



Corporation of the
Village of Cumberland

*Advisory Planning
Commission*

Minutes

The meeting of the APC was held on Thursday April 16, 2020 virtually by Zoom, and streamed live on the Village of Cumberland's YouTube Channel, commencing at 4:03pm.

PRESENT: Nick Ward, Chair
Janet Bonaguro, Secretary
Roger Kishi
Jaye Mathieu

ABSENT: Eric Krejci
Dan Griffin
Neil Borecky

STAFF: Clayton Postings, Chief Administrative Officer
Karin Albert, Planner
Joanne Rees, Planner

1. CALL TO ORDER

2. APPROVAL OF AGENDA

Bonaguro / Mathieu: THAT the agenda be approved with the following amendments:
Add an update from Clayton Postings, CAO Village of Cumberland.

CARRIED

3. APPROVAL OF MINUTES

Mathieu / Kishi: THAT the minutes of the meeting held February 13, 2020 be approved.

CARRIED

Mr. Postings provided an update regarding Village status with regard to the current COVID19 protocols. He referred the Commission to the website for up-to-date status.

Mr. Postings left the meeting.

4. REFERRALS FROM COUNCIL

a) Development & Development Variance Permit – 4708 Cumberland Road

The applicant was present.

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive the report "Application Development Variance Permit – 4708 Cumberland Road" dated March 2, 2020.

CARRIED

DISCUSSION

- Staff provided an overview of the application and staff report
- No comments or complaints from neighbors when notification sent
- There is a small existing garden shed which will be replaced
- A fence already exists at the rear of the lot
- Applicant will still need to satisfy building permit requirements

Bonaguro / Kishi: THAT the Advisory Planning Commission recommend that Council approve the application for a Development Variance Permit for property legally described as Lot 2, District Lot 24, Nelson District, Plan VIP53952 (4708 Cumberland Road) which varies the rear yard setback for principal dwellings from the required 4.5metres to 2.6metres as shown on the site drawing attached to the Staff Report as Schedule A.

CARRIED

b) Development & Development Variance Permit – 2821 Windermere Avenue

The applicant was present.

Mathieu / Kishi: THAT the Advisory Planning Commission receive “Development Permit & Development Variance Permit – 2821 Windermere Avenue” report dated March 2, 2020.

CARRIED

DISCUSSION

- Staff provided an overview of the application and staff report
- Notice was sent out and did not receive any questions or concerns on DP or DVP
- Building is staying the same, no change to building height, minimal visual change to the building other than exterior improvements

Bonaguro / Kishi: THAT the Advisory Planning Commission recommends that Council approve the applications (2020-01-DP & 2020-02-DV) for Development Permit & Development Variance Permit on property described as Lot 10, Block 25, District Lot 21, Nelson District, Plan 522C (2821 Windermere Avenue) substantially in compliance with the attached draft Development Permit & Development Variance Permit attached to the Staff Report.

CARRIED

c) Zoning Bylaw Amendment to Permit Rooftop Beekeeping in the VCMU-1 Zone

Mathieu / Bonaguro: THAT the Advisory Planning Commission receive the ‘Zoning Bylaw Amendment to Permit Rooftop Beekeeping in the VCMU-1 Zone’ report dated March 4, 2020.

CARRIED

DISCUSSION

- Staff provided an overview of the staff report and the origin of the proposal
- Proposed restriction to rooftop location/use to reduce interaction with pedestrians

Bonaguro / Kishi: THAT the Advisory Planning Commission recommend that Zoning Bylaw No. 1027, 2016 be amended to permit keeping two beehives and two nucs on the rooftops in the VCMU-1 zone, permit keeping two nucs in addition to the permitted beehives as part of the 'urban agriculture' use, and add beekeeping to the definition of 'agricultural use', and add a definition for the term "nuc".

CARRIED

(a) Zoning Bylaw Amendment To Prohibit Water Bottling

Kishi / Bonaguro: THAT the Advisory Planning Commission receive the "Zoning Bylaw Amendment to Prohibit Water Bottling" report, dated March 4, 2020.

CARRIED

DISCUSSION

- Staff provided an overview of the staff report and the origin of the proposal
- Intent is to protect aquifer groundwater
- Staff recommendation is to prohibit water and beverage bottling in all zones except where the source is the municipal water supply
- Local governments cannot regulate the extraction of groundwater, as this is provincial jurisdiction, but can prohibit particular uses (i.e. water and beverage bottling) in the zoning bylaw
- Existing Municipal Water Regulation and Fees Bylaw No. 1023, 2015 (Part D Section 1ciii) already prohibits the use of municipal water as follows:
 - Without first obtaining written approval from the MoO, a person must not:*
 - iii) sell, give, or convey water beyond the premises to which the water is supplied under this Bylaw.*
- Bylaw 1023 does not describe the criteria for the Manager of Operations for giving/not giving approval, would be useful to have a set of criteria to follow.
- Unclear how Bylaw 1023 might apply to existing users and uses of municipal water for the purpose of making bottled beverages in the community (e.g. water use and beverage bottling for commercial beer, kombucha, and juice production and sales). Unclear if that Bylaw is intended to prohibits these uses.
- If the intent is just to restrict the bottling of raw water but not all beverages that might use groundwater for production, then that would allow something like the operation of a major soft drink beverage production plant using

groundwater. Unclear if this is the intent of Council to restrict these commercial/industrial uses of water for processed beverages.

- This prohibition is intended to apply to commercial or industrial use but it is not clear that it may not be applicable to residential (non-commercial) use. Consider focusing the restriction to more specific uses such as commercial and industrial uses, specifically excluding residential use for water and beverage bottling.
- If this recommendation is approved, a zoning bylaw amendment would be required to permit water and beverage bottling that uses a groundwater source
- Unclear if the definition of “bottling” also encompasses “processing” – processing may occur on site but bottling may not.
- Need to be consistent in terms of water bottling and beverage bottling permitted uses and terminology in other municipal documents (e.g. Bylaw 1023)
- If the intent of this recommendation is to protect groundwater then consideration should be given to all major water uses for consistency (not just bottling and beverages but include other industrial and commercial uses of water)
- Recognize the need to provide specific criteria in the Municipal Water Regulations and Fees Bylaw 1023 to allow the Manager of Operations to limit the use of water for bottling in the event of a water shortage.

Kishi / Mathieu: THAT Advisory Planning Commission recommend that Zoning Bylaw No. 1027, 2016 be amended to prohibit water and beverage bottling in all zones except where the source is the municipal water supply supplied directly to the property on which the bottling is taking place.

CARRIED

Ward / Kishi: THAT the APC recommend that Bylaw 1023 be amended to add criteria which would allow the Village to prohibit water and beverage bottling from a municipal source to address any water system capacity concerns.

CARRIED

5. OLD BUSINESS

None

6. NEW BUSINESS

None

7. NEXT REGULAR MEETING

Thursday, May 14 at 4:00pm.

8. TERMINATION:

Kishi: THAT the meeting terminate.

Time: 5:40pm

Certified Correct: _____ Nick Ward, Chair	Confirmed: _____ Corporate Officer
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