

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

Wednesday, May 19, 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. 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 for instructions.
- To join by telephone, dial 1.844.426.4405, enter the meeting ID 177 701 2807, and then press # to join the meeting.

2. 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.

2.1. Draft Committee Minutes

Recommendation:

That the draft minutes from the following meeting be received for information purposes only:

2.1.1. May 4, 2021 Environmental Advisory Committee

2.2. Correspondence

Recommendation:

That the following correspondence is received for information purposes only:

- 2.2.1. Letter from UBCM advising receipt of the Province's response to Council's 2020 Resolution on regulation of soft plastics and other packaging materials**
- 2.2.2. Email requesting an immediate ban on all plastics**
- 2.2.3. Letter from Somenos Marsh Wildlife Society requesting that Council provide financial assistance with the cost to repair their vandalized viewing tower**

- 2.2.4. Email requesting a tree protection bylaw to help guide the preservation of trees in the next phase of the Berkey's Corner development and erecting way-finding signage
- 2.2.5. Email recommending that Council pay residents for collecting road and river trash
- 2.2.6. Email requesting that Council revisit putting a halt on development to address water capacity concerns
- 2.2.7. Email requesting weekend patrols by bylaw enforcement to address parking issues on Kaspa Road
- 2.2.8. Email requesting that the Island Corridor Foundation repair the rail crossing on Highway 18 east of Somenos Road
- 2.2.9. Letter seeking Council's support of the Khenipsen Road Neighborhood Plan they have developed and that it be incorporated into the Official Community Plan
- 2.2.10. Email from Chief Thomas requesting Council match or beat their (\$1,000) donation to the Chemainus Secondary School for an outdoor learning space
- 2.2.11. Email requesting a ban on use of commercial and residential poisonous rodent traps
- 2.2.12. Email requesting improvements be made to the sewer pumping station on Highwood Drive
- 2.2.13. Letter from the District of Mackenzie to the Member of Parliament for Prince George - Peace River - Northern Rockies endorsing the 9-8-8 Crisis Line
- 2.2.14. City of Kamloops' resolution supporting professional news media as an essential service
- 2.2.15. Correspondence regarding logging of old-growth forests

3 items were received, a letter from the City of Campbell River and an email from a resident addressed to Minister Conroy and copied to Council, and an email asking Council to support the CRD's resolution to protect Fairy Creek.
- 2.2.16. Emails received in relation to the proposed cell towers at Mount Tzouhalem and Evans Field

5 emails were received, 4 in relation to the Mount Tzouhalem location and 1 regarding the Evans Field location

3. 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].

3.1. Late Items

Purpose: To add a letter of support from the Khowutzun Forest Services for consideration under New Business.

4. ADOPTION OF MINUTES

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

4.1. Minutes of the regular meeting held May 5, 2021 for adoption

4.2. Minutes of the special meeting held May 11, 2021 for adoption

Recommendation:

That Council adopt the minutes of their regular meeting held May 5, 2021 and special meeting held May 11, 2021.

5. MAYOR'S REPORT

6. DELEGATIONS AND PRESENTATIONS

6.1. 1st Quarter Report for RCMP Activities

Purpose: Inspector Chris Bear to present the North Cowichan/Duncan RCMP's quarterly report for January - March 2021, their Annual Performance Plan (APP), and their proposal for Chemainus.

(Note: The following two attachments were appended to the agenda on May 17, 2021: (1) RCMP Annual Performance Plan Results (2020/2021), and (2) Draft 2021/2022 Annual Performance Plan Summary)

7. 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

8. BYLAWS

8.1. Zoning Amendment Bylaw (Second Dwelling - 3325 Henry Road), 2020, No. 3811 for adoption

Purpose: To consider adoption of Zoning Amendment Bylaw (Second Dwelling - 3325 Henry Road), 2020, No. 3811, which received third reading following the public hearing on January 20, 2021, Ministry of Transportation and Infrastructure approval on January 28, 2021 and now that the section 219 covenant has been registered on title. If adopted, this bylaw will permit a second detached dwelling unit in addition to a principal single family dwelling in the Rural Restricted (A3) Density zone.

Recommendation:

That Council adopt Zoning Amendment Bylaw (3325 Henry Road), 2020, No. 3811.

8.2. Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 for adoption

Purpose: To consider adoption of Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 and establish a bylaw adjudication system for the Municipality of North Cowichan (MNC).

Recommendation:

That Council adopt Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021.

8.3. Delegation of Authority Bylaw No. 3814, 2021 for first three readings

Purpose: To introduce proposed amendments to the Delegation of Authority Bylaw to reflect current positions, update limits, introduce potential new delegated authorities in relation to notices, and appointing officers for bylaw enforcement and controlling noxious weeds, incorporating feedback received from Council during and after the May 5, 2021 meeting.

(Note: Attachment 2 – Redlined version of Delegation of Authority Bylaw, No. 3734 was updated and appended to the agenda on May 17, 2021)

Recommendation:

That Council give first, second, and third readings to “Delegation of Authority Bylaw, No. 3814, 2021”.

9. REPORTS

9.1. REPORTS FOR DECISION

9.1.1. ALR00032 ALC Exclusion Application for 2993 River Road

Purpose: To consider an application to exclude 2993 River Road from the Agricultural Land Reserve (ALR).

Recommendation:

That Council authorize application ALR00032 be forwarded to the Agricultural Land Commission with a recommendation to exclude 2993 River Road from the Agricultural Land Reserve.

9.1.2. Development Permit with Variance Application No. DPV00003 for 7933 Stoney Hill Road

Purpose: To consider an application for a development permit and variance for an addition to a single-family dwelling within 30 metres of the ocean and a man-made watercourse at 7933 Stoney Hill Road.

Recommendation:

That application DPV00003 for the construction of a 109.6m² (1180ft²) addition to an existing single-family dwelling at 7933 Stoney Hill Road be approved, and that Council vary Section 13(1)(c) of Zoning Bylaw No. 2950 to reduce the required setback from a watercourse from 15 metres to 3 metres at 7933 Stoney Hill Road.

9.1.3. Request for Exemption from Flood Construction Requirements - 2431 Beverly Street

Purpose: To consider a request to exempt a proposed development from the Flood Construction Requirements under Zoning Bylaw 2950 for the construction of buildings at 2431 Beverly Street.

Recommendation:

That Council grant an exemption for the construction of commercial agricultural buildings at 2431 Beverly Street from the Flood Construction Requirements under Section 14 of Zoning Bylaw No. 2950, subject to lease provisions and the registration of a covenant under section 219 of the *Land Title Act* to:

- limit the use and development of the land in accordance to what has been certified in the March 29, 2021, Geohazard Assessment Report prepared by Madrone Environmental Services Ltd. as enabling the safe use of the land for the use intended; and
- establish conditions respecting the reimbursement by the tenant or owner for any expenses that the Municipality of North Cowichan may incur as a result of a breach of the lease or covenant.

9.1.4. Proposed Road Dedication over Municipal Property at the end of Berridge Road

Purpose: To request Council authorization to proceed with road dedication over Municipal property at the end of Berridge Road.

Recommendation:

That Council authorize the road dedication as shown on Plan EPP110587 over municipal property at Berridge Road, and authorize the Approving Officer to sign the subdivision plan and register at the Land Title Office.

9.1.5. Use of Anticoagulant Rodenticides

Purpose: To obtain direction from Council on the use of anticoagulant rodenticides in North Cowichan.

Recommendation:

That Council:

- a. Authorize a complete ban of anticoagulant rodenticides on all District of North Cowichan owned properties; and,
- b. Direct staff to communicate the harmful impacts of anticoagulant rodenticides to residents and businesses in the M of North Cowichan and to share findings about alternatives.

9.1.6. Public Engagement Plan for Automated Curbside Collection

Purpose: To consider the recommendation from the May 11, 2021 Committee of the Whole meeting regarding the public communications and engagement plan for the automation of residential curbside collection of garbage, organics and recyclable materials.

Recommendation:
That Council:

1. approve the Communications and Engagement Plan prepared by ZINC Strategies Inc. regarding collection options in North Cowichan;
2. direct staff to implement the tools and activities in the Plan to obtain public feedback for an automated truck curbside system for solid waste collection; and,
3. direct staff to report back to Council on the results of that engagement.

9.1.7. Review of Fireworks Bylaw No. 1579

Purpose: To consider the recommendation from the May 11, 2021 Committee of the Whole meeting regarding an update of the Fireworks Bylaw.

Recommendation:
That Council direct staff to draft an update to the North Cowichan Fireworks Bylaw and bring a report to the Committee of the Whole.

9.2. REPORTS FOR INFORMATION

10. NOTICES OF MOTIONS

11. UNFINISHED AND POSTPONED BUSINESS

11.1. Canadian Union of Postal Workers regarding Delivering Community Power campaign

Purpose: To consider the resolution provided by the President of the Canadian Postal Workers regarding their request for support for Delivering Community Power.

(Note: The delegation was advised that their request would be considered at the next meeting following their address to Council on May 5, 2021. The recommendation below is the resolution that was originally presented to Council in the April 7, 2021 Consent Agenda)

Recommendation:

Whereas there is an urgent need for banking services among the unbanked or underbanked, given that thousands of villages and rural municipalities do not have a bank branch and more than 900 municipalities have expressed their support for postal banking;

Whereas thousands of Canadians do not have access to affordable high-speed Internet, and the federal government has long promised to bridge the rural broadband gap;

Whereas urgent action is needed to establish a robust network of electric vehicle charging stations;

Whereas to achieve carbon-neutral targets by 2050, Canada Post must greatly accelerate the electrification of its fleet;

Whereas the extensive network of post offices in our communities can provide a wide range of services as community hubs;

Whereas Canada Post's letter carriers and RSMCs can check-in on vulnerable residents to help keep us in our homes longer as we age;

Whereas Canada Post must play its part for a more equitable post-pandemic recovery;

Whereas "The Way Forward for Canada Post," the report of the 2016 federal public review of the postal service, recommended that Canada Post expand services and adapt its services to the changing needs of the public;

Whereas the Canadian Union of Postal Workers has advanced Delivering Community Power, a vision of the post-carbon digital-age postal service that address the above needs and more;

Be it resolved that North Cowichan Council endorse Delivering Community Power, and write to the Honourable Anita Anand, Minister for Public Services and Procurement, with its rationale and a copy of this resolution.

12. NEW BUSINESS

12.1. Raising the Pride Flag for the month of June

Purpose: So that Councillor Sawrie may move the motion she gave notice on at the May 5, 2021 Regular Council meeting.

(Note: The wording in the motion that was given notice on May 5, 2021 has been amended)

Recommendation:

That Council amend the Flag Protocol Policy by adding the following under Section 6 "GUEST FLAGS":

- Commencing in 2021 and proceeding every year from there, the Pride Flag will be flown from June 1 to June 30 on the third pole at the Cowichan Aquatic Centre.

12.2. *Letter of support from the Khowutzun Forest Services*

Purpose: To consider the letter of support from the Khowutzun Forest Services that was added as a late item.

13. 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

14. CLOSED SESSION

Recommendation:

That Council close the May 19, 2021 Regular Council meeting at ____ p.m. to the public on the basis of the following section(s) of the *Community Charter*:

- *90(1)(i) - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- *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)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;*
- *90(1)(c) labour relations or other employee relations.*

14.1. Minutes from the May 5, 2021 Closed meeting for adoption

14.2. Closed under section 90(1)(i) Legal Advice

14.3. Closed under section 90(1)(i) Legal Advice

14.4. Closed under section 90(1)(e) Land Matter

14.5. Closed under section 90(1)(e) Land Matter, and 90(1)(k) Negotiations

14.6. Closed under section 90(1)(c) Other Employee Relations

15. RISE AND REPORT

16. 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.

17. 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, [date] 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.

17.1. Public Hearing Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822

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. 3822, which proposes a site specific zoning amendment to permit the use of an existing building as a detached second dwelling at 1379 Maple Bay Road.

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 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.)

18. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS

18.1. Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822

Purpose: To consider third reading of Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822, following the close of the public hearing.

Recommendation:

That Council give third reading to Zoning Amendment Bylaw (1379 Maple Bay Road), 2021", No. 3822 to permit a second dwelling at 1379 Maple Bay Road.

19. ADJOURNMENT

Recommendation:

That Council adjourn the meeting at ____ p.m.