

Municipality of North Cowichan

Regular Council

AGENDA

Wednesday, April 17, 2024, 4:00 p.m.

Municipal Hall - Council Chambers & Electronically

This meeting which is open to the public, will be conducted in-person in Council Chambers and by video conference using the Cisco Webex platform, and will be streamed live and archived for viewing on demand at www.northcowichan.ca. All representations to Council form part of the public record.

Members of the public may attend the Municipal Hall [7030 Trans-Canada Highway] in person, or join the meeting electronically to participate during the 'Public Input' and 'Question Period' portions of the agenda. Please visit northcowichan.ca/virtualmeeting for instructions on how to connect online or you may dial 1.844.426.4405, enter 1# for English, enter the meeting ID 2773 582 5881, and then enter the meeting password 1111.

1. CALL TO ORDER

As soon as there is a quorum present after the time specified for the Council meeting, the Mayor shall call the meeting to order. If there is no quorum of Council present within 30 minutes of the scheduled time for the meeting, the meeting is adjourned until the next scheduled meeting.

2. RESOLUTION TO CLOSE THE MEETING TO THE PUBLIC

A resolution of Council must be passed during the open portion of the meeting stating the basis under the *Community Charter* in which the public shall be excluded.

Recommendation:

THAT Council close the meeting at ____ 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, which the council considers that disclosure could reasonably be expected to harm the interests of the municipality.
- 90(1)(g) litigation or potential litigation affecting the municipality.
- 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

3. CLOSED SESSION [4:00 - 5:00PM]

Any matters that must or may be closed to the public in accordance with section 90 of the *Community Charter* shall appear here.

3.1 Approval of in-camera meeting agenda

3.2 Adoption of in-camera meeting minutes

3.3 In-camera meeting items

3.3.1 Closed under section 90(1)(e) - Land + Harm

3.3.2 Closed under section 90(1)(e) – Land + Harm and section 90(1)(g) - Litigation

3.3.3 Closed under section 90(1)(b) - Negotiations with Province

3.4 Rise and Report

4. APPROVAL OF CONSENT AGENDA

To adopt all recommendations appearing on the Consent Agenda in one motion, without discussion or debate. Included are items that are regular, non-controversial, or routine in nature. Any item may be moved out at the request of any Council member for discussion or debate, before the agenda is approved. Items removed from the Consent Agenda will be placed under New Business.

Recommendation:

THAT Council approve the Consent Agenda and the recommendations contained therein.

4.1 Items for decision

All recommendations provided under each of the items listed below will be adopted once the Consent Agenda is approved, unless removed and placed under New Business.

4.1.1 Council Meeting Minutes for Adoption

Purpose: To consider if there were any errors or omissions prior to adopting the minutes of previous meetings of Council.

Recommendation:

THAT Council adopt the minutes of their regular meeting held April 3, 2024.

4.2 Items for information

All items listed below will be received for information purposes only once the Consent Agenda is approved, unless removed and placed under New Business where Council may consider taking action.

4.2.1 Committee of the Whole meeting minutes

Purpose: To receive for information the minutes from the April 9, 2024 Committee of the Whole meeting.

Recommendation:

THAT Council receive for information the minutes from the April 9, 2024 Committee of the Whole meeting.

4.2.2 City of Port Alberni requesting support for AVICC Resolution

Purpose: To receive for information the March 27, 2024, resolution [Addressing the Needs of Rural Seniors in British Columbia] from the City of Port Alberni to be considered at the Association of Vancouver Island Coastal Communities (AVICC) 2024 AGM & Convention.

Recommendation:

THAT Council receive for information the March 27, 2024, resolution and letter from the City of Port Alberni.

4.2.3 Member of Parliament for Cowichan-Malahat-Langford re Bill C-277, National Strategy on Brain Injuries Act

Purpose: To receive for information the April 5, 2024, letter from Alistair MacGregor, MP, Cowichan-Malahat-Langford, requesting support for Bill C-277, *National Strategy on Brain Injuries Act*, which proposes the development of a national strategy to support and improve brain injury awareness, prevention and recovery of persons living with a brain injury.

Recommendation:

THAT Council receive for information the April 5, 2024, letter from the Member of Parliament for Cowichan-Malahat-Langford.

4.2.4 Minister of Housing re Introduction of Bill 16 - Housing Statutes Amendment Act

Purpose: To receive for information the April 8, 2024, letter from the Honourable Ravi Kahlon, Minister of Housing, Regarding Bill 16 - *Housing Statutes Amendment Act*, which is intended to support local governments to build more affordable housing and livable communities.

Recommendation:

THAT Council receive for information the April 8, 2024, letter from the Honourable Ravi Kahlon, Minister of Housing.

4.2.5 Minister of Housing re Small Scale Multi-Unit Housing

Purpose: To receive for information the April 10, 2024, letter from the Honourable Ravi Kahlon, Minister of Housing, regarding Small Scale Multi-Unit Housing.

Recommendation:

THAT Council receive for information the April 10, 2024, letter from the Honourable Ravi Kahlon, Minister of Housing.

5. APPROVAL OF REGULAR AGENDA

To consider any items of business not included in the Agenda that are of an urgent nature they must be introduced and approved at the time the agenda is adopted. Matters must be taken up in the order that they are listed unless changed at this time.

Recommendation:

THAT the agenda be adopted as circulated [or as amended].

6. MAYOR'S REPORT

Mayor's opportunity to make announcements and update Council and the community on various matters which the Mayor has participated in since the last meeting.

7. DELEGATIONS

8. PUBLIC INPUT ON AGENDA ITEMS

Public Input is an opportunity for the public to provide their feedback on matters included on the agenda. The maximum number of speakers to be heard during the public input period is limited to five, with a maximum of three minutes allotted to each speaker. Members of the public attending the meeting in person must register at least 10 minutes prior to the meeting by signing the sheet posted outside of Council Chambers. Members of the public attending electronically must raise their hand once the meeting has been called to order. Please visit northcowichan.ca/virtualmeeting for instructions on how to raise your hand. Speakers are asked to state their name and residential address when commencing their address to Council.

9. BYLAWS

Bylaws appearing under this section will be listed in order of readings as follows: (a) bylaws for adoption shall appear first, followed by (b) bylaws receiving third reading, then (c) bylaws receiving first and second or first three readings.

9.1 2024 Property Tax Rates Bylaw No. 3961

Purpose: To introduce 2024 Property Tax Rates Bylaw No. 3961, which establishes the tax rates per property class for 2024.

Recommendation:

THAT Council give first, second and third reading to Property Tax Rates Bylaw No. 3961, 2024.

9.2 Council and Committee Procedures Bylaw No. 3945 for first three readings

Purpose: To introduce Council and Committee Procedures Bylaw No. 3945, which proposes to replace Council Procedures Bylaw No. 3602 and update various procedures, generally to:

1. Restructure bylaw so that it flows better;
2. Allow Council to temporarily suspend procedures that are not governed by statutory provisions;
3. Cancel regular meetings that fall within specific dates;
4. Change the time in-camera session begins;
5. Allow the Mayor and Corporate Officer to change the order of business on an agenda prior to publishing;
6. Establish procedures for petitions and presentations;
7. Update the procedures regarding delegations;
8. Update the procedures regarding electronic (and hybrid) meetings and electronic participation;
9. Add statutory hearings and reconsideration by Council to the public hearing agenda;
10. Update the procedures regarding a Councillor requesting a matter be reconsidered;
11. Move procedures regarding Public Input and Question Period out of the policy (into bylaw); and,
12. Add cross-references to other bylaws and policies for transparency.

Recommendation:

THAT Council give first, second and third readings to Council and Committee Procedures Bylaw No. 3945, 2024

9.3 Development Procedures Bylaw No. 3924, Development Approval Information Bylaw No. 3942, and Fees and Charges Amendment Bylaw No. 3960 for first three readings

Purpose: To consider first, second, and third readings for the following bylaws:

1. Development Procedures Bylaw No. 3924, 2024, which proposes to establish procedures for the processing of land development applications, including amendments to the Official Community Plan and Zoning Bylaws, Permit applications, and Agricultural Land Commission applications.
2. Development Approval Information Bylaw No. 3942, 2024, which proposes to establish procedures for requiring development approval information as part of the land development application process, and
3. Fees and Charges Bylaw Amendment Bylaw No. 3960, 2024, which proposes to modify Development and Permitting fees by adding refunds for incomplete, inactive, and withdrawn applications and for when an early consideration application is denied.

Recommendation:

THAT Council:

1. Give first, second and third readings to Development Procedures Bylaw No. 3924, 2024;
2. Give first, second and third readings to Development Approval Information Bylaw No. 3942, 2024; and,
3. Give first, second and third readings to Fees and Charges Bylaw Amendment Bylaw No. 3960, 2024.

10. REPORTS

This section includes reports from staff requiring a decision of Council and/or staff presentations. Staff reports for information only are placed in the Consent Agenda.

10.1 Service Agreement Funding Increase Request from Somenos Marsh Wildlife Society

Purpose: To consider the Somenos Marsh Wildlife Society's (SMWS) request to increase their funding in 2024 to expand on the services provided to North Cowichan.

Recommendation:

THAT Council increase the 2024 budget allocation for the service agreement with the Somenos Marsh Wildlife Society from \$50,000 to \$70,000 and that the increase be funded from unappropriated surplus.

10.2 Agricultural Land Commission Non-Farm Use (Placement of Fill) application for 6651 Lakes Road.

Purpose: To consider an Agricultural Land Commission (ALC) Non-Farm Use (Placement of Fill) application to enable the applicant to construct an agricultural storage building at 6651 Lakes Road.

Recommendation:

THAT Council authorize the Agricultural Land Commission (ALC) non-farm use application No. 67792 regarding 6651 Lakes Road to be sent to the ALC for its decision whether to allow the agricultural storage building to be built on the same foundation as the original barn building denied by the ALC and recommend that the application be approved.

10.3 Development Permit with Variance application for 2591 Beverly Street

Purpose: To consider development permit application DP000302, which seeks a variance to the parking requirements of the Zoning Bylaw, to facilitate the construction of a six-storey mixed-use building with ground-floor commercial use and 210 residential apartment units at 2591 Beverly Street.

Recommendation:

THAT Council issue the Development Permit DP000302 for Lot 3 at 2591 Beverly Street (PID 030-594-715) to construct a six-storey mixed-use building with ground floor commercial use and 210 residential apartment units as attached to this report dated April 17, 2024, and grant this variance to Zoning Bylaw 1997, No. 2950, to:

- Decrease the minimum width of parking stalls at posts from 3.0 m to 2.6 m in the underground parkade under Section 24(2)(a).

10.4 Agricultural Land Commission Non-Farm Use Application (ID 70032) for the British Columbia Society for the Prevention of Cruelty to Animals at 7550 Bell McKinnon Road

Purpose: To consider an Agricultural Land Commission (ALC) Non-Farm Use Application at 7550 Bell McKinnon Road to enable the replacement of an animal shelter building for the British Columbia Society for Prevention of Cruelty to Animals (BC SPCA).

Recommendation:

THAT Council authorize Agricultural Land Commission's (ALC) application ID 70032 for the proposed animal shelter building replacement within the Agricultural Land Reserve at 7550 Bell McKinnon Road to be forwarded to the ALC with a recommendation to approve it.

10.5 Municipal Forest Review

Purpose: To provide an update on the status of the forestry review, engagement with Quw'utsun Nation and outline next steps associated with developing a forest management plan for the Municipal Forest Reserve.

(Note: That a staff report will be circulated at the meeting)

11. NOTICES OF MOTIONS

This section includes notices of motions submitted by Members of Council for introduction only, discussion and debate of the motion shall occur at a future meeting. Introductory remarks or clarifying questions are not permitted at this time as per Council's Notice of Motion Policy.

12. UNFINISHED AND POSTPONED BUSINESS

This section includes matters that have been postponed to a certain time or referred to staff, a committee or some other organization or person, and shall be placed under this section when the matter is returned to Council for consideration.

13. NEW BUSINESS

This section includes external items that require a decision of Council, items that have been removed from the Consent Agenda, and motions submitted by Council members, where previous notice has been given, for Council consideration.

13.1 Request for Termination of the Covid-19 Vaccine Mandate

Purpose: For Councillor Findlay to move the motion that was introduced at the April 3, 2024, regular Council meeting.

"WHEREAS North Cowichan Council voted on March 20, 2024, to provide a grant-in-aid of \$1,000 to the Cowichan Valley Primary Care Society, and to send a letter in support of the Cowichan Valley Primary Care Society to the BC Minister of Health;

AND WHEREAS the healthcare industry in British Columbia is stretched to the limit, from all accounts;

AND WHEREAS approximately 10,000 healthcare workers retired, left the industry, moved out of province, or chose to stop working due to the provincial Covid-19 vaccine mandates;

AND WHEREAS approximately 4,000 healthcare workers remain out of the industry, but wish to return to their previous healthcare positions;

AND WHEREAS British Columbia remains the only jurisdiction in North America to maintain a vaccine mandate for healthcare workers.

NOW THEREFORE be it resolved that North Cowichan Council authorize the Mayor to send a letter to Minister of Health, Adrian Dix, and the Provincial Health Officer, Dr. Bonnie Henry, to request the termination of the Covid-19 vaccine mandate and invite over 4,000 healthcare workers back to work, to help alleviate the stress on the provincial health care system."

13.2 Support for "Save BC Restaurants"

Purpose: For Councillor Findlay to move the motion that was introduced at the April 3, 2024, regular Council meeting.

"WHEREAS Restaurants Canada and the BC Restaurants & Foodservice Association provided a "Save BC Restaurants" menu to North Cowichan Council, recommending options for support the BC restaurant & food service industry;

AND WHEREAS North Cowichan, and the Cowichan Valley, have a significant amount of food service establishments, resulting in the 6th highest employment industry in the Cowichan Valley Regional District;

AND WHEREAS food service establishments were disproportionately affected by government's Covid-19 policies and the fallout of the pandemic."

NOW THEREFORE be it resolved that North Cowichan Council:

1. request a report from staff that outlines how North Cowichan can expedite the approval process for temporary and permanent patio additions for food service establishments; and
2. authorize the Mayor to send a letter to the provincial government advocating to:
 - a. remove the "red tape" for liquor licensing purposes, both in permanent and special event situations,
 - b. implement a "trusted owner" liquor licensing system, rather than a property-specific system,
 - c. reconsider the minimum wage levels, including an under-18 wage system, for entry-level positions such as food service workers, and
 - d. freeze WorkSafeBC premiums and return the overages in the program to the businesses most affected by the excess premiums charged."

13.3 Postpone BC Zero Carbon Step Code Emission Level (EL-4)

Purpose: For Councillor Findlay to move the motion that was introduced at the April 3, 2024, regular Council meeting.

"WHEREAS North Cowichan Council adopted the Building Amendment Bylaw on October 18, 2023, which included implemented Emission Level 3 of the BC Zero Carbon Step Code on January 1, 2024, and further implementing Emission Level 4 of the BC Zero Carbon Step Code on July 1, 2024;

AND WHEREAS the construction industry has stated this is an unreasonable and difficult acceleration of code implementation without the full BC industry being in line;

AND WHEREAS the Zero Carbon Step Code, as created by the BC government, was designed to be slowly implemented over time to allow industry to adapt;

AND WHEREAS several municipalities in British Columbia, including North Cowichan and Nanaimo, have expedited the Code six years faster than the provincial guidelines;

AND WHEREAS the construction industry while guided by the rules set out in the BC Building Code by the province, may have accelerated timelines for different, and sometimes neighbouring, municipalities for the Zero Carbon Step Code implementation;

AND WHEREAS North Cowichan staff recommended the expedience of the Zero Carbon Step Code but at a slower rate of Emissions Level 2, and to maintain the provincial guidelines for the Energy Step Code;

AND WHEREAS the Canadian Federation of Independent Business, the Greater Vancouver and Surrey Boards of Trade, the International Brotherhood of Electrical Workers and other unions, restaurant owners, trades and fireplace manufacturers, have created the BC Coalition for Affordable Dependable Energy lobby group to lobby the provincial government over such haphazard amendments.

NOW THEREFORE be it resolved that Council direct staff to draft an amendment to the Building Bylaw to postpone when the Emission Level 4 (EL-4) requirement comes into force and effect from July 1, 2024 to July 1, 2027, to allow industry to adapt to ever-changing energy advancements and legislation."

14. QUESTION PERIOD

Question Period is an opportunity for the public to ask brief questions regarding the business discussed during the meeting. When invited by the Mayor, members of the public who are attending the meeting in person may step up to the podium to ask their question(s) and members of the public who are attending electronically may raise their hand at this time. Please visit northcowichan.ca/virtualmeeting for instructions on how to raise your hand.

15. ADJOURNMENT

Once all the business is done and over with, the Mayor may declare the meeting adjourned without requiring a resolution of Council.