REGULAR AGENDA

14/2019/R

The Corporation of the Village of Cumberland

Regular Council Meeting
June 10, 2019 at 5:30 p.m.
Village Council Chambers

We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

1. Approval of Agenda

1.1 Agenda for regular Council meeting, June 10, 2019

Recommend THAT Council adopt the agenda for the June 10, 2019 regular Council meeting.

2. Adoption of Minutes

2.1 Minutes of the Regular Council meeting held May 27, 2019 1

Recommend THAT Council adopt the minutes of the Regular Council meeting held May 27, 2019.

2.2 Minutes of the Special Council meeting held May 27, 2019 9

Recommend THAT Council adopt the minutes of the Special Council meeting held May 27, 2019.

3. Delegations

3.1 Audrey Craig, President, Filberg Heritage Lodge and Park Association 11

- Presentation regarding the 40 year history of the Filberg Heritage Lodge and Park Association

Recommend THAT Council receive the delegation of Audrey Craig, President, Filberg Heritage Lodge and Park Association.

4. Unfinished Business

5. Correspondence

6. Reports

6.1 Development Variance Permit Application – 2806A&B Penrith Avenue 12
Prepared by Joanne Rees, Planner

i) Recommend THAT Council receive the report "Development Variance Permit Application – 2806A&B Penrith Avenue" dated May 31, 2019.

ii) Recommend THAT Council refer the Development Variance Permit for property described as Lot 6, Block 20, Section 21, Nelson District, Plan 522C (2806A&B Penrith Avenue) to the next meeting of the Advisory Planning Commission.

6.2 Development Permit – 2721 Ulverston Avenue 18
Prepared by Joanne Rees, Planner

i) Recommend THAT Council receive "Residential Infill Development Permit – 2721 Ulverston Avenue" report dated May 31, 2019.

ii) Recommend THAT Council refer the application (2019-07-DP) for a Residential Infill Development Permit on property described as Lot 7, District Lots 21 and 24, Nelson District, Plan 4869 (2721 Ulverston Avenue) to the next meeting of the Advisory Planning Commission.

iii) Recommend THAT Council provide direction on whether the applicant should hold a Neighbourhood Public Meeting.

6.3 Vacation Rental Regulations 43
Prepared by Karin Albert, Senior Planner

i) Recommend THAT Council receive the June 5, 2019 staff report on the vacation rental regulations.

ii) Recommend THAT vacation rental regulations be reviewed upon completion of the 2019/2020 Housing Needs Assessment and in conjunction with the review of the Official Community Plan in 2020.

6.4 Village Park Court Upgrades 57
Prepared by Ryan Coltura, Manager of Recreation
Recommend THAT Council receive the Village Park Court Upgrades report for information.

6.5 BC Private Managed Forest Land Program Review 61
Prepared by Rachel Parker, Corporate Officer

i) Recommend THAT Council receive the BC Private Managed Forest Land Program Review.

ii) Recommend THAT Council direct staff to prepare a formal submission to the Private Managed Forest Land Program Review, and provide direction to staff in regards to areas of concern to highlight in the submission.

6.6 April/May 2019 - Recreation Department Report 67
Prepared by Ryan Coltura, Manager of Recreation

- Parks and Outdoor Recreation Report
- Recreation Programming Report

Recommend THAT Council receive the April/May 2019 Recreation Department Report for information.

6.7 April/May 2019 - Protective Services Report 74
Prepared by Mike Williamson, Manager of Protective Services

- Bylaw Enforcement Report
- WildSafe BC Report

Recommend THAT Council receive the April/May 2019 Protective Services Report.

6.8 April/May 2019 - Operations Department Report 81
Prepared by Rob Crisfield, Manager of Operations

- Public Works Report

Recommend THAT Council receive the April/May 2019 Operations Department Report for information.

6.9 April/May 2019 - Development Services Department Report 88
Prepared by Ken Rogers, Manager of Development Services

- Planning Report for April/May 2019

Recommend THAT Council receive the April/May 2019 - Development Services Department Report for information.

6.10 April/May 2019 - Financial Services Report 97
Prepared by Michelle Mason, Financial Officer/Deputy CAO
Recommend THAT Council receive the April/May 2019 Financial Services Report for information.

6.11 April/May 2019 - Chief Administrative Officer Report 100
Prepared by Sundance Topham, Chief Administrative Officer
- Corporate Services Report
- Economic Development Report for April and May 2019

Recommend THAT Council receive the April/May 2019 - Chief Administrative Officer Report for information.

6.12 Council Reports, April and May 2019
- 6.12.1 Mayor Leslie Baird – Verbal Report
- 6.12.2 Councillor Vickey Brown 109
- 6.12.3 Councillor Jesse Ketler 112
- 6.12.4 Councillor Gwyn Sproule 117
- 6.12.5 Councillor Sean Sullivan 118

Recommend THAT the Council reports be received.

7. Bylaws

8. Consent Calendar

9. New Business

10. Notices, Motions and Announcements

Matters considered here may include notices or motions to hold a meeting of the Committee of the Whole, a Village Hall meeting, a public hearing, and notices of motion introduced by a council member.

- Advisory Planning Commission, June 13 at 3 pm
- Homelessness and Affordable Housing Committee, June 19 at 9 am

11. Question Period

A member of the public may only inquire about items included on the agenda for that meeting during a question period.

12. Closed Portion

Recommend THAT pursuant to Section 90 of the Community Charter Council close the meeting to the public to consider:

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- litigation or potential litigation affecting the municipality;
- the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
- labour relations or other employee relations.

13. Adjournment

REGULAR MINUTES

12/2019/R

The Corporation of the Village of Cumberland

Regular Council Meeting
May 27, 2019 at 5:30 p.m.
Village Council Chambers

Council Present:	**Staff Present:**
Mayor Leslie Baird	Sundance Topham, Chief Administrative Officer
Councillor Vickey Brown	Ken Rogers, Manager of Development Services
Councillor Jesse Ketler	Rachel Parker, Corporate Officer
Councillor Gwyn Sproule	Ryan Coltura, Manager of Recreation
Councillor Sean Sullivan	Joanne Rees, Planner
	Karin Albert, Senior Planner

Mayor Baird called the meeting to order at 5:30 pm.

1. Approval of Agenda

1.1 Agenda for regular Council meeting, May 27, 2019
Motion 19-234
Sullivan/Sproule
THAT Council adopt the agenda for the May 27, 2019 regular Council meeting.
Carried Unanimously

2. Adoption of Minutes

2.1 Minutes of the Regular Council meeting held May 13, 2019
Motion 19-235
Sproule/Ketler
THAT Council adopt the minutes of the Regular Council meeting held May 13, 2019.
Carried Unanimously

2.2 Receipt of Committee Minutes
Motion 19-236
Sullivan/Sproule
THAT Council receive the Minutes of the:

- Accessibility Select Committee meeting held April 25, 2019

Carried Unanimously

3. Delegations

3.1 Judy Norbury, Vice-Chair, and Jay Mathieu, Accessibility Committee, Presentation of the Accessible Cumberland Mural in Celebration of Access Awareness Day, June 1, 2019

Motion 19-237

Sullivan/Ketler

THAT Council receive the delegation of Judy Norbury and Jay Mathieu, Accessibility Committee re: Presentation of the Accessible Cumberland Mural in Celebration of Access Awareness Day, June 1, 2019.

Carried Unanimously

3.2 Janice Caton, Board Chair; Dean Lindquist, Superintendent of Schools; Nicole Bittante, Secretary Treasurer; and Ian Heselgrave, Director of Operations; School District 71; Shared services and growth related to the School District No. 71 in Cumberland

Motion 19-238

Ketler/Sproule

THAT Council receive the delegation from School District 71 re: Shared services and growth related to the School District No. 71 in Cumberland.

Carried Unanimously

3.3 Steve Adams, Resource Technologist; Gary Lawson, Senior Engineer; Doug Underhill, Manager of Hydrology and Terrain; Michelle Nagy, Area Engineer, Mosaic Forest Management; Watershed Management and 2020 Harvesting Operations.

Motion 19-239

Ketler/Sproule

THAT Council receive the delegation from Mosaic Forest Management, regarding Watershed Management and 2020 Harvesting Operations.

Carried Unanimously

4. Unfinished Business

4.1 Bobby Herron, Chair, Cumberland Community Housing Society

Motion 19-240

Ketler/Sproule

THAT Council direct staff to work with the Cumberland Community Housing Society to development a memorandum of understanding.

Carried Unanimously

5. Correspondence

5.1 Russell Dyson, Chief Administrative Officer, Comox Valley Regional District

- Regional Organics Compost Facility Expansion Project – Organics Infrastructure Program.

Motion 19-241
Sullivan/Sproule
THAT Council receive the correspondence from Russell Dyson, Chief Administrative Officer, Comox Valley Regional District re: Regional Organics Compost Facility Expansion Project – Organics Infrastructure Program.
Carried Unanimously

Motion 19-242
Sullivan/Sproule
THAT Council provide a letter of support for the Comox Valley Regional District grant application for a Regional Organics Compost facility expansion project located in Campbell River through the Organics Infrastructure Program.
Carried Unanimously

5.2 Bob Wells, Chair, Comox Valley Regional District Board

- Regional Housing Needs Report Funding Application

Motion 19-243
Ketler/Sproule
THAT Council receive the correspondence from Bob Wells, Chair, Comox Valley Regional District re: Regional Housing Needs Report Funding Application.
Carried Unanimously

Motion 19-244
Brown/Ketler
THAT Council rescind the following motion of May 13, 2019*:*

a. THAT Council support the submission of a Housing Needs Reports Program grant application through the Union of BC Municipalities for an amount of $15,000;
b. AND THAT Council support the collection of data, analysis of trends and present reports included in the grant application and commit to provide overall grant management;

c. AND THAT Council approve the expenditure of up to $15,000, to be funded through UBCM grant funding, for Housing Needs Reports Program;
d. AND THAT Council direct staff to bring forward an amendment to the adopted 2019-2023 Financial Plan Bylaw No. 1092 to reflect this expenditure.

AND THAT Council direct that the Village of Cumberland participate in the preparation of a Regional Housing Needs Program application in partnership with the Comox Valley Regional District and other member municipalities and authorize the Comox Valley Regional District to apply for, receive and manage the grant funding on behalf of the Village of Cumberland.

Carried Unanimously

5.3 Cresslynn Brodhagen, Production Manager, Vancouver Island MusicFest

- Sponsorship request for 2019 Vancouver Island MusicFest

Motion 19-245

Sproule/Ketler

THAT Council receive the correspondence from Cresslynn Brodhagen, Production Manager, Vancouver Island Music Fest re: Sponsorship request for 2019 Vancouver Island MusicFest.

Carried Unanimously

Motion 19-246

Sullivan/Brown

THAT Council sponsor the 2019 Vancouver Island MusicFest through the loan of equipment and supplies.

Carried Unanimously

6. Reports

6.1 Climate Action Revenue Incentive (CARIP) 2018 Public Report

Motion 19-247

Sproule/Sullivan

THAT Council receive the Climate Action Revenue Incentive (CARIP) 2018 Public Report.

Carried Unanimously

Brown/Sproule

Motion 19-248

THAT Council approve the Climate Action Revenue Incentive (CARIP) Public Report for 2018 for posting on the Village of Cumberland website.

Carried Unanimously

6.2 Application for a Development Variance Permit – 2797 Penrith Avenue
Motion 19-249
Ketler/Sullivan
THAT Council receive the report "Application Development Variance Permit – 2797 Penrith Avenue" dated May 21, 2019.
Carried Unanimously

Motion 19-250
Sullivan/Ketler
THAT Council refer the Application for a Development Variance Permit – 2797 Penrith Avenue for property legally described as Lot 10, Block 21, District Lot 21, Nelson District, Plan 522C (2797 Penrith Avenue) to the next meeting of the Advisory Planning Commission.
Carried Unanimously

6.3 Heritage Alteration Permit Application – 3276 Third Street
Motion 19-251
Ketler/Sullivan
THAT Council receive the application for a Heritage Alteration Permit Application – 3276 Third Street report dated May 22, 2019.
Carried Unanimously

Motion 19-252
Sullivan/Ketler
THAT Council approve the Heritage Alteration Permit Application – 3276 Third Street (2018-04-HAP) for property described as Lot 12, Block 10, District Lot 21, Nelson District, Plan 552-A substantially in compliance with the Heritage Alteration Permit dated May 27, 2019 attached to this report.
Carried Unanimously

6.4 Coal Valley Estates Phase 9 – Application for an Environmental Protection and Wildfire Urban Interface Development Permit
Motion 19-253
Sproule/Sullivan
THAT Council receive the "Coal Valley Estates Phase 9 – Application for an Environmental Protection and Wildfire Urban Interface Development Permit" report dated May 22, 2019.
Carried Unanimously

Motion 19-254
Ketler/Brown
THAT Council direct staff to obtain a peer review of the McElhanney Consulting Services Ltd, Stormwater Management Plan dated November 24, 2014 submitted with the Coal Valley Estates, Phase 9, Residential Development Revised Development Permit application for Remainder DL 24, Nelson District.
Carried Unanimously

Motion 19-255
Brown/Sproule
THAT Council refer the "Coal Valley Estates Phase 9 – Application for an Environmental Protection and Wildfire Urban Interface Development Permit" report to the next meeting of the Advisory Planning Commission.
Carried Unanimously

6.5 Cumberland Wild: Liquor Licence, Noise Exemption and Street Closure
Motion 19-256
Sullivan/Sproule
THAT Council receive the Cumberland Wild: Liquor Licence, Noise Exemption and Street Closure report.
Carried Unanimously

Motion 19-257
Sullivan/Ketler
THAT Council approve an exemption to the Noise Control Bylaw No. 950, 2012 for the Cumberland Wild event from noon on August 17, 2019 to 1 am on August 18, 2019; and on August 18, 2019 from noon to midnight; THAT Council give permission to Cumberland Village Works to provide liquor service with a special event liquor permit at the Cumberland Wild event at Village Park on August 17 and 18, 2019; THAT Council approve the temporary closure of Sixth Street from Dunsmuir Avenue to Keswick Avenue and parking restrictions on Dunsmuir Avenue from 5pm on August 15, 2019 to August 19, 2019 at noon.
Carried Unanimously

6.6 Site Adaptive Planning
Motion 19-258
Sullivan/Ketler
THAT Council receive the report from Councillor Brown regarding Site Adaptive Planning.

Carried Unanimously
Motion 19-259
Brown/Sproule
THAT Council request that staff bring a report to council outlining how the Village might incorporate Site Adaptive Planning into our planning processes.
Carried Unanimously

7. Bylaws
None

8. Consent Calendar
None

9. New Business
None

10. Notices, Motions and Announcements
Matters considered here may include notices or motions to hold a meeting of the Committee of the Whole, a Village Hall meeting, a public hearing, and notices of motion introduced by a council member.

- Cemetery Memorial Marker Preservation Days, June 4 and 5, 9am to noon
- No. 1 Japanese Townsite Commemoration Event, June 8 at 1:30 pm at Coal Creek Historic Park

11. Question Period
Council members received the following questions from the public:

- Independent water testing for timber harvesting in watershed
- how community concerns raised at developer open houses are communicated to Council

12. Adjournment
Ketler/Sullivan
THAT Council adjourn the meeting at 7:14 pm.
Carried Unanimously

Certified Correct:

Mayor Corporate Officer

SPECIAL MINUTES

11/19/SP

The Corporation of the Village of Cumberland

Special Council Meeting
May 27, 2019 at 4:00 p.m.
Village Council Chambers

Council Present:
Mayor Leslie Baird
Councillor Vickey Brown
Councillor Jesse Ketler
Councillor Gwyn Sproule
Councillor Sean Sullivan

Staff Present:
Sundance Topham, Chief Administrative Officer
Ken Rogers, Manager of Development Services
Rachel Parker, Corporate Officer

Mayor Baird called the meeting to order at 4 pm.

1. Approval of Agenda

1.1 Agenda for Special Council Meeting, May 27, 2019

Sullivan/Ketler

THAT Council approve the agenda for the Special Council Meeting, May 27, 2019.

Carried Unanimously

2. Close the Meeting to the Public

Sproule/Ketler

THAT Council close the meeting to the public pursuant to Section 90(1) of the *Community Charter* to consider 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.

Carried Unanimously

3. Adjournment

Ketler/Brown

THAT Council adjourn the meeting at 4:55 pm.

Carried Unanimously

Certified Correct:

Mayor

Corporate Officer

Village of Cumberland

From: Eden Lindsay-Bodie <fhlpa@shaw.ca>
Sent: Monday, May 06, 2019 1:32 PM
To: Village of Cumberland
Cc: lodge@filberg.com; agcraig@shaw.ca
Subject: Request to appear before Council

Good Afternoon,

Audrey Craig, President of the Filberg Heritage Lodge and Park Association, would like to appear before Cumberland Village Council at the
Monday June 10th Council Meeting.
Ms. Craig will present a short (5 to 7 minutes) power point presentation and answer any questions that Councillors may have regarding the property. The purpose of this presentation is to raise awareness in the Comox Valley of the Filberg Heritage Lodge and Park and the Association's 40 year history of helping to preserve heritage in the Comox Valley.

We appreciate your time!
Sincerely,
Eden Lindsay-Bodie
Executive Director
61 Filberg Rd. Comox BC
250 339-2715
lodge@filberg.com
http://filberg.com/

COUNCIL REPORT

REPORT DATE: May 31, 2019
MEETING DATE: June 10, 2019

TO: Mayor and Councillors

FROM: Joanne Rees, Planner

SUBJECT: Development Variance Permit Application – 2806A&B Penrith Avenue

FILE:	2019-01-DV		
OWNER:	Chelsea Rubens and Nigel Harrison		
PID:	008-945-128	**FOLIO:**	516 00291.000
LEGAL DESCRIPTION:	Lot 6, Block 20, Section 21, Nelson District, Plan 522C		
OCP DESIGNATION	Residential	**EXISTING ZONE:**	Residential One A (R-1A)

CONDITIONS UNDER APPLICATION	PERMITTED BY BYLAW	REQUESTED VARIANCE
Proposed Lot A for all dwellings		
Rear Setback	4.5metres	1.92metres
Exterior Right Side Setback	3.0metres	2.29metres
Proposed Lot B for all buildings		
Rear setback	4.5metres	1.5metres
Maximum Height on Proposed Lot B for:		
Existing Dwelling Unit	10.0metres	6.5metres

RECOMMENDATION

i) THAT Council receive the report "Development Variance Permit Application – 2806A&B Penrith Avenue" dated May 31, 2019.

ii) THAT Council refer the Development Variance Permit for property described as Lot 6, Block 20, Section 21, Nelson District, Plan 522C (2806A&B Penrith Avenue) to the next meeting of the Advisory Planning Commission.

SUMMARY

A re-application has been received to vary the Zoning Bylaw to vary setbacks and in response to a neighbour's concern received for the previous application, the applicant has asked to restrict the maximum height for all dwellings on the proposed Lot B to 6.5metres.

BACKGROUND

An application was received to vary the Zoning Bylaw to vary setbacks and parking space requirements to permit subdivision. At the time of writing the report, no comments or concerns were received by staff. The Development Variance Permit application was on the February 25, 2019 regular Council meeting agenda. Comments from the public were received subsequent to this and these comments were provided to Council "on table". The Permit was denied by Council. The applicants, feeling there was misinformation provided in the public comments, asked to be able to re-apply at the March 25, 2019 meeting and Council approved the re-application.

In 2018, the applicants converted an existing garage on this parcel to an Accessory Dwelling Unit. The Building Permit for the ADU was given Final Inspection and Occupancy approval by the Building Inspector on September 11, 2018. The converted garage received a raised floor, has a ceiling height of 2.79metres, built in kitchen area and an added 1.8 by 1.8metre washroom. An additional 1.8 by 3.6metre sunroom was added to the outside of the unit. The structure meets BC Building Code as accepted and occupancy was granted. Application for subdivision was received on September 13, 2018.

The subdivision changes the defined front, rear, and sides of each of the lots and with it, the required setbacks. The Zoning Bylaw does not permit approving a subdivision in which any existing building or other structure would be against the provisions of this Bylaw. Without a Development Variance Permit, the proposed subdivision would not be supported by the Approving Officer as the property improvements do not comply with the Zoning Bylaw.

The request to limit the height was made in answer to a concern from an adjacent neighbour about the possibility of a 10.0metre tall house on the subject property. Staff investigated the ways to ensure that the current building could not be built up to the maximum allowed, if the subdivision was approved.

There were four viable possibilities:

		Pro	Con
1.	Rezoning	• New zone, new height and setback for buildings • Property specific • Village enforceable	• Cost • 8 to 10 months to process
2.	Section 219 Restrictive covenant	• Clean and clear direction, height and setbacks • "Runs with the lands" • Village can enforce • Registered on title	• Cost, approx. $3,000 • Processing time • Village can choose to enforce • Still needs a DVP for setbacks

		Pro	Con
3.	Building Scheme	• Outlines the restriction • Slightly cheaper than covenant (no reference plan required) • "Runs with the lands" • Notation on title	• Enforceable only by developer (current owner) • Still needs a DVP for setbacks
4.	Development Variance Permit	• Village can enforce • Outlines the restrictions and varied setbacks • Notation on title	• Height restriction for the life of the existing building

In discussions with the applicant, it was decided to proceed with the Development Variance Permit as it was required for all but rezoning.

Further as part of the subdivision, the applicant's are required to provide two parking spaces onsite for House A. They will provide these spaces from the front of the proposed Lot A.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Pursuant to the requirements of the *Local Government Act,* notice of Council consideration of a Development Variance Permit was mailed to owners of adjacent properties within 75.0metres of the subject property on May 31, 2019. At the time of writing this report, no comments or concerns had been received by staff.

As required by the Procedures and Fees Bylaw No. 1073, 2018, the applicant has installed a public notice sign on the property.

REFERRALS

Council may:

a) Further to the section 5a of the *Advisory Planning Commission Bylaw No 999, 2014*, Council may wish to refer this application to the APC for their comments.

b) Further to the section 8 of the *Corporation of the Village of Cumberland Heritage Commission Bylaw No. 824, 2006,* Council may wish to refer this application to the Heritage Commission for their comments.

FINANCIAL IMPLICATIONS

None

OPERATIONAL IMPLICATIONS

The review and processing of Development Variance Permit applications are part of the services provided by the Planning Department.

A separate service for the existing ADU would be required at subdivision stage should the subdivision be approved.

STRATEGIC OBJECTIVE

None

ATTACHMENTS

Site Drawing

CONCURRENCE

Ken Rogers, Manager of Development Services KR

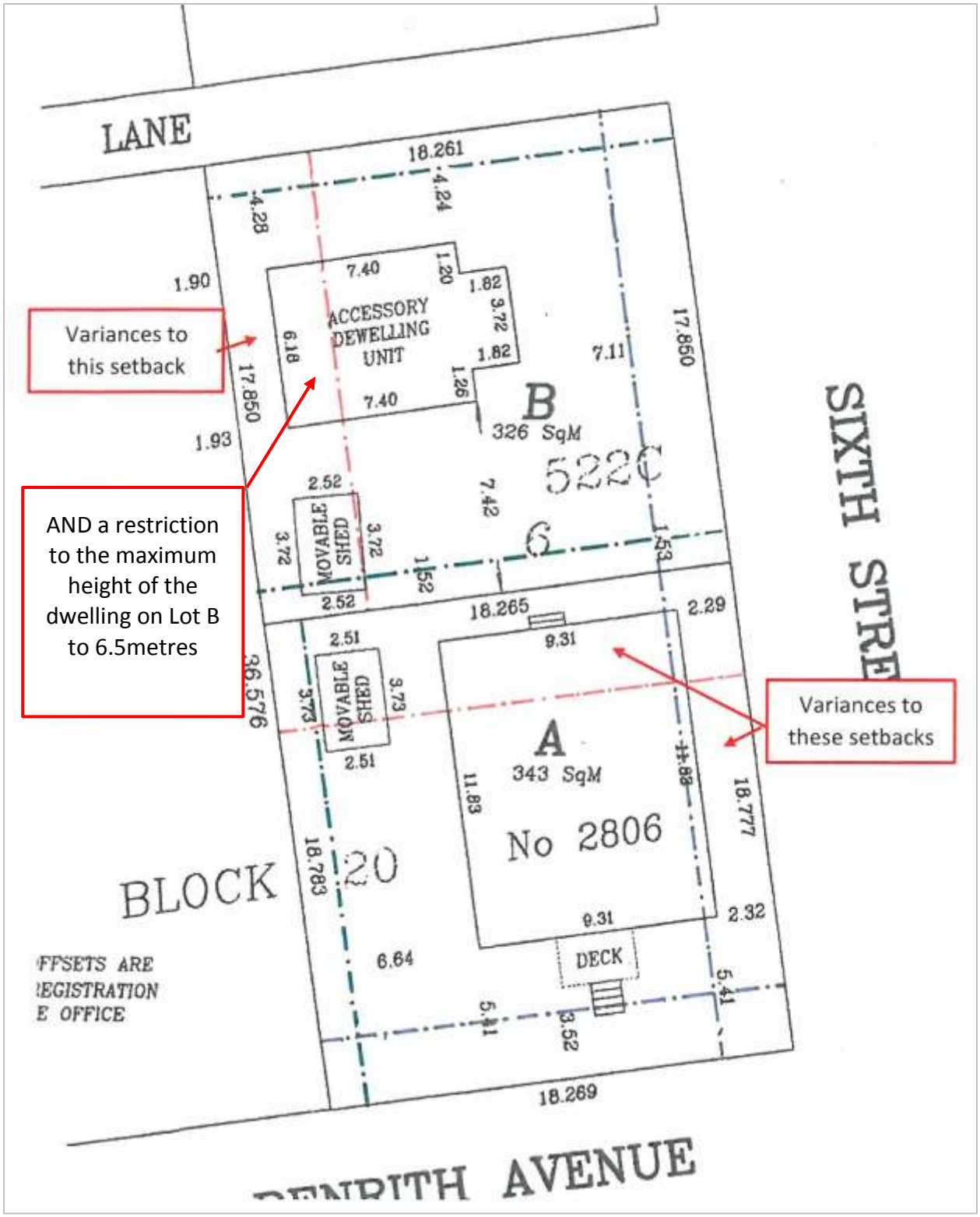
OPTIONS

i) Refer the application to the next meeting of the Advisory Planning Committee.
ii) Do not refer the application to the next meeting of the Advisory Planning Committee (give reasons and further direction)
iii) Any other action deemed appropriate by Council.

Respectfully submitted,

Joanne Rees
_____
Joanne Rees
Planner

Sundance Topham
_____
Sundance Topham
Chief Administrative Officer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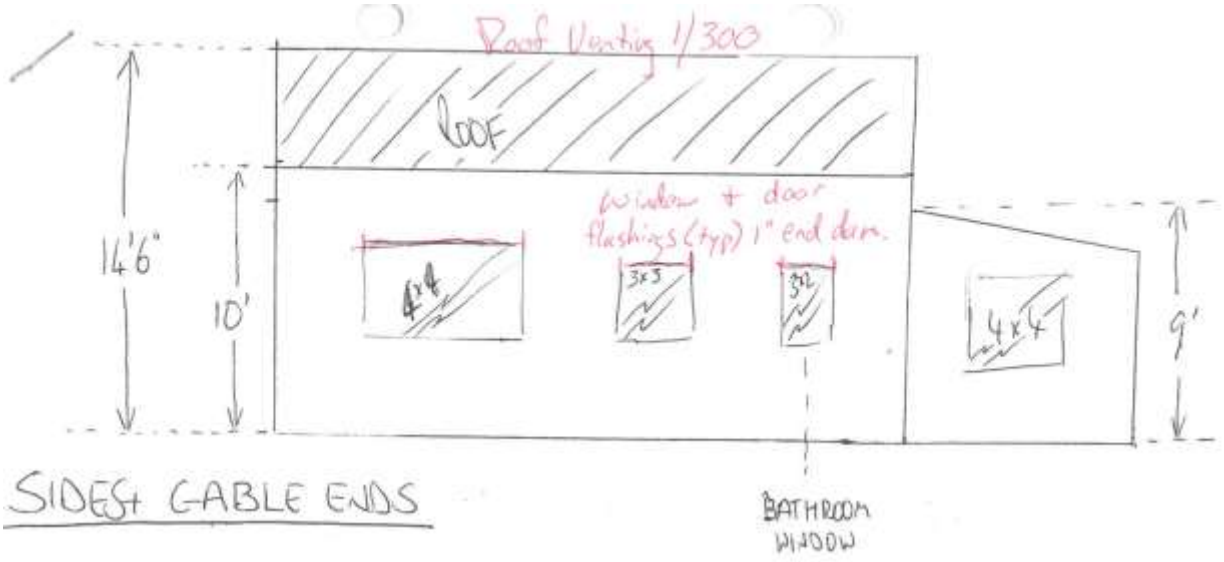
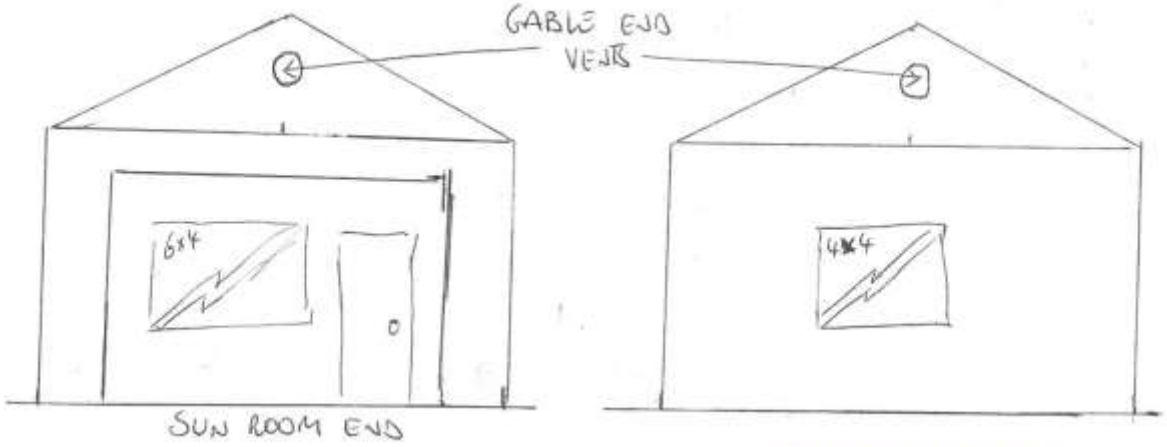
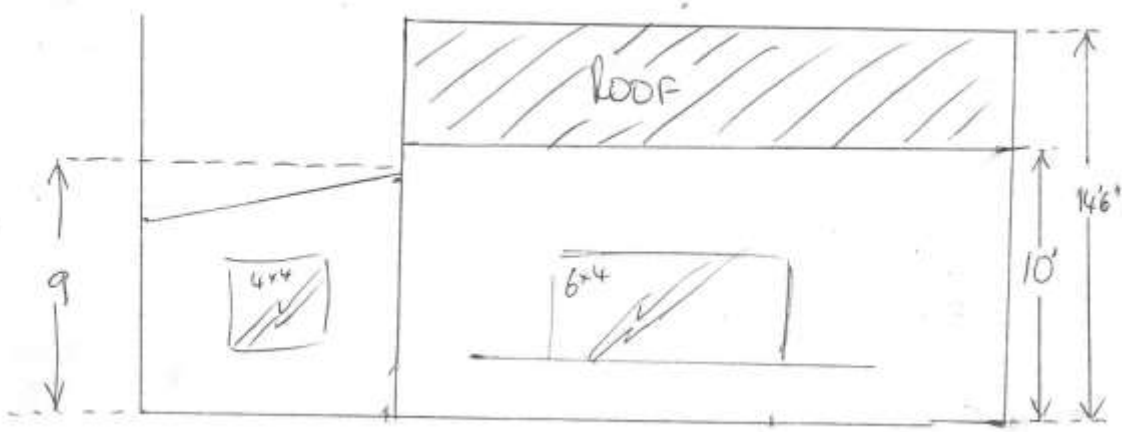
Schedule B Building Plans

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