

Municipality of North Cowichan

Council - Regular and Public Hearings

AGENDA

Wednesday, July 15, 2020, 1:30 p.m.
Electronically

1. CALL TO ORDER

This meeting, though electronic, is open to the public and all representations to Council form part of the public record. At this time, due to the COVID-19 Pandemic, public access to Council Chambers is not permitted, however, this meeting may be viewed on the District's lived stream webcast at www.northcowichan.ca/agendas.

1.1 Open Meeting Transparency Resolution

Purpose: To comply with subsection 7(6) of Ministerial Order No. M192 by adopting a resolution that provides the rationale as to why a physical space is not being provided for the public to observe the meeting and describes the measures the Municipality of North Cowichan has taken to ensure openness, transparency, accessibility and accountability for this meeting.

Recommendation:

That pursuant to Ministerial Order No. M192 and the procedures established by the Municipality of North Cowichan to protect the health and safety of the public and municipal staff while they perform work within the Municipal Hall, the attendance of the public at today's Council meeting cannot be accommodated because of the limitations placed on mass gatherings by the Provincial Health Officer; our inability to provide for adequate physical distancing between members of Council, staff, and the public or to create separate entrance and exits with one-way walkways for the public in Council Chambers; and further that to ensure openness, transparency, accessibility and accountability for this meeting, the Municipality of North Cowichan: is livestreaming the meeting to enable the public to hear and see the proceedings; is allowing the public to submit input on agenda items by email; is allowing the public to submit questions during the Question Period portion of the meeting, in real time; has provided notice of today's meeting, including how the public may view and participate in the meeting; has made the meeting agenda, as well as all other relevant documents, available on the municipal website prior to today's meeting; and will be archiving the meeting video for future viewing by members of the public.

2. APPROVAL OF AGENDA

Recommendation:

That Council adopt the agenda, as circulated [or as amended].

3. ADOPTION OF MINUTES

3.1 Regular Council meeting held June 17, 2020 for adoption

Purpose: To review the minutes for any errors or omissions prior to consideration of adoption.

Recommendation:

That Council adopt the minutes of the Regular Council meeting held June 17, 2020.

3.2 Receipt of Committee minutes for information purposes

Purpose: For Council to receive copies of the draft minutes from the June 29, 2020 Public Engagement Committee and the June 30, 2020 Forestry Advisory Committee meetings for information purposes.

4. MAYOR'S REPORT

5. PUBLIC MEETING

5.1 2019 Annual Report

Purpose: For Council to consider the 2019 Annual Report in an open public meeting and to receive submissions and questions from the public in accordance with section 99 of the *Community Charter*.

Recommendation:

That Council accept the 2019 Annual Report.

6. DELEGATIONS AND PRESENTATIONS

6.1 Cowichan Region Child Care Plan

Purpose: Kate Black, Malatest & Associates Ltd., to present the final report on the Cowichan Region Child Care Plan to Council.

6.2 North Cowichan Supportive Housing Community Engagement Plan

Purpose: Roberta Randall, Manager, Community & Tenant Affairs, to present BC Housing's community engagement plan for the new supportive housing facility to be constructed on Drinkwater Road.

6.3 Management of the New Supportive Housing Facility

Purpose: Shayne Williams, CEO, and Megan Kriger, Director of the Lookout Society, to introduce themselves to Council and provide an overview of the Society's history and their plans for managing the new supportive housing facility.

6.4 2nd Quarter report for RCMP Activities

Purpose: Inspector Chris Bear to present the RCMP Detachment's second quarter activities.

6.5 RCMP Annual Performance Plan & Department Operations Overview

Purpose: Inspector Chris Bear to present the North Cowichan / Duncan RCMP Detachment's draft Annual Performance Plan initiatives with an overview of the department's operations.

7. PUBLIC INPUT

The Mayor to acknowledge receipt of submissions circulated to Council prior to the meeting, that were sent to Agenda@northcowichan.ca and state the agenda item the public input is in relation to on this agenda.

8. BYLAWS

8.1 North Cowichan/Duncan RCMP Loan Authorization Bylaw No. 3787, 2020 and RCMP AAP Elector Response Results Certificate

Purpose: To provide Council with the results of the alternative approval process that was conducted to obtain the approval of the electors for North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020 and consider adoption of Bylaw No. 3787 (if approval was obtained). The staff report and Corporate Officer's certificate of the results will be provided on July 15, 2020.

8.2 2020 Tax Sale Deferment Bylaw for 3 Readings and Adoption

Purpose: To introduce and adopt Tax Sale Deferment Bylaw 3792, 2020 which proposes to defer the annual tax sale on September 30, 2020 to September 27, 2021.

Recommendation:

1. That Council give first, second and third readings to Tax Sale Deferment Bylaw 3792, 2020.
2. That Council adopts Tax Sale Deferment Bylaw 3792, 2020.

8.3 BC Energy Step Code Implementation (Bylaw for 3 Readings and Policy)

Purpose: To provide Council with a proposed amendment to Building Bylaw No. 3172, a draft North Cowichan Energy Step Code Rebate Policy, and recommended changes to the BC Energy Step Code Engagement Plan, all part of the BC Energy Step Code Implementation Strategy.

Recommendation:

1. That Council give first, second and third reading to Building Amendment (BC Energy Step Code) Bylaw No. 3793, 2020.
2. That Council approve the North Cowichan Energy Step Code Rebate Policy, as attached to the July 15, 2020 staff report.
3. That Council approve changes to the public and industry engagement component of the BC Energy Code Implementation Strategy, as outlined in the July 15, 2020 staff report.

8.4 Zoning Bylaw Amendment Application No. ZB000095 (2763 Beverly Street) – Cannabis Retail Sales

Purpose: To provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit Retail Cannabis Sales at 2763 Beverly Street.

Recommendation:

That Council give first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 2763 Beverly Street), 2020" No. 3794 to permit cannabis retail sales; and, That Council require the Applicant to conduct an Information Meeting prior to scheduling of a Public Hearing and Council's consideration of Third Reading.

9. REPORTS

9.1 Development Variance Permit Application No. DVP00053 for 2305 Moose Road

Purpose: To provide Council with information, analysis, and recommendations regarding a development variance permit application to reduce the minimum permitted side yard setback for an existing accessory workshop from 3.0 m (9.84 ft) to 0.9 m (2.95 ft) to facilitate a 2-lot subdivision.

Recommendation:

That Council authorize the issuance of a development variance permit to vary Section 56(6)(b) of Zoning Bylaw 2950, 1997 by reducing the required accessory building side yard setback at 2305 Moose Road from 3.0 metres (9.84 ft) to 0.9 metres (2.95 ft) and that a Road Reserve Covenant be registered on title at the Subdivision stage.

9.2 Development Variance Permit Application No. DVP00055 for 9833 Willow Street

Purpose: To provide Council with information, analysis, and recommendations regarding an application to vary the side yard setback at 9833 Willow Street ("the subject property") to accommodate four heat pumps.

Recommendation:

That Council authorize issuance of a development variance permit to vary Section 35(3) of Zoning Bylaw No. 2950, 1997 to reduce the required side yard setback for four heat pumps at 9833 Willow Street from 4.5 metres to 1.5 metres.

9.3 Development Variance Permit Application No. DVP00056 for 1235 Kingsview Road

Purpose: To provide Council with information, analysis, and recommendations regarding an application to vary the eastern side yard setback at 1235 Kingsview Road ("the subject property") to accommodate a heat pump.

Recommendation:

That Council authorize the issuance of a development variance permit to vary Section 35 (3) of Zoning Bylaw No. 2950, 1997 to reduce the required setback for a heat pump on the eastern side yard of 1235 Kingsview Road (PID 027 370 291) from 4.5 metres to 1.0 metres.

9.4 Ministerial Order 192 and requirement to provide for a physical space for the public to observe meeting proceedings

Purpose: To consider options on how the municipality can comply with subsection 7(6) of Ministerial Order No. M192 regarding the provision of a physical space for the public to observe future meetings of Council, Committee of the Whole, and other committee and advisory bodies of Council.

Recommendation:

That pursuant to Ministerial Order No. M192 and the procedures established by the Municipality of North Cowichan to protect the health and safety of the public and municipal staff while they perform work within the Municipal Hall, the attendance of the public at a Council or Committee of the Whole meeting or public hearing cannot be accommodated until Phase 4 of the BC Restart Plan has been reached because of the limitations placed on mass gatherings by the Provincial Health Officer; our inability to provide for adequate physical distancing between members of Council, staff, and the public or to create separate entrance and exits with one-way walkways for the public in Council Chambers or the Committee Room; and further that to ensure openness, transparency, accessibility and accountability for these meetings, the Municipality of North Cowichan:

- will be live streaming the meetings to enable the public to hear and see the proceedings;
- will be allowing the public to submit input on agenda items for by email;
- will be allowing the public to submit questions by email during the Question Period portion of the meeting, in real time;
- will provide the public an opportunity to be heard during a public hearing through teleconference means and to present written submissions by email;
- will make the meeting agenda, including how the public may view and participate in the meeting, as well as all other relevant documents, available on the municipal website at least 48 hours prior to the meeting; and,
- will be archiving the meeting video for future viewing by members of the public.

And further that because of the Provincial Health Officer's limitations, the attendance of the public at a Council committee or other advisory body meeting cannot be accommodated until Phase 4 of BC Restart Plan has been reached for the same reasons identified for Council meetings; and that to ensure openness, transparency, accessibility and accountability for these meetings that is consistent with previous in-person committee meetings, the Municipality of North Cowichan:

- will be live streaming the meetings to enable the public to hear and see the proceedings;
- will make the meeting agenda, including all other relevant documents, available on the municipal website at least 48 hours prior to the meeting.

10. NOTICE OF MOTIONS

10.1 Inclusivity Planning

Purpose: Councillor Justice gave notice that he intends to bring forward a motion to consider issues of inclusion, in particular how to foster a culture of inclusion and respect and establish responsibilities for diversity and equality in the corporation and consider what we might be able to do with respect to fostering the same in the community with the goal that North Cowichan is welcoming to all.

Recommendation:

1. As part of 2021 business planning, staff consider what may be further required to achieve Council's vision for an inclusive community and,
2. Toward that end, that a Committee of the Whole be scheduled for the fall of 2020 to clarify Council's vision for an inclusive community and,
3. That Staff report back to Council with a proposal in early 2021.

11. UNFINISHED AND POSTPONED BUSINESS

12. NEW BUSINESS

12.1 RCMP request for Letter of Support from Council (Situation Table)

Purpose: To consider providing the RCMP with a letter of support to develop a Situation Table in the community that would benefit both the Municipality of North Cowichan and the City of Duncan.

Recommendation:

That Council provide a letter of support for the North Cowichan/Duncan Royal Canadian Mounted Police (RCMP) Detachment to include with their provincial grant funding application for the establishment of a Situation Table to reduce the long-term demand on emergency and police resources, increase vulnerable peoples' use of services, and proactively connect people to services; and that Council appoint _____ as their representative to attend the one hour presentation facilitated by the Office of Crime Reduction and Gang Outreach Policy Analyst, Maja Langrish.

12.2 New RCMP Auxiliary Program (Tier 3)

Purpose: To consider whether Council wishes to continue with the interim RCMP Auxiliary Program (Tier 3) and respond to the June 18, 2020 letter from the Assistant Deputy Minister, Brenda Butterworth-Carr. A staff report will be forthcoming.

Recommendation:

That Council notify the Ministry of Public Safety and Solicitor General that it intends to proceed with the new RCMP Auxiliary Program (Tier 3) in the interim.

12.3 Public Engagement Committee Draft Terms of Reference

Purpose: To consider the recommendation from the June 29, 2020 Public Engagement Committee meeting (see minutes under item 3.2.) to approve the Committee's draft terms of reference.

Recommendation:

That Council approve the terms of reference for the Public Engagement Committee.

12.4 Forestry Advisory Committee Terms of Reference Amendment

Purpose: To consider the recommendation from June 30, 2020 Forestry Advisory Committee (FAC) meeting (see minutes under item 3.2.) to amend the meeting frequency under the FAC's terms of reference to allow the committee to meet just on an as needed basis.

Recommendation:

That Council amend the Forestry Advisory Committee's terms of reference by striking out "bi-monthly according to the schedule of the committee meetings proposed by the Corporate Officer or" following "The Forestry Advisory Committee shall meet".

13. ADJOURN COUNCIL MEETING TO RECONVENE AT 6:00 P.M.

Purpose: To recess the Council meeting until the start time of the public hearing/meeting.

Recommendation:

That the meeting be adjourned at ____ p.m. to reconvene at 6:00 p.m. this evening via electronic means.

14. PUBLIC HEARINGS AT 6:00 P.M.

Mayor Siebring to provide an explanation of the public hearing process and to advise members of the public that no further verbal or written presentations can be received by any member of Council following the closure of the public hearing. Written submissions received between 1:00 pm on Friday, July 10, 2020 and the holding of the public hearing will be provided to Council when they are received and are available for review by the public on the municipal website. Following the close of the public hearing, Council may give the bylaws further consideration.

The order of each of the public hearings shall be as follows:

- Mayor Siebring to call the Public Hearing to order.
- Corporate Officer to provide a summary of the correspondence received as well as acceptance of any petitions or late correspondence.
- Planning staff to introduce the application.
- Presentation by the applicant.
- Call for submissions from the public.
- Final call for submissions by the public (Mayor Siebring will ask 3 times)
- Public Hearing will be closed following adjournment of the public hearing for Zoning Amendment Bylaw (Cannabis Sales – 9568 Chemainus Road), 2020, No. 3782

14.1 Zoning Amendment Bylaw (Lot 1, Plan 5760, on Adelaide Street), 2020, No. 3775

Purpose: To provide all persons who believe that their interest in property is affected by Zoning Amendment Bylaw, 2020, No. 3775 which proposes to amend the zoning from Residential Rural (R1) to Residential One and Two Family (R3) to facilitate a 10-lot subdivision on Adelaide Street to be heard.

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

Purpose: To provide all persons who believe that their interest in property is affected by Zoning Amendment Bylaw, 2020, No. 3776 which proposes to permit cannabis retail sales at 9750 Chemainus Road.

14.3 Zoning Amendment Bylaw (Cannabis Sales – 9568 Chemainus Road), 2020, No. 3782

Purpose: To provide all persons who believe that their interest in property is affected by Zoning Amendment Bylaw, 2020, No. 3782 which proposes to permit cannabis retail sales at 9568 Chemainus Road an opportunity to be heard.

15. PUBLIC HEARING BYLAWS FOR CONSIDERATION

15.1 Zoning Amendment Bylaw (Lot 1, Plan 5760 Adelaide Street), 2020, No. 3775

Purpose: To consider third reading of Zoning Amendment Bylaw No. 3775 following the close of the public hearing. If third reading is provided, a covenant, including amenity contributions will be registered on title before Council considers the bylaw for adoption at a future meeting. The motion provided below (under Recommendation) is intended for Council's consideration, staff has not put forth a recommendation.

Recommendation:

That Council give third reading to "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).

15.2 Zoning Amendment Bylaw (Cannabis Sales – 9750 Chemainus Road), 2020, No. 3776

Purpose: To consider third reading and adoption of Zoning Amendment Bylaw No. 3776 following the close of the public hearing. If adopted, a retail cannabis sales store will be permitted to operate at 9750 Chemainus Road. The motion provided below (under Recommendation) is intended for Council's consideration, staff has not put forth a recommendation.

Recommendation:

That Council give third reading and adoption to "Zoning Amendment Bylaw (9750 Chemainus Road), 2020" No. 3776.

15.3 Zoning Amendment Bylaw (Cannabis Sales – 9568 Chemainus Road), 2020, No. 3782

Purpose: To consider third reading and adoption of Zoning Amendment Bylaw No. 3782 following the close of the public hearing. If adopted, a retail cannabis sales store will be permitted to operate at 9568 Chemainus Road. The motion provided below (under Recommendation) is intended for Council's consideration, staff has not put forth a recommendation.

Recommendation:

That Council give third reading and adoption to "Zoning Amendment Bylaw (9568 Chemainus Road), 2020" No. 3782.

16. QUESTION PERIOD

A 10-minute recess to be provided to give the public an opportunity to submit their questions by email to QP@northcowichan.ca regarding the business discussed at this meeting. Questions will be read out in the order they are received.

17. CLOSED SESSION

Recommendation:

That Council close the July 15, 2020 Regular Council 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, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

17.1 Minutes from the June 17, 2020 closed meeting for adoption

17.2 Closed under section 90(1)(e) and (i) land matter and legal advice

18. RISE AND REPORT

19. ADJOURNMENT

Recommendation:

That Council adjourn the meeting at _____ p.m.