TOWN OF LAKE COWICHAN

Minutes of a Public Hearing held on Tuesday, October 28th, 2014



PRESENT: Mayor Ross Forrest

Councillor Bob Day

Councillor Franklin Hornbrook Councillor Jayne Ingram Councillor Tim McGonigle

STAFF: Joseph A. Fernandez, Chief Administrative Officer

Roni-Lee Roach, Executive Secretary

PUBLIC: 11

Mayor Forrest called the meeting to order at 6:00 p.m.

1. OPENING REMARKS

(a) The Mayor explained the process for the public hearing which was called in accordance with *Local Government Act*. The purpose of the hearing was to provide the public the opportunity for input on the proposed Town of Lake Cowichan Official Community Plan Amendment Bylaw No. 947-2014.

The Mayor also established the rules of conduct for the hearing.

Mayor Forrest called for any questions on the process be laid out.

Mayor Forrest called on the Chief Administrative Officer to introduce the bylaw.

2. BYLAW NO. 947-2014

(a) The Chief Administrative Officer advised that the Official Community Plan Amendment Bylaw has been given 1st and 2nd readings by Council. The purpose of the bylaw was to amend and revise Map 1 to replace urban designation with the downtown designation for two (2) lots, namely Lot 2, Block 7, Plan VIP1750 (7 North Shore Road) and Lot 3, Section 5, Plan 25480 (172 Wilson Road), in Lake Cowichan and to include said properties in Map 5 within the DPA-4 Downtown development permit area.

The Chief Administrative Officer further advised that the requirements of the public notice process have been met and that no written submissions had been submitted as of the end of the business day, this day. Mayor Forrest advised that one written submission from Mr. Bruce Smith, 11 North Shore, has been submitted at the start of the public hearing.

Mayor Forrest introduced the proponents, Stuart Schuitema and Devin Loewen, who then spoke.

Mr. Schuitema, 7 North Shore Road, advised that he had made application for the amendment to the Official Committee plan to continue his wholesale organic plant food production and assured those in attendance that the products were not hazardous as they were all organic.

Mr. Loewen, 172 Wilson Road, advised those in attendance that he had made application for the amendment to allow him to establish mechanics and auto detailing operations.

(b) \Rightarrow The Mayor called for public input.

Bruce Smith

Bruce Smith, 11 North Shore spoke on behalf of himself and his partner, Scott Lockner and expressed their concerns with the proposed amendments and particularly the request of that proposal for. He pointed to the increase of industrial equipment, vermin number of employees on the property, and complaints over noise and dust from the property. Mr. Smith advised that his complaints have been ongoing since March, 2013 and the noise, stress and anxiety of having the production of fertilizers next door to his residence have had them seeking legal counsel on the matter. He referred to the written submission of documents that were presented to Mayor Forrest prior to the start of the public hearing.

Mr. Smith requested that Council deny the request for the amendment and request that the applicant re-submit for an amendment for the industrial activity at 7 North Shore Road.

Mayor Forrest asked if any there were any other persons who believed their interests may be affected by the proposed bylaw amendment.

Stuart Schuitema

Mr. Schuitema wished to clarify that his business did not produce fertilizer but the plant food he manufactures is solely organic. He also advised that he did not have a conveyor and that the forklift has been utilized for approximately 10 years.

Mayor Forrest cautioned those in attendance that the public hearing was not a forum for debate and asked if there was any further remarks or input.

Bruce Smith

Mr. Smith commented that the rats eat the organic products produced at 7 North Shore Road.

⇒ The Mayor issued the second call for public input.

None.

⇒ The Mayor issued the third call for public input.

None.

Mayor Forrest stated that no more submissions would be accepted after the meeting and that the bylaw would be returned to Council for further consideration.

Councillor McGonigle requested clarification on if there would be construction of any additional buildings at 172 Wilson Road. Mr. Loewen responded that no new construction would be undertaken and that the buildings used currently within the confines of the property would be utilized for his mechanics business.

Councillor Day requested clarification on the current equipment being used at 7 North Shore that was stated by Mr. Smith and asked if the Bylaw Officer had reported on the equipment located on the property. The Chief Administrative Officer replied that a list of equipment has been provided by the Bylaw Enforcement Officer.

Mr. Smith stated that the written submission he provided included a response from the Ombudsperson Officer, the Bylaw Enforcement Officer's report and comments from his solicitor.

3. <u>BYLAW NO. 948-2014</u>

(a) The Mayor explained the process for the public hearing again to provide the public the opportunity for input on the proposed Town of Lake Cowichan Zoning Amendment Bylaw No. 948-2014.

The Mayor again established the rules of conduct for the hearing and called for any questions on the process he laid out.

Mayor Forrest called on the Chief Administrative Officer to introduce the bylaw.

The Chief Administrative Officer advised that the Zoning Amendment Bylaw has been given 1st and 2nd readings by Council. The purpose of the bylaw was to change land use for two (2) lots, namely Lot 2, Block 7, Plan VIP1750 (7 North Shore Road) and Lot 3, Section 5, Plan 25480 (172 Wilson Road), in Lake Cowichan from Urban Residential (R-1) to General Commercial (C-1) with current uses grandfathered as per legislation.

The Chief Administrative Officer further advised that the requirements of the public notice process have been met and that no written submissions had been submitted as of the end of the business day, this day.

Mayor Forrest asked if the proponents wished to speak.

Mr. Schuitema, 7 North Shore Road, advised that the amendment of land use would allow for him to acquire employees and assist him with abiding by the Town's bylaws. His business was operational for 8 months each year.

Mr. Loewen, 172 Wilson Road, advised that the land use amendment would allow him to conform with the Town's bylaws for his mechanical repairs and indicated that it was a part-time business as he also has full-time employment and was seeking to fill a need for this service in light of the recent closure of the service station in Town.

(b) \Rightarrow The Mayor called for public input.

Bruce Smith

Bruce Smith, 11 North Shore, stated that his response is the same as the concerns he outlined earlier in the meeting.

⇒ The Mayor issued the second call for public input.

None.

⇒ The Mayor issued the third call for public input.

None.

Mayor Forrest asked if members of Council had any questions or comments.

Councillor Ingram requested clarification on the seasonal months of operations for 7 North Shore Road. Mr. Schuitema responded that the business was closed during the winter months, November to February.

Mayor Forrest stated that no more submissions would be accepted after the meeting and that the bylaw would be dealt with at the regular meeting following the public hearing.

4. ADJOURNMENT

Mayor Forrest declared the public hearing for the proposed Bylaws No. 947-2014 and 948-2014 closed and that the Bylaw be returned to Council for further consideration (6:21 pm.).

Certified correct		·
Confirmed on the	day of	<u>,</u> 2014
Mayor		