

# **Municipality of North Cowichan Regular Council MINUTES**

**September 18, 2019, 1:30 p.m.  
Municipal Hall - Council Chambers**

Members Present      Mayor Al Siebring  
                                 Councillor Rob Douglas  
                                 Councillor Christopher Justice  
                                 Councillor Tek Manhas  
                                 Councillor Kate Marsh  
                                 Councillor Rosalie Sawrie  
                                 Councillor Debra Toporowski

Staff Present            Ted Swabey, Chief Administrative Officer (CAO)  
                                 Mark Frame, General Manager, Financial and Protective Services  
                                 Ernie Mansueti, General Manager, Community Services  
                                 Sarah Nixon, General Manager, Corporate Services  
                                 David Conway, Director of Engineering  
                                 Rob Conway, Director of Planning  
                                 Natasha Horsman, Manager, Communications and Public Engagement  
                                 Karen Robertson, Corporate Officer  
                                 Nelda Richardson, Deputy Corporate Officer

## **1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:30 p.m.

## **2. APPROVAL OF AGENDA**

It was moved and seconded:

**That Council adopt the September 18, 2019 Regular Council agenda as circulated.**

**CARRIED**

## **3. ADOPTION OF MINUTES**

### **3.1 September 4, 2019 - Special Council Minutes**

It was moved and seconded:

**That Council adopt the minutes of the Special Council meeting held September 4, 2019.**

**CARRIED**

### **3.2 September 4, 2019 - Regular Council Minutes**

It was moved and seconded:

**That Council adopt the minutes of the Regular Council meeting held September 4, 2019.**

**CARRIED**

## **4. MAYOR'S REPORT**

The Mayor gave a verbal report on meetings and activities he recently attended.

## **5. REMEDIAL ACTION REQUIREMENT**

### **5.1 Remedial Action Requirement - Request for Reconsideration for 9384 Cottonwood Drive**

The Corporate Officer noted that on September 9, 2019, Mr. Parker formally requested that Council reconsider the remedial action requirement (under Section 78 of the *Community Charter*) as imposed by Council at its September 4, 2019 meeting. She noted the order of proceedings for the reconsideration, prior to Council making its final determination on the resolution, would be as follows:

- Opportunity for the applicant to address Council;
- Opportunity for staff to respond; and
- Opportunity for adjacent or affected property landowners to provide comments.

After hearing from the applicant, staff, and affected adjacent property owners, Council can either confirm the resolution, impose conditions, or overturn the resolution that was passed at the September 4, 2019 Regular meeting.

The Mayor then invited the applicant to address Council.

Mr. Parker stated the following:

- He has been working on the property and there is currently no plumbing;
- He doesn't want the building but he doesn't want to waste it;
- The building is beautiful and not run down;
- He no longer wants to rent it;
- He would like to subdivide the property so that the accessory building is still on the property;
- He is prepared to go through the rezoning process; and
- He apologized for the inconvenience this has caused to Council and to the neighbours.

The Mayor then asked Rachel Hastings, Senior Bylaw Compliance Officer to respond to Mr. Parker's comments.

The Senior Bylaw Compliance Officer reiterated that the issues started in 2009 when Mr. Parker purchased the property. She stated that he is not in control of his property and based on the history of complaints and non-compliance, staff does not believe anything will change. He has already gone through the decommissioning process in the past and tenants still continued to occupy the building.

The Mayor then invited adjacent or affected landowners the opportunity to provide comments. The following individuals addressed Council:

The owner of 9395 Cottonwood Road stated that he has owned his property since 1985. He noted that he sees up to 35 cars a day come and go to the property and the area is zoned for single family residences. He conveyed that the owner goes to the property at least 5 days per week and spends a considerable amount of time on the property so he is aware of what is going on. The accessory building is set up with bedrooms, and a toilet which does not go to a septic system. The owner has had 10 years to straighten this out and he has done nothing.

The owner of 9356 Cottonwood Road stated that having to live in the neighbourhood with the open sewage and vermin is unacceptable. There has been a significant amount of staff time allocated to this property and none of us want this to go on. It has been 10 years and the recommendation that Council made on September 4, 2019 was excellent and is a decision that supports the neighbourhood.

The owner of 2878 Crozier Road spoke and stated that their property intersects Cottonwood Road and is 3 properties to the south. They've lived there for 21 years. When his children were younger, they could wander freely in the neighbourhood without fear. In the last 10 years, his grandchildren are now frightened to go to that same area because of the people that frequent the property and because the vehicular traffic has increased 100 fold. He stated that they get frequent visits to their property where individuals come claiming to be looking for their friend. A name is invented for their presence when they are found on our driveway. When we follow their vehicles, they head north to the subject property. We have had thefts and we find cigarette butts on our driveway which is potential for forest fires. They have been exposed to all sorts of risks since Mr. Parker took ownership. It's been 10 years of not just a nuisance, but unacceptable risk. He asked that Council hold up its September 4, 2019 decision.

A renter from two properties away spoke in support of Mr. Parker. She stated that she and her son have offered to enter into a five year lease with Mr. Parker and to look after his property. She felt that by doing so she would ensure the neighbours were safe as they would control the area. She stated that the youth in Chemainus are unfortunately more interested in things that go on at the end of Cottonwood Road and she would be prepared to look after the property.

The owner of 9376 Cottonwood Road expressed his appreciation for the action that Council is taking now, but believes it won't solve the problem completely. He said that it's difficult for his family to sleep and they have to deal with the noise.

The owner of 9364 Cottonwood Road expressed that Council has made a decision in the right direction and that if the building remains it will continue to attract floppers and renters.

After hearing from the owner, staff, and affected property owners, Council discussed the matter and concluded that it had not heard information that would cause them to change their mind.

It was moved and seconded:

**That Council confirm the following Council resolution that was passed at the September 4, 2019 Regular meeting:**

**Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;**

**AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 5, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487] (the "Property"), upon which an accessory building unlawfully used for residential accommodation (the "Accessory Building") is located;**

**AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;**

**NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:**

- 1. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;**
- 2. THAT Council hereby declares that the "Accessory Building" is a nuisance, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;**
- 3. THAT Council hereby requires the Owner to demolish the Accessory Building and remove the resulting debris within 30 days of receiving notice of this requirement under Section 77 of the *Community Charter* (the "Remedial Action Requirement");**
- 4. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the *Community Charter*, including a copy of this resolution;**
- 5. THAT if any or all of the actions in paragraph 3 are not completed by the dates set out above, the District will undertake to remove the resulting debris without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the *Community Charter*.**

**CARRIED**

**6. DELEGATIONS AND PRESENTATIONS**

**6.1 DELEGATION: Amy Trippe Brophy - Chemainus Valley Historical Society and Museum**

Amy Trippe Brophy, President of Chemainus Valley Historical Society and Museum provided Council with an overview and outline of the Chemainus Valley Historical Society and Museum. She highlighted the role that the Society plays in the community, including current operations as well as future plans.

**6.2 DELEGATION: Kurt Feltrin - Development Variance Permit at 8996 Chemainus Road**

Kurt Feltrin was in attendance to ask that Council reconsider the decision made at the June 20, 2018 meeting to impose a requirement to register a covenant on the title of his property at 8996 Chemainus Road that would restrict the number of dwelling units on each parcel. He noted that he has a sale pending on the property but it is subject to allowing 2 single family dwellings on the property.

The Mayor noted that Council is unable to reconsider a decision made from 2018 and that Mr. Feltrin would have to submit a new variance application.

The Director of Planning noted that registering the covenant is a condition of approving the subdivision; however, should Mr. Feltrin reapply for a variance, and Council approve it, the covenant could then be removed.

A discussion ensued about Council's commitment to following its Official Community Plan policies.

It was moved and seconded:

**That Council reaffirm the requirement for Mr. Feltrin to register a covenant on title that restricts the number of dwelling units on each parcel to one as a condition of the 2-lot subdivision as passed by resolution on June 20, 2018.**

(Opposed: Manhas)

**CARRIED**

**7. PUBLIC INPUT**

Council received no public input regarding agenda items from registered speakers.

**8. REPORTS**

**8.1 Architectural and Managing Consultant Services for the New Integrated RCMP Detachment**

It was moved and seconded:

**That Council authorize the Mayor and Corporate Officer to enter into a contract with KMBR Architects Planners Inc. for \$1,053,000, plus GST, for Architectural and Managing Consultant Services for the new North Cowichan Integrated RCMP Detachment Project.**

**CARRIED**

It was moved and seconded:

**That Council authorize the Mayor and Corporate Officer to enter into a contract with Unitech Construction Ltd. For \$875,000, plus GST for Pre-Construction and Agent Construction Management Services for the New Integrated RCMP Detachment.**

**CARRIED**

**8.2 Proposed Objectives and Format for Fall 2019 Community Budget Meetings**

It was moved and seconded:

**That Council endorse the objectives and format for the fall 2019 community budget meetings as outlined in the Manager, Communications and Public Engagement's report of September 18, 2019.**

**CARRIED**

By consensus Council recessed the meeting at 3:30 p.m. for a short break.

The meeting resumed at 3:44 p.m.

**8.3 Bylaw 3734 - "Delegation of Authority Bylaw"**

It was moved and seconded:

**That Council give first three readings to "Delegation of Authority Bylaw, No. 3734, 2019" – a bylaw to provide for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees.**

**CARRIED**

**8.4 Bylaw 3759 - "South End Water Local Area Service Enlargement Bylaw, 2019"**

It was moved and seconded:

**That Council give first three readings to "South End Water Local Area Service Bylaw, 2019," Bylaw 3759.**

**CARRIED**

**8.5 Bylaw 3762 - "Permissive Tax Exemption Amendment Bylaw, 2019"**

It was moved and seconded:

**That Council support Permissive Tax Exemptions for the following applications:**

- **Franciscan Poor Clares Nuns for the property located at 2382 Calais Road;**
- **Sword Ministries Society for the property located at unit #101, 5855 York Road;**
- **Vancouver Island Vispassana Society for the improvements (building) located at 2359 Calais Road; and**
- **Vancouver Island Vispassana Society for the improvements (building) located on Wicks Road.**

**And That Council give first three readings to "Permissive Tax Exemption Amendment Bylaw, 2019 No. 3762."**

**CARRIED**

**8.6 Council's Strategic Plan - Strategic Priority Project Status**

It was moved and seconded:

**That Council accept the Chief Administrative Officer's report.**

**CARRIED**

**9. CORRESPONDENCE**

**9.1 Memorandum of Understanding - United Way and District of North Cowichan Re: Homelessness in the Cowichan Region**

It was moved and seconded:

**That the Mayor be authorized to sign the Memorandum of Understanding between the United Way and District of North Cowichan for the purposes of supporting the United Way's Federal funding application to the "Reaching Home" program.**

(Opposed: Manhas)

**CARRIED**

**10. NOTICE OF MOTIONS**

**10.1 Cannabis Production in the Agricultural Land Reserve**

It was moved and seconded:

**That staff be directed to prepare a report and draft zoning amendment bylaw to prohibit cannabis production in the Agricultural Land Reserve, unless it is grown in ways that preserve the productive capacity of agricultural land.**

It was moved and seconded:

**That the motion be referred to the October 16, 2019 Council meeting for consideration.**

(Opposed: Douglas; Justice; Toporowski)

**CARRIED**

**11. NEW BUSINESS**

**11.1 Bylaw 3764 - "Zoning Amendment Bylaw (Housekeeping Amendment No. 2), 2019" - a bylaw to re-establish siting setback regulations for heat pumps and air conditioning units**

It was moved and seconded:

**That Council give first and second reading to "Zoning Amendment Bylaw (Housekeeping Amendment No. 2), 2019" No. 3764 a bylaw to re-establish siting setback regulations for heat pumps and air conditioning units;**

**And That Council waive the requirements for holding a public hearing as per Section 464(2)(b) of the *Local Government Act*.**

**CARRIED**

By consensus Council recessed the meeting at 4:55 p.m.

The Mayor advised that the public hearing is scheduled for 6:00 p.m. and that the Council meeting would resume after the close of the public hearing.

**12. PUBLIC HEARING**

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Kate Marsh Councillor Rosalie Sawrie Councillor Debra Toporowski
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Rob Conway, Director of Planning Karen Robertson, Corporate Officer Nelda Richardson, Deputy Corporate Officer Glenn Morris, Development Planning Coordinator Caroline von Schilling, Development Planner

**12.1 PUBLIC HEARING - Rezoning Application No. ZB000112 for Bylaw 3760 - "Zoning Amendment Bylaw (2372 Regina Drive), 2019"**

Mayor Siebring called the public hearing to order at 6:03 p.m. for Rezoning Application No. ZB000112 for Bylaw 3760 (2372 Regina Drive).

Mayor Siebring provided an explanation of the public hearing process and advised that no further verbal or written presentations could be reviewed by any member of Council following the closure of the public hearing. He also noted the location of the public hearing binder for the rezoning application.

The Mayor asked the Corporate Officer to provide an overview of the correspondence received.

The Corporate Officer noted that no correspondence was received from the public regarding the application.

The Mayor provided an opportunity for the applicant to do a presentation. The applicant stated they had no presentation.

Mayor Siebring noted that there were no members of the public in attendance who wished to speak to the application so he closed the public hearing at 6:04 p.m.

The Council meeting resumed at 6:05 p.m.

**13. PUBLIC MEETING**

**13.1 PUBLIC MEETING - Development Variance Permit - 6032 Avondale Place**

The Mayor asked the Corporate Officer whether any correspondence was received from the public regarding the application.

The Corporate Officer noted that no correspondence was received.



The Mayor stated that as there were no members of the public in attendance, and due to the nature of the minor variance, it was not necessary for staff to do a presentation.

It was moved and seconded:

**That Council issue a development variance permit to Validus Custom Homes, for 6032 Avondale Place to vary 58(6) (a) of Zoning Bylaw 2950 by reducing the minimum permitted side yard setback for a principal building from 2m (6.56ft) to 1.94m (6.36ft).**

**CARRIED**

**14. BYLAWS**

**14.1 Bylaw 3760 - "Zoning Amendment Bylaw (2372 Regina Drive), 2019"**

It was moved and seconded:

**That Council give third reading to "Zoning Amendment Bylaw, 2019" No. 3760 to permit a detached second residence at 2372 Regina Drive (PID 000-368-393).**

**CARRIED**

It was moved and seconded:

**That Council adopt "Zoning Amendment Bylaw, 2091" No. 3760 to permit a detached second residence at 2372 Regina Drive (PID 000-368-393).**

**CARRIED**

**15. QUESTION PERIOD**

Council received no questions from the public regarding business considered at this meeting.

**16. ADJOURNMENT**

It was moved and seconded:

**That Council adjourn the September 18, 2019 Regular Council meeting at 6:09 p.m.**

**CARRIED**

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Certified by Corporate Officer

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Signed by Mayor