

BEYOND THE MINUTES

[The following reports on the Council Meeting of May 13th, 2020, it captures how each Councillor voted on critical issues.](#)

[Also, I have provided additional insight and background surrounding some of the decisions.](#)

[We do not have a newspaper, and you have a right to know what your Council is doing.](#)

[These opinions are my own alone. I encourage everyone to view the meeting on the Town Website](#)

[Doug MacKay-Dunn](#)

Minutes of the 10:00 am Wednesday, May 13, 2020, Town of Qualicum Beach Regular Council Meeting held in the Council Chamber, Municipal Office, 660 Primrose Street, Qualicum Beach, BC.

Pursuant to the March 26, 2020, Ministerial Order No. M083 [Local Government Meetings and Bylaw Process (COVID-19)] members of Council may participate in this meeting utilizing electronic or other communication facilities, and members of the public were not allowed to attend this open meeting of Council. 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 REMOTELY:

Council: Mayor Brian Wiese

Councillor Robert Filmer

Councillor Scott Harrison

Councillor Adam Walker

Councillor Teunis Westbroek

ALSO, PRESENT: Staff: Daniel Sailland, CAO

Luke Sales, Director of Planning

Bob Weir, Director of Engineering and Operations

Dennis Trudeau, Director of Special Projects

Marc Norris, Fire Chief

Heather Svensen, Corporate Administrator

Haylee 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

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Councillor Harrison MOVED, and Councillor Walker SECONDED, THAT Council adopts May 13, 2020, regular Council meeting agenda, as amended by adding a late item under 6(3) – Chamber of Commerce.

CARRIED 5-0

APPROVAL OF THE MINUTES

Council approved the minutes of April 22, 2020, regular Council meeting and April 20, 2020, and May 1, 2020, special Council meetings.

Ref: 1:14-3:50 Minutes in Zoom Video Discussion re Public Input

Councillor Walker asked the Clerk;" Is it possible to make a PDF available with the full comments, not in the minutes, but in a separate document that is publicly available so that members of the community who took the time to write knows that there will be a public record somewhere?

The Clerk committed to placing Public Comments onto the website, if there were only 4-5 comments, not the correspondence log because doing so would be too labour intensive.

CARRIED (5-0)

BUSINESS ARISING FROM THE MINUTES

(1) **Notice of Motion** from April 22, 2020, Regular Meeting of Council (Councillor Filmer)

Ref: 4;19-13;26 Minutes in Zoom Video

Councillor Filmer MOVED, and Councillor Harrison SECONDED, THAT Council

instructs Staff to bring forward the Town's list of capital projects for budget discussion at a future Council meeting.

CARRIED (5-0)

AMENDMENT TO CALL A SPECIAL CAPITAL BUDGET MEETING

Councillor Filmer MOVED, and Councillor Walker SECONDED, THAT Council amends the motion on the floor by inserting: "at a special meeting to be held before the end of May 2020".

MOTION FAILED Mayor Wiese, Westbroek, and Harrison against. Filmer and Walker in favour.

Councillor Filmer asked for an earlier meeting because, he reasoned, that the end of June would be too late. He proposed to review the Capital Budget, given COVID's potential impact on Town Finances and the very uncertain future facing the Town.

Speaking in opposition, Councillor Harrison said that there was no need for a special meeting since Qualicum Beach Budget was done, and the other communities could make changes because their budgets were not done. He argued that capital projects should proceed as planned.

Councillor Walker supported the earlier review and pointed to the potential federal grants for infrastructure projects at the end of COVID if we just waited until those funds were made available.

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Note: I have served in senior positions with a large Police Department and twenty years as Chair of the School Board and as a member of a municipal council. My experience tells me that Councillor Filmer's motion to call an earlier meeting to review the Capital Budget was correct and deserved majority support.

PUBLIC INPUT

NOTE: As the public were not permitted to attend the meeting, input was received by written submission to the Town of Qualicum Beach by mail or email and distributed to Council.

Ref: 14:56-16:47 Minutes in Zoom

Public Input Higson Crescent Development "Not in Balance"

Note: This was a critical discussion! I have attempted to capture all the conversation.

Councillor Walker asked what the process by which information was shared back with the Applicant and then again sharing information with those who have submitted public input was?

Mr. Sales responded: "The original round of feedback in terms of letters received before the publication of the agenda was online and available to the Applicant, so they read those and responded to the concerns expressed."

Walker asked: "We have received some correspondence from the applicant that was very specific itemizing concerns raised that were not on the website, and I was just wondering what the flow of information was for things that were not publicly available on the website?"

The Clerk responded: "I can answer that as well, I did have the applicant reach out asking for copies of letters that I had received on that, and those were provided to the applicant at their request."

Councillor Walker: "I appreciate that. I think it was good that the information was shared. I think it creates an unusual situation during public input when everyone is present. If someone gets up and speaks, everyone else who is present can also respond to the concerns raised. The letters that were sent back to the Applicant was perfectly appropriate."

Councillor Walker makes a significant point concerning FAIRNESS: "But it creates an odd imbalance where some people have access to some information, and others do not. I am hoping moving forward; we can look at this process and make some refinements."

Note: Here are the facts behind this discussion. The Applicant appears to be favoured over his immediate neighbours. He has spoken with and emailed Staff and members of Council on several occasions. The Staff did not accord the neighbours with equal respect. Three members of the Council did not meet with

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the residents or tour the neighbourhood. Therefore, the process was balanced in favour of the Applicant.

(1) Development Variance Permit: 596 Eaglecrest Drive

Heather Svensen, the Corporate Administrator, noted that there were two public input submissions received by the Town and distributed to Council regarding the Development Variance Permit for 596 Eaglecrest Drive:

May 10, 2020, email from Jim Connor, Harlequin Road, speaking in opposition to the location of the proposed variance.

May 10, 2020 email from Dianne Cafik, 1042 Harlequin Road, speaking in opposition of the proposed variance.

(2) Development Variance Permit: 333 Judges Row

Heather Svensen, the Corporate Administrator, noted that there was one public input submission received by the Town and distributed to Council regarding the Development Variance Permit for 333 Judges Row:

May 5, 2020 email from Stephanie Carlson, 333 Judges Row, speaking in opposition of the proposed variance

(3) Development Variance Permit and Development Permit: 217 Higson Crescent / 221 Higson Crescent

Heather Svensen, the Corporate Administrator, noted that there were **22 public input submissions** received by the Town and distributed to Council regarding the

Development Variance Permit and Development Permit for 217/221 Higson Crescent:

March 26, 2020 letter from Irene McClure, 213 Higson Crescent, speaking in opposition to the proposed variance.

April 6, 2020 letter from Joyce Green, 225 Higson Crescent, speaking in opposition to the proposed variance.

April 30, 2020 email from Faith and David Robertson, 229 Higson Crescent, speaking in opposition to the proposed variance.

May 3, 2020, email from Linda Allen & Barb Liang, speaking in opposition of the proposed variance.

May 6, 2020 - email from Faith and David Robertson, speaking in opposition of the proposed variance.

May 6, 2020 letter from Patricia Byers, 223 Higson Crescent, speaking in opposition to the proposed variance.

May 6, 2020, email from Grant Lamont, a consultant for the Applicant.

May 11, 2020, email from Sylvia and Larry Lombardo, speaking in opposition to the proposed variance.

May 11, 2020, email from Darla Furlani, applicant/owner of 217 and 221 Higson Crescent.

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May 12, 2020 letter from Birgitta Mick, 586 Pine Street, speaking in opposition to the proposed variance.

May 11, 2020 letter from Ron Bieg, 209 Higson Crescent, speaking in opposition to the proposed variance.

May 12, 2020, email from Ron Bieg, 209 Higson Crescent, attaching photographs to support his previous submission.

May 12, 2020 email from Dianne and Mike Sickels, 243 Higson Crescent, speaking in opposition to the proposed variance.

May 12, 2020 email from Catherine Sherrard, 148 Hoylake Road, speaking in opposition of the proposed variance.

May 12, 2020, email from Craig Hodge and Darla Furlani, applicant/owner of 217 and 221 Higson Crescent.

May 12, 2020, email from Craig Hodge, applicant/owner of 217 and 221 Higson Crescent.

May 12, 2020 email & petition from Ron Bieg, speaking in opposition of the proposed variance.

May 13, 2020 email from Irene McClure, 213 Higson Crescent, speaking in opposition to Option 1 of the proposal presented by Staff.

May 13, 2020 email from Joyce Green, 225 Higson Crescent, speaking in opposition of the proposed variance.

May 13, 2020, email from Ron Bieg, 209 Higson Crescent, attaching a photograph to his previous correspondence opposing the proposed variance.

May 13, 2020 letter from Nory Johrden, 224 Higson Crescent, speaking in opposition to the proposed variance.

[Note: In addition to the letters mentioned above; several residents signed a petition against the development.](#)

The Clerk reminded Councillor Harrison and the rest of Council that this was a Development Variance Permit and a Development Variance Permit does not require a Public Hearing.

[Note: According to legislation, this decision is accurate. However, given the future impact of this foreshore development on the other waterfront homes, much more consultation should have been done. Policy 3008-6 \(Attached to this document\) outlines steps that could have been taken. The proposal "s potential impact on the Waterfront would be significant. Given the work of the Waterfront Taskforce and SNC-Lavalin's analysis and recommendations, which, according to Councillor Harrison, cost the Town more than 100k. It follows that a full implementation plan should be discussed with all the waterfront properties, especially on the eve of post-COVID federal infrastructure grants.](#)

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CORRESPONDENCE

(1) Correspondence Log – May 13, 2020 – For Information

(2) Drinking-Water and Watershed Protection Service Amendment Bylaw No. 1556.04,

2020 - February 26, 2020 - Regional District of Nanaimo

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 "Drinking Water and Watershed Protection Service Amendment Bylaw No. 1556.04, 2020", and further, that the Regional District of Nanaimo is notified accordingly.

CARRIED 5-0

(3) Regional Parks and Trails Service Area Amendment Bylaw No. 1231.07.2020

February 26, 2020, Regional District of Nanaimo

Councillor Westbroek MOVED, and Councillor Walker SECONDED, THAT The Council of the Town of Qualicum Beach consents on behalf of the electors to the adoption of "Regional District of Nanaimo Regional Parks and Trails Service Area Amendment Bylaw No. 1231.07, 2020", and further, that the Regional District of Nanaimo be notified accordingly.

CARRIED 5-0

COMMITTEE & LIAISON REPORTS

General Government (Mayor Brian Wiese) - Nil

Parks & Recreation (Councillor Robert Filmer)

Councillor Filmer noted that effective May 13, 2020, the Qualicum Beach Memorial Golf Course would be open to the public.

[*Note: Some are saying that there was significant pressure applied to re-open the course.*](#)

Community Development (Councillor Scott Harrison)

Councillor Harrison MOVED, and Councillor Walker SECONDED, THAT Council directs Staff to work with the Chamber of Commerce to explore ways to utilize sidewalk spaces and parking areas to help support local businesses during the COVID19 pandemic, AND FURTHER THAT, for the period ending December 31, 2020, Council authorizes Staff to enter into Licenses of Occupation, at a nominal rate, with local

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businesses to utilize sidewalks and parking areas for outdoor seating, display or retail areas, subject to maintaining a minimum 1.5m unobstructed pedestrian corridor on the sidewalk.

CARRIED (5-0)

Councillor Walker MOVED and Councillor Filmer SECONDED, THAT Council amends the motion on the floor by striking: "for the period ending December 31, 2020".

MOTION FAILED: Councillor Walker and Filmer in favour; Mayor Wiese, Councillor Westbrook, and Harrison opposed.

Arts & Culture (Councillor Adam Walker)

Councillor Walker's Committee and Liaison report was submitted in advance and formed a part of the agenda package (pages 66-68).

Protective Services (Councillor Teunis Westbrook)

Councillor Westbrook requested an update from Staff on the work being undertaken at the former St. Andrew's Cottages property.

STAFF REPORTS

(1) Corporate Administrator (Heather Svensen)

(a) Announcement of Council Meeting Motions

Motions from April 20, 2020, In-Camera Council Meeting:

THAT Council appoints Lori Marshall to the Select Committee on Public Safety for a term ending December 31, 2021, as the representative for Qualicum Secondary School.

THAT Council authorizes Staff to enter into a License of Occupation with Black Press for community newspaper boxes, substantially in accordance with the following conditions:

The annual fee for the license is \$1,200.

The placement of individual newspaper boxes is subject to staff approval.

Newspaper boxes should generally be placed near Canada Post super boxes.

A maintenance clause be added to the agreement noting that the boxes be maintained by PQB News at the current condition, and visual displays be subject to staff approval.

THAT Council re-appoints the following members to the Airport Users Committee for a term ending October 31, 2022: Ian McLaughlin (Final Approach Restaurant); Pavel Novak (private hangar); Brian Sallows (Sunwest Helicopters).

THAT the Terms of Reference for the Airport Users Committee be amended by:

Under Section 4, Meetings, a quorum shall consist of a majority of members; ·

Under Section 6, Composition of the Committee, by removing Cascadia Air.

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Motions from the May 1, 2020, In-Camera Council Meeting:

THAT Council approves the Service Provider Agreement between the Town of Qualicum Beach and QBMGC with the date as set out in the Service Provider Agreement.

THAT Council agrees to add the Qualicum Beach Memorial Golf Club to the Town of Qualicum Beach insurance policy held with the Municipal Insurance Association of British Columbia via the Associate Member program.

Motions from the May 7, 2020, In-Camera Council Meeting: (continued)

THAT Council instructs Staff to work with Councillor Filmer and the Legion to present 19 Mission Support Squadron, CFB Comox the key to the Town of Qualicum Beach and allow them Freedom of the Town through a Town Resolution.

(b) Regular Council Meeting Schedule Amendment

Councillor Walker MOVED, and Councillor Harrison SECONDED, THAT the regular Council meetings scheduled for June, July, and August 2020 in the Council Chamber, 660 Primrose Street, Qualicum Beach, BC, be amended by changing the meeting start times to 10:00 am, and by allowing members of Council to participate utilizing electronic or other communication facilities pursuant to March 26, 2020, Ministerial Order M083.

Councillor Westbroek MOVED and Councillor Filmer SECONDED, THAT Council amends the motion on the floor by striking 10:00 am and inserting 3:30 pm.

CARRIED (5-0)

MAIN MOTION AS AMENDED:

THAT the regular Council meetings scheduled for June, July, and August 2020 in the Council Chamber, 660 Primrose Street, Qualicum Beach, BC, be amended by changing the meeting start times to 3:30 pm, and by allowing members of Council to participate utilizing electronic or other communication facilities pursuant to March 26, 2020, Ministerial Order M083.

CARRIED (5-0)

(2) Financial Administration (John Marsh)

(a) Monthly Finance Report - April 2020 - For Information

[Note: The Financial Report shows a consolidated line item for COVID direct costs of \\$53,516.00 without a detailed breakdown. Also, the report cites "The reason for Council enacting the Revenue Anticipation Bylaw was to act as a safeguard if cash collections are materially affected-by](#)

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COVID-19. However, when the Revenue Anticipation Bylaw was first introduced, we were told that plan to sell land to replenish financial reserves used to purchase waterfront lands was failing. In fact, last year the financial department was intending to bring a borrowing bylaw, much like this one, to Council for consideration. Both statements conflict with one another.

(3) Fire Department (Marc Norris, Fire Chief)

(a) Fire Department Monthly Report - April 2020 - For Information

Council expressed appreciation to the Qualicum Beach Volunteer Fire Department for their participation in the drive-by program being offered to the community during May 2020.

(4) Planning (Luke Sales, Director of Planning) (a) Monthly Building Permit Report - For Information

(b) Monthly Bylaw Report - For Information

(c) Development Variance Permit: 596 Eaglecrest Drive

Luke Sales, Director of Planning, introduced the Development Variance Permit (DVP), noting the DVP, if approved, would reduce the front lot setback by 1.8m to permit an addition for a secondary suite.

Councillor Filmer MOVED, and Councillor Westbroek SECONDED, THAT Council directs Staff to issue a Development Variance Permit for 596 Eaglecrest Drive as described in the May 13, 2020 Planning memo to Council.

CARRIED (5-0)

(d) Development Variance Permit: 333 Judges Row

Luke Sales, Director of Planning, introduced the Development Variance Permit (DVP), noting the DVP if approved, would reduce the front lot line setback by 2.15m and the interior lot line by 0.2m to permit a cabin with a covered pavilion.

Councillor Walker MOVED, and Councillor Filmer SECONDED, THAT Council directs Staff to issue a Development Variance Permit for 333 Judges Row as described in the May 13, 2020 Planning memo to Council, subject to removal of the hedge encroaching onto the Judges Row right of way.

CARRIED (5-0)

(e) Development Variance Permit and Development Permit: 217 Higson Crescent / 221 Higson Crescent

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Note: This was a highly charged debate between; Councillor Walker, Harrison, and Filmer. The discussion brought to light issues, of which few of us were aware. The chronology of the debate follows.

Ref: 47:20- Minutes Zoom Video

Luke Sales, Director of Planning, introduced the Development Variance Permit (DVP), noting the DVP, if approved, would reduce the setback from the natural boundary from 15.0m to 12.42m and increase the maximum height from 9.0m to 11.4m to permit a two-story home on the subject property. A Development Permit is also required as the Applicant is proposing to replace the existing sea wall with a more natural beach profile.

What is not included are the following comments of Mr. Sales @ 56.50 Mins of the Zoom video.

Mr. Sales pointed to the loss of over a meter of sand and pointed to the use of Hard Retaining Walls and Rip Rap as the causes of the erosion. He pointed to Green Shore improvements as the remedy, and it would maintain healthy Eco-systems. At 57.50, He commented the proposal is supported by those who worked on the Waterfront Master Plan.

At 58.31, Councillor Westbroek tabled a detailed and professionally researched amendment and, before doing so, commented that **the Applicant had been working on the proposal for a long time-18 months. If we didn't grant permission for his proposed home, he, (the Applicant) would not develop the foreshore**". He proposed to increase the setback from 1.5 meters to 3 meters and reduce the roof height variance to 1.9 meters from the proposed 2.4 meters variance. Councillor Harrison seconded the motion.

Councillor Walker (59.38 mins) The motion will mean a dramatic redesign, and it would be appropriate to send this back to Staff to evaluate the impact and return the revised plans to Council. Councillor Walker expressed severe concerns about the proposed rental unit because it is above the garage, and its window overlooks the neighbour's front yard, diminishing the neighbour's enjoyment of their yard (QUALITY OF LIFE ISSUE).

Councillor Filmer (101.01 Mins) stated: "One of the neighbours is going to be living next to a giant wall and a "Foreshore Improvement will diminish another neighbour's views." Councillor Filmer then asked the question (Unintended Consequences): "Are we setting a precedent here? Are all of the waterfront properties from Higson to Judges Row going to be allowed or required to build foreshore improvements into the Waterfront?" "The other part is just that is not the neighbourly thing to do. None of them is in favour of what is being proposed right now, and I think that is an important piece. **When this first came to Council, we were told that the Applicant had gone to the neighbours, and everything was fine, and a couple of days later, we were told that's not true, and we were invited to meet with the residents.**"

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At 102:40 mins Councillor Harrison asked an interesting question of Councillor Walker and Filmer.

"Prior to this becoming Council business, the proponents reached out to me and, I think, every member of Council as well, and they told me that two members of Council said that it would be highly inappropriate to speak to meet them and that they hadn't had an opportunity to speak with them. I am curious why would it be highly inappropriate to speak to the proponent prior to it becoming Council business.

Note: Policy 3008-6 prohibition is explicit. Once a formal development application has been received-all discussions relating to the application must be in a public meeting.

Note: See Councillor Westbroek's comment that the Applicant had been working on this project for 18 months)

Councillor Harrison then asked both Walker and Filmer, "Through the Chair to either Councillor Walker or Filmer, they told me that you told them that it was highly inappropriate to speak with them before becoming Council Business."

Cllr Walker responded. "We have a policy 3008-6 that while an application is before Council we are not, or the applicant, allowed to speak to or he/she is not allowed to speak to members of Council regarding the application." _

Note:

Both are incorrect. Policy 3008-6 clearly states:

"After the submission of a formal development application, applicants shall refrain from discussing their applications with members of Council except during meetings that are open to the public as identified in the attached flow chart.

Staff may not take part in a meeting with a development applicant if a member of the Council is present except during meetings that are open to the public.... "

Councillor Walker continued to describe the significant breach to official Town Policy.

"Once this was presented to, and as it was being prepared to be sent to Council, we received emails from the Applicant saying this is what we want to do. So, I replied to the Applicant and all of the Council referencing that Policy saying that, while this business is before Council, all

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communication goes through Staff. I am not sure of the timelines. I am not sure of when you were in contact with the Applicant before dealing with Staff. But once the application...we received an email yesterday from the Applicant communicating directly with Council, that was the type of communication I attempted to discourage."

Mayor Wiese (104.12) "To Daniel or Heather. A clarification development permit. Are there restrictions? I know there is around Public Hearings. My understanding is that we can still communicate about a variance-is that correct?"

Note: No, it is not correct. Policy 3008-6 states: "Once a formal application is made, there can be no contact between the Applicant and members of the Council outside of a public meeting."

Mr. Sailland" (104.47) Luke has been handling this file directly."

Mr. Sales (105.34) "The property owner was invited to comment, and that is perfectly in line.

"Certainly, wherever possible, property owners should be going through Staff-that's the cleanest process" "Council saves their voices and each act as a member of (The Body) Council."

"Is it the best practice...there is no clear policy that members of Council cannot speak with or correspond with a proponent before any formal input opportunity."

"Is it prohibited for property owners to approach members of Council? No!

Mr. Sales' answer was not correct! Please read the following evidence.

Note: On March 12, 2012, the Qualicum Beach Council approved Policy "3008-6. Development Procedures and Protocols "It is a detailed and comprehensive policy document. It clearly articulates procedures and protocols to be followed during the development process. It defines the roles of the Council, Staff, and the Applicant. And to be even more precise, it included a Decision Tree Flow Chart using a Systems Analysis Model. Policy 3008-6 was drafted by the Planning Department headed by the newly appointed Mr. Luke Sales. Mr. Sales had previously served as the Deputy Director of Planning for an extended period. The Policy is attached to this document. Policy 3008-6 states: "Once a formal application is made, there can be no contact between the Applicant and members of the Council outside of a public meeting."

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Councillor Filmer (106.34) asked to be allowed to answer Councillor Harrison's question. "I am not understanding the point of the question other than to put someone personally on the spot. I never responded to the request. So, to say that two members of the Council refused to speak with him is wrong. The accusation that I refused is false!

Mayor Wiese (107:45) ".Part of the problem we have with this application is the humongous large amount of false information circulated with the community which I have addressed with some of the neighbours and their representatives. I am not sure where all of this information came from." "Where they could not walk on the beach anymore." "The guy's making their private beach...a majority-not all-of false information!!"

Councillor Filmer 108.49) "What letters or information are you referring to?"

Note: The answer to Mayor Wiese' s statement; "I am not sure where all of this information came from is: " The information was found in the engineering report and the neighbourhood committee's review of those documents raised their concerns.

The first Motion on the Development Variance Permit

Councillor Westbrook MOVED, and Councillor Harrison SECONDED, THAT

Council directs Staff to issue a Development Variance Permit for 217 Higson Crescent as described in the May 13, 2020 Planning memo to Council, subject to a three-meter minimum setback on the northwest side of the development and a maximum height of 1.9 meters.

BEFORE THE VOTE on the DVP

Councillor Walker argued "I think it premature to be discussing the DVP on the home when we have not discussed the entire development permit...If there are any changes to the development permit, those changes could have an impact on the Flood Construction Level (FCL). It is more appropriate to be discussing the development permit before discussing the Development Variance Permit (DVP).

Councillor Harrison "I don't think that there would be an impact on the Flood Construction Levels that is a product of 'Geotechnical Reports and scientific data. It is not dependent on what foreshore improvements exist."

Mr. Sales was asked for comment. His response was detailed and, agreed with Councillor Westbrook's motion claiming it to be feasible and would not impact on the form and character of the development.

Councillor Westbrook added "The reason I wanted to deal with this is if we don't approve the DVP (Development Variance Permit), they won't be doing anything on the foreshore.

Councillor Walker countered "I can't support this motion because we are approving something sight unseen. We have yet to discuss the foreshore.

Mayor called the vote on the motion to grant the amended DVP.

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CARRIED: Recorded Vote:

IN FAVOUR: Mayor Wiese; Councillors Harrison; Westbrook

OPPOSED: Councillors Filmer and Walker.

THE DEVELOPMENT PERMIT FOR THE FORESHORE.

1:14.33 Councillor Westbrook MOVED, and Councillor Harrison

SECONDED, THAT Council Directs Staff to issue a Development Permit for 217 Higson Crescent as described in the May 13, 2020, Planning memo to Council. FURTHER, THAT **confirmation is received that there will be unobstructed pedestrian access across the foreshore at high tide.**

[Note: How will that "confirmation" be confirmed and, if not what then?](#)

DISCUSSION

1.15.04 Mayor Wiese" There were a lot of complaints we heard that they would not have access to the beach at high tide...I don't think that's true and apparently, it is not."

[NOTE: The Mayor was referring to the amendment which was not in the original public package. The community based their concerns on that document.](#)

115.48 Councillor Walker: "In the preliminary design in the report it references any proposed option should not interfere with the RIPARIAN RIGHTS of adjacent landowners unless written authorization from those landowners has been obtained. It later says that if approval from adjacent landowners cannot be obtained the HEADLANDS may have to be repositioned "...Walker continued (116.10)"..We received an email from the direct neighbour that said that she had reviewed the supporting documents from the above report and expressly does not give permission for option one regarding the implementation of such a contravention of her rights and she is referring to take legal action." Walker asked Staff;" Being that the engineer's report states that we will need the written permission from the neighbour has said that she will not give it, would it not be appropriate to see a revised option taking that into account?"

116:54 Mr. Sales replied: "In discussions with the coastal engineer, he recommended that the Headlands be positioned as currently is proposed and that they partially protect the neighbouring properties. However, they could be moved just as easily inland so that they are not at all in front of the neighbour." **Mr. Sales answered Councillor Filmer's earlier point regarding setting a precedent for waterfront owners to follow suit. He replied,** " "...The Town would encourage, in accordance with the Waterfront Master Plan, which specifically says that the Town will take the lead in coordinating neighbourhood level GREEN SHORES PROJECTS. So, this is a green shore project". Mr. Sales expressed more support for "a more extensive neighbourhood approach...would be optimal, you would see those Headlands repositioned farther out in front of neighbouring properties and maybe additional Headlands spaced periodically up and down this area. The net result would be unobstructed access at grade for these properties down to the Waterfront."

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119.55 Mr. Sales "I want to touch briefly on Riparian Rightsaccording to Common Law a Waterfront property owner retains the right to be able to access the Waterfront....anything that was placed out in front that obstructed their ability to access the Waterfront is prohibited by Common Law. That is not to say it has anything to do with the Town's authorization of it (THE WORK)...(120.50) whether or not the Town wants to issue a development permit to authorize the work is not implying any rights or infringing on any rights with relation to common law. So, it's not acting on behalf of the Province who still has to review this."

121 "So if this is approved it still has to go to FOREST LANDS AND NATURAL RESOURCE OPERATIONS (Impact on the Wildlife Management Area); then to CROWN LAND AUTHORIZATIONS (to consider if they are willing to enter into an agreement to allow this on Crown Land); then to NAVIGATION CANADA (to ensure that does not impact on property owners or people who want to use this for fishing or boat access) then to THE DEPARTMENT OF FISHERIES AND OCEANS (to ensure that it has no negative impact on fish). So, we're essentially the first part of a lengthy approval process that covers all of these issues in much more detail.

122.02 Councillor Harrison pointed out that the proposal was in line with the Town's OCP and that page 22 of Appendix F of the Waterfront Master Plan for Eaglecrest has a very similar design. He also pointed out that the Waterfront Master Plan. Further, in answer to Councillor's Filmer's concerns regarding failure, Councillor Harrison said: " I don't think we should be overly concerned with "what ifs" because we have examples that exist in the real world."

132.34 Councillor Walker asked again: "I asked a question previously...has this Council looked at this document...because we have an opportunity to see ' Green Shores' implemented on many more properties, and that's something we should be considering...to the rest of Council have they had a chance to work through the rest of this document?

Note: The document was extensive and dense to read. Walker's question was reasonable..

132.56 Mayor Wiese " I don't believe the Council has to answer that question I have!

Note: The question was never answered and leaves the question open.

133.10 Mr. Sales explained that option 2 was a rip rap wall and was not supported by Staff but suggested a compromise to the Headland design. After he had dictated his proposed amendment, Council agreed, and the following motion was made:

Councillor Westbroek MOVED and Councillor Filmer SECONDED, THAT Council amend the motion on the floor by inserting: "subject to the headlands structures being reduced to the minimum height required to protect the property at the specified Flood Control Level."

CARRIED 5-0

MAIN MOTION AS AMENDED:

BEYOND THE MINUTES

THAT Council Directs Staff to issue a Development Permit for 217 Higson Crescent and 221 Higson Crescent as described in the May 13, 2020, Planning memo to Council AND FURTHER THAT confirmation be received that there will be unobstructed pedestrian access across the foreshore at high tide; subject to the headlands structures being reduced to the minimum height required to protect the property at the specified Flood Control Level.

CARRIED - Recorded Vote: IN FAVOUR: Mayor Wiese; Councillors Filmer, Harrison; Westbroek opposed Councillor Walker

Note: The are two unanswered questions here. The first is what would the "Unobstructed pedestrian access' look like'? The second is: " Who defines the minimum height of the Headland, and how would that change impact on the Flood Construction Level?"

(f) Creation of Safe Pathway West of Bay Street

Councillor Walker MOVED, and Councillor Filmer SECONDED, THAT Council directs Staff to proceed with the reconfiguration of Hwy 19A parking and designation of a multi-use pathway west of Bay Street in accordance with the May 13, 2020, Planning memo to Council; AND FURTHER, THAT work plan three referenced in the May 13, 2020 memo to Council be deferred until a further review has been conducted by Council.

CARRIED 5-0

Councillor Walker MOVED, and Councillor Filmer SECONDED, THAT parking on the north side of Highway 19A west of Bay Street be re-established where possible after encroaching structures have been removed from the public right of way, AND FURTHER THAT Staff be instructed to notify the affected property owners of the pending changes by letter.

CARRIED 5-0

Note: the real challenge will be the removal of encroachments, some long standing. This may be a protracted legal process.

BYLAWS (1) Zoning Amendment: 595 Spruce Street

Councillor Filmer MOVED, and Councillor Westbroek SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999 Amendment (595 Spruce Street) Bylaw No. 580.113, 2019" be adopted subject to access being from Spruce Street.

CARRIED Mayor Wiese, Councillors Westbroek, Harrison, Filmer in Favour, Councillor Walker opposed.

Note: Councillor Walker was opposed because he wanted to retain front of the property for future subdivision development. Also, the developer was required to contribute to a "Side Walk Fund" (\$110.00 a meter). Driveways and sidewalks do not mix!

BEYOND THE MINUTES

COMMENTS FROM THE GALLERY

During the COVID-19 pandemic, while Council is participating in regular meetings electronically and the public are not permitted to attend, members of the public were able to provide comments regarding this regular meeting of Council by means of email, letter, or by phone.

Comments for this regular Council meeting were received by 12:00 pm the day following the meeting (May 14, 2020). Submissions were distributed to all of Council, and a summary of the comments are as follows:

Lance Nater, 996 Royal Dornoch Drive, regarding tree retention policy with respect to development.

Kevin Monahan, 586 Alder Street, regarding public input during the coronavirus pandemic.

Lance Nater, 996 Royal Dornoch Drive, regarding Parksville Qualicum Beach News newspaper boxes.

Irene McClure, 213 Higson Crescent, regarding a secondary suite at 217 Higson Crescent.

Irene McClure, 213 Higson Crescent, regarding public input during the coronavirus pandemic.

Tim Pritchard, 663 Windward Way, regarding:

Councillor Filmer's notice of motion.

Pathway west of Bay Street; and Coronavirus Pandemic Recovery Plan.

John Wood, 466 Troon Close, regarding the Development Variance Permit for 217 Higson Crescent and potential redesign.

Patricia Byers, 233 Higson Crescent, regarding the public input process for 217 Higson Crescent.

Ron Beg, 209 Higson Crescent, regarding development application processes, public input, and the development applications for 217/221 Higson Crescent.

Note: Council minutes are not finalized for some time after the close of the meeting- In rare cases-weeks. It follows therefore, that the time restriction of 12 pm the day following the meeting (May14,2020) does not make sense and does not support meaningful communication with the public.

A second point: The authors of these letters are well informed and engaged members of this community. They have much to contribute a one line reference to their letter(s) is troubling.

ADJOURNMENT 11.57

BEYOND THE MINUTES

Moved by Councillor Filmer, seconded by Councillor Westbroek-Carried 5-0