

Municipality of North Cowichan Council - Regular and Public Hearings MINUTES

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

Members Present Mayor Al Siebring
 Councillor Rob Douglas
 Councillor Christopher Justice
 Councillor Tek Manhas
 Councillor Kate Marsh (arrived at 2:01 p.m.)
 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
 Rob Conway, Director, Planning and Building
 Shawn Cator, Director, Operations
 Talitha Soldera, Director, Financial Services
 Martin Drakeley, Manager, Fire and Bylaw Services
 Jason Birch, Chief Information Officer
 Shaun Mason, Municipal Forester
 Tammy Isaachsen, Acting Manager, Communications and Public Engagement
 Anthony Price, Planning Technician
 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 1:30 p.m.

2. APPROVAL OF AGENDA

2.1 Approval of Consent Agenda

Item 2.8 [April 8, 2021 email from Coexisting with Carnivores Alliance requesting a letter of support on a moratorium on recreational wolf hunting on Vancouver Island] was pulled from the Consent Agenda and added to New Business

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 26, 2021 Sub-Group of OCP Advisory Group

That the following correspondence is received for information purposes only:

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- 2.1 March 21, 2021 email received from resident regarding Building Permit Application BP009146
- 2.2 March 31, 2021 email received from Cathy Peters, BC Anti-human Trafficking Educator thanking Council for the letter of support and follow-up on what Ontario Schools are doing
- 2.3 April 1, 2021 letter from resident regarding the Bell McKinnon Road Local Area Plan
- 2.4 April 4, 2021 email from resident regarding the projected tax increase for 2021
- 2.5 April 5, 2021 email from resident regarding Diamond Head Consulting's tree protection recommendation
- 2.6 April 7, 2021 email from Alexa Young of Government and Public Affairs regarding "Contributing to a Better BC" - 2019 Forest Industry Economic Impact Study
- 2.7 April 8, 2021 email and letter from City of Port Moody to BC Municipalities requesting endorsement for the Help Cities Lead Campaign
- 2.9 April 8, 2021 email from resident regarding the future use of the current Cowichan District Hospital
- 2.10 April 13, 2021 email from resident regarding Duncan/North Cowichan's drug addictions, mental health and homelessness issue
- 2.11 April 13, 2021 email from resident regarding trash pickup on Drinkwater and North Roads
- 2.12 April 14, 2021 email from resident regarding noise complaint along 49th Parallel Grocery Store in Chemainus
- 2.13 April 14, 2021 email from resident regarding proposed cell tower at Evans Park
- 2.14 April 14, 2021 from resident regarding wolf hunt on southern Vancouver Island
- 2.15 Proposed Cell Tower on Mount Tzouhalem
- 2.16 April 13, 2021 Letter from City of Penticton to UBCM requesting a letter be sent to Premier Horgan regarding BC Government's Use of Provincial Paramountcy

ADOPTED ON CONSENT

2.2 Approval of Regular Agenda

Item 7.1 [Zoning Bylaw Amendment Application No. ZB000145 (Lot A, Skinner Road) – Rental Apartment Building] was removed from the agenda.

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

3. ADOPTION OF MINUTES

3.1 Regular Council meeting held April 7, 2021 for adoption

IT WAS MOVED AND SECONDED:

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

CARRIED

4. MAYOR'S REPORT

The Mayor yielded the floor to Councillor Sawrie to report on the 'Clean Where You Are Cowichan – Earth Day Clean Up' beginning on Earth Day [April 22]. More information can be found by visiting: facebook.com/cleancowichan2021

5. DELEGATIONS AND PRESENTATIONS

5.1 Cynthia Montgomery - Quamichan Lake Neighbourhood Association

Ms. Montgomery provided a presentation on behalf of the Quamichan Lake Neighbourhood Association requesting that Council consider adopting a Tree Protection Bylaw for the Municipality of North Cowichan.

6. PUBLIC INPUT

Council received no public input.

7. BYLAWS

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

This item was removed from the agenda.

7.2 Financial Plan and Property Tax Rates Bylaws

IT WAS MOVED AND SECONDED:

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.

CARRIED

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

IT WAS MOVED AND SECONDED:

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

CARRIED

Councillor Marsh arrived at the meeting at 2:01 p.m.

7.4 Amendments to Controlled Substance Bylaw No. 3803

IT WAS MOVED AND SECONDED:

That Council rescind third reading of Controlled Substance Bylaw No. 3803, 2020.

CARRIED

IT WAS MOVED AND SECONDED:

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. CARRIED

IT WAS MOVED AND SECONDED:

That Council give Controlled Substance Bylaw No. 3803, 2020 third reading as amended. CARRIED

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

IT WAS MOVED AND SECONDED:

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. CARRIED

8. REPORTS

8.1 REPORTS FOR DECISION

8.1.1 Bank Signing Authorities

IT WAS MOVED AND SECONDED:

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. CARRIED

8.2 REPORTS FOR INFORMATION

None.

9. NOTICES OF MOTIONS

9.1 Policy Advice regarding Sustainable Economic Development

Councillor Justice provided notice of the following motion which will be considered under New Business 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 aspects of economic development (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

Councillor Marsh provided notice of the following motion which will be considered under New Business at the May 5, 2021 Regular Council meeting:

That the District Municipality of North Cowichan adopt a Council policy for Communication Towers and Antenna Systems Approval;

And further that the policy establishes the preferences of Council for enhanced public consultation and location & design guidelines in the Towers and 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

IT WAS MOVED AND SECONDED:

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. CARRIED

11. NEW BUSINESS

11.1 Policy Development Related to Street Trees

IT WAS MOVED AND SECONDED:

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. CARRIED

11.2 Vancouver Island Integrated Major Crime Unit (VIIMCU) Expansion

IT WAS MOVED AND SECONDED:

That Council direct the Mayor to write to the Solicitor General to advise that the North Cowichan/Duncan Detachment is still potentially 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. CARRIED

11.3 Attendance at FCM's Annual Convention

IT WAS MOVED AND SECONDED:

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. CARRIED

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

IT WAS MOVED AND SECONDED:

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. CARRIED

11.5 Consent Agenda Item 2.8 [April 8, 2021 email from Coexisting with Carnivores Alliance requesting a letter of support on a moratorium on recreational wolf hunting on Vancouver Island]

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write to Minister Conroy asking for a moratorium on recreational wolf hunting on Vancouver Island pending scientific studies. CARRIED

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 meeting at 2:59 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. CARRIED

Council, by unanimous consent, recessed the meeting at 2:59 p.m. and reconvened in Closed Session at 3:15 p.m.

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.

IT WAS MOVED AND SECONDED:

That the meeting be recessed at 4:07 p.m. to reconvene at 6:00 p.m. this evening. CARRIED

15. PUBLIC HEARINGS 6:00 P.M.

Council reconvened the meeting at 6:02 p.m. and due to technical difficulties being experienced by the Community Planner, who is providing a presentation on the first public hearing, Council by unanimous consent, changed the order of the public hearings and considered item 15.2 before item 15.1.

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

Mayor Siebring outlined the public hearing process and called the public hearing to order at 6:41 p.m. for Agricultural Land Reserve (ALR) Exclusion Application ALR00029 (Chemainus River Campground - 8682 Trans-Canada Highway).

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

Council then received a presentation from Mairi Campeau, Community Planner and Building who introduces the proposed amendment and answered questions of Council.

The Corporate Officer noted that one submission was received regarding the application, from Gerry Plester who was neither in favour nor opposed but asked whether the Municipality will put the equivalent amount of land that is removed from the ALR back into the ALR. This submission was included in the public hearing information package on the website and circulated to Council prior to the hearing. Other correspondence that was noted that was included in the information package were the letters from the Agricultural Land Commission and Mayor Siebring from 2019 and two letters from the applicant submitted in 2020 and April 2021.

The property owners, who purchased the land in 1980 and have been operating a campground since that time, provided a verbal presentation that included an overview of the history of the property and answered questions of Council.

The Mayor called for submissions from members of the public for a first time. No one wished to speak to the application.

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 Agricultural Land Reserve (ALR) Exclusion Application ALR00029 (Chemainus River Campground - 8682 Trans-Canada Highway) at 7:24 p.m.

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

Mayor Siebring called the public hearing to order at 6:03 p.m. for Zoning Amendment Bylaw (2772 Herd Road), 2020, No. 3819.

The Corporate Officer noted that no petitions were received but two late written submissions were received prior to the hearing in relation to the Zoning Amendment application:

1. Brandon McIlmoyle [6864 Westcott Rd] was in support of the rezoning application but asked that the drainage problems on the property be addressed and requested that Council include a condition requiring drainage consultation and analysis, with subsequent modifications as needed.
2. Strato Malamas [6846 Westcott Rd] was in support of the rezoning application but asked that the drainage situation on the property be rectified before construction commences.

Council then received a presentation from Anthony Price, Planning Technician who introduced the proposed amendment and answered questions of Council.

The Corporate Officer noted that no other submissions were received from the public in relation to the Zoning Amendment application, other than noting the letters to and from the applicant that had been included in the information package.

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

- Strato Malamas, [6846 Westcott Rd] adjoining neighbour to the proposed zoning amendment, spoke in favour of the zoning amendment, however he noted that recently there was a ditch dug on the adjoining perimeter of his property that redirects water from 2772 Herd Road to his property [6846 Westcott Rd]. He asked whether Council could address this issue.
- Sheldon Cleaves, father-in-law of the owners of the neighbouring property on the east side of 2772 Herd Rd [6864 Westcott Rd], spoke in favour of the zoning amendment, however noted that the drainage problem is a real concern for the owners and their future plans to plant an orchard on their property.
- Strato Malamas [6846 Westcott Rd] spoke for a second time regarding the drainage, noting that there was a bobcat working on the property recently.

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 second public hearing for Zoning Amendment Bylaw (2772 Herd Road), 2021, No. 3819 at 6:40 p.m.

16. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS

The Council meeting resumed at 7:25 p.m.

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

IT WAS MOVED AND SECONDED:

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. CARRIED

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

IT WAS MOVED AND SECONDED:

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). CARRIED

IT WAS MOVED AND SECONDED:

That Council read for a third time Zoning Amendment Bylaw (2772 Herd Road) No. 3819, 2021 as amended. CARRIED

IT WAS MOVED AND SECONDED:

That prior to Council considering adoption of Zoning Amendment Bylaw (2772 Herd Road) No. 3819, 2021, the applicant provide confirmation that a Section 219 covenant has been registered on the title of the subject property to require a storm water management plan prepared by a qualified professional and completion of drainage works in accordance with recommendations of the storm water management plan prior to issuance of a building permit for a detached second dwelling. CARRIED

17. ADJOURNMENT

IT WAS MOVED AND SECONDED:

That Council adjourn the meeting at 7:50 p.m. CARRIED

Certified by Corporate Officer

Signed by Mayor