

**Municipality of North Cowichan
Regular Council
MINUTES**

**December 4, 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 and Building
 Megan Jordan, Acting, Manager, Communications and Public Engagement
 Alyssa Meiner, Acting 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 December 4, 2019 Regular Council agenda, as circulated.

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:

That Council adopt the following minutes:

- 1. Regular Council meeting held November 20, 2019;**
- 2. Special Council meeting held November 25, 2019; and**
- 3. Special Council meeting held November 26, 2019.**

CARRIED

4. MAYOR'S REPORT

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

5. DELEGATIONS AND PRESENTATIONS

5.1 DELEGATION: Cowichan Neighbourhood House Association (CNHA)

Council heard from Chrissy Kemppe, President of CNHA, and Arlene Robinson that the CNHA provides activities and resources to the community free of charge, distribute donations of household items, food, clothing, provides community dinners, workshops, youth programming and classes. The CNHA thanked North Cowichan for providing funding to pay for its rent at the current location.

The Mayor indicated that North Cowichan intended to allow CNHA to occupy space in the new affordable housing site, however, BC Housing only permits housing, not community space. The General Manager, Financial and Protective Services confirmed that through Grant-in-Aid Program, CNHA will be provided annual funding.

5.2 DELEGATION: WildSafe BC

Council heard from Amanda Crowston, Cowichan Valley Coordinator for WildSafeBC, that the provincial program is in its first year in North Cowichan, a map of wildlife alerting in North Cowichan is available online, and 104 of 680 calls in the valley were from black bears getting into garbage. Bear spray presentations were conducted with space provided by North Cowichan, and WildSafe BC conducted community events and door to door visits advising residents not to put garbage out the night before as it attracts bears.

Council confirmed that the grant-in-aid was renewed for WildSafeBC and discussed criteria for becoming a bear smart community.

6. PUBLIC INPUT

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

1. Bernie Jones (Chemainus Residents Association) – item 10.1 – supports control of development sprawl.
2. Isabel Rimmer (Sathlam Neighbourhood Association) - item 8.1.
3. Richard Grimes – item 10.1 – not in support of restriction on subdivision.
4. Jim Dias – item 10.1 – not in support of restriction on subdivision, without any public input.

7. BYLAWS

7.1 Bylaw 3768 - "Miscellaneous Bylaws Repeal Bylaw No. 3768, 2019"

It was moved and seconded:

That Council give first three readings to "Miscellaneous Bylaws Repeal Bylaw No. 3768, 2019".

CARRIED

7.2 Bylaw 3758 - "Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), 2019"

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), 2019", No. 3758, - a bylaw to regulate the keeping of farm animals and poultry, and to establish setbacks specific to kennels.

CARRIED

7.3 Bylaw 3763 - "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019"

Councillor Manhas declared a conflict of interest as his employer has submitted a rezoning application for a retail cannabis store and left the Council Chambers at 2:21 p.m.

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" No. 3763 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway.

CARRIED

Councillor Manhas returned to the meeting at 2:23 p.m.

8. REPORTS

8.1 Reconsideration of Development Permit Application DP000155

Council heard from the CAO re the Vancouver Island Motorsport Circuit's application to reconsider the Director of Planning and Building's decision not to issue a Development Permit for the Phase 2 expansion of the Motorsport Circuit. The CAO outlined the options, as set out in the Director of Planning and Building's December 4, 2019 report.

Council then heard from Sean Hern, on behalf of the property owner, in accordance with the Delegation of Authority Bylaw.

It was moved and seconded:

That Council confirm the Director of Planning and Building's decision to deny Development Permit Application DP000155 due to non-compliance with the Zoning Bylaw.

(Opposed: Manhas)

CARRIED

8.2 Second Dwelling Rural Lands Policy

Council heard from the Director of Planning and Building that North Cowichan has been dealing with recent requests for second dwellings on a case-by-case basis. The issue is the Official Community Plan (OCP) and Zoning Bylaws do not currently have criteria to deal with basic standards around secondary dwellings, and there is limited ability to restrict size of proposed second dwellings.

Council asked questions of the Director of Planning and Building and heard that should Council approve the recommended policy, site specific applications for second dwellings would still need Council approval as a Zoning Amendment is still required.

Councillor Douglas left the meeting at 2:42 p.m. and returned at 2:45 p.m.

It was moved and seconded:

That Council direct staff to review all future site specific applications for second dwellings, including second residences and detached suites, in the context of existing OCP Policy; and

That all future site specific applications for second dwellings, outside the Urban Containment Boundary, be reviewed with respect to the following criteria:

- a. **That size of the proposed second dwelling be restricted by covenant to 92 m² (990.28 ft²) or less;**
- b. **That subdivision be restricted by covenant to prevent subdivision including strata subdivision;**
- c. **That the size of the parcel be a minimum of; and**
 - i. **1 ha (2.5 acres) where no Municipal sewer or water exists;**
 - ii. **0.4 ha (1 acre) where no Municipal sewer exists;**
 - iii. **0.2 ha (0.5 acres) where Municipal water and sewer exist; and**
- d. **That siting of second dwellings on agricultural lands be established and restricted by covenant to preserve agricultural land.**

CARRIED

8.3 Construction of New Crofton Water Storage Reservoir

It was moved and seconded:

That Council direct staff to:

1. **Prepare an agreement with the developer for the reservoir project that includes:**
 - a. **a \$700,000 contribution by North Cowichan from the one time Gas Tax funds,**
 - b. **the developer's delivery of a turnkey project that includes complete construction of the "ultimate" design reservoir, and**
 - c. **a termination clause that sets out the Agreement will be terminated immediately, with terms null and void, if construction has not substantially started within 24 months of execution of the Agreement; and**
2. **Research and prepare a latecomer charge agreement in favour of North Cowichan for future recovery of the appropriate portion of North Cowichan's contribution from future benefitting areas.**

CARRIED

Council took a 15 minute recess at 3:05 p.m. and resumed the meeting at 3:20 p.m.

8.4 External Appointment - Cowichan Housing Association's Community Advisory Committee

It was moved and seconded:

That Council appoint Councillor Marsh to serve as North Cowichan's liaison to the Cowichan Housing Association's Community Advisory Committee from 2019 to 2022.

CARRIED

8.5 Federation of Canadian Municipalities (FCM) 2020 Annual Conference and Trade Show

It was moved and seconded:

That Council approve Councillor Sawrie's attendance at the Federation of Canadian Municipalities 2020 Annual Conference and Trade Show, June 4 to 7, 2020.

CARRIED

9. CORRESPONDENCE

9.1 2020 Resolutions to the Association of Vancouver Island and Coastal Communities (AVICC)

Council received the November 6, 2019 email from Liz Cookson, UBCM for information.

10. NOTICE OF MOTIONS

10.1 Reconsider the Urban Containment Boundary in the Quamichan Watershed Area

Councillor Justice read his motion and highlighted the definition of "Lands" in the proposed resolution.

Council raised the issue of implications and heard from the CAO that a staff report is recommended when a policy decision involves such broad implications.

It was moved and seconded:

***Whereas* the current Official Community Plan (OCP) of the Municipality of North Cowichan (North Cowichan) identifies the reduction of suburban development sprawl, the preservation of rural character, smart growth, and mitigating and adapting to climate change as major policy objectives;**

***And whereas* North Cowichan Council has recently acknowledged that we are facing a climate emergency requiring immediate action;**

***And whereas* North Cowichan's Climate Action and Energy Plan acknowledges the relationship between suburban development sprawl, increased demands for energy, and increased greenhouse gas (GHG) emissions, and also acknowledges the need to develop compact communities that can adapt to a changing climate;**

***And whereas* North Cowichan is currently reviewing its OCP, which review will include the consideration of: i) stronger policies related to climate change; ii) amendments to the Urban Containment Boundary (UCB) to reduce suburban development sprawl and automobile dependency; and iii) denser development**

around North Cowichan's existing commercial cores to create complete and resilient communities;

***And whereas* the development of lands (Lands) which are: i) greenfield; ii) characteristic of leapfrog development; or iii) are not within reasonable (generally accepted) walking distance from the core services of either Crofton, Chemainus, or the Duncan to Berkey's Corner area of the South End of North Cowichan (some of which are located within the UCB) would be inconsistent with the above current and possible policies;**

***And whereas* the removal of some of the Lands from within the UCB will be considered as part of the review of the OCP;**

***And whereas* some of the Lands currently within the UCB, in areas such as the Quamichan watershed and similar areas*, are facing development pressure, which will likely increase during the anticipated two year OCP review process;**

***And whereas* it is anticipated that a significant amount of North Cowichan planning staff resources will be required to review development applications in relation to the Lands, which may be removed from within the UCB at a future date as a result of the review of the OCP;**

***And whereas* North Cowichan Council believes it is not prudent to expend North Cowichan planning staff resources to review development applications in relation to the Lands while the review of the OCP is being undertaken;**

***Therefore be it resolved* That Council is of the view that the approval of further growth or change in those areas of North Cowichan represented by the Lands is not in the public interest, but believes that growth or change that fosters walkable, compact, and energy efficient communities, and strengthens existing cores, is in the public interest.**

***And therefore be it further resolved* That Council directs North Cowichan planning staff to advise the Approving Officer that Council is of the view that the approval of subdivision of any of the Lands is not in the public interest for the reasons set out above, and request that the Approving Officer reject all such subdivision applications as not being in the public interest.**

***And therefore be it further resolved* That Council believes that it is not a judicious use of North Cowichan planning staff resources to review applications for amendments to the OCP and/or Zoning Bylaw in relation to any of the Lands while the review of the OCP is underway.**

***And therefore be it further resolved* That Council directs North Cowichan planning staff to encourage applicants for amendments to the OCP and/or Zoning Bylaw in relation to any of the Lands to defer consideration of their applications until after North Cowichan has completed its review of the OCP, and that, where the applicants are not agreeable to deferring consideration of their applications until after North Cowichan has completed its review of the OCP, North Cowichan planning staff bring all such applications to Council at the earliest opportunity for**

consideration by Council and direction as to whether Council wishes to proceed with further steps in relation to the application, including a detailed staff review, or Council wishes to deny the application without further review.

* There are a number of large greenfield sites currently located within the Urban Containment Boundary (UCB) - including in lands surrounding the Maple Bay Corridor and Quamichan Lake, the western boundary of the Crofton growth centre, southern/western boundaries of the Chemainus growth centre, and other undeveloped areas of the South End.

It was moved and seconded:

That Council table the main motion, pending a staff report on implications and potential consequences to be presented to Council at the January 15th meeting.

(Opposed: Douglas; Justice)

CARRIED

11. NEW BUSINESS

None.

12. QUESTION PERIOD

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

13. ADJOURNMENT

It was moved and seconded:

That Council adjourn the December 4, 2019 Regular Council meeting at 4:04 p.m.

CARRIED

Certified by Acting Corporate Officer

Signed by Mayor