# Municipality of North Cowichan Council - Regular and Public Hearings MINUTES

#### January 29, 2020, 1:30 p.m. Municipal Hall - Council Chambers

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Councillor Kate Marsh
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 and Building Megan Jordan, Manager, Communications and Public Engagement Alyssa Meiner, Acting Corporate Officer Nelda Richardson, Deputy Corporate Officer

#### 1. CALL TO ORDER

(For purposes of convenience, some items of business were dealt with out of order, but for ease of reading and cross reference with the agenda, these minutes are recorded in agenda 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 January 29, 2020 Regular Council and Public Hearings Meetings agenda, as amended to:

- add an item 12.1 [AVICC Resolution] under new business; and
- add an item to the closed portion of the agenda under section 90(1)(f) of the *Community Charter* regarding law enforcement.

CARRIED

#### 3. ADOPTION OF MINUTES

It was moved and seconded:

That Council adopt the minutes of the Special Council meeting held January 20, 2020.

#### 4. MAYOR'S REPORT

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

### 5. DELEGATIONS AND PRESENTATIONS

#### 5.1 DELEGATION - Sonia Furstenau, MLA

Council received an update from MLA Sonia Furstenau on Provincial matters, including the following highlights:

- Ms. Furstenau has been attending meetings with local governments to ensure that interests of everyone in valley are on the agenda and groups are working together;
- there has been progress made on infrastructure projects in the valley (e.g. new high school);
- there is a need for more progress on homeless and addictions issues and the impacts on small business;
- inside the BC Legislature, the Legislative Assembly Management Committee has been tasked with looking at policies and procedures to ensure accountability and transparency;
- a respectful workplace policy has been brought in;
- a recent press conference with all three major party leaders is an indication that some things are about good governance rather than partisan politics;
- with land use planning issues, concerns with ecological carrying capacity, and a drive for development, Local Governments have Official Community Plan processes that can allow the community to participate in visioning for their community;
- it is important to recognize that everyone wants resiliency, food security, water security, energy security, healthy safe communities, and infrastructure for communities and all levels of government need to work to achieve this;
- it is "untweetable work of good governance" to bring people together and really listen; and
- there is work to be done to improve processes and communications between local governments and the Provincial government in an outcomes based way.

# 5.2 DELEGATION - Philip and Heather Macdonald

Council heard from Philip and Heather Macdonald regarding their Zoning Amendment Application to permit two residential buildings at 4029 Normandy Road. Council heard the reason for speaking in advance of first reading is to explain the merits of their application, which was in-stream before Council's policy was adopted. Council heard that the application meets all but one aspect of the policy, and the purpose of the second residential building is to accommodate family on the property. The alternative would be to build an addition onto the existing cottage but this would result in less privacy. The Macdonald's provided copies of letters of support to Council.

# 5.3 DELEGATION - Violet Wild Cannabis Company

Council heard from Jill Maiback (consultant), Terra Maibach (CEO Violet Wild Cannabis Company) and Sue Roe (owner of building), regarding their Zoning Amendment Application for a retail cannabis storefront at 9750 Chemainus Road.

Council heard from Ms. Maibach that she resides above the proposed storefront in Chemainus and would not want people congregating around the store; that safety of the community is a priority; they intend to integrate into community by allowing a mural on the wall of the building; and are proposing a boutique storefront with a goal of compliant and legal cannabis.

Council heard from Mrs. Roe that residents want a cannabis storefront in Chemainus, the current business owners have a strong business plan and vision, parking and easy access are offered at this site, and the applicant believes this is the right business at the right time.

# 6. PUBLIC INPUT

Council received brief public input regarding agenda items from the following registered speakers:

- 1. Eric Piikkila comments and concerns regarding item 8.1;
- 2. Peter Rusland comments regarding items 8.1, 8.6 and 9.1;
- 3. Eric Jeklin comments and concerns regarding item 9.1;
- 4. Scott Mack (Townsite Planning) update on item 7.3 that a community meeting has been scheduled;
- 5. Joyce Behnsen concerns regarding item 11.1.

# 7. BYLAWS

# 7.1 Bylaw No. 3773 - "Zoning Amendment Bylaw (4029 Normandy Road), 2020"

Council heard from the Director of Planning and Building that it is Council's prerogative to determine whether or not their policy should apply to in-stream applications and staff recommended against the application because it did not comply with the new policy.

Council asked about the proposed covenant and heard from the Director of Planning and Building that the covenant would prevent further subdivision and restrict the size of the second dwelling.

It was moved and seconded:

- 1. That Council approve first and second reading of "Zoning Amendment Bylaw (4029 Normandy Road), 2020", No. 3773 to permit a second dwelling at 4029 Normandy Road (PID 002-075-016);
- 2. And That a Public Hearing be scheduled and notification be issued in accordance with the *Local Government Act*.

CARRIED

# 7.2 Bylaw No. 3774 - "Zoning Amendment Bylaw (2755 Crozier Road), 2020"

Council heard from the Director of Planning and Building that the Crozier Road area has been zoned Residential Rural (R1) for decades, and this application is to rezone the property from Commercial Recreational (C4) to R1 even though the current and intended use of the property is residential. Council heard that a covenant is proposed to limit subdivision potential to just one additional lot, which is in keeping with lot sizes in the neighbourhood. It was moved and seconded:

- 1. That Council read a first and second time "Zoning Amendment Bylaw No. 3774 (2755 Crozier Road), 2020" to rezone 2755 Crozier Road (PID: 025-520-423) from Commercial Recreational (C4) Zone to Residential Rural Zone (R1);
- 2. That a Public Hearing for Bylaw No. 3774 be scheduled and notification be issued according to the *Local Government Act*;
- 3. That prior to adoption of Bylaw No. 3774, a Section 219 covenant to limit subdivision of the Subject Property to a maximum of 2-lots and to secure a 5 m road reserve for a future multi-modal trail along the Crozier Road frontage to be registered on the title; and
- 4. That prior to adoption of Bylaw No. 3774, Section 219 covenant ET129877 be discharged.

#### CARRIED

# 7.3 Bylaw No. 3775 - "Zoning Amendment Bylaw (Lot 1, Plan 5760, Adelaide Street), 2020"

Council heard from the Director of Planning and Building that there are challenges in coordinating planning of development in this area, it is difficult to require consolidation of properties for development, and this development proposal does attempt to take into account future development in the area. There has also been some effort made to minimize impact on natural features.

Council heard the intent of the Rural Urban Interface Policy is to address the need for site adaptive planning analysis. For this application, the owner engaged Madrone Environmental to inform the site analysis and this led to the applicant's proposal identifying a watercourse feature to be protected and public dedication of land. Council heard from the Director of Engineering regarding the reduction of road width standard and lands to be transferred to North Cowichan to protect the watercourse.

Council heard that, if first and second reading are given, a public hearing will be scheduled following the applicant's neighbourhood information meeting. The Acting Corporate Officer clarified that a Council resolution to hold a public hearing is redundant as Part 14 of the *Local Government Act* sets out the public hearing requirements.

It was moved and seconded:

- 1. That Council read a first and second time "Zoning Amendment Bylaw No. 3775 (Lot 1, Plan 5760, Adelaide Street), 2020 to rezone Lot 1, Plan 5760 (PID: 005-930-863) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3);
- 2. That should Bylaw No. 3775 be adopted, Council reduce the municipal local road width standard from 15m to 11m; and
- 3. That the Applicant be directed to host a neighbourhood information meeting prior to scheduling of a Public Hearing.

# 7.4 Bylaw No. 3776 - "Zoning Amendment Bylaw (Cannabis Sales - 9750 Chemainus Road), 2020"

Councillor Manhas declared a conflict of interest as his employer has submitted an application for a retail cannabis store and left the meeting at 2:57 p.m.

Council members acknowledged there is a demand for Cannabis retail in Chemainus and the value of a public hearing for this application, and questioned whether any location in Chemainus would be able to comply with Council's current policy.

It was moved and seconded:

- 1. That Council give first and second reading to "Zoning Amendment Bylaw (9750 Chemainus Road), 2020", No. 3776;
- 2. That Council direct the applicant to conduct an information meeting prior to Council's consideration of third reading of Bylaw No. 3776.

CARRIED

# 8. **REPORTS**

# 8.1 Engagement Plan for the Municipal Forest Reserve (MFR)

Councillor Manhas returned to the meeting at 3:00 p.m.

Council heard from the Manager of Communications and Public Engagement regarding steps involved in engaging consultant, Lees & Associates, to prepare a community engagement plan to receive public input on future management of North Cowichan's Municipal Forest Reserve (MFR).

Council received a presentation from Lees & Associates on the proposed plan and deliverables that included the following highlights:

- The social, environmental, and economic importance of the Municipal Forest Reserve (MFR) cannot be understated;
- North Cowichan is the only community in Canada with a wholly-owned MFR;
- It is important to establish best practices to inform protocols and policies for indigenous engagement;
- Plan to facilitate completion of interim and long term MFR Management Plans on schedule;
- Engagement will fall at the "involve" level on the IAP2 spectrum of public participation. "Involve" means to work directly with the public throughout the process to ensure the public concerns are taken into consideration;
- The engagement scope is broad across the whole community;
- Residents and stakeholders will be providing input on a number of aspects;
- There will be public pop-up events, phone and online surveys, stakeholder interviews, working groups, public forums, and MFR tours;
- There will be two phases or rounds of public engagement;
- Round 1 includes presenting baseline data by the UBC Partnership Group, exploring a full range of public values, and providing input on interim management options back to the UBC Partnership Group.
- The 2020 timeline includes

- January initial contact made with local First Nations to ask how they wish to participate; identifying stakeholders;
- February a working group will be established to help guide the engagement process;
- March public pop-ups and an online survey;
- April public forums, hear from UBC Partnership Group on their work, hear how the public would like to see interim and long term options develop;
- May round 1 completed and results feed into the UBC Partnership Group's work and analysis, and an on-site forestry tour will happen;
- July September phase two occurs including working group meetings, public forum, and an online/phone survey;
- October final engagement findings will be presented to Council to then inform creation of the Long-Term Management Plan.
- 10 stakeholders will be interviewed;
- The working group will not be a decision making group and will include members of the public;
- The consultant's role is to gather input from many sources and ensure it is a representative sample;
- The purpose of the engagement is to help inform the recommendations the UBC Partnership Group will make for the Interim Management Plan and capture public input to help Council decide what the Long Term Plan will look like.

When asked about engagement fatigue, the consultants identified that it is really important to have multiple rounds of engagement, otherwise there is a perception that North Cowichan is bringing forward a finished product for review when in reality community input is informing the product.

Council heard that the biggest challenge is pulling out input from the silent majority, who do not normally get involved. There are two public forums proposed but if further meetings are needed Council can direct further opportunities. Council members suggested including youth as part of the working group, and suggested attending First Nation events to provide outreach. In response to a question on costs, the CAO advised that the cost for both the UBC technical review, and the engagement consultant is approximately \$200,000, although there may be further costs associated with the First Nations engagement portion.

#### It was moved and seconded:

# That Council endorse the draft engagement plan as attached to the January 29, 2020 staff report and direct staff to move forward with public engagement.

CARRIED

Council recessed from 3:49 p.m. and resumed the meeting at 4:04 p.m.

# 8.2 Temporary Mobile Home Permit Application at 2345 Townend Road

Council heard from the Director of Planning and Building that the Agricultural Land Commission had recently announced that the February 22, 2020 deadline for allowing mobile homes in the Agricultural Land Reserve had been extended to end of 2020. Council also asked about relaxing mobile home width. It was moved and seconded:

That Council approve Temporary Mobile Home Application No. TTP00077; and that staff be directed to issue a Temporary Mobile Home Permit to Robert and Maureen Pesti for a temporary mobile home with a maximum width of 8.23 metres at 2345 Townend Road for the purpose of accommodating a child and his/her family. CARRIED

# 8.3 Referral Responses for Bylaw No. 3767 Proposed Reduction of "All Other Principal Building" Setbacks in Agricultural Zones

Council received the January 29, 2020 staff report for information.

#### 8.4 Fire Inspection Program

Council discussed the cost of the new proposed Assistant Fire Chief position to carryout fire inspections, the possibility of charging fees for initial fire inspections and reinspections, and the possibility of assigning fire inspection duties to existing Bylaw staff. Council heard from the General Manager of Financial and Protective Services that one person can only complete approximately 500 inspections per year, the policy asks for businesses to self-inspect, and the Fire Commissioner's best practices identified not charging fees for inspections. Council also heard that the Fire Services Review identified a need for more oversight over North Cowichan's fire departments, so the Assistant Fire Chief position would also serve that function as well as fire inspections.

Council heard from the CAO that if the motion is defeated, Council will need to consider next steps to address operational needs at a future meeting.

It was moved and seconded:

- **1.** That Council direct staff to include a full time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 Budget; and
- 2. That Council direct staff to implement a system of fees for re-inspections due to noncompliance and requested inspections.

(Opposed: Douglas; Justice; Manhas; Toporowski) DEFEATED

#### 8.5 Panhandling Signage

Council heard that the City of Duncan has approved similar panhandling signage and an information campaign is also anticipated with the new signs.

It was moved and seconded:

That Council direct staff to install panhandling signage at the Drinkwater Road and Trans-Canada Highway intersection that include the wording; "Panhandling on roadways is unlawful and unsafe. Please consider giving to agencies that help those in need."

### 8.6 Flag Policy

Council discussed the proposed flag protocol policy and heard from the General Manager of Corporate Services that the policy language is broad enough to include organizations. Councillor Douglas' proposed amendment to the policy was not seconded.

It was moved and seconded:

That Council adopt the Flag Protocol Policy attached to the January 29, 2020 staff report.

(Opposed: Manhas) CARRIED

#### 9. NOTICE OF MOTIONS

### 9.1 Environmental Protection Bylaws

Councillor Douglas gave notice that he intends to bring forward the following motion at the February 19, 2020 Regular Council meeting.

"WHEREAS the Official Community Plan ("OCP") identifies the preservation of our natural environment as a fundamental principle;

AND WHEREAS the OCP also recognises that the Municipality is in the rare and endangered Coastal Douglas-fir biogeoclimatic zone and that this includes a variety of rare ecosystems as well as many provincially identified rare and endangered species;

AND WHEREAS Council has acknowledged the climate emergency we are facing and understands the added impact climate change will have on many aspects of our environment and the immediate need to protect, steward and rehabilitate the important ecological functions and services our land base provides us;

AND WHEREAS Council's 2019-2022 Strategic Plan includes as a vision statement that we will be "...stewarding healthy forests, rivers and lakes;"

AND WHEREAS Council's Strategic Plan states as an objective that "We lead in environmental policies and practices to support the future health of the community";

AND WHEREAS Council's Strategic Plan has a number of priority items related to strengthening our protection of the environment, including: supporting the health of our beaches, making environmental improvements to Quamichan and Somenos Lakes, developing a municipal biodiversity protection strategy, and strengthening environmental policy in all land use planning;

AND WHEREAS the municipality currently has policy tools that provide environmental protections, it is likely that our current suite of environmental protection policies (bylaws, DPAs, etc.) may have both missing components or components that need to be strengthened;

THEREFORE BE IT RESOLVED that staff be directed to provide Council with 1) an assessment or inventory of our current approach to environmental protection which includes an evaluation of what is working well, what is missing, what requires

strengthening; and 2) a recommendation for a process to achieve a "state of the art" modern package of strong and effective environmental protection bylaws, including, but not limited to, bylaws related to:

- prevention of unauthorised land clearing;
- maintenance of natural hydrological functions and erosion prevention;
- prevention of nutrient/pollutants getting into storm drains and natural watercourses;
- noxious and invasive weeds;
- Garry oak ecosystem protection;
- Wildlife habitat protection;
- Urban forest enhancement;
- Greenways protection/creation; and
- Pesticide herbicide use."

The Mayor requested that the CAO's memo regarding concerns with this motion also be included on the February 19, 2020 agenda.

#### 9.2 Proposed Bus Service

Council heard from Councillors Manhas and Douglas, and discussed the motion including that options for a bus service could also include use of existing routes.

It was moved and seconded:

That North Cowichan Council direct the Mayor to write the Cowichan Valley Regional District Chair (CVRD) requesting that the CVRD investigate options for creating a bus service from the Cowichan Valley to the Duke Point and/or Departure Bay ferry terminals in the City of Nanaimo.

#### CARRIED

#### **10. REVIEW OF COMMITTEE MINUTES**

#### 10.1 December 16, 2019 First Nations Relations Committee (FNRC)

#### 10.1.1 Committee Terms of Reference and Mandate

Council heard from Councillor Toporowski, Chair of the FNRC, regarding the Terms of Reference and noted "membership" should be removed from the Terms of Reference.

It was moved and seconded: That Council adopt the First Nations Relations Committee Terms Of Reference, as amended.

CARRIED

#### 10.1.2 Stoney Hill Road Naming

Council heard from Councillor Toporowski, Chair of the FNRC, regarding changes to road names in Stoney Hill. Council heard from the Director of Engineering that input and concerns from residents has been considered.

It was moved and seconded:

That Council approve the road names suggested by Cowichan Tribes and direct staff to 1) notify residents about the proposed changes, and 2) prepare a bylaw for the change in road names, and install appropriate signage.

CARRIED

#### 10.1.3 Naming of Parks

Council heard from Councillor Toporowski, Chair of the FNRC, regarding a request to rename Crofton Beach Park.

It was moved and seconded:

That Council decline the request to rename the Crofton Beach Park to the E J Hughes Park pending a broader discussion on parks naming policy with the inclusion of First Nations consultation.

CARRIED

#### 11. BUSINESS

#### **11.1** Strike of United Steelworkers Members Against Western Forest Products

Council heard from Councillor Douglas regarding his revised motion. The Mayor proposed an amendment to the motion in order to remain neutral rather than ask the Provincial Government not to intervene. Council also heard from members that no letter should be sent to the Provincial Government.

It was moved and seconded:

That Council direct the Mayor to communicate the following positions to the Premier with respect to the USW/WFP dispute:

- The dispute is having serious economic impacts on our community, including potential downstream impacts for Paper Excellence/Crofton;
- We remain committed to seeing this dispute resolved through the collective bargaining process; and
- We are expressly asking for government not to intervene in this dispute, but we do urge the government to make every reasonable effort to facilitate a settlement by exploring whatever options may help the ongoing bargaining and mediation processes to achieve a successful conclusion.

It was moved and seconded:

That the third bullet in the motion be amended to "we are expressly not asking for direct government intervention in this dispute".

(Opposed: Douglas; Justice; Manhas; Sawrie; Toporowski) DEFEATED

#### It was moved and seconded: (previously)

That Council direct the Mayor to communicate the following positions to the Premier with respect to the USW/WFP dispute:

• The dispute is having serious economic impacts on our community, including potential downstream impacts for Paper Excellence/Crofton;

- We remain committed to seeing this dispute resolved through the collective bargaining process; and
- We are expressly asking for government not to intervene in this dispute, but we do urge the government to make every reasonable effort to facilitate a settlement by exploring whatever options may help the ongoing bargaining and mediation processes to achieve a successful conclusion.

(Opposed: Siebring; Manhas; Toporowski) **DEFEATED** 

#### 12. NEW BUSINESS

# 12.1 2020 Resolution to the Association of Vancouver Island and Coastal Communities (AVICC)

Council heard from the Mayor regarding his proposed motion.

Councillor Toporowski left the meeting at 5:08 p.m. and returned at 5:11 p.m.

It was moved and seconded that the following resolution be forwarded to AVICC for consideration at the April 2020 Conference:

WHEREAS the Supreme Court of Canada has refused to hear the appeal of a BC Court of Appeal decision in *Canadian Plastic Bag Association v. Victoria (City)*, a decision which effectively limits the ability of local governments to regulate the use of soft plastics and other plastic packaging within their geographic jurisdictions,

AND WHEREAS some local governments see the need for such regulation:

**THEREFORE BE IT RESOLVED** that the Government of British Columbia be requested to amend Section 9 of the *Community Charter* to expressly allow local government regulation of plastics and other packaging materials that may be considered environmentally deleterious.

#### CARRIED

#### 13. CLOSED SESSION

It was moved and seconded:

That Council close the January 29, 2020 Regular Council meeting at 5:15 p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- 90(1)(f) law enforcement.

CARRIED

#### 14. RISE AND REPORT

Council rose without report at 5:45 p.m.

#### 15. RECESS COUNCIL MEETING

It was moved and seconded:

That Council recess the meeting at 5:45 p.m. and resume the open meeting at 6:00 p.m. CARRIED

#### 16. PUBLIC HEARINGS 6:00 P.M.

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Councillor Kate Marsh
Staff Present	Rob Conway, Director of Planning and Building Alyssa Meiner, Acting Corporate Officer Nelda Richardson, Deputy Corporate Officer Glenn Morris, Development Planning Coordinator Mairi Bosomworth, Community Planner

# 16.1 Public Hearing - Rezoning Application No. ZB000118 for Bylaw 3766 (1038 Herd Road), 2019

Mayor Siebring called the public hearing for Bylaw 3766 to order at 6:02 p.m.

The Mayor identified the location of the public hearing binder and Council heard that no public correspondence was received prior to the public hearing.

Council then heard from the Development Planning Coordinator regarding the zoning amendment application to permit a second dwelling at 1038 Herd Road. Staff advised that a section 219 covenant is recommended to be registered to prohibit subdivision and limit the size of the second dwelling.

Council heard from the applicant that he has no issues with the covenant.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing for Bylaw 3766 at 6:07 p.m.

It was moved and seconded:

- 1. That Council read a third time "Zoning Amendment Bylaw (1038 Herd Road), 2019", No. 3766 in order to permit a second residential building; and
- 2. That Council direct staff prior to bylaw adoption, to require the applicant to register a Section 219 covenant on the title of the property prohibiting any form of subdivision of the lands including strata subdivision and limit the maximum size of the second dwelling to 92 m2 (990.28 ft2).

# 16.2 Public Hearing - Rezoning Application No. ZB000119 for Bylaw 3767 (Reduction of Setbacks in Agricultural Zones), 2019

Mayor Siebring called the public hearing for Bylaw 3767 to order at 6:08 p.m.

Council heard from the Acting Corporate Officer that no public correspondence was received prior to the public hearing.

The Mayor then invited the Community Planner to introduce the application for Zoning Amendment Bylaw 3767. Council received a summary of steps taken to this point, including receipt of referrals in favour of the proposed setback changes.

Council asked technical questions of staff. Council heard from the Director of Planning and Building regarding the Ministry of Agriculture's Guide to Edge Planning and that this is likely not relevant in this instance for establishing buffer criteria.

There was no one in attendance who wished to speak to the application so Mayor Siebring closed the public hearing for Bylaw 3767 at 6:18 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), 2019", No. 3767.

CARRIED

# 17. QUESTION PERIOD

Council received questions from the public regarding business considered at this meeting before moving into the closed portion of the meeting.

# 18. ADJOURNMENT

It was moved and seconded:

That Council adjourn the January 29, 2020 Regular Council and Public Hearings at 6:19 p.m.

CARRIED

Certified by Acting Corporate Officer (Minutes certified "correct" and Public Hearing report certified "fair and accurate") Signed by Mayor