

The Corporation of the Village of Cumberland
Regular Council Meeting Minutes



August 8, 2022, 5:30 p.m.
Council Chamber, 2675 Dunsmuir Avenue

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

Staff Present: Michelle Mason, Interim Chief Administrative Officer
Kevin McPhedran, Deputy CAO/Manager of Parks
Courtney Simpson, Manager of Development Services
Rob Crisfield, Manager of Operations
Andrea Samson, Manager of Finance & HR
Kaelin Chambers, Economic Development Officer
Karin Albert, Senior Planner
Meleana Searle, Planner
Mike Williamson, Manager of Protective Services
Rachel Parker, Corporate Officer

1. Call To Order

Called to order at 5:30 p.m. Mayor Baird commented on the armed standoff from the weekend. The RCMP has asked Council not to make any public announcements to avoid having people come up into the area. She commended neighbours for following directions from the police and that was grateful no one was hurt. She reminded that this is a family in our community and they need our support.

2. Agenda

2.1 Agenda for Regular Council Meeting, August 8, 2022

Motion 22-475

Moved by: Ketler

Seconded by: Brown

THAT Council approve the Agenda for the August 8, 2022 Regular Council meeting.

Carried Unanimously

3. Minutes

3.1 Minutes

Councillor Brown inquired to make sure Advisory Planning Committee meeting minutes were integrated into the next steps of the Development Modernization project.

Motion 22-476

Moved by: Sullivan

Seconded by: Sproule

THAT Council adopt the following minutes:

- Committee of the Whole, July 11, 2022
- Regular Council Meeting, July 11, 2022

Carried Unanimously

Motion 22-477

Moved by: Ketler

Seconded by: Brown

THAT Council receive the following committee minutes:

- Homelessness & Affordable Housing Minutes, July 20, 2022
- Accessibility & Inclusion Committee, July 18, 2022
- Advisory Planning Commission minutes, July 14 & 21, 2022

Carried Unanimously

4. Delegations

None

5. Correspondence

5.1 Resident letter regarding B.C. Speculation Tax

Mayor Baird suggested that the Village engage with other members of the Comox Valley Regional District to consider a coordinated request to the Province.

Comment that it should be province wide.

Mayor Baird to consult with Mayor Wells of City of Courtenay.

Motion 22-478

Moved by: Brown
Seconded by: Ketler

THAT Council receive the correspondence from a resident regarding BC speculation tax.

Carried Unanimously

Motion 22-479

Moved by: Ketler
Seconded by: Brown

THAT Council direct staff to bring forward a report on the BC Speculation Tax.

Carried Unanimously

6. Unfinished Business

None

7. Reports

7.1 Development Permit & Development Variance Permit – 3284 Second Street

Motion 22-480

Moved by: Brown
Seconded by: Ketler

THAT Council receive the “Development Permit & Development Variance Permit – 3284 Second Street” report.

Carried Unanimously

Motion 22-481

Moved by: Brown
Seconded by: Ketler

THAT Council approve the development variance permit (2022-03-DV) for the property described as Lot 1, Block 5, District Lot 21, Nelson District, Plan 522 (3284 Second Street) to:

- a. allow the accessory dwelling unit to be attached to the dwelling unit with a deck
- b. increase the height of the accessory dwelling unit to a maximum of 7.6m (25.0ft)
- c. increase the gross floor area of the secondary suite to a maximum of 100.8m² (1,085.0ft²)

- d. increase the gross floor area of the secondary suite as a percentage of the residence to 50%

Carried Unanimously

Motion 22-482

Moved by: Ketler

Seconded by: Brown

THAT Council approve the development variance permit (2022-03-DV) for the property described as Lot 1, Block 5, District Lot 21, Nelson District, Plan 522 (3284 Second Street) to:

- e. reduce the number of parking spaces required for the vacation rental from seven to five spaces.

Carried Unanimously

Motion 22-483

Moved by: Sullivan

Seconded by: Brown

THAT Council approve the development variance permit (2022-03-DV) for the property described as Lot 1, Block 5, District Lot 21, Nelson District, Plan 522 (3284 Second Street) to:

- f. allow a shipping container on the lot subject to installation of cladding to reflect the character of the primary dwelling

Opposed (2): Ketler, and Brown

Carried (3 to 2)

Motion 22-484

Moved by: Brown

Seconded by: Sproule

THAT Council approve the development variance permit (2022-03-DV) for the property described as Lot 1, Block 5, District Lot 21, Nelson District, Plan 522 (3284 Second Street) to:

- g. reduce the rear setback of the shipping container from 1.5m (4.9ft) to 0.6m (1.9ft).

Opposed (2): Ketler, and Brown

Carried (3 to 2)

Motion 22-485

Moved by: Sullivan

Seconded by: Sproule

THAT Council approve the development variance permit (2022-03-DV) for the property described as Lot 1, Block 5, District Lot 21, Nelson District, Plan 522 (3284 Second Street) to:

h. reduce the the exterior side setback of the shipping container from 3.0m (9.8ft) to 0.3m (0.9ft)

Opposed (2): Ketler, and Brown

Carried (2 to 2)

Motion 22-486

Moved by: Brown

Seconded by: Sullivan

THAT Council deny the application for a development variance permit (2022-03-DV) for the property described as Lot 1, Block 5, District Lot 21, Nelson District, Plan 522 (3284 Second Street) to increase the gross floor area of the accessory dwelling unit to a maximum of 133.8m² (1,440.0ft²).

Opposed (1): Ketler

Carried (3 to 1)

Motion 22-487

Moved by: Brown

Seconded by: Ketler

THAT Council approve the application for a development permit (2022-01-DP) for the property described as Lot 1, Block 5, District Lot 21, Nelson District, Plan 522 (3284 Second Street).

Carried Unanimously

7.2 Development Variance Permit Application - 2688 Penrith Avenue

Motion 22-488

Moved by: Sullivan

Seconded by: Brown

THAT Council receive the “Development Variance Permit – 2688 Penrith Avenue” report.

Carried Unanimously

Motion 22-489

Moved by: Brown

Seconded by: Sullivan

THAT Council approve the development variance permit to vary the required number of parking spaces from five to one for a childcare program, on the property described as Lot 1, Block 4, District Lot 21, Nelson District, Plan 522 (2688 Penrith Avenue).

Carried Unanimously

7.3 Development Variance Permit Application 4640 Cumberland Road

Motion 22-490

Moved by: Ketler

Seconded by: Sullivan

THAT Council receive the “Development Variance Permit– 4640 Cumberland Road” report.

Carried Unanimously

Motion 22-491

Moved by: Sullivan

Seconded by: Brown

THAT Council approve the development variance permit to reduce the east side-setback from 7.5m (24.6ft) to 3.0m (9.8ft) for a new industrial warehouse on the property described Lot 1, Section 25, Township 10, Comox District, Plan 35738 (4640 Cumberland Road).

Carried Unanimously

7.4 Development Variance Permit Application 3264 Fifth Street

Motion 22-492

Moved by: Ketler

Seconded by: Sullivan

THAT Council receive the “Development Variance Permit– 3264 Fifth Street” report.

Carried Unanimously

Motion 22-493

Moved by: Brown

Seconded by: Sullivan

THAT Council approve the development variance permit to reduce the rear setback from 4.5m (24.6ft) to as close as 4.3m (14.1ft) for a single family dwelling on the property described Lot A District Lot 21 Nelson District Plan EPP107936 (3264 Fifth Street).

Carried Unanimously

- 7.5 Development Variance and Heritage Alteration Permit Amendment Applications, 2714 Dunsmuir Ave, for Referral

Motion 22-494

Moved by: Brown

Seconded by: Ketler

THAT Council receive the “Development Variance and Heritage Alteration Permit Amendment Applications, 2714 Dunsmuir Ave, for Referral” report.

Carried Unanimously

Motion 22-495

Moved by: Brown

Seconded by: Sproule

THAT Council refer the “Development Variance and Heritage Alteration Permit Amendment Applications, 2714 Dunsmuir Ave, for Referral” report to the Heritage Committee for comment.

Carried Unanimously

- 7.6 OCP and Zoning Amendment Application, Comox Lake Land Corporation, Referral Responses

Mayor Baird declared a conflict as she has family that are members of the applicant corporation and left the meeting at 6:25 p.m. Mayor Baird returned to the meeting at 6:50 p.m.

Motion 22-496

Moved by: Ketler

Seconded by: Brown

THAT Council receive the report “Referral Comments and Options – Comox Lake Land Corporation Rezoning Application”.

Carried Unanimously

Motion 22-497

Moved by: Ketler

Seconded by: Brown

THAT Council refer the report “Referral Comments and Options – Comox Lake Land Corporation Rezoning Application” to the Advisory Planning Commission for comment.

Carried Unanimously

7.7 Urgent Replacement of Cumberland Fire/Rescue Unit #5

Motion 22-498

Moved by: Brown

Seconded by: Ketler

THAT Council receive the Urgent Replacement of Cumberland Fire/Rescue Unit #5 report.

Carried Unanimously

Motion 22-499

Moved by: Sullivan

Seconded by: Brown

THAT Council approve the expenditure of up to \$80,000, to be funded through Fire Vehicle and Protective Equipment reserve for the unexpected replacement of Cumberland Fire/Rescue unit #5 and THAT Council direct staff to bring forward an amendment to the adopted 2022-2026 Financial Plan Bylaw to reflect this expenditure.

THAT Council approve sole supplier procurement for the purchase of a second-hand Fire vehicle (Cumberland Fire/Rescue unit #5 replacement vehicle) due to uncertainties with and the current supply chain issues in the second hand vehicle market.

Carried Unanimously

7.8 Cumberland Trail Network: Memorandum of Understanding Agreement

Motion 22-500

Moved by: Brown

Seconded by: Ketler

THAT Council receive the Cumberland Trail Network Memorandum of Understanding report;

Carried Unanimously

Motion 22-501

Moved by: Brown

Seconded by: Ketler

THAT Council enter into the Memorandum of Understanding for Access, Collaborative Management and Use of a Cumberland Trail Network, as attached to this report dated July 28 2022 and authorize the Mayor and Chief Administrative Officer to execute the agreement.

Carried Unanimously

7.9 Anti-Racial Discrimination and Anti-Racism Policy

Motion 22-502

Moved by: Ketler

Seconded by: Sullivan

THAT Council receive the Anti-Racial Discrimination and Anti-Racism Policy report.

Carried Unanimously

Motion 22-503

Moved by: Sullivan

Seconded by: Brown

THAT Council refer the proposed Anti-Racial Discrimination and Anti-Racism Policy to staff for review and recommendation.

Carried Unanimously

7.10 Mayor and Council Monthly Reports

Motion 22-504

Moved by: Brown

Seconded by: Sproule

THAT Council receive the Mayor and Council monthly reports for July 2022.

Carried Unanimously

8. Bylaws

8.1 Vacation Rentals Regulations – Amendment Bylaws

Motion 22-505

Moved by: Sullivan

Seconded by: Ketler

THAT Council receive the July 22, 2022 report “Vacation Rental Regulations – Amendment Bylaws” report.

Carried Unanimously

Motion 22-506

Moved by: Brown

Seconded by: Sullivan

THAT Council amend Bylaw 1170, 2022 by:

striking “for whom” from the definition for residential use under section 2 (b) following “means occupancy and use by a person or persons”

THAT Council give third reading and adopt the thus amended Bylaw 1170, 2022, cited as “Zoning Amendment Bylaw No. 1170, 2022”.

THAT Council give third reading to Bylaw 1171, cited as “Business Licence Amendment Bylaw No. 1171, 2022”.

THAT Council direct staff to enforce the vacation rental regulations in the Zoning Bylaw on a proactive basis.

Carried Unanimously

8.2 Streamlining Accessory Dwelling Unit Approval Process

Motion 22-507

Moved by: Sproule

Seconded by: Sullivan

THAT Council receive the Streamlining Accessory Dwelling Unit Approval Process report.

Carried Unanimously

Motion 22-508

Moved by: Sullivan

Seconded by: Brown

THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 1174, 2022;

THAT Council give first and second reading to Zoning Amendment Bylaw No. 1175, 2022;

THAT Council refer the Streamlining Accessory Dwelling Unit Approval Process report, draft amending bylaws, and draft application guide to the Advisory Planning Commission, Accessibility and Inclusion Committee, and the Homelessness and Affordable Housing Committee; and

THAT Council direct staff to schedule a Public Hearing.

Carried Unanimously

8.3 Development Cost Charges (DCC) Update Bylaw No. 1173, 2022

Motion 22-509

Moved by: Brown

Seconded by: Ketler

THAT Council receive the Development Cost Charges Bylaw No. 1173, 2022 Report.

Carried Unanimously

Motion 22-510

Moved by: Sproule

Seconded by: Brown

THAT Council give 1st, 2nd and 3rd readings to "Development Cost Charges Bylaw No. 1173, 2022";

THAT Council direct staff to refer the DCC Background Report by Urban Systems dated July 21 2022 to the Ministry of Municipal Affairs for approval by the Inspector of Municipalities.

Carried Unanimously

9. New Business

None

10. Notices, Motions and Announcements

- Accessibility and Inclusion Committee August 15 at 3 p.m.
- Heritage Committee Monday, August 15 at 5 p.m.
- Homelessness and Affordability Committee, Wednesday August 17 at 9:30 a.m.
- Regular Council Meeting Tuesday September 6, 2022 at 5:30 p.m.

11. Question Period

There were no questions.

12. Closed Portion

Motion 22-511

THAT Council close the meeting to the public at 8:02 p.m. pursuant to Section 90 of the Community Charter to consider:

(c) labour relations or other employee relations;

13. Adjournment

The meeting was adjourned at 8:30 pm

Mayor

Certified Correct by Corporate Officer