

Mayor Fromme opened the regular meeting of Council at 19:00 hours on June 7, 2021 at the Midway Community Centre, 692 Seventh Ave., Midway, BC.

Due to the Covid-19 virus the Council Chambers is restricted to an occupancy level of only 5 people in order to safely accommodate the physical distancing requirement. Until further notice Council meetings will be held either in-person at the Midway Community Centre or by virtual meeting via zoom. On December 2, 2020, the Provincial Health Officer (PHO) Order on Gatherings and Events was amended outlining that until further notice the public is restricted from attending all local government meetings in-person. This meeting was recorded.

The Council acknowledges that this meeting is taking place on the non-treaty traditional lands of the Okanagan Nation Alliance and the Osoyoos Indian Band.

Present:	Mayor Fromme Councillors Dunsdon, Grouette, Metcalf
Absent:	Councillor Schierbeck
Staff:	Penny Feist, Chief Administrative Officer Rhonda Shangraw, Administrative Assistant
Delegation:	Via Zoom - Gus Van Loenen, Developer / Robert Stacey, Cover Architectural Collaborative Inc. / Judy Willsey / Julian Willsey / Sev Abadi, Planning Technician/City of Grand Forks / Wendy Whelen, Planner
Public:	Via Zoom – Merry English

Introduction of Late Items – Moved/Seconded Recommendation of the Development Variance Permit Application No. 2101, be added to New and Unfinished Business item a); and Voyent Alert system, presentation by the fire chief Michael Daloise, New and Unfinished Business item b). **Carried**

Adoption of Agenda

Moved /Seconded that the June 7, 2021 regular meeting agenda be adopted as amended.

Carried

Delegation – Development Variance Permit for 430 Lyall Street (Application No. DVP 2101). with the civic address of 430 Lyall Street, legally described as Block B, Plan KAP5200B, District Lot 501, SDYD, Except Plan H865, which lies to the S of the S Boundary of Plan 18299, PID 028224370. (written report to form a part of the June 7, 2021 minutes)

Background:

Wendy Whelen, Planner introduced the application confirming this variance is in relation to DVP Application No. 2101, to vary the provision of the Zoning Bylaw 464, S.404(7)(a) maximum height for a proposed multi family residential building in the R3 Zone from 11 to 18.6 metres / three stories to five stories, of one principal building on the land. The proposal is generally for a five story residential condo style building with parking on the ground floor and four storey's above would be residential for approximately 28 condo units.

The decision for Council tonight is on the variance permit only, there will be other processes to follow if approved including a building permit that will require some design review, site layout review and referrals to local departments and agencies again. As required by the Local Government Act notice must be provided to affected property owners and tenants within 30 metres of the site. There were some comments received from the Willsey's, which have accompanied the report from the CAO and the Willsey's will have an opportunity to comment. The application was reviewed from a technical standpoint, and based on the elements of the review, the recommendation is to approve the Development Variance Permit No. DVP 2101 with three conditions, as outlined in the June 7, 2021 report.

Robert Stacey, Cover Architect, representing the developer presented a recreation of the view the neighbour prepared using 3d model software, along with a representation of a landscaped buffer between the properties that they would reasonably anticipate. The sketch represents what the developer and architect thinks is a more accurate depiction of the proposed building height/form - which is shorter in the perspective than what the neighbour has represented. Additionally, the photo in the neighbour's document appears to be a panoramic image, which distorts perspective and height relations.

Outlined the purpose and use of the property, 28 unit project was aimed for people who relocated or wants to relocate to Midway.

Mayor Fromme - What is the nature of the units, are they rental units, condominium units.

Architect - The proposed units will be strata condominium style units owned by the individuals separate from the developer.

Councillor Grouette – Site plan shows a parking lot, the plans show 4 storeys, is the building 5 or 4 storey's?

Architect – Main level parking and then 4 storeys of strata units above.

Judy Willsey – Floor plan says 28 units, however, the count shows 31 units. Some say 6 units but there are actually 8 units. Is it 31 units or 28 units.

Architect – We were trying to show the intent for the number of units. Was not something we were anticipating that would be reviewed for the variance application.

Mayor Fromme – As far as the height is concerned the number of rooms within is not relevant to the variance request.

Judy Willsey presented her concerns with the drawings not showing a proper representation of the view of the neighbouring properties looking south from where the proposed building will be located. The size of building and how it would contribute to privacy issues relating to her property. The reasons they moved to a small town was because it is a small town not wanting to live in an urban area, and do not want people looking down into their back yard. On the site plan it shows future development, what does that mean future building or greenspace? Does the variance mean for that site or for more buildings or for all sites, because the letter from the CAO mentions that based on the size of the site there could be 75 units. Is this based on acreage or buildable acreage, the side slope would not be conducive to building? Is the variance for whole property? Concerns were also voiced over traffic, noise and air pollution. The community agreed to a Multi Family zone in that location and agrees with and does not object to, but the community agreed to the idea of multi-family with not more than 3 storeys and now a request for a 5 storey that is a 59% variable, so objects to this.

Architect – Not asking for additional density, in terms of the amount of units permitted on the site the developer is not asking for that consideration. Respecting future development there is no plans for future development.

Julian Willsey – Asks the developer if there are any plans for future development.

Gus van Loenen/Developer – Not looking at any future development.

Wendy Whelen/Planner – Clarifies that the recommendation applies to only one building, as outlined in the recommendation that the height variance for one multiple family building located at 430 Lyall Street. Subsequent buildings would need to meet the bylaw including the density, site coverage and all other regulations.

Judy Willsey – Is the density based on the acreage or useable acreage?

Wendy Whelen/Planner – It is based on the gross acreage. Based on rough calculations the site could accommodate 75 units, however, geotechnical, slope issue would come in to play.

Julian Willsey – Question to Fire Chief, is the equipment available to Midway Fire Dept. adequate for a 5 storey building?

Fire Chief Daloise – Two main regulating consensus bodies that the Fire Department refers to is the NFPA and FUS. The FUS which is the insurance underwriters for dwelling protection grading, does not require any additional apparatus for Midway until we have 5 or more buildings over 3 storeys, at this time we have 2 buildings. When a building like this is constructed it has to be built to all the current standards and codes. This means this building would require to have appropriate fire suppression and safety system in place.

Mayor Fromme moved the presentation to question period.

Question Period

Merry English, Midway resident - Conveyed her disappointment with the process. She also voiced that she feels there was a lack of community input, she has concerns with the 5 storey building impacting her privacy and devaluing her property value.

Adoption of Minutes

Moved/Seconded that the minutes from the May 14, 2021 Regular Meeting of Council be adopted as circulated. **Carried**

Moved/Seconded that the minutes from the May 17, 2021 Special Meeting of Council be adopted as circulated. **Carried**

Business Arising

May 14, 2021 Regular Meeting - Page 6650 – None

May 17, 2021 Special Meeting - Page 6651 to 6653 – None

New and Unfinished Business

- a) Village of Midway – Development Variance Permit No. 2101, City of Grand Forks – Development Approvals Program Grant Application.

Staff recommendation to Council: That Council approve and authorize staff to issue Development Variance Permit No. DVP 2101 to vary the maximum height requirement for one multiple family building located at 430 Lyall Street from 11 metres to 18.6 metres and from three to five storeys, subject to the following conditions:

- 1) The visual impact of the height of the building on neighbouring properties shall be minimized through the installation of mature trees and vegetation around the perimeter of the site and/or at locations where the building will be screened from view by existing homes in the vicinity. A landscaping plan must be prepared and submitted to the Village of Midway for approval prior to the issuance of a building permit.

- 2) A performance/maintenance bond may be required to ensure that the landscaping is installed and maintained.
- 3) The colours, textures, massing and form of the building shall generally be in accordance with the plans in Appendix 1 and shall reflect the natural topography and landscapes surrounding the property and minimize the visual impact of the building on nearby properties.

After discussion it was:

Moved/Seconded that Council table decision regarding the Development Variance Permit No. 2101 until full Council is present.

Carried
054-2021

- b) Midway Fire & Rescue – Presentation on Voyent Alert System by Fire Chief Daloise. By purchasing this system, it will allow management of Midway area directly. After discussion it was

Moved/Seconded that the Village of Midway support the purchase of yearly Voyent Alert System subscription in the amount of \$1000.00

Carried
055-2021

Correspondence

- a) Ministry of Forests, Lands, Natural Resources Operations and Rural Development – re: Modernizing Forest Policy – Virtual Town Halls be received and filed **Carried**
- b) City of Prince George – re: Request for Support of Resolutions at 2021 UBCM Convention be received and filed. **Carried**
- c) Vandna Joshi – re: Request for temporary stay in Motorhome parked on own property Lot 1, DL2227. **Moved/Seconded** that Council approves the temporary use of staying in Motorhome while parked on property Lot 1, DL2227. **Carried**
056-2021
- d) The Corporation of the District of Saanich – re: British Columbia Climate Action Revenue Incentive Program (CARIP) Ending be received and filed. **Carried**
- e) Javan Johnson – re: Seeking permission to use Midway as a filming location for a music video. **Moved/Seconded** that Council approves the use of Eight Avenue and various locations, without impeding traffic or emergency vehicles. **Carried**
057-2021
- f) Premier John Horgan – re: 2021 UBCM Convention – Deadline to request a meeting June 30, 2021 Resolution: Moratorium on Wolf Hunting in BC. Correspondence table to next regular meeting for further discussion **Carried**
058-2021
- g) Minister of Municipal Affairs Josie Osborne – re: 2021 UBCM Convention – Deadline to request a meeting June 30, 2021. Correspondence table to next regular meeting for further discussion **Carried**
059-2021
- h) District of Tofino – Office of the Mayor – re: Support for Expedient and Resourced Implementation of the Old-Growth Strategic Review be received and filed. **Carried**

Administrator's Report – Written report on file

1. Surplus Equipment – Seven surplus equipment items were advertised for sale with minimum bids. Offers to purchase were submitted in a sealed envelope. All bids were required to be submitted by May 14, 2021 deadline. The following items were sold:
 - Ford 3 pt. 6' rear mount blade adjustable angle – advertised minimum bid \$250 – One bid received and accepted in the amount of \$301.50
 - 2001 GMC 5500 Cabover Dump Truck – advertised minimum bid \$3000 – Three sealed bids received – the accepted bid was \$6200

All monies will go into the depreciation equipment reserve fund.
2. West Boundary Community Forest Inc. – Notice to fill the vacant Director position will be circulated in the Boundary Creek Times June 10th edition. Deadline to submit expression of interest is 4:00pm Thursday June 17th. The notice was sent to the WBCF and City of Greenwood to place on their social media sites, West Boundary Connect and was placed on Midway's website and face book page.
3. Gas Tax Annual Report – Local Governments are required to report on Gas Tax Fund expenditures. CAO completed the federal Gas Tax Fund 2020 Annual Expenditure Report due by June 1st for expenditures under the Community Works Fund. On Friday June 4th the Village received a Remittance Advice from UBCM for our 2021/22 funding allocation in the amount of \$86,443.76. They are projecting another one-time payment for the 2021/22 year in the amount of \$82,456.00

Mayor and Council Reports

Councillor Dunsdon - Written Report on file

- Recommends we change our land acknowledgement to a generic format to cover all indigenous groups therein – 'We acknowledge and respect the indigenous peoples and their unceded territories on which we live and meet'
- Grand Forks has removed their solar lights on the city entrance signs due to stealing and vandalism.
- Have we taken references to canoeing and rafting the Kettle from our Village advertising as a move to avert possible liability? What about biking the mountain trail? Where does this end.
- CARIP program shutting down, to be replaced with something else. Penny do you know? YES
- Emergency Communication Service for the regional district is moving along. More to follow from the fire chief.
- Is our video read to be released? CAO reports video was posted. Talk to Schierbeck about updating/adding photos.
- Councillor Dunsdon reports that he is tired and ready to pass the Community Garden onto someone else.

Councillor Grouette

- Recommends we increase the rates for the Frank Carpenter Riverfront Campground as current rates are below the area average. Suggestion is for **\$30 regular site, \$35 for powered site** – effective July 1, 2021. Existing reservations will remain at the old rate, new reservations moving forward will be at the new rate. **Moved/Seconded**
Carried

060-2021

Councillor Metcalf

- Next Community Forest meeting in Greenwood, June 29, 2021 @ 6:30pm
- 2 bursaries were awarded to students, a 3rd bursary was granted on a onetime exemption as the original application was misplaced

Mayor Fromme

- Requested a meeting with Stephanie Harpur/BZAM regarding road dust/traffic and the impact on the community
- Provided an update from the May 4th Community Forest meeting
- Discussed hiking trails and potential to coordinate with Community Forests to expand trail system

Question Period – None**Financial Report** – None**Bylaws & Policies**

Bylaw 531 – A Bylaw to Regulate the Operation and Maintenance of Cemeteries – for Three Readings

Moved/Seconded that Bylaw 531 a Bylaw to Regulate the Operation and Maintenance of Cemeteries be **READ A FIRST TIME** this 7th day of June, 2021. **Carried**

Moved/Seconded that Bylaw 531 a Bylaw to Regulate the Operation and Maintenance of Cemeteries be **READ A SECOND TIME** this 7th day of June, 2021. **Carried**

Moved/Seconded that Bylaw 531 a Bylaw to Regulate the Operation and Maintenance of Cemeteries be **READ A THIRD TIME** this 7th day of June, 2021. **Carried**

Planning

- Midway Community Centre – re: Wendy Higashi Proposal to Project Manage Midway Community Centre Upgrade. CAO recommended that Wendy Higashi would be a good fit as the Project Manager for the Midway Community Centre upgrades. The Village of Midway would liaise with Wendy Higashi on the financial aspects of the project. **Moved/Seconded** that CAO proceed with negotiations with Wendy Higashi.

Carried
061-2021

Budgets/Accounts

Moved/Seconded that the accounts totaling \$132,161.70 be drawn on the general account and be paid. **Carried**

Correspondence for Info Only

Moved/Seconded that correspondence for information only items:

- Civil Resolution Tribunal – re: Information for Motor Vehicle Accident Disputes
- Canadian Radio-television and Telecommunications Commission – re: Comment on the Potential Implementation of a national three-digit number 9-8-8
- Building Inspection Report – re: Month of April 2021
- Building Inspection Report – re: Month of March 2021
- Union of BC Municipalities – re: Gas Tax Agreement Community Works Fund Payment
- Association of Kootenay Boundary Local Government (AKBLG) – re: Provincial Resolutions & 2021 AGM Board Election Results
- BC Ministry of Forest, Land, Natural Resource Operations and Rural Development/Recreation Sites and Trails BC – re: Trails Strategy Review “What we Heard Report: Local Governments”
- Jayne Jones, MA Researcher, Columbia Basin Rural Development Institute – re: Community Profiles – Feedback questionnaire.

be received and filed. **Carried**

Correspondence for Information Only – to be held for two weeks only

Moved/Seconded that correspondence for information only item: Sierra Club BC – re: Intact Forests, Safe Communities Report
be received **Carried**

Question Period – None**In-Camera** – None

Moved that the meeting be adjourned at 20:45 hours.