

**Municipality of North Cowichan  
Council - Regular and Public Hearings  
MINUTES**

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

|                 |  |
|-----------------|--|
| Members Present | Mayor Al Siebring<br>Councillor Rob Douglas<br>Councillor Christopher Justice<br>Councillor Tek Manhas<br>Councillor Rosalie Sawrie<br>Councillor Debra Toporowski   |
| Members Absent  | Councillor Kate Marsh  |
| Staff Present   | Ted Swabey, Chief Administrative Officer<br>Sarah Nixon, Deputy Chief Administrative Officer<br>Mark Frame, General Manager, Financial and Protective Services<br>David Conway, Director of Engineering<br>Rob Conway, Director of Planning and Building<br>Don Stewart, Director, Parks and Recreation<br>Megan Jordan, Manager, Communications and Public Engagement<br>Lane Killick, Chief Building Inspector<br>Glenn Morris, Development Planning Coordinator<br>Caroline von Schilling, Development Planner<br>Anthony Price, Planning Technician<br>Michelle Martineau, Corporate Officer<br>Tricia Mayea, Deputy Corporate Officer |

**1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:35 p.m.

**1.1 Open Meeting Transparency Resolution**

IT WAS MOVED AND SECONDED:

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. CARRIED

**2. APPROVAL OF AGENDA**

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as circulated.

CARRIED

**3. ADOPTION OF MINUTES**

**3.1 Regular Council meeting held June 17, 2020 for adoption**

Councillor Manhas noted an error in the minutes in relation to his conflict of interest declaration for item 6.2 and that they be corrected to reflect that his conflict was that his employer had submitted a competing Zoning amendment application.

IT WAS MOVED AND SECONDED:

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

CARRIED

**3.2 Receipt of Committee minutes for information purposes**

Council received the draft minutes from the June 29, 2020 Public Engagement Committee and the June 30, 2020 Forestry Advisory Committee meetings for information.

**4. MAYOR'S REPORT**

Mayor Siebring provided a verbal report on meetings and activities he recently attended.

**5. PUBLIC MEETING**

**5.1 2019 Annual Report**

IT WAS MOVED AND SECONDED:

That Council accept the 2019 Annual Report.

CARRIED

**6. DELEGATIONS AND PRESENTATIONS**

**6.1 Cowichan Region Child Care Plan**

Kate Black, Malatest & Associates Ltd., presented the final report on the Cowichan Region Child Care Plan to Council, focusing on the current child care challenges in North Cowichan, population projections, future child care needs, and provided a series of recommendations. A copy of the June 2020 Cowichan Region Child Care Plan was included in the agenda.

## **6.2 North Cowichan Supportive Housing Community Engagement Plan**

Heidi Hartman, Director of Operations and Roberta Randall, Manager, Community & Tenant Affairs from BC Housing presented BC Housing's community engagement plan for the new supportive housing facility to be constructed at 2983 Drinkwater Road. The community engagement plan will include neighbourhood & stakeholder outreach, collaborative partner workshops, small group discussions, neighbourhood dialogues and response to community inquiries. A copy of the Community Engagement Plan presentation was included in the agenda.

## **6.3 Management of the New Supportive Housing Facility**

Shayne Williams, CEO, Megan Kriger, Director of Health, and Chuck Puchmayr, President and Board Chair from Lookout Housing & Health Society introduced themselves to Council and provided an overview of the Society's history and their plans for managing the new supportive housing facility. A copy of the presentation was included in the agenda.

With the consent of Council, the next two presentations were provided as one presentation.

## **6.4 2nd Quarter report for RCMP Activities**

## **6.5 RCMP Annual Performance Plan & Department Operations Overview**

Inspector Chris Bear, North Cowichan/Duncan RCMP Detachment, reviewed the 2<sup>nd</sup> quarter report (April 2020 - June 2020) and presented the annual performance plan initiatives with an overview of the department's operations, and responded to questions of Council. A copy of the Quarterly Report (April 2020 – June 2020) and the 2020-2021 Detachment Performance Plan Initiatives was included in the agenda.

The meeting recessed, by unanimous consent, at 3:37 p.m. and reconvened at 3:46 p.m.

## **7. PUBLIC INPUT**

Council received 23 submissions via email prior to the meeting, 17 were in relation to agenda item 3.2 [Minutes from the June 30, 2020 Forestry Advisory Committee meeting], 3 were in relation to agenda item 6.1 [Cowichan Region Child Care Plan], and 3 were in relation to agenda item 8.1 [North Cowichan/Duncan RCMP Loan Authorization Bylaw No. 3787, 2020 and RCMP AAP Elector Response Results Certificate]. A summary of those submissions was read out in the meeting.

## **8. BYLAWS**

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

IT WAS MOVED AND SECONDED:

That Council adopts North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020.

CARRIED

**8.2 2020 Tax Sale Deferment Bylaw for 3 Readings and Adoption**

IT WAS MOVED AND SECONDED:

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

IT WAS MOVED AND SECONDED:

That Council adopts Tax Sale Deferment Bylaw 3792, 2020. CARRIED

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

IT WAS MOVED AND SECONDED:

That Council give first, second and third reading to Building Amendment (BC Energy Step Code) Bylaw No. 3795, 2020. CARRIED

IT WAS MOVED AND SECONDED:

That Council approve the North Cowichan Energy Step Code Rebate Policy, as attached to the July 15, 2020 staff report. CARRIED

IT WAS MOVED AND SECONDED:

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. CARRIED

Councillor Manhas declared a conflict on the next item, stating the reason being that the Zoning Bylaw Amendment application was submitted by his employer and he left the meeting at 4:30 p.m.

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

IT WAS MOVED AND SECONDED:

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. (Opposed: Toporowski) CARRIED

Councillor Manhas returned to the meeting at 4:37 p.m.

**9. REPORTS**

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

IT WAS MOVED AND SECONDED:

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.

CARRIED

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

IT WAS MOVED AND SECONDED:

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. CARRIED

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

IT WAS MOVED AND SECONDED:

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. CARRIED

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

IT WAS MOVED AND SECONDED:

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. CARRIED

## **10. NOTICE OF MOTIONS**

### **10.1 Inclusivity Planning**

Councillor Justice provided notice of the following motion to be considered at the August 19, 2020 Regular Council meeting:

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.

Council, by unanimous consent, adjourned the Regular Council meeting at 5:04 p.m., to reconvene following the public hearing.

Council, by unanimous consent, considered the bylaws in relation to the public hearing immediately after the public hearing, prior to resuming the business that was still outstanding at 5:04 p.m.

## **11. UNFINISHED AND POSTPONED BUSINESS**

No items.

## **12. NEW BUSINESS**

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

IT WAS MOVED AND SECONDED:

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 Councillor Sawrie as their representative to attend the one hour presentation facilitated by the Office of Crime Reduction and Gang Outreach Policy Analyst, Maja Langrish.

CARRIED

### **12.2 New RCMP Auxiliary Program (Tier 3)**

IT WAS MOVED AND SECONDED:

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. CARRIED

**12.3 Public Engagement Committee Draft Terms of Reference**

IT WAS MOVED AND SECONDED:

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

CARRIED

**12.4 Forestry Advisory Committee Terms of Reference Amendment**

IT WAS MOVED AND SECONDED:

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".

CARRIED

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

The meeting was adjourned at 5:04 p.m. following consideration of item 10.1 and reconvened at 6:00 p.m.

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

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

Mayor Siebring outlined the public hearing process and called the public hearing to order at 6:00 p.m. for Rezoning Application No. ZB000114 for Bylaw 3775 (Lot 1, Plan 5760, on Adelaide Street), 2020.

The Corporate Officer provided a summary of the correspondence that was received prior to the hearing, noting that 26 items were included in the public input package previously provided to Council and included in the public hearing information package on the website, 1 submission was in support of the application, there were 2 petitions - one with 31 signatures and one with 121 signatures, staff responses and letters from residents who opposed the proposal.

Due to technical difficulties, the meeting recessed at 6:14 p.m. and reconvened at 6:20 p.m.

Council then received presentations from Caroline von Schilling, Development Planner, introducing the proposed amendment and from Scott Mack, Townsite Planning, on behalf of the applicant.

The following individuals shared their views on the application with Council once the Mayor opened the floor to the public:

- Brenda Shelton spoke two times in opposition to the rezoning application, noting concerns regarding the road width, parking, traffic increase, the proximity of her deck to the road, her animals, and the need for a concrete privacy fence.
- Ken Jones spoke on behalf of his mother in opposition to the rezoning application, noting concerns with increased density, the security of their property, increased noise, groundwater run-off, tree removal on the property, and the need for a concrete privacy fence.

- Kaylee Shelton spoke four times in opposition to the rezoning application, stating she grew up next to this property and none of the neighbours want the rezoning. Concerns were noted regarding parking, noise, road width and safety, no gardens to grow, no land to play on, the property is slanted, tree removal, and loss of habitat for wildlife. She also spoke to the forced burden of maintaining a fence, if a fence is built adjacent to their property by the developer.
- Fiona Constable spoke in opposition to the rezoning application, noting concerns with the narrow road, increased density causing vehicle congestion and parking problems, and the safety/accessibility for emergency vehicles.
- Darlene Irvine spoke on behalf of her mother in law in opposition to the rezoning application, noting concerns with drainage stating previous changes to the sidewalk on Adelaide has already caused a problem on her property, and that a storm sewer is needed.
- Bonnie Lamley spoke twice in opposition to the rezoning application, noting concerns with road width, parking, and sidewalk space all causing hardships and safety issues for individuals in wheelchairs. She also stated that the applicant has not addressed any of the neighbourhood concerns noted at the information meetings.
- Garry Shelton spoke in opposition to the rezoning application, noting concerns with increased noise, loss of deer habitat, road width, parking, and the impact it would have on the neighbourhood's quiet lifestyle.
- Trevor Shaw spoke twice in opposition to the rezoning application, noting concerns regarding the financial impacts to the neighbouring properties, increased density, road width and parking. He also noted that it is a semi-rural area with large lots, trees, and a quiet neighbourhood and the proposed development does not fit.
- Tony Lamley spoke twice in opposition to the rezoning application, noting that the proposal does not fit in the semi-rural nature of the neighbourhood. He also noted concerns with road width, parking, groundwater drainage and increased density.
- Terry Valley spoke in opposition to the rezoning application, noting concerns with parking, vehicle traffic and lowering property values of the neighbours.
- Tina Boss spoke in opposition to the rezoning application, noting concerns about the dangers of the intersection of Smith Road and Adelaide Street and that the roads are too narrow for fire vehicles.
- Robyn Fisher spoke twice in opposition to the rezoning application, noting safety concerns associated with the road width in relation to large vehicles like garbage trucks, ambulances and fire trucks. She also noted concerns with parking, parking enforcement, water run-off and that there was no follow up from the developer after the public information meeting.

The Mayor called for any further submissions from the public, for which Bonnie Lamley, Tony Lamley, Brenda Shelton, Robyn Fisher each spoke a second time. Kaylee Shelton spoke a second and third time, and Howard Seeds spoke for the first time in



opposition to the rezoning application, noting that he will lose privacy and quiet, the road is too narrow, and they are all large lots in the area.

The Mayor called for submissions from the public for a second time. No one on the teleconference wished to speak to the application.

The Mayor called for submissions from the public for a third and final time before providing the applicant to respond to some of the public comments.

Mayor Siebring lost his connection to the electronic meeting and left the meeting at 8:13 p.m. and Councillor Justice, as Deputy Mayor, assumed the Chair.

The Acting Chair called for any further submissions from the public and Council heard from Howard Seeds and Trevor Shaw a second time, and Kaylee Shelton a fourth time.

The Acting Chair called for submissions from the public for a second time. No one on the teleconference wished to speak to the application.

The Acting Chair called for submissions from the public for a third and final time. No one on the teleconference wished to speak to the application so the Acting Chair closed the public hearing for Zoning Amendment Bylaw (Lot 1, Plan 5760, on Adelaide Street), 2020, No. 3775 at 8:20 p.m.

Council, by unanimous consent, took a brief recess at 8:20 p.m. and then reconvened the public hearing at 8:30 p.m. and Mayor Siebring resumed the Chair.

Councillor Manhas declared a conflict on the next two bylaws, stating the reason being that his employer has submitted a competing application and he left the public hearing at 8:30 p.m.

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

Mayor Siebring outlined the public hearing process and called the hearing to order at 8:30 p.m. for Rezoning Application No. ZB000115 for Bylaw 3776 (Cannabis Sales - 9750 Chemainus Road), 2020.

The Corporate Officer provided a summary of the correspondence that was received prior to the hearing, noting that five pieces of correspondence were included in the public input package previously provided to Council and included in the public hearing information package on the website, one was in support and four were opposed.

Council then received presentations from Glenn Morris, Development Planning Coordinator, introducing the proposed amendment and the applicants Sonja Riddle and Terra Maibach from Violet Wild Cannabis.

The Mayor called for submissions from members of the public and heard from the following individuals:

- Michael Ross spoke in support of the rezoning application, noting that it is the appropriate location with proper business frontage, the size of the store is appropriate, the parking in the back is sufficient, and it is the appropriate area to have this business.

- Gary McKinnell spoke in support of the rezoning application, noting that it is a good location for a cannabis store, there is more than ample parking for customers, and that it shouldn't be a negative impact on other businesses in the area.

Mayor Siebring called for submissions from the public for a second time. No one on the teleconference wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time. No one on the teleconference wished to speak to the application so Mayor Siebring closed the public hearing for Zoning Amendment Bylaw (Cannabis Sales - 9750 Chemainus Road), 2020, No. 3776 at 8:51 p.m.

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

Mayor Siebring outlined the public hearing process and called the third hearing to order at 8:51 p.m. for Rezoning Application No. ZB000124 for Bylaw 3782 (Cannabis Sales - 9568 Chemainus Road), 2020.

The Corporate Officer provided a summary of the correspondence that was received prior to the hearing, noting that 18 pieces of correspondence were included in the public input package previously provided to Council and included in the public hearing information package on the website, 13 were in support of the bylaw and included supplemental comments from one person, one had 4 letters of support attached, and 4 submissions were opposed - 2 of which included petitions with a total of 17 signatures.

Council then received presentations from Caroline von Schilling, Development Planner introducing the proposed amendment and from Charles Philp, the spokesperson for the applicant, Platinum Cannabis Retail.

The Mayor called for submissions from members of the public and heard from the following individuals:

- Michael Ross spoke in opposition to the rezoning application, noting concerns with lack of parking for residents, employees, customers and delivery vehicles and there have been disputes about parking already. He stated the neighbours are upset and the applicant has broken the law with the past store.
- Gary McKinnell spoke in opposition to the rezoning application, noting the location has no parking and the lot across the road is already leased out to someone else. He also noted concerns that it is not the right location for this business and they should not be allowed to use other people's private property for customer parking.
- Jim Lesley is a cannabis retailer in Nelson, BC and spoke in support of the rezoning application, and to the past legal issues the applicant had with his storefront.
- Michael Ross spoke in opposition to the rezoning application for a second time noting that the applicant's previous storefront was a walk up and take out business. The proposed new location needs to provide parking for residents, employees, customers and delivery vehicles.

The Mayor called for submissions from the public for a second time. No one on the teleconference wished to speak to the application.

The Mayor called for submissions from the public for a third and final time. No one on the teleconference wished to speak to the application so Mayor Siebring closed the public hearing at 9:21 p.m.

**15. PUBLIC HEARING BYLAWS FOR CONSIDERATION**

The Council meeting resumed at 9:22 p.m. and Council, by unanimous consent, considered the bylaws in relation to the public hearing immediately after the public hearing at 9:22 p.m.

Councillor Manhas returned to the meeting at 9:22 p.m.

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

IT WAS MOVED AND SECONDED:

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).

(Opposed: Sawrie, Toporowski, Manhas, Douglas, Justice)

DEFEATED

Councillor Manhas declared a conflict on the next two items, stating the reason being that his employer has submitted a competing application and he left the meeting at 9:40 p.m.

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

IT WAS MOVED AND SECONDED:

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

(Opposed: Toporowski)

CARRIED

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

IT WAS MOVED AND SECONDED:

That Council amend Zoning Amendment Bylaw by striking out 40.7 and replacing it with 40.8 and striking out 40.8 and replacing it with 40.9.

(Opposed: Toporowski)

CARRIED

IT WAS MOVED AND SECONDED:

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

(Opposed: Toporowski)

CARRIED

IT WAS MOVED AND SECONDED:

That the meeting be extended until 11:00 p.m.

CARRIED

Councillor Manhas returned to the meeting at 9:56 p.m. and Council resumed the business on the agenda where they left off at 5:04 p.m. [Item 11. Unfinished and Postponed Business].

The meeting recessed, by unanimous consent, at 10:09 p.m. and reconvened at 10:18 p.m.

**16. QUESTION PERIOD**

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

**17. CLOSED SESSION**

IT WAS MOVED AND SECONDED:

That Council close the July 15, 2020 Regular Council meeting at 10:22 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.

CARRIED

**18. RISE AND REPORT**

No items.

**19. ADJOURNMENT**

IT WAS MOVED AND SECONDED:

That Council adjourn the meeting at 10:30 p.m.

CARRIED

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Certified by Corporate Officer

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Signed by Mayor