

Minutes of the 10:00 am Wednesday, April 6, 2022, Town of Qualicum Beach Regular Council Meeting held in the Council Chamber, Municipal Office, 660 Primrose Street, Qualicum Beach, BC

Pursuant to the Town of Qualicum Beach Council Procedure Bylaw No. 733, 2019, members of Council may participate in this meeting utilizing electronic or other communication facilities. The public is encouraged to view and listen to the meeting recording online via the Town's website. Meeting recordings may be viewed at www.qualicumbeach.com.

PRESENT: Council: Mayor Brian Wiese
Councillor Robert Filmer
Councillor Scott Harrison
Councillor Anne Skipsey
Councillor Teunis Westbroek

ALSO PRESENT: Staff: Heather Svensen, Acting CAO
Bob Weir, Director of Engineering and Operations
Luke Sales, Director of Planning
John Marsh, Director of Finance
Weslie Gould, Deputy Corporate Administrator
Reno Sun, Manager of IT
Oliver Watson, Superintendent of Public Works
Rebecca Augustyn, Planner

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

Councillor Westbroek MOVED and Councillor Filmer SECONDED, THAT Council adopts the April 6, 2022 Regular Council meeting agenda.

CARRIED UNANIMOUSLY

ADOPTION OF THE CONSENT AGENDA

Councillor Harrison MOVED and Councillor Filmer SECONDED, THAT the following items be adopted by general consent:

- (1) **Correspondence Log** - April 6, 2022 - For Information
- (2) **Monthly Finance Report** - February 2022 - For Information
- (3) **Monthly Building Permit Report** - February 2022 - For Information

CARRIED UNANIMOUSLY

APPROVAL OF THE MINUTES

Councillor Westbroek MOVED and Councillor Harrison SECONDED, THAT Council approves the March 16, 2022 regular Council meeting minutes as amended for grammatical errors, by noting Councillor Skipsey voting in favour of the draft resolution to present to the Association of Vancouver Island Coastal Communities, and removing Councillor Filmer from the vote.

CARRIED UNANIMOUSLY

DELEGATIONS

- (1) **Sean De Pol, Director of Wastewater Services, Regional District of Nanaimo (RDN)**, appeared before Council to provide an update on the current Development Cost Charges (DCC) rate review, and overview of DCC and wastewater capital projects in the Qualicum Beach area.

Councillor Westbroek MOVED and Councillor Harrison SECONDED, THAT Council provide the delegation, Sean De Pol, Director of Wastewater Services, Regional District of Nanaimo, with an additional five minutes to present on the current Development Cost Charges and wastewater capital projects in the Qualicum Beach area.

CARRIED UNANIMOUSLY

- (2) **Karen Charlesworth, Jenn Dextras-Tyler and Carol O'Connor, Into the Woods Childcare Society** appeared before Council to introduce the Society's Board members, provide an overview of budget items, and discuss the future partnership between the Town of Qualicum Beach and the Into the Woods Childcare Society.

CORRESPONDENCE

- (1) **Request for Letter of Support for the Mount Arrowsmith Biosphere Region Research Institute** – E-mail dated March 22, 2022

Councillor Westbroek MOVED and Councillor Skipsey SECONDED, THAT staff be directed to send a letter of support for the Mount Arrowsmith Biosphere Region Research Institute (MABRRI) to Environment and Climate Change Canada, as per MABRRI's request via e-mail dated March 22, 2022.

CARRIED UNANIMOUSLY

- (2) **Northern Community Search and Rescue Contribution Service Amendment Bylaw No. 1736.01, 2022**

Councillor Westbroek MOVED and Councillor Harrison SECONDED, THAT the Council of the Town of Qualicum Beach consents on behalf of the electors to the adoption of "Northern Community Search and Rescue Contribution Service Amendment Bylaw No. 1736.01, 2022" and further, that the Regional District of Nanaimo be notified accordingly.

CARRIED UNANIMOUSLY

- (3) **Short-Term Vacation Rentals** - E-mail dated March 29, 2022

Councillor Westbroek MOVED and Councillor Skipsey SECONDED, THAT Council requests staff to provide to Council a copy of the City of Nanaimo's bylaw or policy on short-term vacation rentals for consideration at a future Council meeting.

Councillor Westbroek MOVED and Councillor Harrison SECONDED, THAT Council amends the motion on the floor by inserting the words "and a copy of the June 2021 report on short-term rentals provided from UBCM" after the words "vacation rentals".

CARRIED UNANIMOUSLY

MAIN MOTION AS AMENDED:

THAT Council requests staff to provide to Council a copy of the City of Nanaimo's bylaw or policy on short-term vacation rentals, and a copy of the June 2021 report on short-term rentals provided from UBCM, for consideration at a future Council meeting.
CARRIED UNANIMOUSLY

PUBLIC AND STATUTORY HEARINGS

Pursuant to Ministerial Order 192 [Local Government Meetings & Bylaw Process], this Public Hearing was conducted using Zoom telecommunications software. The public was invited to speak at the Public Hearing by joining the Zoom meeting via telephone or over the Internet using a smartphone, tablet or computer.

**(1) Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999
Amendment (Backyard Poultry) Bylaw No. 580.126, 2022**

At 10:45 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 (Backyard Poultry) Bylaw No. 580.126, 2022.

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

- Jason Howard spoke in favour of the proposed bylaw permitting backyard poultry and questioned the reasoning for the 3 metre setback required in the proposed bylaw.
- Lois Eaton spoke in favour of the proposed bylaw permitting backyard poultry.
- Diane Ermacora spoke in favour of the proposed bylaw, and addressed concerns on the following items: expense to set up the sheds and chicken runs; proposed setbacks being proposed; options for grandfathering in previous poultry approved sites.
- Kirsten McKinnon spoke in favour of the proposed bylaw and spoke in opposition of the proposed restrictions on property size and setback requirements for allowing backyard poultry. Ms. McKinnon noted that the pilot program allowed poultry on properties as small as 800 square metres, and that considerable investment has been expended by project participants to get the chicken coop up and going.
- Clair Bigelow questioned the rationale for the yard size of 1,000 sq metres and the 3m setback requirement.

- Kurt Sawula spoke in opposition of the proposed bylaw, stating that the cost of keeping chickens and the argument of affordable food is moot. Mr. Sawula compared the proposed bylaw to similar municipalities, Ladysmith and Chemainus, where lot sizes are required to be 8,000 and 16,000 square metres to keep chickens. Mr. Sawula suggested that a survey isn't the right form to gauge the opinions of residents as the decision of the proposed bylaw will affect the entire Town.

The Mayor called a second time for any persons who deemed themselves affected by Bylaw No. 580.126, 2022 who wished to be heard or present written submissions, to come forward.

- Diane Ermacora noted that having poultry isn't about affordability of the food, its about the security of the food. Ms. Ermacora noted that the lot size shouldn't be considered, rather how the poultry are managed.
- Jason Howard spoke on the proposed 3 metre setback requirement, noting that the distance the coop is placed from a fence line doesn't reduce the noise or smell. Mr. Howard commented that raising poultry is an educational component for families and a connection to the land.
- Kristen McKinnon noted the positive effects of raising backyard chickens and the positive feedback received from neighbours.

The Mayor called a third time for any persons who deemed themselves affected by Bylaw No. 580.126, 2022 who wished to be heard or present written submissions, to come forward and, hearing no one, declared the public hearing on Bylaw No. 580.126, 2022 closed at 11:06 am. Council cannot accept further comments directly from the public; all comments must go through staff.

BYLAWS

(1) Backyard Poultry

Councillor Harrison MOVED and Mayor Wiese SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (Backyard Poultry) Bylaw No. 580.126, 2022" be given third reading.

Councillor Harrison MOVED and Councillor Skipsey SECONDED, THAT Council defer the motion on the floor to an upcoming Council meeting to allow staff an opportunity to provide further options on setback requirements for existing pilot project participants; and property owners with lots less than 1,000 sq.

CARRIED UNANIMOUSLY

(2) **Zoning Amendment: 433 Dorset Road**

Councillor Filmer MOVED and Mayor Wiese SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999, Amendment (433 Dorset Road) Bylaw 580.132, 2022" be read a first time.

CARRIED

Opposed: Councillor Westbroek

In Favour: Mayor Wiese; Councillor Filmer; Councillor Harrison; Councillor Skipsey

Councillor Filmer MOVED and Mayor Wiese SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Official Community Plan Bylaw No. 800, 2018 Amendment (433 Dorset Road) Bylaw No. 800.06, 2022" be read a first time.

CARRIED

Opposed: Councillor Westbroek

In Favour: Mayor Wiese; Councillor Filmer; Councillor Harrison; Councillor Skipsey

Councillor Filmer MOVED and Councillor Westbroek SECONDED, THAT, prior to adoption of Amendment Bylaw No. 580,132, 2022, the following be completed:

- Execution of a Section 219 covenant that requires that minimum of four of the 24 parcels to have duplexes.

CARRIED UNANIMOUSLY

Councillor Westbroek MOVED and Councillor Filmer SECONDED, THAT Council refers the application for 433 Dorset Road to the Advisory Planning Commission, subject to submission of the following additional information:

- a. Detailed site plan, including unit counts;
- b. Elevations for the multi-residential building;
- c. Form and character guidelines for the single-family/duplex lots
- d. Cross sections for the multi-residential building;
- e. Perspective renderings;
- f. Landscape Plan;
- g. Tree and Vegetation Management Plan;
- h. Stormwater Management Plan; and,
- i. Information on building energy efficiency.

Councillor Skipsey MOVED and Councillor Westbroek SECONDED, THAT Council amends the motion on the floor by inserting: "j. Provision of an environmental report/scan".

CARRIED UNANIMOUSLY

MAIN MOTION AS AMENDED:

THAT Council refers the application for 433 Dorset Road to the Advisory Planning Commission, subject to submission of the following additional information:

- a. Detailed site plan, including unit counts;
- b. Elevations for the multi-residential building;
- c. Form and character guidelines for the single-family/ duplex lots
- d. Cross sections for the multi-residential building;
- e. Perspective renderings;
- f. Landscape Plan;
- g. Tree and Vegetation Management Plan;
- h. Stormwater Management Plan;
- i. Information on building energy efficiency; and
- j. Provision of an environmental report/ scan.

CARRIED UNANIMOUSLY

Councillor Skipsey MOVED and Councillor Harrison SECONDED, THAT Council instructs the proponent for the development at 433 Dorset Road to host a Public Information Meeting after the proposal has been reviewed by the Advisory Planning Commission and prior to consideration of second reading.

CARRIED UNANIMOUSLY

Councillor Westbroek declared a conflict of interest in relation to the zoning amendment for 126, 130, 134, 144 and 148 Second Avenue East and left the meeting at 11:46 am.

(3) Zoning Amendment: 126, 130, 134, 144 and 148 Second Avenue East

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999, Amendment (126, 130, 134, 144 and 148 Second Avenue East) Bylaw No. 580.134, 2022" be given first reading.

CARRIED UNANIMOUSLY

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999, Amendment (126, 130, 134, 144 and 148 Second Avenue East) Bylaw No. 580.134, 2022" be referred to the Advisory Planning Commission, subject to the provision of a complete design package, including but not limited to the following documents:

- a. Design rationale;
- b. Complete set of floor plans;
- c. Detailed unit count;
- d. Updates to the podium structure along Second Avenue East to introduce variation in colour and/or materials;
- e. Shadow study;
- f. Updated form and character for the towers that complements lower podium;

- g. Elevations and cross-sections of the complete development;
- h. Information on rental units, if applicable;
- i. Information on building energy efficiency;
- j. Stormwater management plan; and,
- k. Landscape plan.

CARRIED

Opposed: Councillor Skipsey;

In Favour: Mayor Wiese; Councillor Filmer; Councillor Harrison

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT, prior to adoption of the bylaw entitled "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999, Amendment (126, 130, 134, 144 and 148 Second Avenue East) Bylaw No. 580.134, 2022", a S. 219 Restrictive Covenant be registered on title to regulate form and character and prevent age-restrictions.

CARRIED UNANIMOUSLY

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT Council requests staff and the proponent have a discussion relating to the potential of any rental units being attainable, with the potential for Provincial or Federal funding.

CARRIED UNANIMOUSLY

Councillor Westbroek returned to the meeting at 12:12 pm

(4) Town of Qualicum Beach Financial Plan (2022 – 2026) Bylaw No. 765, 2021

Councillor Westbroek MOVED and Councillor Filmer SECONDED, THAT "Town of Qualicum Beach Financial Plan (2022-2026) Bylaw No 765, 2021" be read a third time.

CARRIED UNANIMOUSLY

(5) East Village Local Area Service Bylaw No. 768, 2022

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT third reading of "Town of Qualicum Beach Local Area Service Establishment Bylaw (East Village Local Area Service) No. 768, 2022" be rescinded.

CARRIED UNANIMOUSLY

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Local Area Service Establishment Bylaw (East Village Local Area Service) No. 768, 2022" be read a third time as amended.

CARRIED UNANIMOUSLY

(6) Council Size Increase Bylaw No. 770, 2022

Councillor Skipsey MOVED, THAT "Town of Qualicum Beach Council Size Increase Bylaw No. 770, 2022" be adopted.

Due to the lack of a seconder the motion did not proceed.

(7) **2022 Property Tax Rates Bylaw**

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT "Town of Qualicum Beach Tax Rates (2022) Bylaw No. 772, 2022" be read a second and third time as amended.

CARRIED UNANIMOUSLY

COMMITTEE & LIAISON REPORTS

(1) **General Government** (Mayor Brian Wiese)

Mayor Wiese commented on attending at the following:

- Qualicum Beach Memorial Golf course meeting;
- Board meetings with the Regional District of Nanaimo;
- Monthly meeting with City of Parksville;
- Chamber of Commerce awards night;
- Participating in the Association of Vancouver Island and Coastal Communities (AVICC) convention in Victoria;
 - Mayors and Chairs meeting – challenges through COVID – most everyone is going through the same pains; long couple years – open/honest discussion
- Meeting with Minister Osbourne discussing watershed protection; and
- Generals Game in Saanich with City of Parksville Mayor Mayne.

Return to In Person Meetings

Mayor Wiese MOVED and Councillor Westbroek SECONDED, THAT Council return to the Council Chamber for in person meetings, starting with the next Regular Council meeting on Wednesday, April 27, 2022 at 10:00 am, with appropriate distance protocols in place for Council and staff; AND FURTHER THAT the public be permitted to attend meetings in person in the Council Chamber, with limited numbers being permitted to enable appropriate distance protocols.

CARRIED UNANIMOUSLY

Mayor Wiese MOVED and Councillor Westbroek SECONDED, THAT Town Committee meetings return to in-person meetings or a hybrid model effective immediately, with appropriate distance protocols in place.

CARRIED UNANIMOUSLY

(2) **Parks & Recreation** (Councillor Robert Filmer)

Councillor Filmer did not provide a report.

(3) **Community Development** (Councillor Scott Harrison)

Councillor Harrison commented on the following:

- Support for Ukraine – Provincial Government website and Ukrainian Congress both shows ways to contribute;
- Attending the Parksville Qualicum Beach Tourism Association meeting, noting record tourism counts for 2022.

Notice of Motion:

THAT staff present draft wording for a question on the election ballot to increase the Council size from 5 members to 7 members.

(4) **Arts & Culture** (Councillor Anne Skipsey)

Councillor Skipsey commented on the following:

- Planning for the Family Day and Beach Day events;
- Attending the Qualicum Beach Historical Museum meeting;
- Chairing the Environment and Sustainability Committee Meetings, noting that meetings are taking place more regularly to get through the objectives of the Climate Change Adaptation Plan;
- Attending the “Into the Woods” meetings;
- Attended the AVICC conference in Victoria, highlighting the following:
 - Emergency Management BC – new legislation coming
 - Update from UBCM President:
 - Zoning – identifying total areas for rental only and requiring 20% of new development to be non-market;
 - Record amount of housing is being approved, but not attainable housing.
- Acknowledged April as Parkinson’s Awareness Month;
- Vancouver Island Regional Board strike – update from Councillor Harrison during the in-camera meeting.

Councillor Skipsey MOVED and Councillor Westbrook SECONDED, THAT Council directs staff to provide an additional \$2,500 to the Brant Society from the COVID-19 restart funds to be used for advertising the special event.

CARRIED UNANIMOUSLY

(5) **Protective Services** (Councillor Teunis Westbrook)

Councillor Westbrook commented on the following:

- The protocol for members of Town Committees requesting to ask questions prior to the Committee meeting:
 - Email to Council or staff with the question. If the question can’t be answered it can be put on the agenda for Council to determine if they want it deferred to the respective Committee;
 - Select Committee on Public Safety – request for staff to send clarification to the members confirming the process and Terms of Reference.
- Council composition, suggesting a committee be struck to review Council stipends based on 4 vs. 6 members of Council.
- Attended the AVICC convention and presented a resolution from the floor:
 - WHEREAS the BC Government is showing a willingness to overrule municipal land use regulations and dispense with public consultation functions mandated by the *Local Government Act* setting an unwelcome intrusion undermining Local Governments fundamental responsibility to determine and represent the

competing interests and values of their community through a fair and accountable public process and undermining citizens rights on their voice. THEREFORE BE IT RESOLVED THAT the AVICC and the UBCM petition the Government of BC to leave the authority to approve land use developments with the local governments and to make no changes to the fundamental principals embedded in the current legislation and make no changes to the legislation which may have the effect of doing so.
Amendment: Except in collaboration with local government.

STAFF REPORTS

(1) Corporate Administrator (Heather Svensen)

(a) Freedom of the Town Special Event

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT the Council for the Town of Qualicum Beach bestows the right, privilege, honour, and distinction of marching with colours flying, bayonets fixed, and drums beating to 19 Mission Support Squadron, 19 Wing Comox within the bounds of the Town of Qualicum Beach.

CARRIED UNANIMOUSLY

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT Council authorizes staff to proceed with temporary street closures for the parade on Saturday, May 7, 2022 starting at 2:00 pm for the Freedom of the Town special event, with the following parade route:

- marshal in the parking lot of the Civic Centre (747 Jones Street),
- proceed along Jones Street to Second Avenue West,
- proceed along Second Avenue West to Primrose Street,
- proceed along Primrose Street to First Avenue West,
- proceed along First Avenue West to Memorial Avenue,
- crossing Memorial Avenue to Veterans Way,
- ending at the Royal Canadian Legion Branch 76 (180 Veterans Way)

subject to working with Town staff to finalize requirements for signage, emergency services notifications, and with adequate traffic control personnel in attendance at no cost to the Town.

CARRIED UNANIMOUSLY

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT Council authorizes staff to proceed with temporary street closure of Veterans Way from Berwick Road N to Memorial Avenue, from 1 pm to 5 pm on Saturday, May 7, 2022 in support of the Freedom of the Town special event.

CARRIED UNANIMOUSLY

Heather Svensen, Acting CAO provided an update to Council on the Communications consultant awarded through the Request for Interest and Qualifications (RFIQ) noting that Sara Couper from Idea Camp Communications was the successful applicant. An initial Communications Audit is currently being conducted to produce a detailed report which will be released to the public in the coming months.

(2) Planning (Luke Sales, Director of Planning)

(a) Development Variance Permit: 311 Hall Road

Councillor Skipsey MOVED and Councillor Westbroek SECONDED, THAT Council directs staff to issue a Development Variance Permit for 311 Hall Road as described in the April 6, 2022 Planning memo to Council.

CARRIED UNANIMOUSLY

(b) Into the Woods – Childcare Project – Budget Update

Councillor Skipsey MOVED and Councillor Westbroek SECONDED, THAT Council proceeds with the total budget allocation of \$2,271,724 for “Into the Woods” childcare project, which includes restored budgets for landscaping and furnishings, and appliances; the automatic sprinkler system, and a contingency.

CARRIED UNANIMOUSLY

(c) Upcoming Public Hearing for 850 Eaglecrest Drive and 2075 Island Highway W

It was noted that a new public hearing for 850 Eaglecrest Drive and 2075 Island Highway W has been scheduled for the regular Council meeting on Wednesday, April 27, 2022 at 10:00 am. This public hearing will include the following bylaws:

- “Town of Qualicum Beach Official Community Plan Bylaw No. 800, 2018 Amendment (850 Eaglecrest Drive/2075 Island Highway West) Bylaw No. 800.03, 2019”; and
- “Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999, Amendment (850 Eaglecrest Drive/2075 Island Highway West) Bylaw No. 580.112, 2019”.

(3) Engineering & Operations (Bob Weir, P.Eng., Director)

(a) BC Hydro LED Street Lighting

Bob Weir presented his report contained in the Council agenda. Mr. Weir reiterated street lighting is for road safety. Strongly advised against downgrading on arterial and collector roadways and the Town does not have a budget line item for changing lighting.

Councillor Westbroek MOVED and Councillor Filmer SECONDED, THAT Council proceed with the meeting beyond 3 hours.

CARRIED UNANIMOUSLY

Councillor Westbroek MOVED and Councillor Skipsey SECONDED, THAT Council directs staff to work with BC Hydro to address the lighting issues identified at Dorset Road and Burnham Road by adjusting the luminaire at the two identified locations.

CARRIED UNANIMOUSLY

(b) Location of "Out of the Woods" Carved Bench

Councillor Filmer MOVED and Councillor Harrison SECONDED, THAT Council instruct staff to locate the "Out of the Woods" carved bench at the end of Berwick Road South between the end of the cul-de-sac and the E&N Railway tracks in the East Village development.

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 (April 8, 2022). Submissions were distributed to all Council, and a brief summary of the comments are as follows:

- Tim Pritchard, 663 Windward Way, regarding permitting backyard poultry and the proposal for East Village.

MOTION TO CLOSE

Councillor Filmer MOVED and Councillor Westbroek SECONDED, THAT the meeting be closed to the public for the purposes of considering 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.

CARRIED

MEETING CLOSED TO THE PUBLIC AT: 1:14 pm

MEETING REOPENED TO THE PUBLIC AT: 1:50 pm

ADJOURNMENT

Councillor Harrison MOVED and Councillor Westbroek SECONDED, THAT Council adjourns the meeting.

CARRIED

MEETING ADJOURNED: 1:50 pm

Certified Correct:

Heather Svensen
Corporate Administrator

Brian Wiese
Mayor