

Municipality of North Cowichan Regular Council and Public Hearing MINUTES

November 20, 2019, 1:30 p.m.
Municipal Hall - Council Chambers

Members Present Mayor Al Siebring
 Councillor Rob Douglas (1:33 p.m.)
 Councillor Christopher Justice
 Councillor Tek Manhas
 Councillor Kate Marsh (1:35 p.m.)
 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
 Karen Robertson, Corporate Officer
 Megan Jordan, Acting, Manager, Communications and Public Engagement

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 November 20, 2019 Regular Council agenda, as amended, to add an item for the Closed session under 91(1)(c) – labour relations or other employee relations.

CARRIED

3. **ADOPTION OF MINUTES**

3.1 **October 16, 2019 - Committee of the Whole Minutes**

It was moved and seconded:

That Council adopt the minutes of the Committee of the Whole meeting held October 16, 2019.

CARRIED

3.2 November 6, 2019 Special Council

It was moved and seconded:

That Council adopt the Special Council minutes of the meeting held November 6, 2019.

CARRIED

3.3 November 6, 2019 Regular Council

It was moved and seconded:

That Council adopt the Regular Council minutes of the meeting held November 6, 2019.

CARRIED

Councillor Douglas entered the Council Chambers at 1:33 p.m.

Councillor Marsh entered the Council Chambers at 1:35 p.m.

4. MAYOR'S REPORT

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

5. DELEGATIONS AND PRESENTATIONS

5.1 DELEGATION: Chris Duncan, President, Duncan Cowichan Chamber of Commerce

Chris Duncan, President of the Duncan Cowichan Chamber of Commerce provided an overview of the activities, projects, and events that the Chamber has supported throughout 2019. He also thanked Council for the new trail map as it has become one of the best resource tools that they distribute to visitors who want to bike or hike the Cowichan trails.

He identified that while the Chamber continues to seek out new revenue opportunities, the only sources of external funding they receive are the grants from the District of North Cowichan, the City of Duncan and Destination BC. He advised that the City of Duncan has reduced their annual grant from \$30,000 to \$22,000 which impacts their budget and operations and as such are requesting an increase in the grant they receive from the District of North Cowichan from \$30,000 to \$38,000. He confirmed that the Chamber has applied to the Cowichan Valley Regional District for grant funding but were advised that the maximum available would be \$1,000 from each Electoral Area.

He concluded his presentation by inviting Council to attend their November 26, 2019 Annual General Meeting where they will be presenting their financials and electing a new Board.

It was moved and seconded:

That staff be directed to prepare a report for the Grants in Aid meeting that outlines funding options for the Duncan Cowichan Chamber of Commerce.

CARRIED

6. PUBLIC INPUT

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

7. REPORTS

7.1 Proposed 2020 Council Meeting Schedule

It was moved and seconded:

That Council endorse January 15 and 29, 2020 as the Council meeting dates for January, 2020.

CARRIED

It was moved and seconded:

That Council cancel the February 5, 2020 Council meeting to accommodate the Local Government Leadership Academy Conference.

CARRIED

It was moved and seconded:

~~That Council endorse holding the first meeting in June, 2020 on Tuesday, June 2, 2020 to accommodate those Council members attending the FCM conference.~~

[Decision rescinded by Council at the May 6, 2020 Regular Council meeting]

It was moved and seconded:

That Council support holding one Council meeting in July (to be held on July 15, 2020) and one Council meeting in August (to be held on August 19, 2020).

CARRIED

It was moved and seconded:

That the Council meeting dates as proposed for March, April, May, June, September, October, November, and December be endorsed as per Council's Procedure Bylaw and as attached to the November 20, 2019 report by the Corporate Officer.

CARRIED

8. NEW BUSINESS

None.

9. CLOSED SESSION

It was moved and seconded:

That Council close the November 20, 2019 Regular Council meeting at 2:04 p.m. to the public on the basis of the following sections of the *Community Charter*:

- **90(1)(c) - labour relations or other employee relations;**
- **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)(g) - litigation or potential litigation affecting the municipality; and**
- **90(1)(i) - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

CARRIED

10. RECESS COUNCIL MEETING

The Closed portion of the Council meeting concluded at 4:50 p.m.

It was moved and seconded:

That Council recess the meeting at 4:50 p.m. and resume the open meeting at the conclusion of the Public Hearing.

CARRIED

11. PUBLIC HEARING 6:00 P.M.

Members Present Mayor Al Siebring
 Councillor Rob Douglas (1:33 p.m.)
 Councillor Christopher Justice
 Councillor Tek Manhas
 Councillor Kate Marsh (1:35 p.m.)
 Councillor Rosalie Sawrie
 Councillor Debra Toporowski

Staff Present Rob Conway, Director of Planning and Building
 Karen Robertson, Corporate Officer
 Megan Jordan, Acting, Manager, Communications and Public Engagement
 Caroline von Schilling, Development Planner
 Larissa Barry-Thibodeau, Planning Technician

Mayor Siebring provided an explanation of the public hearing process and advised that no further verbal or written presentations could be reviewed by any member of Council following the closure of the public hearing. He also pointed out the location of the public hearing binders that were available for viewing by the public throughout the duration of the hearings for all 4 rezoning applications. He advised that the binders were also made available for viewing by the public at Municipal Hall.

The Mayor then advised that any written submissions received during the public hearings would form part of the public hearing record and at the conclusion of the hearing all submissions would be retained in the vault at Municipal Hall for permanent retention.

11.1 PUBLIC HEARING: Rezoning Application No. ZB000120 for Bylaw 3758 (Keeping of Farm Animals and Poultry), 2019

Mayor Siebring called the public hearing to order at 6:04 p.m. for Rezoning Application No. ZB000120 for Bylaw 3758 (Keeping of Farm Animals and Poultry), 2019.

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

The Corporate Officer conveyed that prior to the hearing 3 pieces of correspondence were received from the public regarding the proposed amendment which were previously circulated to Council. Two emails opposing the bylaw and a memo (which came in via email) citing support for urban poultry in North Cowichan but a request that Council, at minimum, provide consistency with the previous bylaw in order to provide stability and security for current owners.

The Mayor then invited Larissa Barry-Thibodeau, Planning Technician to introduce the proposed amendment.

Mayor Siebring then called for submissions from the public for a first time. Council heard from the following members of the public:

Zoey Nedelek - 9890 Victoria Rd., North Cowichan,
Heather Elrix, Chemainus, North Cowichan,
Caitlen Kenny – 5924 Jaynes Rd., North Cowichan,
Thomas Elliott – 5924 Jaynes Road, North Cowichan.

Opposing comments included the following:

- When the Animal Responsibility Bylaw was adopted, the provisions for keeping chickens was removed so some residents took the opportunity to keep backyard chickens. Concern was expressed about what would happen to those chickens if residents were in non-compliance with the new bylaw.
- Setback requirements on smaller lots would see coops having to be established in the centre of one's property.
- Chickens are an important source of food security and residents on smaller lots should be able to keep 4 chickens or less on their property, with no roosters.
- Having backyard chickens reduces the supply chain from food in general.
- Policies should be established that address: chicken welfare, noise, setbacks, handling of manure, and carcasses.
- Chickens are simple to keep. Most municipalities don't allow roosters because of the noise.
- Concern with those who have established businesses when the regulations were removed with the adoption of the Animal Responsibility Bylaw.

Council asked staff what would happen to those who started a business, or have existing back yard coops on smaller lots, should Council adopt the bylaw. The Director of Planning and Building confirmed that those individuals could continue and should the bylaw be adopted, their use would be considered legal non-conforming.

Mayor Siebring called for submissions from the public for a second time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing for Rezoning Application No. ZB000120 at 6:36 p.m.

11.2 PUBLIC HEARING: Rezoning Application No. ZB000093 for Bylaw 3763 (Retail 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 6:36 p.m.

Councillor Toporowski stated that she no longer has a conflict of interest on matters related to retail cannabis applications as the Costa Canna application has concluded and therefore would not be absenting herself on future applications of this nature.

Mayor Siebring called the public hearing to order at 6:37 p.m. for Rezoning Application No. ZB000093 for Bylaw 3763 (8432 Trans-Canada Highway).

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

The Corporate Officer conveyed that prior to the hearing 3 pieces of correspondence were received from the public regarding the application which were previously circulated to Council. Two emails opposing the application and one email in support.

The Mayor then invited Caroline von Schilling, Development Planner to introduce the application.

Council then received a presentation from the applicant.

Mayor Siebring then called for submissions from the public for a first time. Council heard from the following members of the public:

Caitlen Kenny, representing Halalt First Nations at 7973 Chemainus Road,
Mike Nadeau, 9954 Victoria Road, North Cowichan,
Heather Elix, Chemainus, North Cowichan,
Randy Wilson, Mt. Sicker Road, North Cowichan,
Angela Wilson, Mt. Sicker Road, North Cowichan,
Keith Bolding, 382 Davis Road, Ladysmith.

Opposing comments included the following:

- Despite the federal legislation setbacks, the Halalt First Nations expressed concerns about the youth who go to the Red Rooster store as it is in close proximity to the proposed retail cannabis store.

Supporting comments included the following:

- The store will be run by highly trained staff.
- Jobs would be created.
- Having a legally approved retail cannabis store would prevent many from having to purchase the product from the black market.
- The location has ample parking.
- Having access to natural products is a safer alternative to pain management which saves lives.
- Security cameras would be installed both inside and outside the store to ensure no one uses the product on the property.

Mayor Siebring called for submissions from the public for a second time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time.

Council asked further questions of Mr. Nadeau and enquired about his plans to sell vaping products.

Mr. Nadeau conveyed that he would not sell vaping products. He also stated that the plan is to close his store each night at 9:00 p.m.

Mayor Siebring closed the public hearing for Rezoning Application No. ZB000093 at 7:11 p.m.

Councillor Manhas returned to the Council Chambers at 7:12 p.m.

11.3 PUBLIC HEARING: Rezoning Application No. ZB000111 for Bylaw 3765 (2903 Cypress Street), 2019

Mayor Siebring called the public hearing to order at 7:12 pm for Rezoning Application No. ZB000111 for Bylaw 3765 (2903 Cypress Street), 2019.

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

The Corporate Officer conveyed that prior to the hearing no correspondence was received from the public regarding the application.

The Mayor then invited Larissa Barry-Thibodeau, Planning Technician to introduce the application.

Mayor Siebring then called for submissions from the public for a first time. Council heard from the members of the public:

Heather Elixir, Chemainus, North Cowichan,
Patricia Ganczar, 2093 Cypress Street, North Cowichan.

Supporting comments included the following:

- Housing is desperately needed and this is a simple little apartment.
- Hoping Council will continue with authorizing on-street parking in the area.

Mayor Siebring called for submissions from the public for a second time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing for Rezoning Application No. ZB000111 at 7:18 p.m.

11.4 PUBLIC HEARING: Rezoning Application No. ZB000118 for Bylaw 3766 (1038 Herd Road), 2019

Mayor Siebring called the public hearing to order at 7:18 p.m. for Rezoning Application No. ZB000118 for Bylaw 3766 (1038 Herd Road), 2019.

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

The Corporate Officer conveyed that prior to the hearing no correspondence was received from the public regarding the application.

The Mayor then invited Larissa Barry-Thibodeau, Planning Technician to introduce the application.

Mayor Siebring then called for submissions from the public for a first time and heard from the following member of the public.

Pat Thompson – 6760 Herd Road who provided his opposing comments as follows:

- The property is zoned R1 and if approved it would set a precedent in Maple Bay where density could be created outside of the Urban Containment Boundary resulting in a loss of the neighborhood's rural character.
- There is currently no Neighbourhood Plan for Maple Bay despite requests by the Maple Bay Residents Association to have one conducted.
- The Official Community Plan policy states the Municipality will discourage relaxation that has the effect of increasing density in rural areas and staff is preparing a report on this topic for future decision making. The application should be denied until that report is considered and existing policy guidelines approved by Council.
- The owner purchased the property with an accessory garage then began to illegally convert it for a bed and breakfast. The owner is now making an attempt to amend the zoning rules.

Mayor Siebring called for submissions from the public for a second time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring and closed the public hearing for Rezoning Application No. ZB000118 at 7:35 p.m.

12. RESUME COUNCIL MEETING

It was moved and seconded:

That Council resume the meeting at 7:36 p.m.

CARRIED

13. BYLAWS

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

It was moved and seconded:

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

(Opposed: Justice)

CARRIED

It was moved and seconded:

That Council direct staff to not pursue enforcement for the keeping of poultry on lots smaller than 1.98 acres.

CARRIED

It was moved and seconded:

That Council direct staff to prioritize the preparation of a report and bylaw on allowing poultry on lots smaller than 1.98 acres.

(Opposed: Siebring; Manhas; Marsh; Sawrie)

DEFEATED

It was noted that community consultation would occur on the keeping of back yard chickens, including any associated policies for regulating chickens as identified by the public during the public hearing, as part of the Official Community Plan review.

13.2 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 8:07p.m.

It was moved and seconded:

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

(Opposed: Marsh)

CARRIED

Councillor Manhas returned to the Council Chambers at 8:23 p.m.

13.3 Bylaw 3765 - "Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), 2019"

It was moved and seconded:

That Council give third reading to "Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), No. 3765, 2019" - a bylaw to regularize the existing apartment building use at 2903 Cypress Street.

CARRIED

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), No. 3765, 2019" - a bylaw to regularize the existing apartment building use at 2903 Cypress Street.

CARRIED

13.4 Bylaw 3766 - "Zoning Amendment Bylaw (1038 Herd Road), 2019"

It was moved and seconded:

That Council give third reading to "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" - a bylaw to permit two residential buildings, with a maximum of two dwelling units.

It was moved and seconded:

That Council table consideration of third reading until after the report on second dwellings has been considered by Council and after a second public hearing is held as Council's consideration of the second dwelling's report would be considered new information.

(Opposed: Siebring; Manhas; Marsh)

CARRIED

14. RISE AND REPORT (from the November 20, 2019 Closed Session)

The Corporate Officer advised that at the closed portion of the November 20, 2019 Closed meeting, Council directed staff to amend the subdivision of the 3.11 acre portion of land at the corner of Kensington and Herd Road in order to sell a 778 m² (8,374 ft²) portion to the Germann's.

15. QUESTION PERIOD

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

16. ADJOURNMENT

It was moved and seconded:

That Council adjourn the November 20, 2019 Regular Council meeting at 9:03 p.m.

CARRIED

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

Signed by Mayor