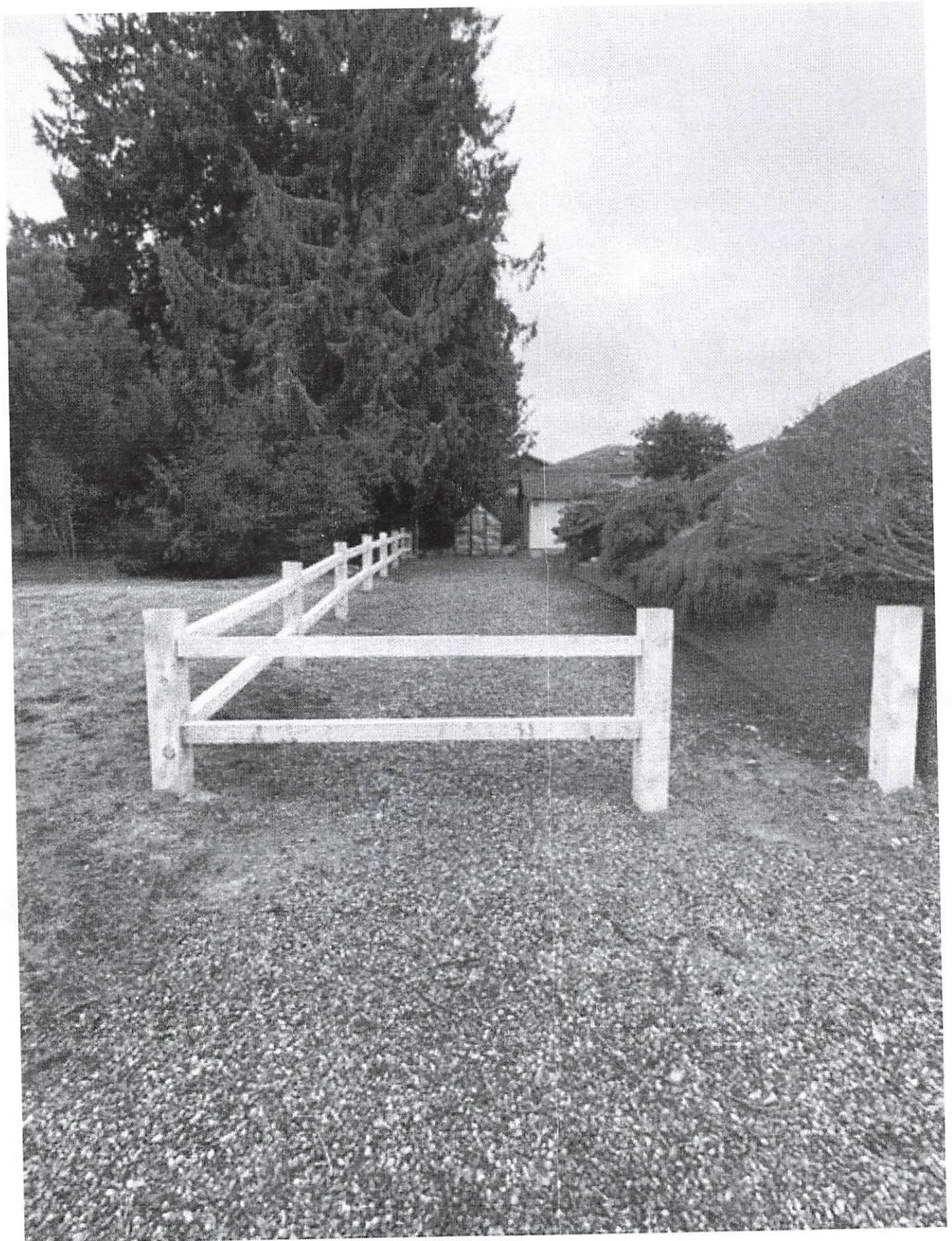
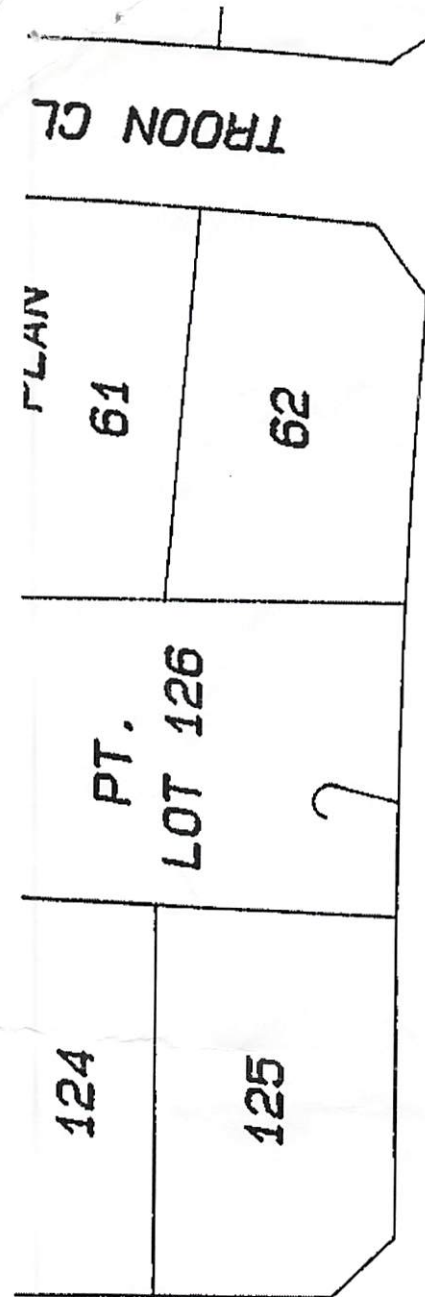


Photo #2

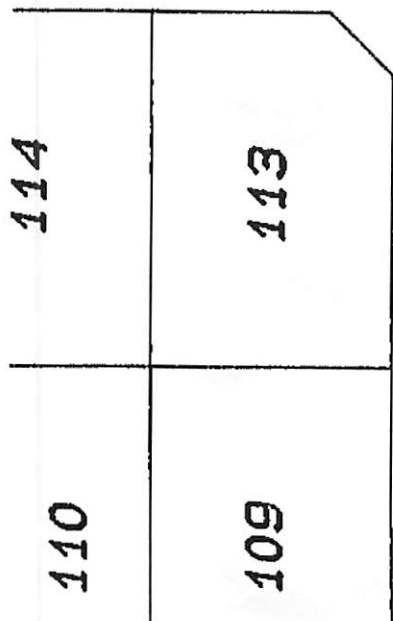


Photo #3

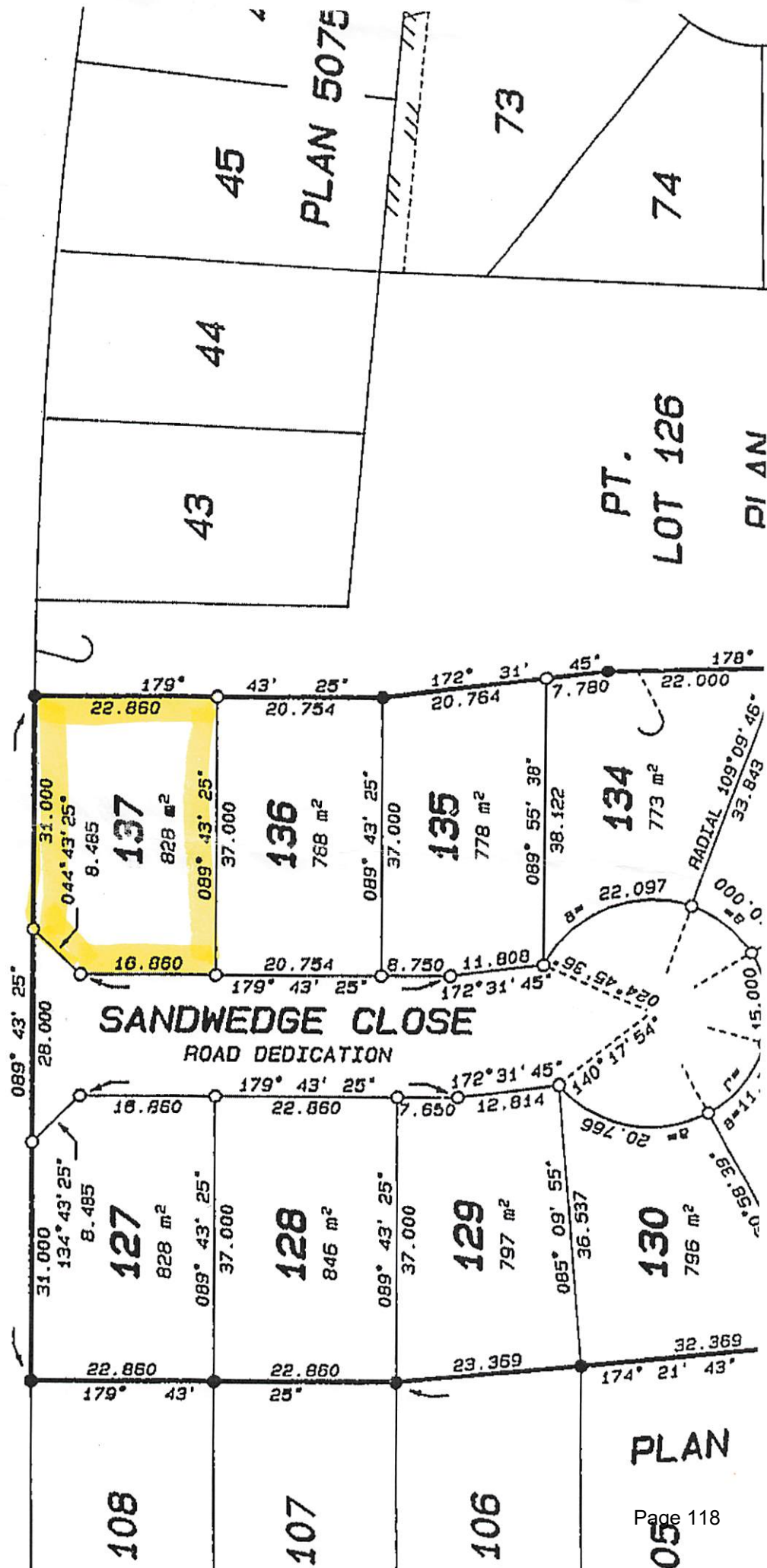




FIELD CLOSE



ROYAL

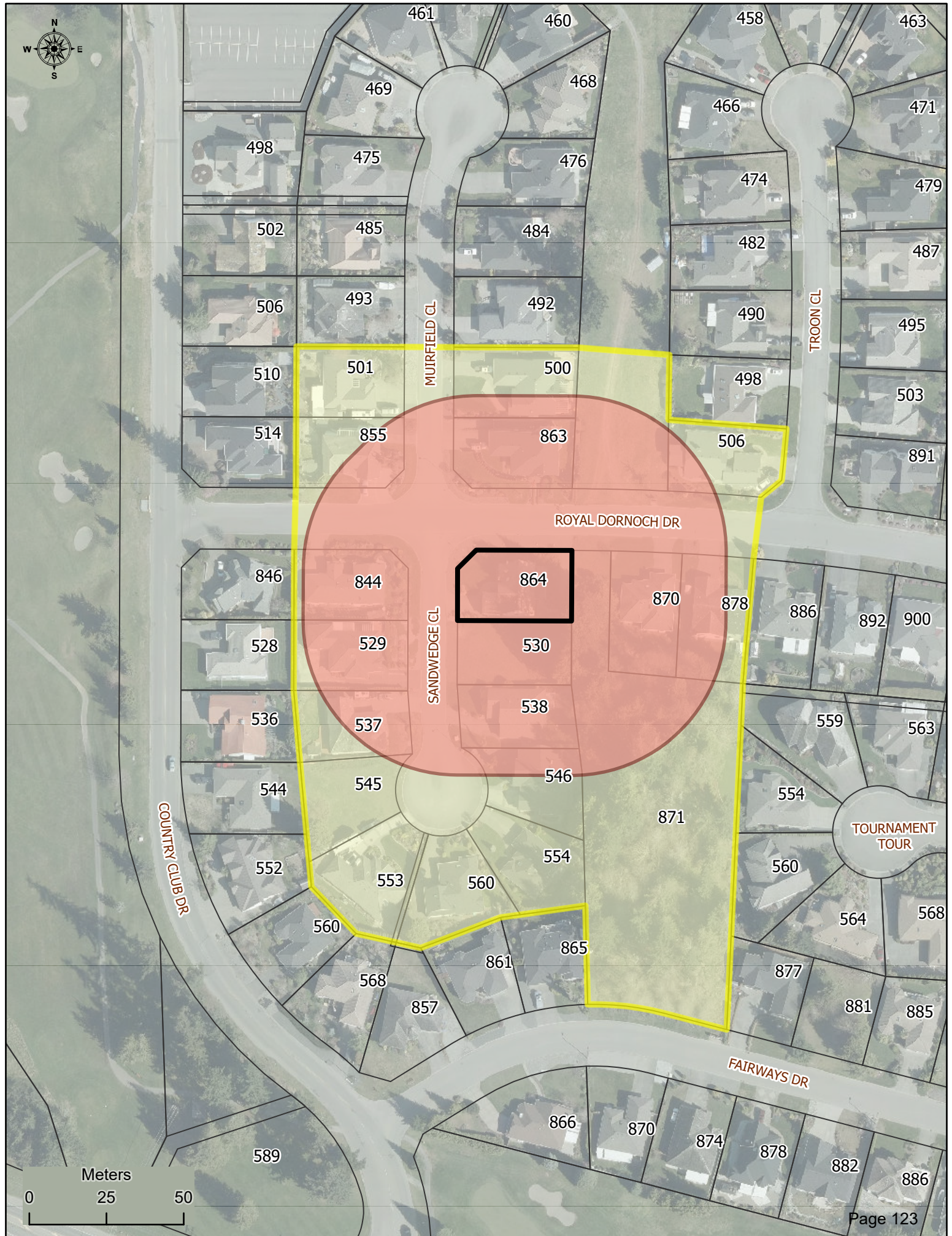












Meters



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

TO: Lou Varela, CAO **FOR:** Council Meeting, March 22, 2023

FROM: Luke Sales, Director of Planning

SUBJECT: Bus Garage Site Planning – Phase 1 Request for Proposals

RECOMMENDATION

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.

PURPOSE

To consider issuing a Requests for Proposals that advances two Strategic Initiatives that received early budget approval on March 1, 2023, as per the following Council resolution:

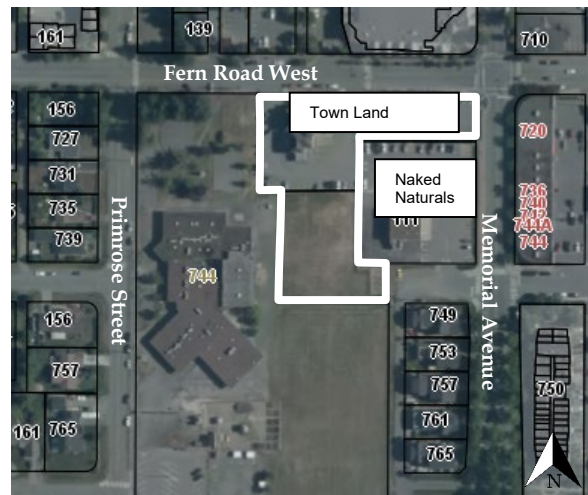
- THAT Council provide early budget approval for the Strategic Initiatives and Capital Projects to be included in the 2023 to 2027 Financial Plan, as identified in the March 1, 2023 memo from the Director of Finance.

BACKGROUND

The land located at the corner of Fern Rd. and Memorial Avenue, commonly known as the “Bus Garage” property, has been a topic of discussion since the Town purchased it from the School District in 2012. Approximately 0.4 hectares (1 acre) of land was sold to Naked Naturals for the purpose of a grocery store and residential rental use. However, the Town still owns 0.63 hectares of land that requires further exploration to determine its future use and site plan. Although preliminary design work was done in 2022, the project did not proceed to the stage of public consultation. Below is a timeline of decisions regarding this property:

- In 2011 the Town of Qualicum Beach purchased the “Bus Garage” property from School District 69. The land was purchased for the purpose of strategic community development, and a number of future uses were identified in the 2011 Official Community Plan (OCP).
- In 2011 and 2017 the Town solicited proposals from third parties to develop the lands in accordance with the community’s vision.
- In September 2019, the Town of Qualicum Beach and Vancouver Island University’s Master of Community Planning program undertook a process to develop a vision for how the Qualicum Commons and “Bus Garage” lands could be better utilized for community benefit. The final report was published in April 2020.
- In January 2021, the Town of Qualicum Beach signed an agreement with Naked Naturals Whole Foods Ltd. (Naked Naturals) to sell one acre of land for the purpose of a new grocery store, residential units and onsite parking on the former “Bus Garage” property. The specific land area was not specified at that time to allow an opportunity for consultation.
- On January 20, 2021 Council adopted a motion to establish a “Bus Garage” working group to explore the potential land sale area and make recommendations to Council. The working group made the following recommendations, which were endorsed by Council on March 24, 2020:
 - The area should function as a whole (synergy) with surrounding uses, with natural flow between Naked Naturals, parking, public and private outdoor areas.
 - Maximize view of Mt Arrowsmith from key public spaces.

- Support a rational traffic flow from Memorial Avenue and Fern Road.
- Residential unit parking is required. Parking for Naked Naturals needs flexibility based on overall site plan that comes out of Working Group. Should be determined by Naked Naturals and Town Council at time of zoning amendment application.
- Prioritize safe and pleasant pedestrian connectivity through and around store, outdoor public square, outdoor areas and parking.
- Creates opportunities for Naked Naturals landscaping, outdoor space, and Memorial Avenue street presence.
- There should be a multi-purpose public gathering square at the corner of Fern Road and Memorial Avenue, in accordance with the covenant.
- Quality of residential neighbourhood will include 8 – 12 upper floor units provided with own shared entrance, and parking.
- Preserve and protect the environmental aspects of the site – e.g. solar gain, views, etc.
- This is the gateway to the Town centre and the architecture should be designed accordingly.
- Enable practical and safe movement for tractor trailers, vehicles and pedestrians.
- At the December 8, 2021, Council meeting, Council directed staff to present a public consultation plan to develop design options for the Town-owned land surrounding Naked Naturals. As per Council direction, staff presented a consultation overview to Council on January 12, 2022. The zoning amendment bylaw was subsequently adopted, and it was determined that the Development Permit will be considered after there is further clarity on the land use of the adjacent Town-owned land.
- On May 18, 2022, Urban Design Consultant Cal Srigley presented a character study and preliminary design options for the Town-owned “Bus Garage” site.



On March 1, 2023, Council provided early budget approval for two projects that will advance the design of the “Bus Garage” property:

- Uptown Mobility Study Phase 1 (\$10,000)
- “Bus Garage” Site Planning - Phase 1 (\$30,000)

Since the "Mobility Study" portion of the project will impact the design for the Town-owned “Bus Garage” property, the ideal consultant team would collaborate to develop these two components together. As such, although the two projects were budgeted separately, staff recommend advancing them as a single Request for Proposals.

DISCUSSION

“Bus Garage” Site Planning – Phase 1

At the January 12, 2022, Council considered a public consultation plan to develop design options for the Town-owned land surrounding the proposed Naked Naturals development. The Zoning Amendment Bylaw for the Naked Naturals proposal was subsequently adopted, and it was determined that the Development Permit would be considered after there was further clarity on the land use of the adjacent Town-owned land. A public consultation plan was presented to Council on May 18, 2022 and Council adopted the following motion:

- THAT Council directs staff to proceed with public consultation for the remaining Town owned “Bus Garage” land, as described in the May 18, 2022 Planning memo to Council.

A number of decisions are needed before being able to effectively review the Naked Naturals proposal. As such, this project is broken into two parts to defer project elements where a timely Council decision is not necessarily needed. Both phases would include numerous opportunities for public engagement and feedback on options.

The first phase of “Bus Garage” site planning would determine the parking configuration, (location, entrances and exits), pedestrian routes and overall site plan. A second phase, “Public Spaces and Amenities” would follow in future years to develop a detailed design for the proposed public square and other amenities on the site.

Uptown Mobility Study Phase 1

On March 16, 2022, Council adopted the following motion:

- THAT Council directs staff to allocate funding for the Uptown Mobility Study (\$50,000) in the Town's 2022-2026 Financial Plan.

Rather than a conventional “traffic study” focused solely on efficient car movement, the proposal is to conduct a study that focuses on the efficient movement of people and goods in the Uptown core. The concept in 2022 was to undertake the mobility study for the entire Uptown area, which is why the budget was \$50,000. The budget is now \$10,000 for this component of the Bus Garage planning, with a focus only on mobility around the “Bus Garage” area.

This includes an analysis of parking, intersections, and corridors around the “Bus Garage” property, encompassing pedestrian, vehicular, cycling, and other modes of active transportation.

The first phase, currently proposed, will focus on key intersections and corridors that interact with the “Bus Garage” Property, including but not limited to:

- Memorial Avenue @ Fern Road
- Memorial Avenue @ Fourth Avenue West
- Memorial Avenue @ Fifth Avenue West
- Fern Road – entrances and exits locations adjacent to the Old School House
- Laneway behind homes on Memorial Avenue

Overall Deliverable

The overall deliverable from the combined Request for Proposals would be a plan for the "Bus Garage" property, including details on parking, access, pedestrian safety, and interfaces with the surrounding neighborhood. The concept would be developed and vetted through a series of public consultation meetings, including, but not limited to, small group meetings, large format town hall meetings, and surveys. Public engagement would be a key component of the project. Some discussion of a financing strategy would also be appropriate as part of the deliverable.

Financial implications

On March 1, 2023, Council authorized \$30,000 for Phase 1 of the Bus Garage Site Planning and \$10,000 for Phase 1 of the Uptown Mobility Study. Consequently, the first phase of the project is now fully funded.

SUMMARY

Staff are seeking Council authorization to issue two Requests for Proposals to explore the future of the Town-owned "Bus Garage" property:

- Uptown Mobility Study Phase 1
- "Bus Garage" Site Planning - Phase 1

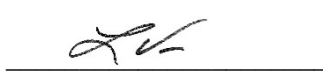
The deliverable from this work will be a preliminary designed for the "Bus Garage" property, including details on parking, access, mobility, and other key factors. This work will be used to inform other decisions in the area, such as the consideration of a development permit for Naked Naturals. The first phase of the project is fully funded in the amount of \$40,000.

ALTERNATIVES

1. THAT Council provides alternative direction to staff



Luke Sales, MCIP, RPP
Director of Planning
Concurrence



Lou Varela, MCIP, RPP
CAO
Concurrence

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

TO: Luke Sales, Director of Planning **FOR:** Council Meeting, March 22, 2023

FROM: Rebecca Augustyn, Planner

SUBJECT: Development Variance Permit: 648 Beach Terrace

RECOMMENDATION

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.

PURPOSE

To request direction to issue a Development Variance Permit for the property located at 648 Beach Terrace. The request is to vary the minimum front lot line setback from 8.0m to 6.5m to permit an accessory building (detached garage).

BACKGROUND

A Development Variance Permit has been requested for 648 Beach Terrace. The property is zoned Residential 1 (R1). The subject property is bordered by Beach Terrace and Island Highway West to the south and north, respectively. As well, there are residential properties to the east and west. Across from the Beach Terrace frontage is a residential property, as well as the undeveloped Taylor Road Right-of-Way (ROW). The front lot line setback is 8.0m. The owner is planning to build a detached garage on the southeast portion of the property, along the Beach Terrace frontage. Given the proximity to the front lot line, a variance is required.



Figure 1: Subject Property

DISCUSSION

The owner of 648 Beach Terrace has applied to vary the front lot line setback to accommodate a detached garage. The proposal to vary the front lot line setback as shown below:

	Current Zoning Residential 1 (R1)	Proposed	Variance
Front Lot Line	8.0m	6.5m	1.5m

The proposal is to vary the front lot line setback from 8.0m to 6.5m, which requires a 1.5m variance. The proposed detached garage is approximately 51m² (549 sf) and is approximately 4.2m in height. As such, the proposed detached garage meets all other setbacks, as well as the maximum area and maximum height. Staff find it reasonable to consider a variance.

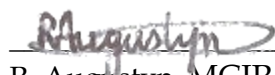
At the time of writing, no public input has been received on this application.

SUMMARY

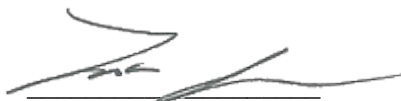
A Development Variance Permit application has been received for 648 Beach Terrace. The proposed variance 648 Beach Terrace would vary the front lot line by 1.5m, from 8.0m to 6.5m. Without the benefit of public input, staff recommend the issuance of a Development Variance Permit for 648 Beach Terrace.

ALTERNATIVES

1. Refuse the Development Variance Permit for 648 Beach Terrace; or
2. Provide alternative direction to staff.



R. Augustyn, MCIP, RPP
Planner
Report Writer



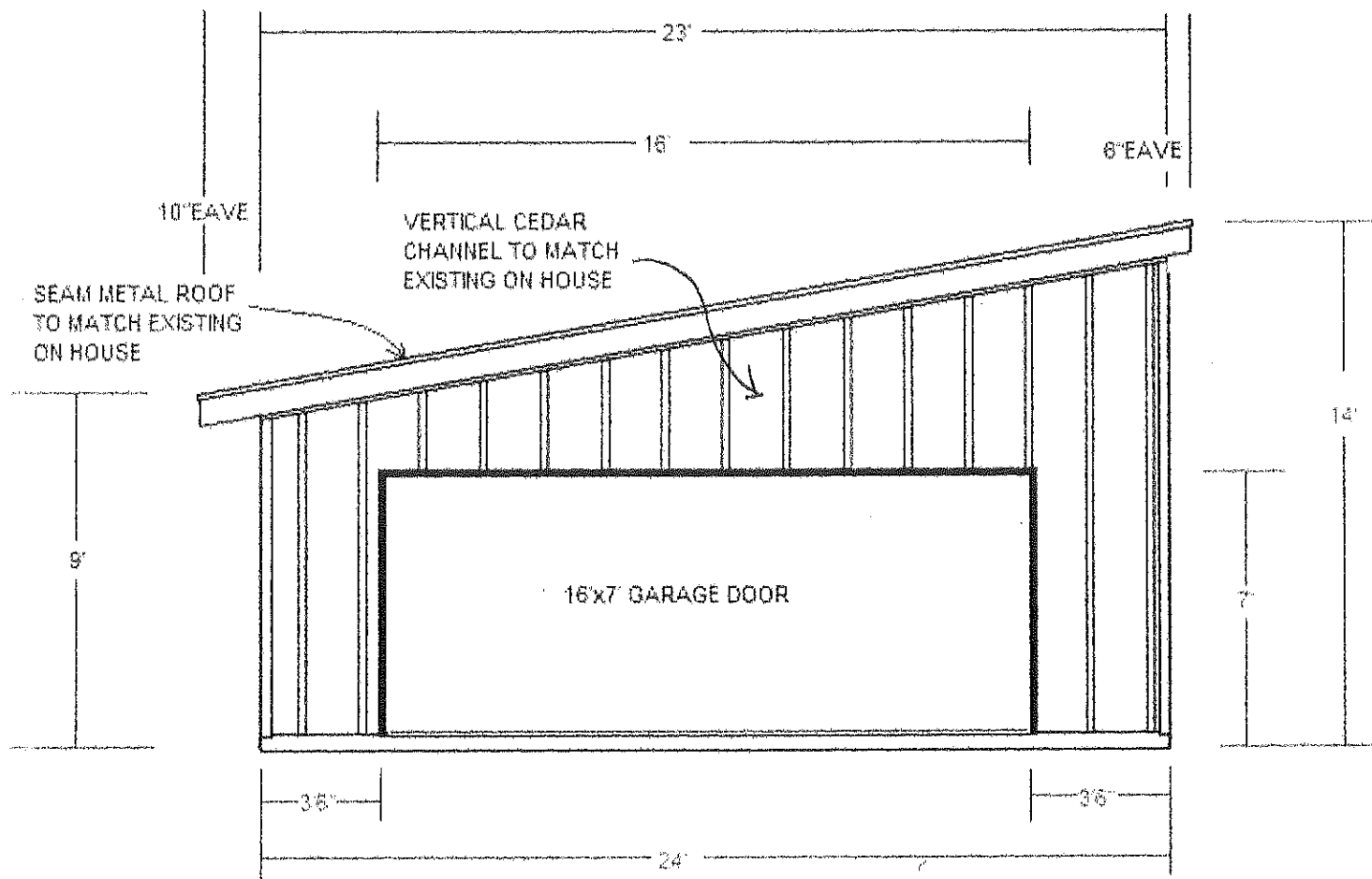
Luke Sales, MCIP, RPP
Director of Planning
Concurrence



Lou Varela, MCIP, RPP
CAO
Concurrence

Attachments

[memo.Plan.DVP648BeachTerrace.PLANS.pdf](#)
[memo.Plan.DVP648BeachTerrace.NotificationMap.pdf](#)



648 BEACH TERRACE / GARAGE

FRONT SOUTH / STREET ELEVATION

GARAGE FLOOR PLAN
648 BEACH TERRACE

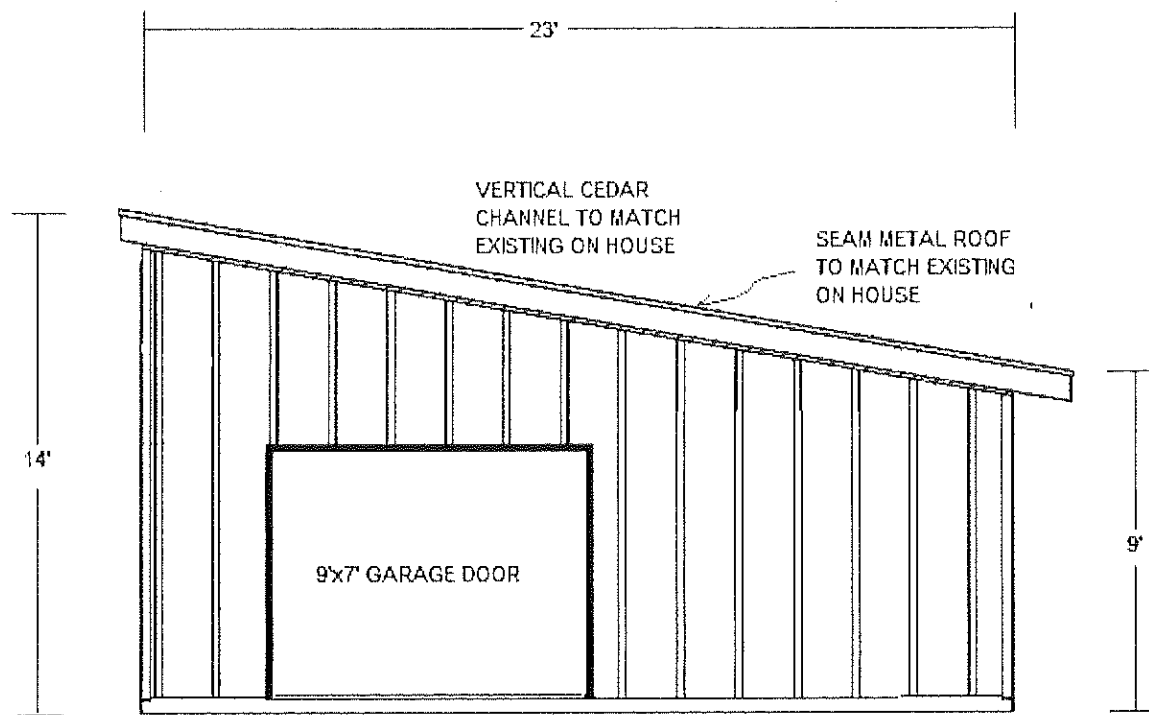
DEPTH: 24'

DOUBLE GARAGE
23'x24'

9'x7' GARAGE DOOR

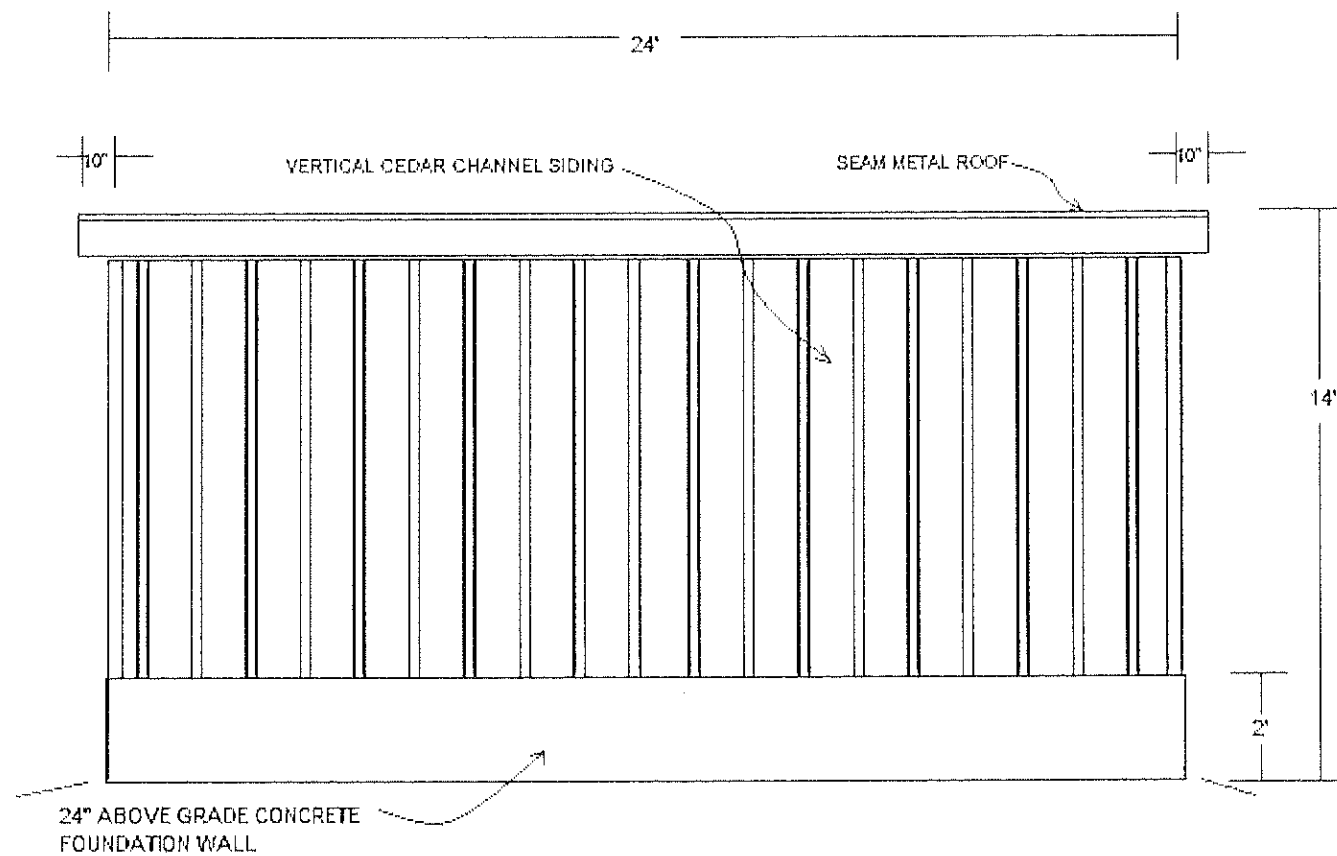
16'x7' GARAGE DOOR

WIDTH: 23'



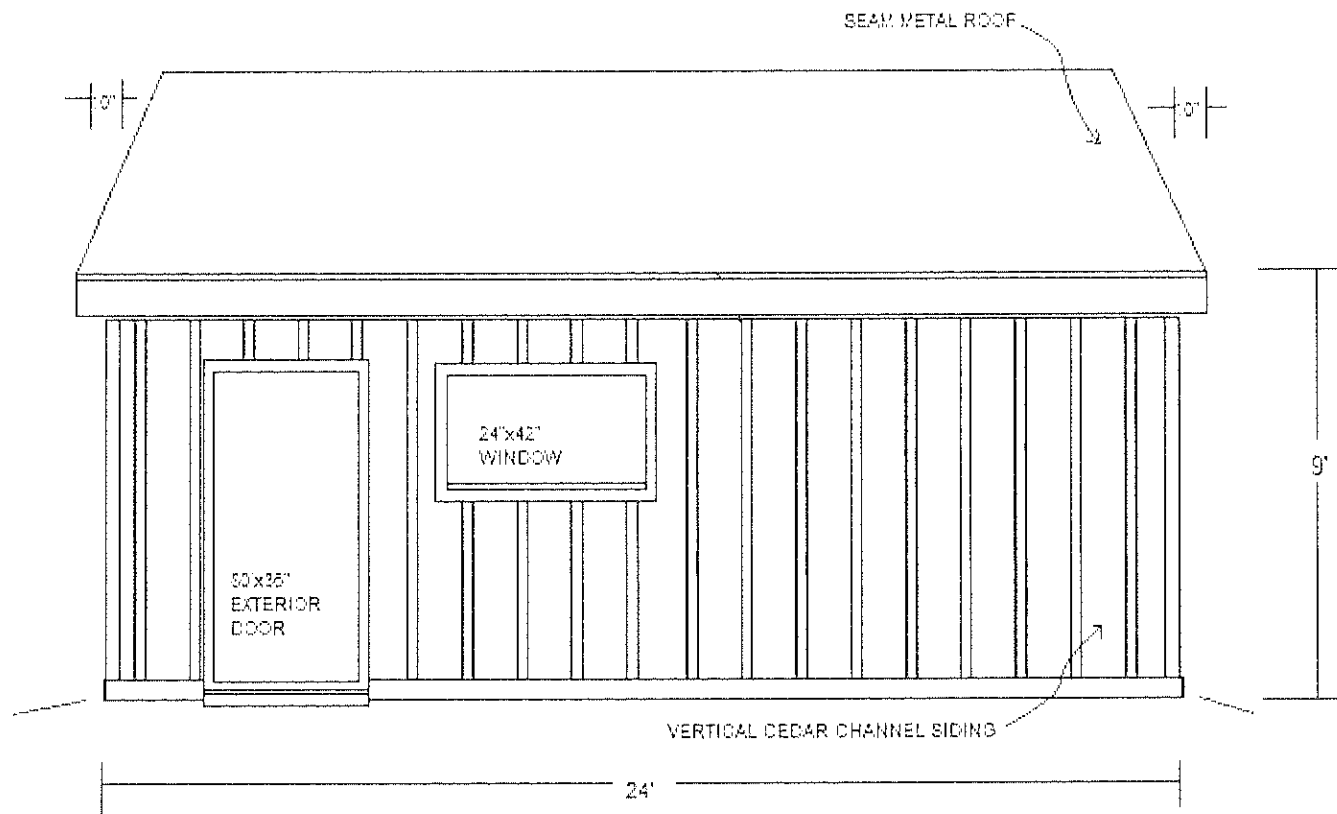
648 BEACH TERRACE / GARAGE

REAR / NORTH ELEVATION



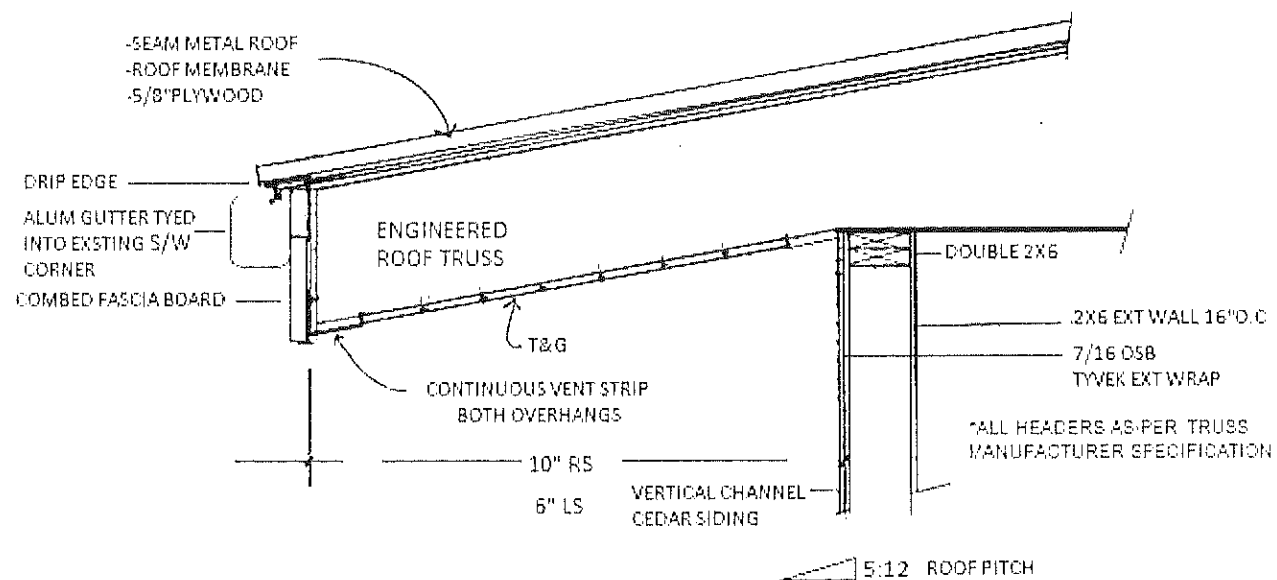
648 BEACH TERRACE GARAGE

EAST SIDE ELEVATION



648 BEACH TERRACE GARAGE

WEST SIDE ELEVATION



GARAGE EAVE DETAIL 648 BEACH TERRACE

648 BEACH TERRACE



BACKYARD

HOUSE

CARPORT

NEW GARAGE
24'x23'

FRONTYARD

CONCRETE
DRIVEWAY

BEACH TERRACE ROAD

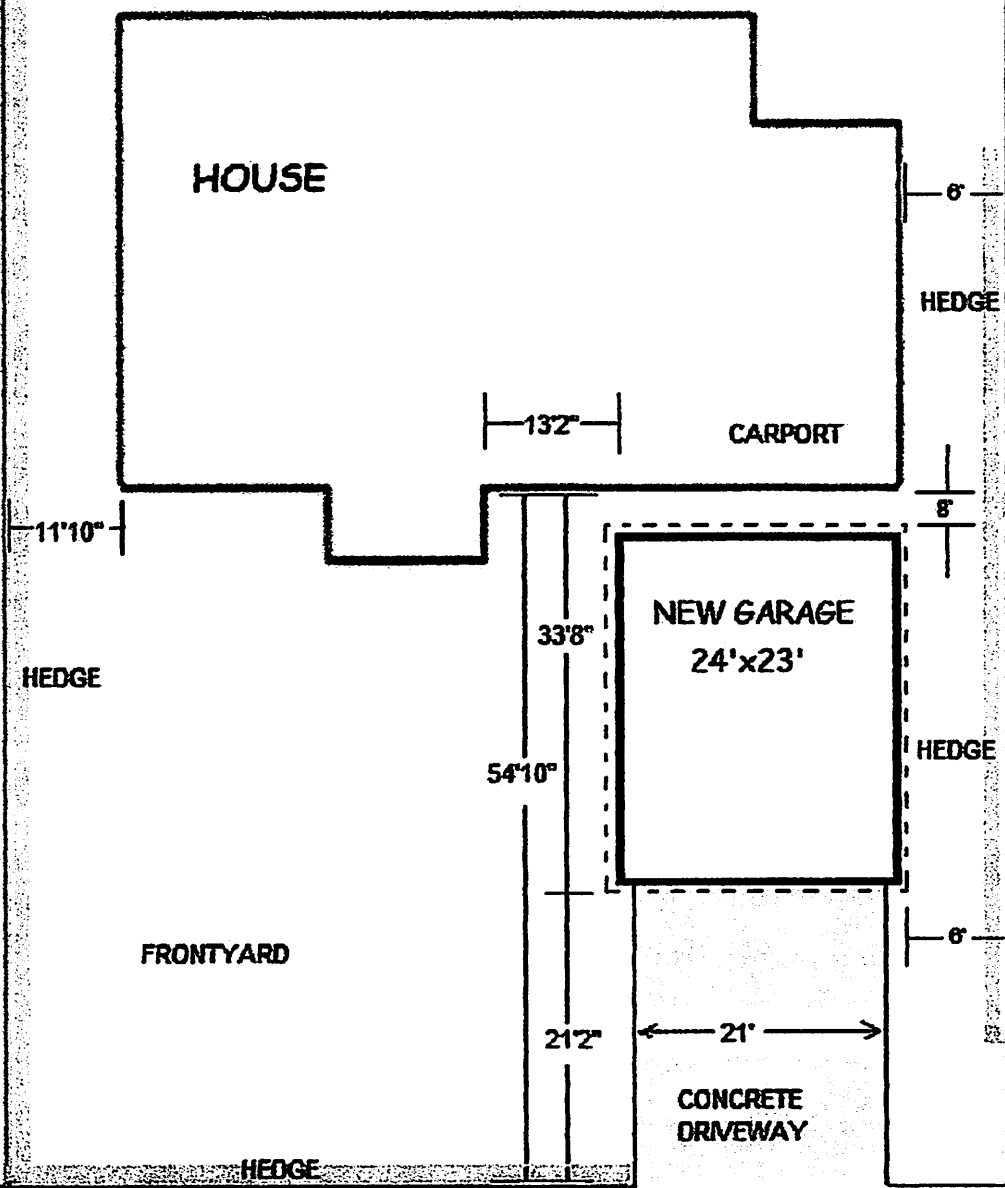
BEACH TERRACE ROAD

HEDGE

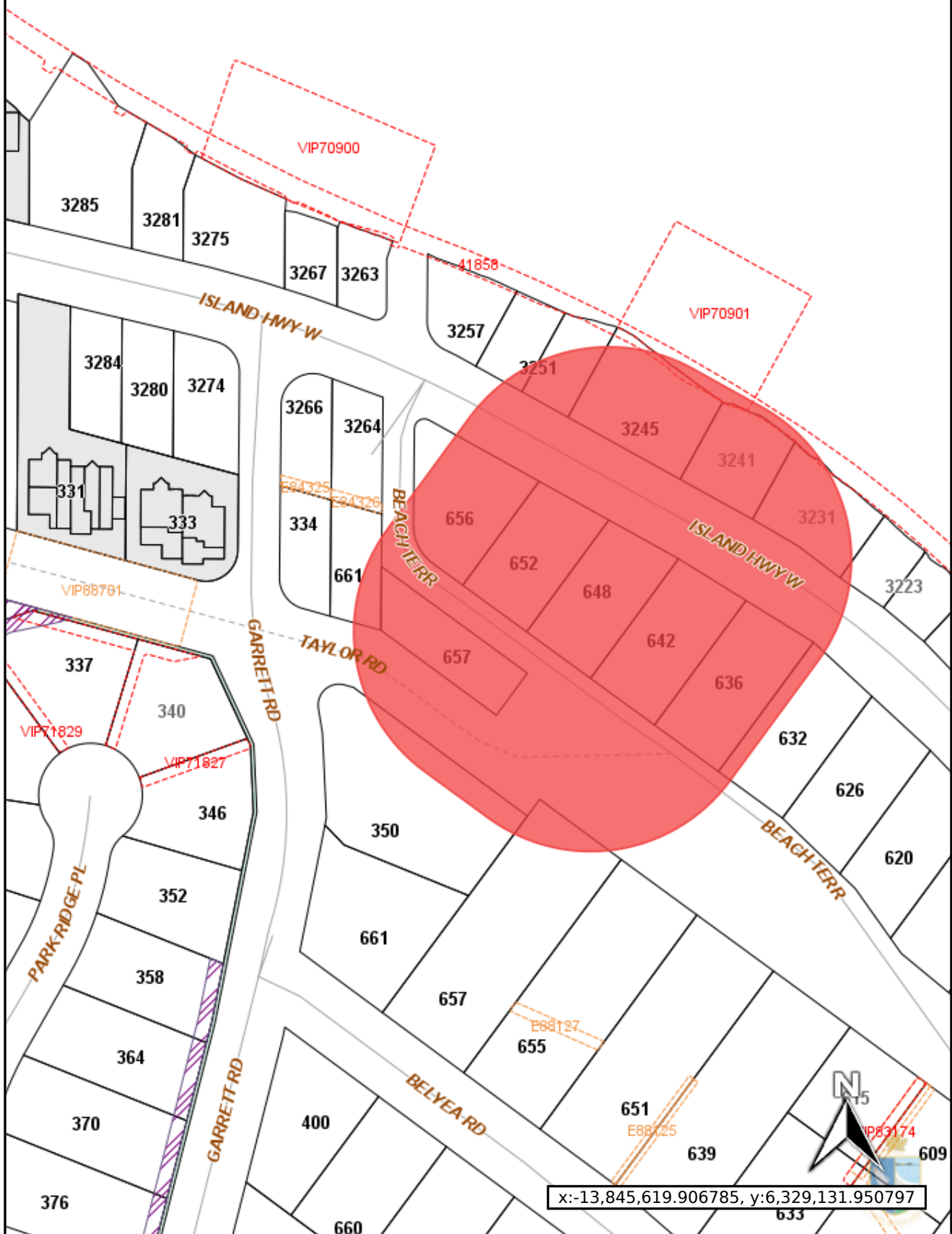
HEDGE

HEDGE

HEDGE



x:-13,860,793.173271, y:6,337,107.916410



x:-13,845,619.906785, y:6,329,131.950797

Town of Qualicum Beach

MEMORANDUM

TO: Lou Varela, CAO FOR: Regular Meeting March 22, 2023

FROM: Peter Cornell, Fire Chief

SUBJECT: **Fire Department Digital Fire Training System – Supply Award**

RECOMMENDATION:

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).

PURPOSE:

To present to Council the results of the Canoe Procurement request to acquire the Fire Department Digital Fire Training System.

DISCUSSION:

The Town of Qualicum Beach is now a member of the Canoe Procurement group and posted its first Notice of Intent to participate in the cooperative buying group on February 21 of this year. The Notice of Intent is required to be posted annually to notify and allow prospective suppliers the opportunity to participate as a supplier in the Canoe Procurement process.

Prior to requesting and notifying the sole supplier of the Digital Fire Training System of our Canoe membership on February 8 of this year, we were provided with a quote of \$1000,269.68 for the training system. On February 27, we informed the sole supplier, Associated Fire Safety Equipment, of our affiliation with Canoe Procurement and were provided with a quote of \$91,545.16. This updated quote included the discount that the manufacturer agreed to provide to Canoe Members, the shipping cost, 5% GST and 7% PST.

PROJECT BACKGROUND:

The project is part of an approved UBCM Community Emergency Preparedness Fund Grant, applied for in partnership with the Coombs Hilliers and Dashwood Volunteer Fire Departments.

FINANCIAL IMPLICATIONS:

The Canoe Procurement quote, provided by Associated Fire Safety Equipment, provides a project price of \$91,545.16 after tax. Consultation with the Finance Department confirms this is acceptable within the context of the municipal budget. The project must be completed by January 31, 2024, as per the provisions of the UBCM grant.

Ref

Peter Cornell ECFO
Fire Chief
Report Writer

[Signature]

Lou Varela, RPP, MCIP
Chief Administrative Officer
Concurrence

21/11/20

Raj Hayre
Director of Finance
Concurrence