

# Municipality of North Cowichan Council - Regular and Public Hearings AGENDA

Wednesday, April 21, 2021, 1:30 p.m.  
Electronically

## 1. CALL TO ORDER

This meeting, though electronic, is open to the public. All representations to Council will form part of the public record. Proceedings will be streamed live and archived at [www.northcowichan.ca](http://www.northcowichan.ca). Members of the public may join this online meeting and participate virtually during the Public Input and Question Period portions of the agenda.

- To join by computer, smartphone, or tablet, visit [northcowichan.ca/virtualmeeting](http://northcowichan.ca/virtualmeeting) for instructions.
- To join by telephone, dial 1.844.426.4405, enter the meeting ID# 133 941 9811, and then press # to join the meeting.

## 2. APPROVAL OF AGENDA

### 2.1. Approval of Consent Agenda

Purpose: To adopt all recommendations appearing on the Consent Agenda in one motion. Any item may be moved out at the request of any Council member for discussion or debate, before the agenda is approved. Items removed from the Consent Agenda will be placed under New Business.

Recommendation:  
That the Consent Agenda be approved.

### 2.2. Approval of Regular Agenda

Purpose: To consider any items of business not included in the Agenda, that are of an urgent nature, must be introduced and approved at the time the agenda is adopted. Matters must be taken up in the order that they are listed unless changed at this time.

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

## 3. ADOPTION OF MINUTES

### 3.1. Regular Council meeting held April 7, 2021 for adoption

Purpose: To consider if there were any errors or omissions prior to adopting the minutes.

Recommendation:

That Council adopt the minutes of the Regular Council meeting held April 7, 2021.

**4. MAYOR'S REPORT**

**5. DELEGATIONS AND PRESENTATIONS**

**5.1. Cynthia Montgomery - Quamichan Lake Neighbourhood Association**

Purpose: On behalf of Quamichan Lake Neighbourhood Association, to present their request to Council regarding Tree Bylaw.

**6. PUBLIC INPUT**

Public Input is an opportunity for the public to provide their feedback on matters included on the agenda. The maximum number of speakers to be heard during the public input period is limited to five, with a maximum of three minutes allotted to each speaker. To be added to the speakers list, please:

- click on the 'raise your hand' button, if participating by computer, smartphone, or tablet, or
- dial \*3 on your phone

**7. BYLAWS**

**7.1. Zoning Bylaw Amendment Application No. ZB000145 (Lot A, Skinner Road) – Rental Apartment Building**

Purpose: To introduce Zoning Amendment Bylaw, 2020, No. 3824, which proposes a site-specific zoning amendment to permit the use and construction of a purpose-built rental apartment building on a vacant lot at Skinner Road and Cowichan Lake Road.

Recommendation:

That Council give first and second readings to Zoning Amendment Bylaw (Rental Apartment Building – 3824 Skinner Road), 2020, No. 3824 and;

That a Public Hearing be scheduled for Zoning Amendment Bylaw (Rental Apartment Building – Skinner Road), 2020, No. 3824 and notification be issued following requirements of the *Local Government Act*

**7.2. Financial Plan and Property Tax Rates Bylaws**

Purpose: To introduce Five Year Financial Plan Bylaw No. 3826, 2021 (Attachment 1) and Tax Rates Bylaw No. 3827, 2021 (Attachment 2).

(Note: As these bylaws are consistent with the direction given by the Committee of the Whole on April 13, 2021, the recommendation "that Council direct staff to distribute the 2.5% tax increase equally across all classes net of new construction" has not been included in the agenda for endorsement.)

Recommendation:

That Council give first, second and third readings to:

1. Five Year Financial Plan Bylaw, No. 3826, 2021; and
2. Tax Rates Bylaw No. 3827, 2021.

**7.3. Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021**

Purpose: To introduce Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021 to provide two additional months for taxpayers who cannot meet the July 2 deadline to pay without penalty.

(Note: As these bylaws are consistent with the direction given by the Committee of the Whole on April 13, 2021, the recommendation "that Council direct staff to prepare an Alternative Municipal Tax Scheme Bylaw extending the tax penalty date to September 1, 2021" has not been included in the agenda for endorsement.)

Recommendation:

That Council give first, second and third readings to the Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021.

**7.4. Amendments to Controlled Substance Bylaw No. 3803**

Purpose: To consider amendments to Controlled Substance Bylaw No. 3803, 2020 as requested by the Medical Health Officer, Environmental Health Officer, RCMP and the Residential Tenancy Branch.

Recommendation:

1. That Council rescind third reading of Controlled Substance Bylaw No. 3803, 2020.
2. That Council amend Controlled Substance Bylaw No. 3803, 2020 by:
  - a. Striking out "*health, safety or protection*" in the first whereas clause and inserting in its place "*protection, promotion or preservation of the health or, safety*";
  - b. Inserting "*to ensure*" between property and current in the second whereas clause;
  - c. Inserting "*not living under conditions that may pose a health risk to the*" between are and persons at the end of the second whereas clause;
  - d. Striking out "*a Peace Officer*" under the definition of Inspector under section 3.1;
  - e. Inserting "*that an Inspector considers may pose a risk to the health of present or future occupants*" at the end of subsection 4.1(h);
  - f. Inserting "*which the Inspector considers may pose a risk to the health of present or future occupants*" in section 6.3 following a Hazardous Substance or mould;
  - g. Inserting "*that may pose a risk to the health of present or future occupants*" in section 6.4 following a Hazardous Condition exists on a Parcel;
  - h. Striking out "*the District gives the Owner and Occupier of the Parcel*" at the beginning of subsection 8.1(a) and inserting in its place "*the District gives all Owners and Occupiers of the Parcel connected to the water service*";
  - i. Inserting "*Where a Parcel has multiple residential dwellings that are connected to the same water service as an Unauthorized Drug Production Facility, water service to that Parcel shall not be discontinued due to the use of the part of the Parcel as an Unauthorized Drug Production Facility*" as section 8.3; and
  - j. Inserting "*Where an Owner of a Parcel or Building has delivered a notice to end tenancy to a tenant living in a dwelling being used in contravention of this Bylaw and where that notice to end tenancy has been disputed by the tenant, the Owner of the Parcel or Building may make written representation to Council to request an extension under subsection 9.1(b)*" as 9.2.
3. That Council give Controlled Substance Bylaw No. 3803, 2020 third reading as amended.

**7.5. Amendments to Municipal Ticket Information Systems and Fees & Charges Bylaws**

Purpose: To introduce amendments to the Municipal Ticket Information System Bylaw No. 3464 ("MTI Bylaw 3464") and the Fees & Charges Bylaw No. 3784 ("F&C Bylaw 3784"). These amendments will enable the Controlled Substance Bylaw No. 3808 to be enforced by municipal ticket and for fees to be established for remedial work completed by the District upon adoption.

Recommendation:

That Council give first, second and third reading to:

- a. Fees and Charges Amendment Bylaw No. 3829, 2021; and
- b. Municipal Ticket Information System Amendment Bylaw No. 3830, 2021.

**8. REPORTS**

**8.1. REPORTS FOR DECISION**

**8.1.1. Bank Signing Authorities**

Purpose: The purpose of this report is to update the RBC Signing Authorities for the District of North Cowichan. (Note: this report was updated and replaced on April 19, 2021).

Recommendation:

That Council authorize the following individuals as signing authorities :

- Mayor, Albert Siebring;
- Chief Administrative Officer, Edward Swabey;
- Deputy Chief Administrative Officer, Sarah Nixon;
- Director, Financial Services, Talitha Soldera;
- Senior Manager, Financial Services, Walter Wiebe;
- Manager, Legislative Services, Michelle Martineau; and
- Deputy Corporate Officer, Tricia Mayea

**8.2. REPORTS FOR INFORMATION**

**9. NOTICES OF MOTIONS**

## 9.1. Policy Advice regarding Sustainable Economic Development

Purpose: So that Councillor Justice may introduce the following motion which he intends to move at the May 5, 2021 Regular Council meeting.

*WHEREAS a sustainable and resilient future for our community requires an approach to fostering business, industry and employment opportunities which BOTH contribute to the prosperity all community members reducing social and economic inequality AND lead to the achieving of environmental and climate protection and regeneration goals*

*AND WHEREAS within our community there is likely a wealth of collective knowledge and ideas for how local government can better create conditions which support and foster local businesses, industries and employment that support climate mitigation, the stewarding of our local environment, and prosperity for all citizens*

*AND WHEREAS local knowledge and ideas are particularly important at this time when we are developing a new Official Community Plan to guide policy for the next couple of decades AND as we are dealing with and planning an emergence from the Covid 19 pandemic*

*AND WHEREAS there are a number of possibilities for processing written submissions received from stakeholders which may be minimally onerous on Staff, including: a Staff produced "What we heard" summary; an analysis done by members of the Committee of the Whole and/or members of the EAC and OCP Advisory committees: or through the hiring of a Consultant*

*NOW THEREFORE BE IT RESOLVED that Council seek the advice and recommendations from key stakeholders representing existing business, agricultural, industrial, labour and other relevant 'think tanks' on the (examples of which include: Cowichan Works, the Cowichan Agricultural Society, the Chemainus BIA, the relevant Chambers of Commerce, our local labour unions – to be determined by Council) on the following questions:*

- 1. What can local government do to develop and retain the necessary talent to foster local socially and environmentally sustainable jobs and businesses?*
- 2. How can conditions be created to help existing businesses and industries prosper while increasingly contributing to the community's resiliency and sustainability goals?*
- 3. What types of sustainable businesses and green industries might be particularly suited to North Cowichan (eg given our location, resources, supporting businesses, and likely social licence)?*

## 9.2. Communications Tower / Antenna Systems Approval Policy

Purpose: So that Councillor Marsh may introduce the following motion which she intends to move at the May 5, 2021 Regular Council meeting:

*That the District Municipality of North Cowichan adopt a Council policy for Communication Tower/Systems Approval;*

*And further that the policy establishes the preferences of Council for enhanced public consultation and location & design guidelines in the Antenna System approval process, taking into account the Government of Canada's guidelines on antenna sitings.*

## 10. UNFINISHED AND POSTPONED BUSINESS

**10.1. Response regarding proposed cell tower on Mount Tzouhalem motion referred to the Committee of the Whole**

Purpose: To consider the recommendation from the Committee of the Whole in response to the motion referred to them by Council at the April 7, 2021 regular meeting in relation to Consent Agenda Item 2.6 (Proposed cell tower on Mount Tzouhalem).

April 7, 2021 Motion

MOVED AND SECONDED:

*That Council instruct staff to offer Rogers an alternate location for their proposed cell tower on Mount Tzouhalem that is at least 500 metres from homes or existing or possible future zoning for homes.*

Recommendation:

That Council postpone consideration of the motion until such time as Rogers Communications has completed their public consultation process as outlined in their February 2, 2021 presentation to Council, and until Council has had an opportunity to review the summary of that consultation.

**11. NEW BUSINESS**

**11.1. Policy Development Related to Street Trees**

Purpose: So that Councillor Douglas may move the motion he gave notice on at the April 7, 2021 Regular Council meeting.

Recommendation:

That Council direct staff to introduce policies and regulations to expand the number of street trees and shade trees in residential and commercial developments and public works projects, as part of the new Official Community Plan, Zoning Bylaw, Subdivision Bylaw, Biodiversity Strategy and any other relevant initiatives planned or underway.

**11.2. Vancouver Island Integrated Major Crime Unit (VIIMCU) Expansion**

Purpose: To express continued interest in participating in an integrated major crime investigation unit and possibly offset the costs incurred by VIIMCU calls within North Cowichan (as previously endorsed by Council on March 2, 2016).

Recommendation:

That Council direct the Mayor to write to the Attorney General to advise that the North Cowichan/Duncan Detachment is still interested in participating in the Vancouver Island Major Crimes Unit or similar organization and in obtaining more information on the funding formula associated with this, subject to clarification on what expenses would or would not be covered.

**11.3. Attendance at FCM's Annual Convention**

Purpose: To consider waiving the limit of the Mayor and one Councillor (Councillor Sawrie was randomly selected to attend in 2021) under section 3.1 of the Council Conference Attendance Policy to allow all Councillors to attend the 2021 Federation of Canadian Municipalities (FCM) virtual conference as there will be no travel costs incurred this year.

(Note: The cost in 2019, the last in-person conference in Quebec City was \$7,500)

Recommendation:

That Council waive the limit for the number of Council members permitted to attend the Federation of Canadian Municipalities annual conference in 2021 and allow all Councillors to attend the virtual conference in addition to the Mayor.

**11.4. COVID-19 Restart Funding for Local Governments, Strengthening Communities Services Program**

Purpose: To consider submitting an application, on behalf of the Cowichan Housing Association, for approximately \$2.5 million under the Union of B.C. Municipalities' (UBCM) "COVID-19 Restart Funding for Local Governments, Strengthening Communities Services" program, with funds envisioned to be spent throughout the Cowichan Region, but mostly in "the core" of Duncan and North Cowichan. The deadline for applications has been extended to the end of April 2021.

Recommendation:

That Council direct staff to work with the Cowichan Housing Association to submit a grant application to the COVID-19 Restart Funding for Local Governments stream under the Strengthening Communities Services Program in an amount up to \$2.5 million;

And That should the application be successful, the Cowichan Housing Association be required to enter into an Agreement with the Municipality with respect to the use of the funds.

**12. QUESTION PERIOD**

Question Period is an opportunity for the public to ask brief questions regarding the business discussed during the meeting. To be added to the speakers list, please:

- click on the 'raise your hand' button, if participating by computer, smartphone, or tablet, or
- dial \*3 on your phone

**13. CLOSED SESSION**

Recommendation:

That Council close the April 7, 2021 Regular Council closed 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, which the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(1)(m) a matter that, under another enactment, that being section 16(1)(a)(iii) of the Freedom of Information and Protection of Privacy Act related to intergovernmental relations or negotiations with an aboriginal government, is such that the public may be excluded from the meeting; 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.

**13.1. Minutes from the April 7, 2021 Closed meeting for adoption**

**13.2. Closed under sections 90(1)(m) negotiations with an aboriginal government and 90(2)(b) information received in confidence**



13.3. Closed under section 90(1)(e) land and 90(1)(m) negotiations with an aboriginal government

14. **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.

15. **PUBLIC HEARINGS 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 hearings. Written submissions received between 1:00 p.m. on Friday, April 16, 2021 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 hearings, Council may give the bylaws further consideration.

15.1. **Public Hearing for Agricultural Land Reserve (ALR) Exclusion Application ALR00029 (Chemainus River Campground - 8682 Trans-Canada Highway)**

Purpose: The purpose of the Public Hearing is to allow the applicant and the public to make representations to Council respecting matters contained in Agricultural Land Reserve (ALR) Exclusion Application for (Chemainus River Campground - 8682 Trans-Canada Highway), which proposes to exclude 8682 Trans-Canada Highway from the Agricultural Land Reserve in accordance with Agricultural Land Commission requirements.

The order of the Public Hearing, following the Call to Order and explanation of the Public Hearing process, shall be as follows:

- Acceptance of petitions and late correspondence
- Introduction of the proposal
- Summary of correspondence received and published in the Digital Information Package available on the Public Hearings webpage
- Presentation by proponent
- Comments from the public

(Note: The Public Hearing webpage where the Digital Information Packages are published is [www.northcowichan.ca/PublicHearings](http://www.northcowichan.ca/PublicHearings) which is updated as submissions are received. Members of Council and the public are encouraged to check the webpage frequently to view all public input.)

## 15.2. Public Hearing for Bylaw 3819 Zoning Amendment Bylaw (2772 Herd Road), 2021

Purpose: The purpose of the Public Hearing is to allow the applicant and the public to make representations to Council respecting matters contained in Zoning Amendment Bylaw No. 3819, which proposes a site-specific zoning amendment at 2772 Herd Road, to permit a second detached dwelling unit in addition to a principal single family dwelling in the Rural (A2) zone..

The order of the Public Hearing, following the Call to Order and explanation of the Public Hearing process, shall be as follows:

- Acceptance of petitions and late correspondence
- Introduction of the proposal
- Summary of correspondence received and published in the Digital Information Package available on the Public Hearings webpage
- Presentation by proponent
- Comments from the public

(Note: The Public Hearing webpage where the Digital Information Packages are published is [www.northcowichan.ca/PublicHearings](http://www.northcowichan.ca/PublicHearings) which is updated as submissions are received. Members of Council and the public are encouraged to check the webpage frequently to view all public input.)

## 16. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS

### 16.1. Agricultural Land Commission Exclusion Application for 8682 Trans-Canada Highway

Purpose: To provide Council with information and options regarding the Municipality of North Cowichan's application to exclude land from the Agricultural Land Reserve (ALR) at 8682 Trans-Canada Highway.

Recommendation:

That Council forward the application to exclude 8682 Trans-Canada Highway from the Agricultural Land Reserve to the Agricultural Land Commission with a recommendation that the application be approved for reasons outlined in the September 12, 2019 letter to the Minister of Agriculture from Mayor Siebring.

### 16.2. Zoning Amendment Bylaw (2772 Herd Road), 2021 - to amend bylaw and read for a third time, as amended

Purpose: To correct typo in Bylaw No. 3819 prior to consideration of third reading.

Recommendation:

1. That section 2 of Zoning Amendment Bylaw (2772 Herd Road) No. 3819, 2021 be amended by striking out subsection number (x) and replacing it with (xvii).
2. That Council read for a third time Zoning Amendment Bylaw (2772 Herd Road) No. 3819, 2021 as amended.

17. ADJOURNMENT

Recommendation:

That Council adjourn the meeting at \_\_\_\_\_ p.m.