



PRESENT: Mayor Rod Peters  
Councillor Carolyne Austin  
Councillor Tim McGonigle  
Councillor Kristine Sandhu  
Councillor Lorna Vomacka

STAFF: Joseph A. Fernandez, Chief Administrative Officer  
Ronnie Gill, Director of Finance  
Roni-Lee Roach, Executive Secretary

PUBLIC: 25

Mayor Peters called the meeting to order at 6:02 p.m.

## **1. OPENING REMARKS**

**(a)** The Mayor explained the process for the public hearing.

The purpose of the hearing was to give the public the opportunity to provide input on the proposed Town of Lake Cowichan Zoning Amendment Bylaws Nos. 1030-2019 and 1033-2020.

The proposed Town of Lake Cowichan Zoning Amendment Bylaw No. 1030-2019 is intended to amend uses of the property described as Remainder Lot A District Lot 13 Cowichan Lake District Plan VIP64669 and as follows:

- Addition of secondary suites in single detached dwellings as an accessory use;
- Addition of Density Bonus calculations which would require adhering to the Affordable Housing policy to be adhered to if the number of residential units exceeded 55 units;
- Deletion of the concept plan as approved by Bylaw No. 1007-2018; and
- All other conditions are to remain as approved earlier for the zone district Single Family Detached and Duplex Residential - R-1-C.

The Mayor established the rules for the conduct of the hearing. Mayor Peters asked if there were questions on the process he had laid out for the public hearing. He added that the input should be strictly on the bylaw that is the subject of the public hearing.

Hearing no questions on the process he had laid out, Mayor Peters then called on the Chief Administrative Officer to introduce the bylaw.

## **2. BYLAW NO. 1030-2019**

**(a)** The Chief Administrative Officer advised that the Zoning Amendment Bylaw No. 1030-2019 had been given 1<sup>st</sup> and 2<sup>nd</sup> readings by Council on December 17<sup>th</sup>, 2019. A public hearing had been held on January 28<sup>th</sup>, 2020 following which

Council rescinded second reading and amended the bylaw at a Special Meeting of Council held on February 4<sup>th</sup>, 2020.

The Chief Administrative Officer further advised the following:

The public notices as required under the *Local Government Act* had been issued and all statutory requirements have been met and three (3) written submissions were received; 1 staff report and 2 written letters had been received by the public as of the close of the business day.

The public has had the opportunity to review documentation relating to the bylaw amendments, in the meantime.

Council was advised it may after the adjournment of the public hearing proceed to adopt Bylaw 1030-2019 which will effectively amend Zoning Bylaw 935-2013.

**(b)** The Mayor called for public input.

The Mayor invited the proponent of the application to first address the meeting on the amendment proposal.

Brian Locher

Brian Locher, representing BV Developments Management Inc., the applicant, advised those present that the subject property had been purchased in July, 2019 and the original development plan from the 2018 rezoning application reflected narrower lots and was found not to have an adequate emergency access.

He related the following:

- new layout that was proposed would take into account the environmental areas which was assessed by Madrone;
- a secondary access to Lakeview Park Road was being considered if Timberwest gives its approval and would be the access for construction;
- 47 single family home lots were proposed;
- The size of the lots have been standardized to 450m<sup>2</sup> (4400ft<sup>2</sup>);
- BV Developments will construct the homes;
- The zoning amendment being requested was for secondary suites as people are requiring the financial assistance with their mortgages and with an aging population, allowing families to care for family members in their home.

Mayor Peters afforded members of Council an opportunity to ask questions of the applicant.

Councillor Vomacka asked about the road access agreement with Timberwest.

Mr. Locher advised that he has been in discussions with the company and that it has no objections to the proposal for access which should be finalized in the next few weeks.

Councillor Vomacka asked for clarification of the larger lot adjacent to the proposed 47 single family and 3 duplex lots.

Mr. Locher stated that the area may possibly be a strata development with a maximum of 8 single family lots. When Councillor Vomacka asked if they would be townhouses, Mr. Locher responded that was a possibility.

Councillor McGonigle asked for clarification of the 47 lots and if they would allow for short term rental.

The Chief Administrative Officer advised that short term rental was not the proposed usage for this property. The proposed use accessory to the principle use was one of home-based business, or secondary suite or bed and breakfast.

Paul Jordan

Paul Jordan, 462 Point Ideal Drive, commended the applicant on the secondary access provision. He spoke on his written submission which outlined his concern with the potential of short term rental and the impact of density being proposed. He felt that allowing short term rentals and secondary suites would have a huge impact and urged Council to take a step back and consider the factor of short term vacation rentals.

Bonnie Makowsky

Bonnie Makowsky, 422 Point Ideal Drive, spoke on the letters she wrote in 2014 and 2017 on concerns with traffic and the 40 km speed limit down Point Ideal Drive and that it is still an ongoing issue.

Peter Patsula

Peter Patsula, 478 Point Ideal Drive, directed some questions to Council:

1. What does density bonus mean?
2. Size of the proposed lots? and
3. Would any of the lots be over 600m<sup>2</sup>?

The Chief Administrative Officer responded that bonus density referred to the maximum allowable units being 55 and that 20% of that has to be made affordable.

Mr. Locher responded to the other questions raised advising that the lot sizes would be 50m X 30m (45 ft x 100ft) and there may be 10 to 12 lots that are over the 600m<sup>2</sup> as that is what the market research was showing as feasible.

Peter Patsula

Peter Patsula, 478 Point Ideal Drive, continued speaking and spoke on the following:

- He conveyed his thanks for recognizing the concerns with triplex development and that it was not being considered with the current amendment request;
- Glad that the developer was listening to the community and its concerns; and
- Concerned with doubling the density with duplex and secondary suites being allowed as he felt that it should be limited to single family use.

Mayor Peters asked if there was any further public input.

Peter Patsula

Peter Patsula, 478 Point Ideal Drive, continued sharing his input, as follows:

- The 3rd phase should be restricted on use as when he bought into the development and not allow secondary suites;
- He felt that the setbacks were too close to the

roadway and that the rear setback should be amended from the proposed 4.5m to 9.0m;

- Ensuring that there is no runoff or sloping onto the properties below and that the riparian streams in the area be considered for any and all development;
- With the allowing of secondary suites, there is a potential of 100 units and that is not in line with the first two phases; and
- Requested that prior to development, traffic be looked at, as well as, sewer, power, water and storm system considerations be taken into account.

Mayor Peters called for further public input.

David Ridley

David Ridley, 11 Wellington, enquired into the proposed secondary access and stated that a left turn onto South Shore Road is dangerous. He asked if there was already a sign stating "No Left Turn".

Lynn Ross

Lynn Ross, 462 Point Ideal Drive, requested that the environmental concerns be addressed and requested that the public be provided with the environmental reports that have been undertaken by the developer. She further questioned whether a traffic study had been undertaken and whether the proposed development would be considered in its findings.

- (c) The Mayor issued a second call for public input.

No input was received.

The Mayor issued a third call for public input.

Lori MacKenzie

Lori MacKenzie, 465 Point Ideal Drive, stated that a letter of concern had been submitted prior to the public hearing and requested that the concerns outlined be considered.

The Mayor issued a third call for public input.

Hearing no more verbal input, Mayor Peters stated that no more submissions would be accepted after the meeting and that the bylaw for Point Ideal Drive would be referred to the regular meeting following the public hearing.

### **3. BYLAW NO. 1033-2020**

- (a) The Chief Administrative Officer advised that the Zoning Amendment Bylaw No. 1033-2020 was given 1<sup>st</sup> and 2<sup>nd</sup> readings by Council on January 28<sup>th</sup>, 2020. A public hearing had been held on January 28<sup>th</sup>, 2020 and the applicant had requested his proposal be amended prior to the notice of public hearing. Council had rescinded second reading and amended the bylaw at a Special Meeting of Council held on February 4<sup>th</sup>, 2020.

The Chief Administrative Officer further advised the following:

The public notices as required under the *Local Government Act* had been issued and all statutory requirements have been met and 2 written submissions were received; 1 staff

report and 1 letter had been received by the public as of the close of the business day.

The public has had the opportunity to review documentation relating to the bylaw amendments, in the meantime.

Council was advised it may after the adjournment of the public hearing proceed to adopt Bylaw 1033-2020 which will effectively amend Zoning Bylaw 935-2013.

**(b)** The Mayor called for public input.

The Mayor invited the proponent of the application to first address the meeting on the amendment proposal.

Dale Plante

Dale Plante, Plante Developments, the applicant, as well as, Kyle Plante and Gordon Roth were on hand to speak on the amendment request.

Dale Plante, advised those present that the proposed dwelling units would be 1000 to 1400 ft.<sup>2</sup> and they were not intent in looking at duplex units.

Kyle Plante stated that Plante Development has been in the community for some time and has a good reputation. He further indicated that the dwellings would be 3-bedroom, 2-bath and would entail a portion of affordable housing units in respect to the bonus density aspect that would reflect 2 to 4 units being rented for a 10-year period at the development costs.

Councillor Vomacka asked how many units were being proposed for the area. Dale Plante advised the units would be determined with the contract planner and Chief Administrative Officer. He further stated that a potential 25 to 30 lots were being considered with the layout and configuration of the lots.

Kyle Plante shared that they have received a lot of positive feedback on the potential development.

Mayor Peters afforded members of Council an opportunity to ask questions of the applicant.

Councillor Vomacka asked about visibility to oncoming traffic coming from Highway 18 and Youbou Highway.

Mr. Plante advised that there was a large section that was very visible and that the development would be situated along a row at the treeline with the exit to the development being far away from the highway connection.

Councillor McGonigle asked where the exit for the housing development would be situated.

Mr. Plante advised that the exit point would be situated close to the current treed area and that the layout had been provided to staff.

Councillor McGonigle clarified that the affordable housing aspect of the density bonus calculation of 20% was not

intended to penalize the developer, it was to provide opportunity for attainable housing in the community.

Michelle Zaharia

Michelle Zaharia, 237 Cowichan Lake Road asked for clarification on the short term vacation rental as a permitted use.

The Chief Administrative Officer stated that short term vacation rental were rentals that were for periods of less than 30 days.

Dale Plante advised that the permitted use would be up to the owner(s) of the property and that some of the units may not even have garages as the development would be done in a 3-cookie cutter version for the construction.

The Chief Administrative Officer further advised that construction of any lot greater than 17 would be required to allocated as affordable housing.

Ron Postleb

Ron Postleb, 222 Tal Crescent, began to direct questions to the proponents on their development plans for the lots proposed.

Mayor Peters called the meeting to order.

The Chief Administrative Officer stated that the public hearing was being held to receive input on the proposed zoning amendment not the development itself.

Councillor Vomacka thanked both the developers for their presentations and asked if they would consider removing reference to short-term vacation rentals as a permitted use within their applications as it appears to be a public concern.

Jayne Ingram

Jayne Ingram, 83 Somenos Street, asked if there would be room in the development for a playzone and/or greenspace. Mr. Plante acknowledged her question and said that it was a good point to consider.

Paul Jordan

Paul Jordan, 462 Point Ideal Drive, asked for clarification on the accessory use as he stated that it was confusing with short term vacation rentals and Air B&Bs.

Dorothy Nakahara

Dorothy Nakahara, 190 Lake Park Road, whose property borders on the back of the development shared her concerns with traffic and parking as each property will have 1 to 2 cars. She felt that safety concerns had to be addressed coming on and off the main highway and Cowichan Lake Road with respect to transit and school buses and traffic congestion in the area.

Ray Perry

Ray Perry, 120 Lake Park Road stated that he felt it was a dangerous area where you enter onto Cowichan Lake Road in the afternoon with the sun affecting drivers. He asked if the area would be re-treed as the development may cause more noise in the area. He further asked if there would be safe access to the trail as there were no sidewalks and if the developer would be making provisions for installing sidewalks.

Mayor Peters advised that development of the property will be done in the subdivision plans that is undertaken by the

Chief Administrative Officer and contract planner.

Lynn Ross

Lynn Ross, 462 Point Ideal Drive, asked what the definition of Affordable Housing was.

She was advised that the term widely used today was Attainable Housing.

Paul Jordan

Paul Jordan, 462 Point Ideal Drive, expressed his view that Council need to set a number to the requirement and that the affordable housing standards should be based on one's financial wherewithal.

Mayor Peters reminded the public that it was digressing from the public hearing subject which was the rezoning applications.

Wayne Rees

Wayne Rees, 9722 Miracle Way asked if there was an idea of the layout of the development and would allow for parking of recreational vehicles.

Mayor Peters advised that the development would be left with staff and that at present, Council was dealing with the zoning bylaw amendments at this hearing.

Darlene Ector

Darlene Ector, 42 Quamichan Avenue advised that she was a member of the Advisory Planning Commission and that it was its intent to have affordable housing and attainable housing in the community. She felt that she was only hearing from the public that had a NIMBY (not in my backyard) concern was against development in their neighborhoods.

Katherine Worsley

Katherine Worsley, 320 Lake Park Road asked clarification on the subject of the zoning versus the development for the hearing.

The Chief Administrative Officer advised that the amendments being sought are summarized in the public notice provided.

Mrs. Worsley further asked who makes the determination of permitted use for the property.

Mayor Peters advised that the owner of the fee simple lot would determine its use based on the zoning restrictions of the relevant zone.

Lori MacKenzie

Lori MacKenzie, 465 Point Ideal Drive, asked what the permitted use of short term rentals meant within the Plante Development proposal.

Mrs. MacKenzie shared that the City of Victoria only allows for secondary suites and that short term rentals are not allowed within any area.

Chris Morley

Chris Morley, 7986 Greendale Road, spoke on his concerns with environmental impact of Stanley Creek and the spawning habitat for trout and salmon and whether those matters have been considered.

Mr. Plante advised that an environmental management plan

has been done and Mr. Morley stated that impacts have already been created and vegetation has been impacted.

Mary Rees

Mary Rees, 9722 Miracle Way stated that people are afraid of not invested person with short term rentals. She asked that Council look at the overall picture and shared that she was not okay with vacation homes and houses.

Mayor Peters stated that the role of the Advisory Planning Commission (APC) was to make recommendation on the matters such as short term vacation rentals and Air B&Bs and whether their use should or should not be permitted in the municipality.

Ron Postleb, raised the question of clarifying the Advisory Planning Commission.

Katherine Worsley asked about the layout as she has not seen the development plans and asked where the entrance would be located at or near Cowichan Lake Road and the potential access at the Wye Entrance.

Councillor McGonigle wished to remind those present that the access will be looked at during another meeting and that this hearing was for the zoning amendments.

Wayne Rees

Wayne Rees asked if an environmental assessment had been done. Mr. Plante acknowledged that an assessment had been done on the creek and that once the layout of the development was established, another would be undertaken once density of housing was established.

Mayor Peters stated that the zoning amendment request would be addressed before the development of any of the property can be dealt with.

Councillor Vomacka thanked staff and developers for establishing the requirement of signage at the subject properties to inform the public of the proposed changes and that it was a good thing for our community to be better informed. She further addressed the proponents and stated that they would be putting in some much needed housing in the community.

Ray Perry asked the Chair what would occur if the rezoning application as not approved.

Councillor McGonigle addressed Mr. Perry and advised him that the subject property would revert back to the original zoning of the parcel of land. Mr. Perry commented that it would be difficult to turn it back to the original as the land has already been cleared.

**(c)** The Mayor issued a second call for public input.

No input was received.

The Mayor issued a third call for public input.

No input was received.

Mayor Peters stated that no more submissions would be

accepted after the meeting and that the bylaw for Cowichan Lake Road would be referred to the regular meeting following the public hearing.

**3. ADJOURNMENT**

Mayor Peters declared the public hearing for the proposed Bylaws No. 1030-2019 and Bylaw 1033-2020 closed and advised that the bylaws would be returned to Council for further consideration (7:02 pm.).

Certified correct \_\_\_\_\_.

Confirmed on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor