

Municipality of North Cowichan

Special Council

MINUTES

January 20, 2020, 6:00 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
 Clay Reitsma, Senior Manager, Engineering
 Rob Conway, Director of Planning and Building
 Megan Jordan, Manager, Communications and Public Engagement
 Alyssa Meiner, Acting Corporate Officer
 Dave Preikshot, Senior Environmental Specialist (arrived 9:19 p.m.)

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 6:00 p.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council adopt the January 20, 2020 Special Council agenda, as amended to:

- consider items 10.1 and 8.1 after item 6, and
- add a new item 9.1 Notice of Motion.

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:

That Council adopt the following minutes:

1. Special Council meeting held December 12, 2019;
2. Special Council meeting held December 18, 2019;
3. Committee of the Whole meeting held December 18, 2019;

- 4. **Regular Council meeting held December 18, 2019; and**
- 5. **Special Council meeting held January 6, 2020.**

CARRIED

4. MAYOR'S REPORT

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

5. DELEGATIONS AND PRESENTATIONS

5.1 DELEGATION: Cowichan Works

Council heard from David Messier and Jennifer Woike, on behalf of Cowichan Works regarding Councillor Justice's notice of motion.

David Messier, owner of Maple Bay Marina and member of the OCP Advisory group, explained that Cowichan Works is speaking in opposition to Councillor Justice's motion as it is complicated and confusing for applicants, problematic to describe the intent of a motion that is vague, and there is little understanding of the impacts of the motion and impacts to businesses and families. The motion sends a clear message that doing business in North Cowichan is risky and Council is not listening to the needs of citizens. He urged Council to vote against the motion, and at a minimum refer the file to the OCP group for comments.

Jen Woike pointed out that Council has been focused on transparency and asked if Cowichan Tribes had been consulted. She suggested it would be wise to consult given they have recently purchased a 200 acre farm to potentially develop. Cowichan Works, is made up of like-minded business people, busy running businesses and looking after employees and customer needs, and there's fear of speaking out in opposition with social media campaigns targeted and slanderous towards business. Companies are looking to expand business to North Cowichan, potentially employing 100+ people, but this Council does not appear to support business. There is a trickle-down effect with business. Developers, painters, farmers, electricians, the people in this room, donate to the community. An active labour force, and the trickle-down effect, would be stopped with this motion. Council is elected to represent the majority as a whole, including representing people even if they disagree with their perspectives. She urged Council to focus on making North Cowichan economically viable in the future, not further divide the community, and show true leadership by defeating this motion.

5.2 DELEGATION: Mr. Dave Jackson on Behalf of Bell McKinnon Residents and Land Owners

Council heard from Dave Jackson, representing residents and land owners in the Bell McKinnon corridor, that the impacts of the motion have not been analyzed or understood. The staff report is a good start but much more analysis of impacts and legal risks is required. Financial and legal risks of this motion are significant, and it appears the Kingsview Development is one of the targets of this policy. If this motion were to pass and be made applicable to the Kingsview development, there would be significant legal risk. Citizens and taxpayers need to be more informed of potential consequences.

The location selected for new hospital is within the Bell McKinnon Local Area Plan (LAP), and is supported by the Bell McKinnon area residents. Development of this LAP included exhaustive public consultation. On the basis of moral and social contract, residents accepted the Bell McKinnon LAP. This motion is a worst case scenario for Bell McKinnon residents, who if they had known they would not be able to sell their lands as developable, would not have condoned the hospital rezoning. There has been consistent responses of shock, fear, anger, and questioning support for the new hospital. Mr. Jackson asked what has changed from Council's vote to support the LAP as the Health Authority cannot be expected to pay for everything, and the LAP allows for development to contribute, to a bike friendly, walkable community. Mr. Jackson asked that the motion be terminated and the LAP enshrined in the revised Official Community Plan.

6. PUBLIC INPUT

It was moved and seconded:

That Council waive the policy limiting to 5 speakers and allow each speaker 3 minutes.

CARRIED

Council received public input from the following registered speakers:

1. Sharon Horsburgh - opposed to the motion in item 10.1;
2. Margo Young - opposed to the motion in item 10.1;
3. Greg Adams - opposed to the motion in item 10.1;
4. Deb Savory Wright - opposed to the motion in item 10.1;
5. John Koury - opposed to the motion in item 10.1;
6. Ian Bramble (Director with Rowing Canada) - concerned with the motion in item 10.1;
7. Dean Bell - opposed to motion in item 10.1;
8. Brian Sent - in favour of the motion in item 10.1;
9. Mona Janes - in favour of the motion in item 10.1;
10. Jim Dias - opposed to the motion in item 10.1;
11. Tom Walker - opposed to the motion in item 10.1;
12. Joyce Behnsen - opposed to the motion in item 10.1;
13. Peter Rusland - in favour of the motion in item 10.1;
14. Patrick Hrushowy - concerns with the motion in item 10.1;
15. Les Bjola - opposed to the motion in item 10.1;
16. Andrew Gudmundseth - opposed to the motion in item 10.1;
17. D'Arcy Beaveridge – opposed to the motion in item 10.1;
18. Sandy McPherson - comments for items 5.1 and 8.3, and in favour of the motion in item 8.5;
19. Shelby Buckin - opposed to the motion in item 10.1;
20. Ian Lock - opposed to the motion in item 10.1;
21. Mark Primmer - in favour of the motion in item 10.1;
22. Brian Danyliw - opposed to the motion in item 10.1;
23. Jas Bains - opposed to the motion in item 10.1;
24. Brittany Bickard - opposed to the motion in item 10.1;
25. Cory Felix - opposed to the motion in item 10.1;
26. Pam Stover - opposed to the motion in item 10.1;
27. Don Hatton - opposed to the motion in item 10.1;
28. David Vandine - opposed to the motion in item 10.1;

29. Tyler Jackson - opposed to the motion in item 10.1.

Council recessed the meeting at 9:07 p.m. and resumed the meeting at 9:19 p.m.

All Council members were present at 9:19 p.m., with the exception of Councillor Douglas.

7. **BYLAWS**

7.1 **Bylaw 3761 - "Zoning Amendment Bylaw (Motorsport Circuit), 2019"**

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (Motorsport Circuit), No. 3761, 2019".

(Opposed: Manhas)

CARRIED

7.2 **Bylaw 3769 - "Officers Amendment Bylaw, 2019"**

It was moved and seconded:

That Council adopt "Officers Amendment Bylaw, No. 3769, 2019"

CARRIED

7.3 **Bylaw 3771 - "Delegation of Authority Amendment Bylaw, 2019"**

It was moved and seconded:

That Council adopt "Delegation of Authority Amendment Bylaw, No. 3771, 2019".

CARRIED

7.4 **Bylaw 3772 - "Fees Amendment Bylaw, 2019"**

Councillor Douglas returned to the meeting at 9:21 p.m.

It was moved and seconded:

That Council adopt "Fees Amendment Bylaw No. 3772, 2019".

CARRIED

8. **REPORTS**

8.1 **Impacts of Councillor Justice's Notice of Motion**

Councillor Justice thanked the public in attendance for coming to the meeting and expressing their views. Council heard from the Director of Planning and Building regarding his report, including that Council cannot impose an outright moratorium on development, as land use applications that come before Council must be considered. Council heard that the notice of motion would, however, signal to the public and applicants that Council would likely not approve the application.

The Director of Planning and Building explained that an Approving Officer is independent and not bound by Council's direction.

Council heard that the language in the motion is currently imprecise, but Councillor Justice would like the motion to focus only on residential development, not commercial or industrial. Motion potentially impacts landowners interested in rezoning their land; and if AO were to follow the motion's request, future subdivision would be impacted.

Councillor Marsh left the meeting at 7:41 p.m. and returned to meeting at 7:44 p.m.

Council heard from staff that many hundreds of parcels have subdivision potential and could be impacted by this motion, and there are many potential impacts depending on details such as whether in-stream applications are included, whether the Kingsview development is excluded, whether Cowichan Commons is included as a core service in the Bell McKinnon area. The CAO clarified that as Approving Officer he would consider all factors and continue to approve existing and future subdivisions under the Kingsview Phased Development Agreement.

The Mayor highlighted the impact on development around the new hospital should the policy be approved, and that it would be short-sighted to put in servicing just for the hospital.

Councillors acknowledged the motion is confusing and there is a need to consult the community before making a decision.

Councillor Toporowski left the meeting at 8:00 p.m. and returned at 8:01 p.m.

When asked why North Cowichan is continuing to rezone and subdivide areas outside the UCB (as set out in the OCP), Council heard the current Zoning Bylaw is from 1997 and North Cowichan is embarking on its third Official Community Plan since the Zoning Bylaw was adopted.

A more direct way to harmonize the OCP and the Zoning Bylaw would be to amend the Zoning Bylaw, a process that involves public input.

8.2 Off-Leash Dog Parks

Council asked questions of the General Manager, Community Services regarding his report. Council heard that report on proposed options and bylaw amendments would include costs.

It was moved and seconded:

- 1. That Council direct staff to prepare a report on proposed amendments to the Fees Bylaw to increase dog licensing fees to offset additional capital, maintenance and enforcement costs for off-leash areas, as well as other proposed amendments.**
- 2. That Council direct staff to prepare a report on proposed options to add, on a trial basis, Pender Street stairs, Crofton Beach Park foreshore, and Cook Street to Vista Grande foreshore as “designated off-leash dog areas” (effective January 1, 2021, and excluding June 16 to September 30) to the Animal Responsibility Bylaw.**
- 3. That Council endorse an Animal Control campaign to encourage and improve compliance with dog licensing requirements.**
- 4. That Council endorse:**
 - a. signage at the foreshore areas where dogs are permitted,**
 - b. signage to clarify the off-leash areas at Kinsmen Beach Park and Maple Bay Beach Park are limited to foreshore area only, and**

c. educational initiatives to improve safety and expand the dog waste program at off-leash locations.

It was moved and seconded:

That Council amend the main motion to add “educational initiatives on proper control of dogs” to section 4.

CARRIED

Main motion as amended:

It was moved and seconded:

- 1. That Council direct staff to prepare a report on proposed amendments to the Fees Bylaw to increase dog licensing fees to offset additional capital, maintenance and enforcement costs for off-leash areas, as well as other proposed amendments.**
- 2. That Council direct staff to prepare a report on proposed options to add, on a trial basis, Pender Street stairs, Crofton Beach Park foreshore, and Cook Street to Vista Grande foreshore as “designated off-leash dog areas” (effective January 1, 2021, and excluding June 16 to September 30) to the Animal Responsibility Bylaw.**
- 3. That Council endorse an Animal Control campaign to encourage and improve compliance with dog licensing requirements.**
- 4. That Council endorse:**
 - a. signage at the foreshore areas where dogs are permitted,**
 - b. signage to clarify the off-leash areas at Kinsmen Beach Park and Maple Bay Beach Park are limited to foreshore area only,**
 - c. educational initiatives to improve safety and expand the dog waste program at off-leash locations; and**
 - d. Educational initiatives on proper control of dogs.**

CARRIED

8.3 Integrated Climate Action Strategy

Council received a presentation from the Senior Environmental Specialist regarding a Climate Action Plan for North Cowichan. Highlights of the presentation included:

- electrification as a priority for North Cowichan’s corporate fleet;

The Mayor left at 9:43 p.m. and returned at 9:45 p.m.

- 80% target green-house-gas emissions (GHG) reduction is not trivial;
- Climate Action Energy Plan (CAEP) remodeling shows North Cowichan’s GHG numbers in 2016 at 442,162 tCO₂eq (much higher than the 181,844 tCO₂eq in 2007) the difference due to Catalyst Mill (180,000 tCO₂eq) and agricultural (80,000 tCO₂eq) emissions not accounted for in the original CAEP. Furthermore, carbon accounting allowed by the Province allows the mill to be considered as having met its emissions reduction goals so there are unlikely to be reductions in their emissions any time soon;

- It will also be difficult for North Cowichan to meaningfully regulate or compel mill to reduce emissions given compliance with Provincial targets;
- well advised to look at community targets and industry targets separately;
- In comparing GHGs between North Cowichan and Victoria; North Cowichan has farm contributions (methane from farm animals);
- Province regulates farms and industry (without taking into account industry and farms, transport largest contributor of GHGs);
- Transportation does not include vehicles passing through North Cowichan; and
- Transportation does include all internal commercial and drive traffic within North Cowichan and the trips per day driving between North Cowichan and Victoria (approximately 3500) and Nanaimo (approximately 3000).

Council heard it is important to distinguish between what North Cowichan would like to do versus what is feasible to do. Given the characteristics of the community, with three downtown cores, and a contested UCB, it can be counter-intuitive what can be optimized to lead to positive returns.

The proposed focus for North Cowichan includes communicating based on the following six strategies:

1. Transportation/electric vehicles;
2. Corporate Leadership;
3. Natural assets and carbon sequestration;
4. Building efficiency;
5. Climate adaptation; and
6. Lowering Waste.

Council heard there are many changes to the original plan and a lot of work to do:

- Can get much higher gains by leveraging Provincial Programs (e.g., Step Code and Clean BC initiatives) increasing electric vehicle use, and encouraging bike, ebikes and walking;
- A company (Sustainability Solutions Group) was hired to do CAEP modelling, however, significant portions of baseline data derived in-house from environmental staff and quality checked in-house;
- Because reducing GHG emissions is an accounting exercise, with often arcane rules, there can be challenges in defining how policy may be valued (for example, existing forestry reserve is not pure carbon credits because cutting may improve carbon storage);
- In order to meet commitments, North Cowichan needs to be strategic;
- Need to also adapt to climate change effects like longer dryer summers and more dramatic flooding in the winter by bolstering existing water storage (reservoirs and wetlands) and flood protection structures (dykes and pumps);
- Looking at transportation statistics within North Cowichan, beginning trip diary, and reaching out to neighbouring local governments;
- In BC, vehicle electrification benefit is a larger potential GHG reduction opportunity than the US due to Hydro Power; and
- North Cowichan's plan will provide strategic guidance, which can then be used in OCP discussions, Strategic Plan, and Operational Plans.

Councillor Sawrie asked about putting forward a Climate Action Taskforce at this time. Council discussed that community engagement will be included in future stages of the plan and heard that North Cowichan's Environmental staff sit on a number of local environment boards and taskforces, meet with local first nations, and get a lot of regular input from these groups. Council heard that community engagement will most likely occur at the modelling alternatives stage in April.

It was moved and seconded:

That Council direct staff to develop actions, policy options, and cost estimates based on the six strategies outlined in the Climate Action Plan and information from the Climate Action Energy Plan modelling update, to achieve an 80 percent reduction target by 2050.

CARRIED

Council heard from CAO that North Cowichan could hold a public forum to hear from members of the public, including members of the previous Environmental Advisory Committee.

It was moved and seconded:

That Council direct staff to prepare a report on proposed Terms of Reference for a Taskforce, and associated implications, be presented at a future Committee of the Whole meeting.

(Opposed: all Members)

DEFEATED

8.4 Agricultural Land Reserve (ALR) Exclusion Application for 8682 Trans-Canada Highway

It was moved and seconded:

- 1. That Council direct staff to issue notice and schedule a public hearing for the application to exclude 8682 Trans-Canada Highway from the Agricultural Land Reserve in accordance with Agricultural Land Commission requirements; and**
- 2. That the application be referred to Halalt First Nations and be given 30 calendar days to respond.**

CARRIED

8.5 2020 Resolution to the Association of Vancouver Island and Coastal Communities (AVICC)

8.5.1 De-Centralizing Forest Management on Vancouver Island and Coastal BC

Council heard from Councillor Douglas regarding his proposed motion.

It was moved and seconded:

WHEREAS the forest sector in British Columbia is in crisis with thousands out of work and facing hardship; forestry companies closing mills, curtailing operations and redirecting investment outside of the province; and once thriving rural communities experiencing severe economic decline;

AND WHEREAS many communities across British Columbia and globally have demonstrated that when local people are empowered to manage public forests and other resources through community forest licenses, regional trusts and other community-based governance models, they can enhance environmental sustainability, provide stable and fulfilling employment, and improve equity and fairness;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities (AVICC) call on the Province of British Columbia to move to establish a de-centralized forest management model for the region of Vancouver Island, Sunshine Coast, Powell River, the North Coast and the Central Coast ("Vancouver Island and the Coast"), and, as a first step, appoint a Forester General for the region who will undertake the following actions:

- Consult with local communities, workers, businesses, First Nations and the broader public on current challenges with the forest sector;
- Carry out an analysis of the opportunities to increase employment and value-add, restrict raw log exports, improve environmental sustainability, and advance reconciliation with First Nations;
- Develop a regional land use plan for Vancouver Island and the Coast based on citizen input; and
- Recommend next steps for empowering Vancouver Island and the Coast in the management of forestry and related resources, including potentially establishing a Regional Standing Committee of the BC Legislature composed of the MLAs for Vancouver Island and the Coast.

(Opposed: Siebring; Manhas)

CARRIED

9. NOTICE OF MOTIONS

9.1 Proposed Bus Service

Councillors Douglas and Manhas gave notice that they intend to bring forward the following motion at the January 29, 2020 Regular Council meeting.

"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."

10. UNFINISHED AND POSTPONED BUSINESS

10.1 Pausing Consideration of Development Applications in Some Parts of North Cowichan During the OCP Process While the Urban Containment Boundary is Being Reconsidered

Council heard from Councillor Justice that his motion proposes a partial and temporary pause in processing applications in some areas of the community due to development pressures in areas North Cowichan may not want developed in the future.

Councillor Justice identified that Council has heard concerns from the public tonight, and received much correspondence both for and against the motion. Citing the importance of listening carefully, allowing time for more thought, and not causing hardship for those whose living depend on construction, Councillor Justice proposed referring the motion to the OCP advisory group for comment.

It was moved and seconded:

That the motion be referred to the OCP Advisory Committee for their comments.

(Opposed: Siebring; Manhas; Marsh; Sawrie; Toporowski)

DEFEATED

Council members identified there is an OCP review process in place, a consultant is being hired to work with and obtain feedback from the community, First Nations will be asked for comment, and a referral of this motion could prolong uncertainty and community division, rather than moving forward as a community.

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.

(Opposed: Siebring; Manhas; Marsh; Sawrie; Toporowski)

DEFEATED

Council recessed from 9:07 p.m. to 9:19 p.m.

11. NEW BUSINESS

None.

12. QUESTION PERIOD

Council received questions from the public regarding business considered at this meeting.

13. CLOSED SESSION

It was moved and seconded:

That Council close the January 20, 2020 Special Council meeting to the public at 11:02 p.m. on the basis of the following sections of the *Community Charter*:

- **90(1)(a) - personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;**
- **90(1)(b) - personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity; and**
- **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.**

CARRIED

14. RISE AND REPORT

Council rose and reported on the following resolution:

It was moved and seconded:

That Michelle Martineau be appointed as the Corporate Officer for the District of North Cowichan and confirmed as an Officer of the Municipality under Section 148 of the *Community Charter*, effective February 10, 2020.

CARRIED

15. ADJOURNMENT

It was moved and seconded:

That Council adjourn the January 20, 2020 Special Council meeting at 11:15 p.m.

CARRIED

Certified by Acting Corporate Officer

Signed by Mayor