

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

**March 17, 2021, 1:30 p.m.  
Electronically**

**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)  
Sarah Nixon, Deputy Chief Administrative Officer (D/CAO)  
David Conway, Director, Engineering Projects  
Don Stewart, Director, Parks and Recreation  
Rob Conway, Director, Planning and Building  
Shawn Cator, Director, Operations  
George Farkas, Director, Human Resources and Corporate Planning  
Walter Wiebe, Senior Manager, Financial Services  
Tammy Isaachsen, Acting Manager, Communications and Public Engagement  
James Goodman, Manager, Budgets and Infrastructure  
Jason Blood, Manager, Recreation  
Jason Birch, Chief Information Officer  
Lane Killick, Chief Building Inspector  
Glenn Morris, Development Planning Coordinator  
Caroline von Schilling, Development Planner  
Anthony Price, Planning Technician  
Tricia Mayea, Deputy Corporate Officer

**1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:30 p.m.

**2. APPROVAL OF AGENDA**

**2.1 Approval of Consent Agenda**

The following items were pulled from the Consent Agenda and added to New Business:

- Item 2.4 [February 25, 2021 email from The Matraea Centre regarding Cowichan's housing shortage and step-escalation in housing prices]
- Item 2.9 [March 1, 2021 email from resident regarding Tyee article on the Site C Dam]
- Item 2.11 [March 4, 2021 email from resident regarding proposed cell tower on Mount Tzouhalem]

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

CARRIED

1. That the following minutes be received for information purposes only:
  - 1.2 March 2, 2021 Environmental Advisory Committee
2. That the following correspondence is received for information purposes only:
  - 2.1 Kaspas Road Parking Lot Restrictions
  - 2.2 February 18, 2021 letter from City of Williams Lake to the Premier, Minister of Health and Provincial Health Officer suggesting a special task force be established to assist with vaccine distribution
  - 2.3 February 25, 2021 email from BC Economic Development Association regarding Economic Restart & Resiliency Bulletin
  - 2.5 February 26, 2021 thank you letter from BC Forest Discovery Centre regarding Christmas Express Video
  - 2.6 February 27, 2021 email from resident asking Council to sign their e-petition regarding puppy mills
  - 2.7 February 28, 2021 email from resident asking Council to enact a tree-protection bylaw and consider their tree poem as input related to the Municipal Forest Reserve
  - 2.8 March 1, 2021 letter from the City of Surrey regarding Surrey's Police Transition
  - 2.10 March 3, 2021 letter from Cowichan Rugby Club regarding Council's service to the community and Council's support, and inviting Mayor and Council to attend a future event at Piggie Park
  - 2.12 March 5, 2021 letters from the City of New Westminster to the Ministers of Tourism and Labour requesting support for laid-off hotel and tourism industry workers
  - 2.13 March 9, 2021 email from resident regarding illegal logging in Municipal Forest Reserve

ADOPTED ON CONSENT

## 2.2 Approval of Regular Agenda

The order of the agenda was changed so that item 11.2 [Online Petition: RCMP presence in Chemainus/Crofton must be returned to the levels promised in 1998] is considered after item 6. [PUBLIC INPUT], items 2.4, 2.9 and 2.11 from the Consent Agenda were added under New Business, and the following item was added as a late item to the agenda:

- (1) Item 16.3 Closed under Sections 90.1(c), (f), (g) and 90.2(b) of the *Community Charter*.

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

## 3. ADOPTION OF MINUTES

**3.1 Regular Council meeting held March 3, 2021 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Regular Council meeting held March 3, 2021.

CARRIED

**3.2 Special Council meeting held March 9, 2021 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Special Council meeting held March 9, 2021.

CARRIED

**4. MAYOR'S REPORT**

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

IT WAS MOVED AND SECONDED:

That Council suspend the rules to pull Item 1.1 [February 24, 2021 Official Community Plan Advisory Group] from the Consent Agenda and add it to New Business.

CARRIED

**5. DELEGATIONS AND PRESENTATIONS**

**5.1 Human Sex Trafficking, Sexual Exploitation, Child Sex Trafficking in BC**

Cathy Peter provided a presentation to raise awareness about the rapidly growing crime of human sex trafficking, sexual exploitation, and child sex trafficking in B.C.

IT WAS MOVED AND SECONDED:

That Council authorize the Mayor to write a letter for Cathy Peters in support of her advocacy for victims of human sex trafficking, sexual exploitation, and child sex trafficking in BC.

CARRIED

IT WAS MOVED AND SECONDED:

That Council direct staff to schedule a meeting to discuss human sex trafficking, sexual exploitation, and child sex trafficking in BC.

CARRIED

**6. PUBLIC INPUT**

Council received public input from one member of the public regarding agenda item 11.2 [Online Petition: RCMP presence in Chemainus/Crofton must be returned to the levels promised in 1998], and four members of the public regarding agenda item 8.1.1. [Agricultural Land Commission Exclusion Application (ALR00034) & Joint OCP-Zoning Amendment Application (OCP00015) for 3137 Henry Road]

**11.2 Online Petition: RCMP presence in Chemainus/Crofton must be returned to the levels promised in 1998**

The online petition regarding the RCMP service levels in Chemainus and Crofton was discussed and Inspector Bear was present to answer questions of Council.

Councillor Marsh left the meeting at 2:32 p.m. and returned at 2:54 p.m.

IT WAS MOVED AND SECONDED:

That Council direct Inspector Bear from Duncan/North Cowichan RCMP to report back to Council with options for police presence in Chemainus including pros and cons. CARRIED

## 7. BYLAWS

### 7.1 **Municipal Ticket Information System Amendment Bylaw No. 3812, 2020 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt Municipal Ticket Information System Amendment Bylaw No. 3812, 2020. CARRIED

### 7.2 **Zoning Amendment Application No. ZB000147 (2772 Herd Road)**

IT WAS MOVED AND SECONDED:

That Council give first and second reading to Zoning Amendment Bylaw No. 3819, 2021 to permit a second detached residential dwelling at 2772 Herd Road and a public hearing be scheduled for Bylaw No. 3819 in accordance with the *Local Government Act*. CARRIED

## 8. REPORTS

### 8.1 **REPORTS FOR DECISION**

#### 8.1.1 **Agricultural Land Commission Exclusion Application (ALR00034) & Joint OCP-Zoning Amendment Application (OCP00015) for 3137 Henry Road**

Mayor Siebring had technical difficulties and left the meeting at 4:28 p.m., and Acting Mayor, Tek Manhas assumed the Chair. Mayor Siebring returned to the meeting at 4:32 p.m. and resumed the Chair.

IT WAS MOVED AND SECONDED:

That the meeting be extended to 6:00 p.m. CARRIED

IT WAS MOVED AND SECONDED:

1. That Council deny application ALR00034 for exclusion of a 2.1 hectare portion at 3137 Henry Road from the Agricultural Land Reserve.
2. That Council deny OCP/zoning bylaw amendment application OCP0015 to re-designate and rezone a 2.1 hectare portion of 3137 Henry Road from Rural to Chemainus Industrial and from Rural Restricted (A3) to Light Industrial (I1).

(Opposed: Manhas, Sawrie, Siebring and Toporowski)

DEFEATED

IT WAS MOVED AND SECONDED:

That the following motion:

1. *That Council authorize application ALR00034 be forwarded to the Agricultural Land Commission recommending the exclusion of the 2.1*

*hectare portion at 3137 Henry Road from the Agricultural Land Reserve be approved;*

2. *That Council give first reading for OCP Amendment Bylaw (3137 Henry Road), 2021, No. 3820 to redesignate a 2.1 hectare of the subject property from Rural/ALR to the Chemainus Industrial land use, and to Zoning Amendment Bylaw (3137 Henry Road), 2021, No. 3821 to reclassify a 2.1 hectare portion of the subject property from Rural Restricted (A3) Zone to Light Industrial (I1) Zone;*
3. *That Council approve the list of First Nations and government agencies to receive a referral request:*
  - a. *Halalt First Nations*
  - b. *School District 79*
  - c. *Ministry of Transportation and Infrastructure*
  - d. *Ministry of Agriculture and be given 30 calendar days to respond*
  - e. *Penelakut First Nations*
4. *That staff bring back a report with the decision from the Agriculture Land Commission should ALC Exclusion Application ALR00034.*

be amended to include "f. Environmental Advisory Committee (with a focus on the environmental issues with the Chemainus River)" to the list of referral requests.

(Opposed: Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

1. That Council authorize application ALR00034 be forwarded to the Agricultural Land Commission recommending the exclusion of the 2.1 hectare portion at 3137 Henry Road from the Agricultural Land Reserve be approved;
2. That Council give first reading for OCP Amendment Bylaw (3137 Henry Road), 2021, No. 3820 to redesignate a 2.1 hectare of the subject property from Rural/ALR to the Chemainus Industrial land use, and to Zoning Amendment Bylaw (3137 Henry Road), 2021, No. 3821 to reclassify a 2.1 hectare portion of the subject property from Rural Restricted (A3) Zone to Light Industrial (I1) Zone;
3. That Council approve the list of First Nations and government agencies to receive a referral request:
  - a. Halalt First Nations
  - b. School District 79
  - c. Ministry of Transportation and Infrastructure
  - d. Ministry of Agriculture and be given 30 calendar days to respond
  - e. Penelakut First Nations
  - f. Environmental Advisory Committee (with a focus on the environmental issues with the Chemainus River)
4. That staff bring back a report with the decision from the Agriculture Land Commission should ALC Exclusion Application ALR00034.

(Opposed: Douglas, Marsh)

CARRIED

Council by unanimous consent recessed the meeting at 5:21 p.m. and reconvened at 5:31 p.m.

**8.1.2 Parks Capital Budget – Pre-Budget Approval**

IT WAS MOVED AND SECONDED:

THAT Council grant pre-budget approval to the following projects:

- a. Cowichan Aquatic Centre re-roofing project, if grant funding received, in the amount of \$1,700,000;
- b. Kinsmen Beach Park Washroom Replacement project in the amount of \$428,500;
- c. Kaspas Parking Lot Washroom Upgrade project in the amount of \$100,000;
- d. Nevilane Parking Upgrades (washroom) and Connecting Trail project in the amount of \$40,000;
- e. Maple Bay Park and Fuller Lake Park Septic System Replacements project in the amount of \$130,000; and,
- f. Evans Ball Park Barn Upgrades project in the amount of \$30,000. CARRIED

**8.1.3 Chemainus Festival of Murals Society – Mural Request at Chemainus Bunker**

IT WAS MOVED AND SECONDED:

That Council:

- a. authorize the installation of the Chemainus Rotary Club mural and associated signage on the north end of the Chemainus Bunker and directs staff to work with the Chemainus Festival of Murals Society on this installation.
- b. direct staff to prepare an amendment to the Murals Management Agreement between North Cowichan and the Chemainus Festival of Murals Society, dated March 31, 2017, to include the new Chemainus Rotary Club mural in section 1 of the Agreement. CARRIED

**8.1.4 Capital Project – Fuller Lake Arena Roof**

IT WAS MOVED AND SECONDED:

That Council:

- a. Grants pre-budget approval for the Fuller Lake Arena Re-Roofing Capital Project in the amount of \$870,000;
- b. Directs staff to amend the 2021 Capital Expenditure Plan so that the project is funded \$150,000 from general revenues and \$720,000 from the Infrastructure Replacement Reserve Fund. CARRIED

**8.1.5 WildSafe BC Late Submission for Grant in Aid**

IT WAS MOVED AND SECONDED:

That Council approve a grant-in-aid to the WildSafe BC Cowichan Valley Program in the amount of \$3,000 for 2021. CARRIED

**8.2 REPORTS FOR INFORMATION**

None.

**9. NOTICES OF MOTIONS**

**9.1 Notice of Motion re Rennie Report and the Pace of Growth**

Councillor Justice provided notice of the following motion which will be considered under New Business at the April 7, 2021 Regular Council meeting:

"Whereas North Cowichan is currently engaged in an OCP process that will define how growth is managed in our community for at least the next decade;

And whereas an accurate analysis and prediction of likely future growth pressures and rates is central to a realistic approach to growth management;

And whereas municipal staff recently acknowledged that the forecasts of the Rennie Report (2019) do not consider either i) the influence of plans such as the Bell McKinnon Neighbourhood Plan on accelerated rates of growth or, ii) possible effects of the Covid-19 pandemic on the choices people are making about where they choose to live in a post-pandemic world;

And whereas indications are that the traditional growth rate of about 1% per year – a rate which the Rennie Report assumes will continue into the future – appears to be currently being exceeded;

Therefore be it resolved that staff provide Council with:

1. An opinion on whether the Rennie Report predictions remain an accurate and realistic basis for informing our growth management planning,
2. A summary of the options / actions available for ensuring that growth management discussions are grounded in accurate, up to date information about local trends, and
3. Options for managing the pace of growth in the community such that important social, environmental, ecological and economic considerations are not compromised by unanticipated accelerated growth."

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

Councillor Manhas declared a conflict of interest on items 14.1 and 15.1, stating that the applicant is his employer, and he left the meeting at 5:45 p.m.

Councillor Toporowski declared a conflict of interest on items 14.1, 15.1, and 11.1, stating the reason being her affiliation and role on Cowichan Tribes Council and she left the meeting at 5:45 p.m.

Council by unanimous consent adjourned the meeting at 5:45 p.m. and reconvened the meeting at 6:02 p.m.

**14. PUBLIC HEARING 6:02 P.M.**

**14.1 Public Hearing for Zoning Amendment Bylaw (Cannabis Sales - 2763 Beverly Street), 2020, No. 3794**

Mayor Siebring outlined the public hearing process and called the public hearing to order at 6:02 p.m. for Zoning Amendment Bylaw (Cannabis Sales - 2763 Beverly Street), 2020, No. 3794.

The Deputy Corporate Officer noted that no petitions or late submissions had been received prior to the hearing.

Council then received a presentation from Glenn Morris, Development Planning Coordinator introducing the proposed amendment.

The Deputy Corporate Officer noted that four submissions, in opposition to the proposed amendment, were received from the public that were included in the public hearing information package on the website and circulated to Council prior to the hearing.

Council then heard from Trevor Dickie, who spoke to the application on behalf of the applicant.

The Mayor called for submissions from members of the public for a first time, and the following people spoke to the application:

- Jas Basi spoke in opposition to the application because of its proximity to the new school
- Phil Floucault spoke in opposition to the application because of its proximity to the new school, risk to children, population density and proximity to other cannabis retailers, lack of free enterprise, market restriction at federal level, market over-saturation, detrimental to existing retailers
- Stuart Pagaduan spoke on behalf of Cowichan Tribes in opposition to the application because of its proximity to other cannabis retailer

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

Mayor Siebring closed the public hearing for Zoning Amendment Bylaw (Cannabis Sales – 2763 Beverly Street), 2020, No. 3794 at 6:35 p.m.

## **15. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS**

The Regular Council meeting resumed at 6:36 p.m.

### **15.1 Zoning Amendment Bylaw (Cannabis Sales - 2763 Beverly Street), 2020, No. 3794**

IT WAS MOVED AND SECONDED:

That Council give third reading to Zoning Amendment Bylaw (Cannabis Sales 2763 Beverly Street), 2020, 3794.

(Opposed: Justice, Marsh and Douglas)

DEFEATED

Councillor Manhas returned to the meeting at 6:59 p.m.

## **10. UNFINISHED AND POSTPONED BUSINESS**

None.



**11. NEW BUSINESS**

**11.1 Reinstating Public Engagement for the Forest Reserve**

IT WAS MOVED AND SECONDED:

WHEREAS Council for the District of North Cowichan supported a collaboration with the University of British Columbia, 3GreenTree Consulting, and the Coastal Douglas Fir Conservation Partnership to perform a technical review of North Cowichan's forest management practices and to provide a recommendation for future forest management with input from the public;

AND WHEREAS Council has engaged Lees & Associates to conduct that public engagement on behalf of Council with an increased emphasis on digital engagement;

AND WHEREAS Council resolved to extend their pause on the public engagement until an agreed upon way moving forward is reached during the First Nations consultation process;

AND WHEREAS Council and the Cowichan Nation have come to an understanding through the development of a memorandum of understanding;

NOW THEREFORE BE IT RESOLVED that Council direct staff to contact Lees & Associates to resume the public engagement at their earliest convenience and report back to Council on any changes to the timelines and/or actions identified in the engagement plan that was adopted by Council on May 6, 2020. (Opposed: Manhas, Sawrie, Siebring)  
DEFEATED

By unanimous consent, Council recessed the meeting at 7:25 p.m. and reconvened at 7:33 p.m.

Councillor Toporowski returned to the meeting at 7:33 p.m.

IT WAS MOVED AND SECONDED:

That the meeting be extended to 9:30 p.m.

CARRIED

**11.3 UBCM's Local Government Contract Management Committee**

IT WAS MOVED AND SECONDED:

That Council endorse Mayor Siebring's application for another term on UBCM's Local Government Contract Management Committee.

CARRIED

**11.4 Consideration of Recommendations from the Environmental Advisory Committee**

IT WAS MOVED AND SECONDED:

That the following motion:

*That Council approves the following actions to be taken prior to finalizing the Climate Action and Energy Plan update:*

- 1. Provide a timeline for recommendations from the Environmental Advisory Committee regarding actions and priorities must be completed by May 15, 2021*
- 2. Staff conduct a background and information workshop*

3. *Staff conduct an appropriately scheduled prioritization workshop led by SSG using a multi-criteria analysis process*
4. *That the Environmental Advisory Committee review the draft final report and make recommendations to Council.*

be amended by replacing bullet 1 with the following:

1. That the Environmental Advisory Committee complete its review of the draft Climate Action and Energy Plan policies and actions and have its recommendations to Council by May 15, 2021

and strike out bullet 2.

CARRIED

IT WAS MOVED AND SECONDED:

That Council approves the following actions to be taken prior to finalizing the Climate Action and Energy Plan update:

1. That the Environmental Advisory Committee complete its review of the draft Climate Action and Energy Plan policies and actions and have its recommendations to Council by May 15, 2021;
2. That staff conduct an appropriately scheduled prioritization workshop led by SSG using a multi-criteria analysis process;
3. That the Environmental Advisory Committee review the draft final report and make recommendations to Council.

CARRIED

**11.5 Consent Agenda Item 1.1 [February 24, 2021 Official Community Plan Advisory Group]**

The minutes from the February 24, 2021 Official Community Plan Advisory Group, the OCP timeline and OCP process was discussed.

**11.6 Consent Agenda Item 2.4 [February 25, 2021 email from The Matraea Centre regarding Cowichan's housing shortage and step-escalation in housing prices]**

IT WAS MOVED AND SECONDED:

That the February 25, 2021 email from The Matraea Centre be referred to an upcoming Committee of the Whole meeting for discussion.

CARRIED

**11.7 Consent Agenda Item 2.9 [March 1, 2021 email from resident regarding Tyee article on the Site C Dam]**

This item was discussed.

**11.8 Consent Agenda Item 2.11 [March 4, 2021 email from resident regarding proposed cell tower on Mount Tzouhalem]**

This item was discussed.

**12. QUESTION PERIOD**

One question was submitted using the online platform regarding agenda item 11.2.

**16. CLOSED SESSION**

IT WAS MOVED AND SECONDED:

That Council close the March 17, 2021 Regular Council meeting at 8:34 p.m. to the public on the basis of the following section 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)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
  - 90(1)(g) litigation or potential litigation affecting the municipality; and
  - 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.
- CARRIED

**16.1 Minutes from the March 3, 2021 regular closed Council meeting for adoption**

**16.2 Closed under section 90(1)(e) land matter**

**16.3 Closed under Sections 90.1(c), (f), (g) and 90.2(b)**

**17. RISE AND REPORT**

None.

**18. ADJOURNMENT**

IT WAS MOVED AND SECONDED:

That Council adjourn the meeting at 9:29 p.m.

CARRIED

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Certified by Corporate Officer

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Signed by Mayor