

# Municipality of North Cowichan

## Regular Council

### MINUTES

April 7, 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  
Clay Reitsma, Senior Manager, Engineering  
Don Stewart, Director, Parks and Recreation  
Rob Conway, Director, Planning and Building  
Shawn Cator, Director, Operations  
George Farkas, Director, Human Resources and Corporate Planning  
Talitha Soldera, Director, Financial Services  
Jason Birch, Chief Information Officer  
Martin Drakeley, Manager, Fire and Bylaw Services  
Kim Ferris, Manager, Manager, Bylaw and Business Licensing  
Tammy Isaachsen, Acting Manager, Communications and Public Engagement  
Dave Preikshot, Senior Environmental Specialist  
Shaun Mason, Municipal Forester  
Chris Hutton, Community Planning Coordinator  
Mairi Campeau, Community Planner  
Michelle Martineau, Corporate Officer  
Tricia Mayea, Deputy Corporate Officer

**1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:31 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:

- 2.6 March 14, 2021 email from resident sharing their concerns regarding the proposed cell tower on Mount Tzouhalem
- 2.7 March 15, 2021 email from the Canadian Union of Postal Workers requesting that Council endorse a resolution to support their Delivering Community Power campaign

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- 2.9 March 17, 2021 letter from City of Prince George to Minister of Health regarding the opioid crisis and calling for an overdose action plan
- 2.1 March 11, 2021 email from resident regarding concerns about invasive species in North Cowichan
- 2.15 March 28, 2021 email from Quamichan Lake Neighbourhood Association requesting Council implement a tree protection bylaw

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

CARRIED

That the following minutes be received for information purposes only:

1.2 March 16, 2021 Environmental Advisory Committee

That the following correspondence is received for information purposes only:

2.2 March 11, 2021 email from resident requesting that Council send a letter to Health Canada to ban poisonous pesticides that are killing bees

2.3 March 11, 2021 email from resident regarding the Joint Utilities Board's planned move of sewage outfall into Satellite Channel

2.4 March 11, 2021 letter from City of Langley regarding resolution to UBCM - raising Disability and Income Assistance to a livable rate

2.5 March 11, 2021 letter from City of Williams Lake to Premier Horgan calling for a public inquiry into stronger sentencing for prolific and repeat offenders

2.8 March 17, 2021 email from resident requesting Council adopt a policy to ban Chinese-made goods and services

2.10 March 18 and 22, 2021 emails from Canadian Wildlife Services regarding consultation on amending schedule 1 of the Species at Risk Act

2.11 March 19, 2021 email from Mayor Staples inviting Council to attend the Duncan/North Cowichan RCMP Situation Table information meeting on April 8, 2021

2.12 March 21, 2021 email from resident regarding the use of trash netting for storm-sewer systems and waterways

2.13 March 23, 2021 email from resident regarding campaign promises by Premier Horgan to protect old growth trees

2.14 March 27, 2021 email from Cowichan Valley Naturalists' Society regarding concerns with clearing of natural area of Phase II of Berkey's Corner Development

2.16 Comments from residents in relation to the Bell McKinnon Local Area Plan

2.17 Complaints from residents regarding the Vancouver Island Motorsport Circuit

2.18 Resident support for Hospital Security receiving Special Constable status

2.19 Local government support of the 9-8-8 Crisis Line Initiative

ADOPTED ON CONSENT

## 2.2 Approval of Regular Agenda

The following item was removed from the agenda:

(1) Item 3.1 [Minutes from Special Council meeting held March 9, 2021 for adoption]

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

**3. ADOPTION OF MINUTES**

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

This item was removed from the agenda.

**3.2 Regular Council and Public Hearings meeting held March 17, 2021 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Regular Council meeting held March 17, 2021.

CARRIED

IT WAS MOVED AND SECONDED:

That Council direct staff to advise the list of First Nations and government agencies who are receiving a referral request regarding the ALR (ALR00034) and OCP (OCP00015) applications for 3137 Henry Road, be given 30 days to respond.

CARRIED

**3.3 Special Council meeting held March 23, 2021 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Special Council meeting held March 23, 2021.

CARRIED

**4. MAYOR'S REPORT**

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

**5. DELEGATIONS AND PRESENTATIONS**

**5.1 Cowichan Green Community**

Judy Stafford and Chris Hall presented their year in review for 2020 and provided an update on the Agriculture Food Hub project on Beverly Street and answered questions of Council.

**5.2 Marita Judson and Jocelyn Anderson - Twin Gables Motel - 1508 Joan Avenue, Crofton**

Jocelyn Anderson, on behalf of Concerned Citizens of Crofton, presented concerns to Council regarding the poor state of condition of the Twin Gables Motel located at 1508 Joan Avenue.

**6. PUBLIC INPUT**

Council received no public input.

**7. BYLAWS**

**7.1 Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822 for first and second readings**

IT WAS MOVED AND SECONDED:

That Council give first and second reading to Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822 to permit a second dwelling at 1379 Maple Bay Road and a public hearing be scheduled in accordance with the *Local Government Act*.

CARRIED

Council, by unanimous consent, recessed the meeting at 3:04 p.m. and reconvened at 3:15 p.m.

## 8. REPORTS

### 8.1 REPORTS FOR DECISION

#### 8.1.1 Official Community Plan Project – Status Update

IT WAS MOVED AND SECONDED:

1. That staff be directed to prepare a revised OCP Update project schedule that includes the incomplete portion of Phase 2, Phase 3 and Phase 4 based on a Phase 3 completion date of October 31, 2021 and OCP Adoption (Completion of Phase 4) by February 28, 2022.
2. That the revised project schedule be presented to Council at the May 5, 2021 Council meeting.
3. That staff be directed to amend the 2021 Planning budget to add \$55,000 for completion of the OCP Update with funds to come from COVID grant funds and/or previous year surplus. CARRIED

#### 8.1.2 FireSmart Economic Recovery Fund Grant

IT WAS MOVED AND SECONDED:

That Council authorize the Cowichan Valley Regional District to apply for, receive, and manage the UBCM 2021 FireSmart Economic Recovery Fund grant funding up to \$150,000 on behalf of The District of North Cowichan;

And That Council directs staff, should grant funding be received, to work on the FireSmart Economic Recovery Fund Project with the Cowichan Valley Regional District and Cowichan Tribes as described in the April 7, 2021 report from the Municipal Forester. CARRIED

#### 8.1.3 Regional Application for 2021 UBCM Community Emergency Preparedness Grant

IT WAS MOVED AND SECONDED:

That Council authorize the Cowichan Valley Regional District to apply for, receive, and manage the UBCM Community Emergency Preparedness Fund Emergency Operations Centre grant funding up to \$25,000 on behalf of the District of North Cowichan. CARRIED

#### 8.1.4 Development Variance Permit Application No. DVP00060 for 1379 Maple Bay Road

IT WAS MOVED AND SECONDED:

That Council authorize the issuance of development variance permit DVP00060 and grant the variance to Section 52(6) (d) of Zoning Bylaw 2950, 1997 to reduce the required side yard setbacks for two existing accessory buildings on the property at 1379 Maple Bay Road from 3.0 metres to 1.37 metres on the north east side and 2.15 metres on the south west side. CARRIED

**8.1.5 Cowichan Sportsplex Fieldhouse Update**

IT WAS MOVED AND SECONDED:

That Council transfer all unallocated funds under the Cowichan Aquatic Centre Renovation Capital Project budget to the Cowichan Sportsplex Fieldhouse Capital Budget.

And, That Council directs staff to contact the City of Duncan and request that they transfer their unallocated funds from the Cowichan Aquatic Centre Renovation Capital Project budget to the Cowichan Sportsplex Fieldhouse Capital Budget. CARRIED

**8.1.6 Financial Plan and Capital Expenditure Plan**

IT WAS MOVED AND SECONDED:

1. That Council authorize that the portion of the Parks and Recreation Director's salary that is currently charged to the Forestry Reserve Fund be shifted to the General Revenue account.
2. That Council approve in principle the 2021 Operating Budget and 2021-2025 Capital Expenditure Plan as presented to the Committee of the Whole on March 23, 2021, including the adjustment for the Parks and Recreation Director's salary allocation, and direct staff to prepare the 2021-2025 Financial Plan Bylaw, with the edit to the Forestry Reserve Fund. CARRIED

**8.1.7 De-Centralizing Forest Management on Vancouver Island & Coastal BC Resolution**

No changes were made to the original motion that was submitted to the AVICC.

**8.2 REPORTS FOR INFORMATION**

None.

**9. NOTICES OF MOTIONS**

**9.1 Policy Development Related to Street Trees**

Councillor Douglas provided notice of the following motion which will be considered under New Business at the April 21, 2021 Regular Council meeting:

*That Council direct staff to introduce policies and regulations to expand the number of street trees in major 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.*

**10. UNFINISHED AND POSTPONED BUSINESS**

None.

**11. NEW BUSINESS**

Councillor Sawrie declared a conflict of interest on the next item of business as her brother works for the applicant [West Urban Developments], and she left the meeting at 5:05 p.m.

**11.1 Letter from the Board of School District 79 (Cowichan Valley) in regards to the Bell McKinnon Local Area Plan**

This item was discussed.

Councillor Sawrie returned to the meeting at 5:10 p.m.

**11.2 Response Letter from Quamichan Watershed Stewardship Society Regarding Land Use Policy Development to be Included in the Official Community Plan**

IT WAS MOVED AND SECONDED:

That the letter from the Quamichan Watershed Stewardship Society regarding Land Use Policy Development, be forwarded to the OCP Consultants and the OCP Advisory Committee. CARRIED

**11.3 Consent Agenda Item 2.1 - March 11, 2021 email from resident regarding concerns about invasive species in North Cowichan**

The Director, Engineering Projects, David Conway provided an overview of the District's current practices regarding invasive species.

**11.4 Consent Agenda Item 2.6 - March 14, 2021 email from resident sharing their concerns regarding the proposed cell tower on Mount Tzouhalem**

IT WAS MOVED AND SECONDED:

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

IT WAS MOVED AND SECONDED:

That the following motion "*That Council instruct staff to offer Rogers an alternate location for their proposed cell tower on Mt. Tzouhalem that is at least 500 meters from homes, or existing or possible future zoning for homes*" be referred to the April 13, 2021 Committee of the Whole meeting. CARRIED

**11.5 Consent Agenda Item 2.7 - March 15, 2021 email from the Canadian Union of Postal Workers requesting that Council endorse a resolution to support their Delivering Community Power campaign**

IT WAS MOVED AND SECONDED:

That staff be directed to invite the Canadian Union of Postal Workers to submit a delegation application to speak to Council regarding their request for support for Delivering Community Power. CARRIED

**11.6 Consent Agenda Item 2.9 - March 17, 2021 letter from City of Prince George to Minister of Health regarding the opioid crisis and calling for an overdose action plan**

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write a letter to Minister Dix, Minister of Health asking for a provincial wide strategy for dealing with the opioid crisis in BC.

CARRIED

**11.7 Consent Agenda Item 2.15 March 28, 2021 email from Quamichan Lake Neighbourhood Association requesting Council implement a tree protection bylaw**

This item was discussed.

**12. QUESTION PERIOD**

No questions were submitted using the online platform.

**13. CLOSED SESSION**

IT WAS MOVED AND SECONDED:

That Council close the April 7, 2021 Regular Council closed meeting at 5:32 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;
- 90(1)(f) law enforcement, the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- 90(1)(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

And That the meeting be recessed to reconvene in closed session at 6:00 p.m.

CARRIED

**13.1 Minutes from the March 17, 2021 regular closed Council and March 23, 2021 special closed Council meetings for adoption**

**13.2 Closed under section 90(1)(j) confidential information**

**13.3 Closed under section 90(1)(f) law enforcement and (j) confidential information**

**13.4 Closed under section 90(1)(e) potential land acquisition**

**13.5 Closed under section 90(1)(i) legal advice**

**13.6 Closed under section 90(1)(i) legal advice**

**14. RISE AND REPORT**

**15. ADJOURNMENT**

Council adjourned the meeting at 9.12 p.m.

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Certified by Corporate Officer

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Signed by Mayor