

DISTRICT OF SECHELT
MINUTES OF THE REGULAR COUNCIL MEETING
held at 5797 Cowrie Street, Sechelt, BC
Wednesday, June 6th, 2018
7:00pm

PRESENT Mayor B. Milne; Councillors A. Lutes; D. Inkster; N. Muller; D. Wright; M. Shanks; and D. Siegers

STAFF Chief Administrative Office A. Yeates; Director of Corporate and Financial Services D. Stewart; Director of Planning and Development Services, T. Corbett; Corporate Officer J. Frank; Municipal Planner A. Letman; and Recording Secretary M. Sugars

1. CALL TO ORDER AND DECLARATION OF CONFLICT

The Mayor called the Regular Council Meeting to order at 7:01p.m. and asked for any declarations of Conflict of Interest.

Councillor Lutes announced a personal conflict of interest with item 3.1 (Tyler Schmidt, Schmidt Architecture- RTC Properties West Porpoise Bay Estates Development - Zoning and Height Variance) and item 3.2 (Catherine Calder, Resident - RTC Properties West Porpoise Bay Estates Development – Impact on Neighbourhood) as she resides in a neighbouring development and noted she would recuse herself from the meeting while it was being dealt with.

2. ADOPTION OF AGENDA

Res. No. 2018-6A-1 – Moved/Seconded

That the Agenda be amended to include Item 9.1(Rotary Club of the Sunshine Coast-Hackett Park Playground); and

That the agenda be adopted as amended.

CARRIED

3. APPOINTMENTS AND DELEGATIONS

Councillor Lutes recused herself at 7:04 p.m. and left the meeting.

3.1 Tyler Schmidt, Schmidt Architecture - RTC Properties West Porpoise Bay Estates Development

Mr. Schmidt provided Council with an overview of the development and RTC's involvement since 2015. He explained a brief history of the Form P, which describes the

exact form of development, density, associated unit entitlements and timing for commencement and completion of each phase. Mr. Schmidt also explained that once the Form P is signed by the Approving Officer and is registered at the BC Land Titles Office, it becomes a legally binding document which binds all parties involved and those affected by it in the future. He provided an overview of the development, including the zoning of the property and the allowable height and massing under the current zoning, as well as the design principles. Mr. Schmidt explained that the development plans are to be integrated with the natural features and vegetation as well as the use of complementary building materials.

The Mayor thanked Mr. Schmidt for his presentation.

3.2 Catherine Calder, Resident - RTC Properties West Porpoise Bay Estates Development

Ms. Calder expressed concerns on behalf of residents of Marine Way regarding the proposed West Porpoise Bay Estates Development, including:

- Environmental concerns, and the request for further comprehensive environmental assessment studies including potential negative impacts on the standing forest and sensitive landscape and active eagle nest and other riparian dependent nesting and foraging flora in this specific area
- The suitability of the steep slopes of the property for construction
- The height of the proposed development and its location in proximity to the water
- The width of the road between buildings, and adequate road access to the development
- The Form P and Disclosure Agreement
- Residents' Garage access
- The form and character of the development
- The protection of existing buildings during construction
- The affordability of the proposed units

Ms. Calder invited Mr. Doug Nogler, Marine Way resident, to speak.

Mr. Nogler noted his reasons to relocate from Vancouver to the Sunshine Coast, specifically the natural environment and ocean view. He explained that he and his wife's decision to purchase the particular unit on Marine Way were based on the denial of the previously proposed height variance. Although Mr. Nogler was aware of more construction on the development property, he was not aware of the current proposal height. He expressed that he was unaware of the extent of the developments obstruction to his current view. Mr. Nogler feels he and his family were misled by the realtor and developer. In addition, he feels that further environmental study should be conducted.

The developer briefly spoke to provide clarification regarding the delegations presented.

Councillor Lutes returned to the meeting at 7:43 p.m.

Recess: *The Mayor recessed the meeting at 7:43 p.m.*

Reconvene: *The Mayor reconvened the meeting at 7:44 p.m.*

4. PROCLAMATIONS

The Mayor proclaimed June 2018 as Sunshine Coast Pride Month in the District of Sechelt.

5. ADOPTION OF PREVIOUS MINUTES OF COUNCIL

5.1 Minutes of the Regular Council Meeting of May 16th, 2018

Res. No. 2018-6A-2 – Moved/Seconded

That the Minutes of the Regular Council Meeting of May 16th, 2018 be amended by the following:

- That the second sentence in Councillor Siegers report to Council be amended by deleting the words ‘she was the runner up’ and replacing with the words “there was a lot of running involved.”
- That the ninth sentence of Councillor Muller’s report to Council be amended to by deleting the word ‘and’ and replacing with the words ‘as well as with’; and

That the minutes be adopted as amended.

CARRIED

6. BUSINESS ARISING FROM THE MINUTES

Councillor Siegers inquired about the reading and adoption process of District of Sechelt Elections and Other Voting Amendment Bylaw No. 504-1, 2018.

The Corporate Officer clarified that a bylaw must be presented to Council in its completed form at third reading as a bylaw cannot be subsequently adopted as amended. Therefore, staff is recommending rescinding third reading, and giving third reading to the bylaw as amended.

7. COMMITTEE / COMMISSION MINUTES AND REPORTS

7.1 Minutes of the Public Works, Parks and Environment Committee Meeting of May 23rd, 2018

Res. No. 2018-6A-3 – Moved/Seconded

That the Minutes of the Public Works, Parks and Environment Committee Meeting of May 23rd, 2018 be received.

CARRIED

Res. No. 2018-6A-4– Moved/Seconded

That the following recommendations from the Minutes of the Public Works, Parks and Environment Committee Meeting of May 23rd, 2018 be endorsed:

Recommendation No. 2 – Minutes of the Public Works, Parks and Environment Committee Meeting of March 28, 2018

That the Minutes of the Public Works, Parks and Environment Committee Meeting of March 28, 2018 be received.

Recommendation No. 3 – Engineering and Operations Services Overview & Activity Report- April

That the report from the Director of Engineering and Operations dated April 14, 2018 entitled Engineering and Operations Services Overview & Activity Report be received for information.

Recommendation No. 4 – Engineering and Operations Services Overview & Activity Report- May

That the report from the Director of Engineering and Operations dated May 14, 2018 entitled Engineering and Operations Services Overview & Activity Report be received for information.

Recommendation No. 5– Herring Monitoring Program Report

That the report from the Manager of Public Works dated May 9, 2018 entitled Herring Spawn Compensatory Feature be received for information.

CARRIED

7.2 Minutes of the Planning and Community Development Committee Meeting of May 23rd, 2018

Res. No. 2018-6A-5 – Moved/Seconded

That the Minutes of the Planning and Community Development Committee Meeting of May 23rd, 2018 be received.

CARRIED

Res. No. 2018-6A-6 – Moved/Seconded

That Recommendation No. 2 be removed and dealt with separately; and

That the following recommendations from the Minutes of the Planning and Community Development Committee Meeting of May 23rd, 2018 be endorsed:

Recommendation No. 3 – Minutes of the Planning and Community Development Committee Meeting

That the Minutes of the Planning and Community Development Committee Meeting of April 25, 2018 be received.

Recommendation No. 4 - Minutes of the Advisory Planning Commission Meeting

That the Minutes of the Advisory Planning Commission Meeting of May 10, 2018 be received.

Recommendation No. 5 - Minutes of the Accessibility Advisory Committee Meeting

That the Minutes of the Accessibility Advisory Committee Meeting of May 2, 2018, 2018 be received.

Recommendation No. 6 - RTC The Strand – Development Permit Application

That the report from the Community Planner, dated May 6, 2018 regarding the Development permit application from 1067369 B.C. Ltd. be received.

Recommendation No. 7 – RTC The Strand – Development Permit Application

That that Development Permit 2018-13 be approved for Lots 3, 4, & 5, Block 2, District Lot 1331, Plan 2156 with the following conditions:

- a. The property will be developed in accordance with plans, elevations, and information contained in Schedules “A” & “B” attached to and herein forming part of this permit.
- b. That a landscape bond in the amount of \$204,137.80 be held to ensure that the proposed landscaping is installed and maintained for a period of two years after installation.
- c. That all onsite exterior lighting must be downcast and energy efficient.

Recommendation No. 8 – Watermark – Rezoning Text Amendment Application

That the report from the Community Planner and the Municipal Planner dated April 27, 2018 regarding the application from Holywell Properties for a text amendment to Zoning Bylaw 25, 1987 be received.

Recommendation No. 9 – Watermark – Rezoning Text Amendment Application

That Zoning Amendment Bylaw No. 25-294, 2018 (Grove Art Gallery) be given first reading and referred to a Public Hearing.

Recommendation No. 10 – Non-Medical Marihuana - Zoning Bylaw Amendment

That the report from the Municipal Planner dated May 9, 2018 regarding zoning bylaw amendments and business license bylaw amendment for Non-Medical Marihuana (cannabis) be received.

Recommendation No. 11 – Non-Medical Marihuana - Zoning Bylaw Amendment

That the Planning and Community Development Committee recommends to Council:

- i. That Council give First Reading to Zoning Amendment Bylaw No. 288, 2018 (Non-Medical Marihuana) and direct staff to set a date for a Public Hearing with a public meeting held beforehand.
- ii. That Council direct staff to pursue additional zoning amendments to permit the sale of Non-Medical Marihuana in a specific zone(s) through the proposed zoning bylaw rewrite (draft Bylaw 530) and including public consultation on the subject.
- iii. That Council direct staff to advise the existing Marihuana dispensaries and retailers of their effective date of closure, and the option to pursue a Temporary Use Permit until such time as Council has considered and endorsed additional zoning amendments with public consultation, following

- the enactment of provincial legislation regulating the sale of Non-Medical Marihuana.
- iv. That Council direct staff to bring forward an amendment to the Business License Bylaw No. 520, 2012 to recognize and regulate Non-Medical and Medical Marihuana businesses.
 - v. That Council direct staff to bring forward an amendment to the smoking bylaw to regulate the smoking of Marihuana.
 - v. That Council direct staff to bring forward an amendment to Bylaw No. 333-Fees and Charges to add a fee for the review of a BC Cannabis Retail License Application, and a Canada Cannabis Cultivation and Production License Application.

Recommendation No. 13 – Development Action Chart

That the Development Action Chart be received.

CARRIED

Recommendation No. 2 – West Porpoise Bay Estates

Councillor Lutes recused herself from voting on this matter due to a personal conflict of interest as she resides in a neighbouring development

Res. No. 2018-6A-7 – Moved/Seconded

That staff be directed to prepare a report to Council on the West Porpoise Bay Estates Development Permit application and how it addresses the Development Permit Area (DPA) guidelines for DPAs #3, #4, #5 and #7; and that staff include the relevant Form P as an attachment to the report.

CARRIED

8. BYLAWS

8.1 The Watermark (Grove Art Gallery) Rezoning Text Amendment

Res. No. 2018-6A-8 – Moved/Seconded

That the report from the Municipal Planner dated May 28, 2018 regarding the application from Holywell Properties for a text amendment to Zoning Bylaw 25, 1987 be received.

CARRIED

Res. No. 2018-6A-9 – Moved/Seconded

That Zoning Amendment Bylaw No. 25-294, 2018 (Grove Art Gallery) be given first reading; and

That Council authorizes staff to schedule a Public Hearing for Zoning Amendment Bylaw No. 25-294, 2018 (Grove Art Gallery).

CARRIED

Res. No. 2018-6A-10 – Moved/Seconded

That Zoning Amendment Bylaw No. 25-294, 2018 (Grove Art Gallery) be read a first time this 6th day of June 2018.

CARRIED

8.2 Zoning Amendment Bylaw No. 288, 2018 (Non-Medical Marihuana)

Res. No. 2018-6A-11 – Moved/Seconded

That the report from the Municipal Planner dated May 28th, 2018 regarding Zoning Amendment Bylaw No. 288, 2018 (Non-Medical Marihuana), be received.

CARRIED

Res. No. 2018-6A-12 – Moved/Seconded

That Council give first reading to Zoning Amendment Bylaw No. 288, 2018 (Non-Medical Marihuana) and direct staff to set a date for a Public Hearing with a Public information Meeting held beforehand; and

That Council direct staff to pursue additional zoning amendments to permit the sale of Non-Medical Marihuana in a specific zone(s) through the proposed zoning bylaw rewrite (draft Bylaw 530) and including public consultation on the subject; and

That Council direct staff to advise the existing Marihuana dispensaries and retailers of their effective date of closure, and the option to pursue a temporary use permit until such time as Council has considered and endorsed additional zoning amendments with public consultation, following enactment of provincial legislation regulating the sale of Non-Medical Marihuana; and

That Council direct staff to bring forward an amendment to the Business Licence Bylaw No. 520, 2012 to recognize and regulate Non-Medical and Medical marihuana businesses; and

That Council direct staff to bring forward and amendment to the smoking bylaw to regulate the smoking of Marihuana; and

That Council direct staff to bring forward and amendment to Bylaw No. 333-Fees and Charges to add a fee for the review of a BC Cannabis Retail Licence Application, and a Canada Cannabis Cultivation and Production Licence Application.

CARRIED

Res. No. 2018-6A-13 – Moved/Seconded

That Zoning Amendment Bylaw No. 288, 2018 (Non-Medical Marihuana) be read a first time this 6th day of June, 2018

CARRIED

8.3 Public Hearing Report - Official Community Plan Amendment Bylaw No. 492-23, 2018 (BC Housing) and Zoning Bylaw Amendment No. 25-293, 2018 (BC Housing) 5656 Hightide Avenue

Res. No. 2018-6A-14 – Moved/Seconded

That the report from the Municipal Planner dated May 23, 2018 regarding the Public Hearing and community input regarding the application from Mobius Architecture and BC Housing for an Official Community Plan Amendment Bylaw and Zoning Bylaw Amendment Bylaw for supportive affordable rental housing be received.

CARRIED

Res. No. 2018-6A-15 – Moved/Seconded

That the minutes of the Public Hearing held May 22, 2018 for Official Community Plan Amendment Bylaw No. 492-23, 2018 (BC Housing) and Zoning Amendment Bylaw No. 25-293, 2018 (BC Housing) be received; and

That Council confirms that consultation with persons, organizations, and authorities has been early and ongoing, and is now concluded for Official Community Plan Amendment Bylaw No. 492-23, 2018 (BC Housing) and Zoning Amendment Bylaw No. 25-293, 2018 (BC Housing).

CARRIED

Res. No. 2018-6A-16 – Moved/Seconded

That Official Community Plan Amendment Bylaw No. 492-23, 2018 (BC Housing) be given second and third readings for the supportive housing application the property at 5656 Hightide Avenue - Lot 1, Plan BCP36628, DL 304 (PID 027-536-998); and

That Zoning Amendment Bylaw No. 25-293, 2018 (BC Housing) be given second and third readings for the Mobius Architecture - BC Housing supportive housing application

for the property at 5656 Hightide Avenue - Lot 1, Plan BCP36628, DL 304 (PID 027-536-998).

CARRIED

Res. No. 2018-6A-17 – Moved/Seconded

That Official Community Plan Amendment Bylaw No. 492-23, 2018 (BC Housing) be read a second time this 6th day of June, 2018.

CARRIED

Res. No. 2018-6A-18 – Moved/Seconded

That Official Community Plan Amendment Bylaw No. 492-23, 2018 (BC Housing) be read a third time this 6th day of June, 2018.

CARRIED

Res. No. 2018-6A-19 – Moved/Seconded

That Zoning Amendment Bylaw No. 25-293, 2018 (BC Housing) be read a second time this 6th day of June, 2018.

CARRIED

Res. No. 2018-6A-20 – Moved/Seconded

That Zoning Amendment Bylaw No. 25-293, 2018 (BC Housing) be read a third time this 6th day of June, 2018.

CARRIED

8.4 District of Sechelt Elections and Other Voting Amendment Bylaw No. 504-1, 2018

Res. No. 2018-6A-21 – Moved/Seconded

That the report from the Corporate Officer, dated May 28, 2018 regarding Elections and Other Voting Amendment Bylaw No. 504-1, 2018, be received.

CARRIED

Res. No. 2018-6A-22 – Moved/Seconded

That third reading of Elections and Other Voting Amendment Bylaw No. 504-1, 2018 be rescinded this 6th day of June, 2018.

CARRIED

Res. No. 2018-6A-23 – Moved/Seconded

That Council proceed with third reading of Elections and Other Voting Amendment Bylaw No. 504-1, 2018, as amended.

CARRIED

Res. No. 2018-6A-24 – Moved/Seconded

That Council Elections and Other Voting Amendment Bylaw No. 504-1, 2018 be given third reading this 6th day of June, 2018, as amended.

CARRIED

9. NEW BUSINESS

9.1 Rotary Club of the Sunshine Coast- Hackett Park Playground

Res. No. 2018-6A-25 – Moved/Seconded

That the letter from the Rotary Club of the Sunshine Coast dated May 30, 2018 regarding the Hackett Park playground be received; and

That the request from the Rotary Club of the Sunshine Coast – Sechelt Chapter to have Rotary volunteers refurbish the Hackett Park playground during the summer of 2018 be approved in accordance with their letter.

CARRIED

10. BUSINESS ITEMS

10.1 2018 Quarter 1 Results from the Sunshine Coast Community Forest operated by Sechelt Community Projects Inc.

Res. No. 2018-6A-26 – Moved/Seconded

That the report from the Chair and President, Sunshine Coast Community Forest, dated May 23, 2018 providing 2018 Quarter 1 Results for Sechelt Community Projects Inc. dba as Sunshine Coast Community Forest be received for information.

CARRIED

10.2 Renewal of Davis Bay Pier Aquatic Lease

Res. No. 2018-6A-27 – Moved/Seconded

That the report from the Corporate Officer, dated June 6, 2018 regarding renewal of Davis Bay Pier Aquatic Lease, be received.

CARRIED

Res. No. 2018-6A-28 – Moved/Seconded

That staff be authorized to submit a replacement application for tenure for the Aquatic Lease between the District of Sechelt and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, for the water lot area around the Davis Bay Pier, for a further ten year term from 2018 to 2028; and that the Mayor and Corporate Officer be authorized to execute the associated documentation.

AMENDED BY THE FOLLOWING

Res. No. 2018-6A-29 – Moved/Seconded

That Res. No. 2018-6A-36 be amended to include a clause authorizing staff to request a lease greater than ten years; and

That Res. No. 2018-6A-36 be amended to read as follows:

“That staff be authorized to submit a replacement application for tenure for the Aquatic Lease between the District of Sechelt and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, for the water lot area around the Davis Bay Pier, for a further ten year term from 2018 to 2028; and that the Mayor and Corporate Officer be authorized to execute the associated documentation. And further that staff be authorized to request a lease greater than ten years.”

CARRIED

11. REPORTS FROM COUNCILLORS

11.1 Reports from Councillors

Councillor Wright reported on his attendance at the Rockwood Centre Re-Opening, the Planning and Community Development Committee meeting, and the Wade Public Hearing. He also attended the Farmer’s Market where a District of Sechelt booth was set up for Local Government Awareness week. Councillor Wright also attended a meeting regarding Chapman Lake as well as an open house for Community Services and the flag raising for Pride month.

Councillor Siegers noted that in addition to the meetings attended by Councillor Wright, she attended a Library Board meeting, and the 100 Women Who Care meeting, where the Special Olympics-Sunshine Coast was selected as the recipient for sponsorship. She also attended a Self-Employed Women’s Network meeting and a Canada Day planning meeting. Councillor Siegers looks forward to taking her grand-daughter to the Chamber of Commerce Wine and Cheese event.

Councillor Muller commented on his focus on the upcoming Oceans Day event. He also attended a Public Hearing and Committee meetings. Councillor Muller also attended an open house, seeking engagement around the Tetrahedron Provincial Park and its possible role in relieving water issues on the Sunshine Coast. He expressed that he is not in favour of downzoning the current designation of the park as a possible solution to the water issue.

Councillor Lutes attended a Harm Reduction meeting, and the BC Ferry Advisory Committee meeting as an observer. She also met with community members regarding bylaw infractions related to short term rentals. Councillor Lutes is looking forward to the Canadian Union of Public Employees (CUPE) Local 801 50th Anniversary event this coming Saturday.

Res. No. 2018-6A-30 – Moved/Seconded

That staff review current bylaw complaints pertaining to short term rentals and bring back a report with further information outlining current regulations.

CARRIED

Councillor Shanks attended the BC Ferry Advisory Committee meeting. He also noted that he and the Mayor have been notified of concerns from mobile home park tenants related to the recent change in parking and garbage fees reflected on this year's property tax notice.

Councillor Inkster also noted complaints received at the Farmer's Market regarding the change to garbage and recycling pick-up in mobile home parks and the associated fees. He commented on his attendance at the Rockwood Re-Opening open house and the BC Parks meeting regarding the Tetrahedron Provincial Park. Councillor Inkster also attended the Library Farwell meeting and an Ocean Protection meeting which he hopes to play a larger role in the future.

Mayor Milne noted discussions with residents of mobile home parks related to the garbage and recycling pick-up changes. He hopes further information and discussion will take place. Mayor Milne also noted the focus on plastic this upcoming Ocean's Day. He looks forward to what can be done regionally to reduce plastic in the ocean and possible initiatives.

11.2 Reports from SCRD Board Council Representatives

The SCRD Board representative, Councillor Wright, noted that a water and framework policy, a snowpack update and a solid waste update was discussed at the SCRD Planning and Development Committee meeting.

Councillor Wright also attended the Corporate and Administrative Services meeting where transit services, election cost sharing and alternate approval process was discussed. He also attended a CAO Board Workshop.

12. ITEMS FOR INFORMATION/RELEASE OF CLOSED MEETING ITEMS

12.1 RCMP March 2018 Monthly Statistics

Res. No. 2018-6A-31 – Moved/Seconded

That RCMP April 2018 Monthly Statistics be received.

CARRIED

12.2 Council Correspondence

Res. No. 2018-6A-32 – Moved/Seconded

That Council Correspondence included on the June 6th, 2018 Regular Council Meeting Agenda be received.

CARRIED

Res. No. 2018-6A-33 – Moved/Seconded

That staff respond to the letter dated May 7, 2018 from G. Beaulieu of Ecole Du Pacifique regarding financial support and direct them to the District's Community Investment Program.

CARRIED

Res. No. 2018-6A-34 – Moved/Seconded

That staff respond to the letter dated May 23, 2018 from M. Peterson, Chair of the St. Hilda's Building Committee, regarding a Building Permit Refund and direct them to the District's Community Investment Program.

CARRIED

13. MAYOR, COUNCIL AND STAFF EMERGENCY ITEMS

No emergency items were brought forward.

14. ADJOURNMENT

Res. No. 2018-6A-35 – Moved/Seconded

That the Regular Council meeting of June 6th, 2018, be adjourned at 9:18pm.

CARRIED

Certified Correct:

Bruce Milne, Mayor

Jo-Anne Frank, Corporate Officer