

Municipality of North Cowichan

Regular Council

REVISED AGENDA

Wednesday, June 16, 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 177 627 0686, 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.

Recommendation:
That the Consent Agenda be approved.

2.1. Correspondence

Recommendation:
That the following correspondence is received for information purposes only:

2.1.1. Emails received in relation to preserving the Municipal Forest Reserve

3 emails were received regarding logging, poaching and the destruction of trees within the Municipal Forest Reserve

2.1.2. Email regarding the Rogers Communications cell towers decision

In support of Council's decision not to allow Rogers Communications to erect two cell towers on municipal land.

2.1.3. Email regarding invasive wall lizards

Request that Council take measures to eradicate the invasive wall lizards and include them as an invasive species (*includes May 30, 2021 article from the Times Colonist*).

- 2.1.4. Email regarding increased traffic on the Maple Bay Corridor**
Request that Council address the noise and speeding from the increased traffic on the Maple Bay corridor due to continued development.
- 2.1.5. Request for annual grant to become a line item in North Cowichan's budget**
Letter from Cowichan Neighbourhood House Association requesting that Council re-categorize their annual \$30,000 grant-in-aid to a line item in the budget.
- 2.1.6. Letter regarding as Tax Agreement Community Works Fund payment**
Letter from UBCM advising Council of the recent Gas Tax Agreement Community Works Fund payment.
- 2.1.7. Letter providing information about motor vehicle accident disputes**
Letter from Civil Resolution Tribunal advising Council of the Civil Resolution Tribunal and provide information on how to resolve ICBC claims and motor vehicle accident disputes.
- 2.1.8. Email regarding "no growth" position and the Bell McKinnon local area plan**
Concerns with Council's approach to "no growth", the Bell McKinnon local area plan, and need for affordable housing.
- 2.1.9. Email requesting support of a public demonstration kelp farm**
Request that Council consider supporting a project to create a public demonstration kelp farm in Crofton, in cooperation with Stz'uminus First Nation and BC Ferries.
- 2.1.10. Letter regarding OCP growth scenarios**
Letter from the Quamichan Lake Neighbourhood Association advising Council of their support for OCP Growth Scenario 2 and to provide comments and concerns with the OCP Phase 3 Growth Scenario survey.
- 2.1.11. Email regarding marijuana smoke pollution**
Request that Council consider implementing a bylaw to stop users of marijuana polluting the air.
- 2.1.12. Letter requesting a community led consultation process to seek a solution to the recreational access to the Municipal Forest on Mount Tzouhalem**
Request from The Properties Committee, concerned residents of Sansum, Salish, Chippewa and Kaspia Roads, that Council support conducting a community led consultation process to seek a solution to the recreational access to the Municipal Forest on Mount Tzouhalem.
- 2.1.13. Email requesting a new zero carbon school**
Response from the Board of Education for the Cowichan Valley School District to an email from a resident for a new zero carbon school.

2.1.14. Downzoning of 9090 Trans-Canada Highway

14 letters and 123 signed petitions were received in objection to the downzoning of 9090 Trans-Canada Highway.

(Note: On June 2, 2021 Council defeated the motion to direct staff to bring forward a zoning amendment to downzone the property from R5-Residential Mobile Home Park to A2-Rural)

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].

4. ADOPTION OF MINUTES

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

4.1. Minutes from the June 2, 2021 regular meeting for adoption

Recommendation:

That Council adopt the minutes of their regular meeting held June 2, 2021.

5. MAYOR'S REPORT

6. PUBLIC MEETINGS

In accordance with *Financial Information Act* and the *Community Charter*, members of the public will have an opportunity to provide their comments or ask questions related to the 2020 Statement of Financial Information and Annual Report, following the introduction and/or presentation of each report to Council.

6.1. 2020 Statement of Financial Information

Purpose: To present the 2020 Statement of Financial Information for approval by Council in accordance with section 9 of the *Financial Information Act, Financial Information Regulation 371/93*.

Recommendation:

That Council approve the 2020 Statement of Financial Information.

6.2. 2020 Annual Report

Purpose: For Council to consider the 2020 Annual Report in an open public meeting and to receive submissions and questions from the public in accordance with section 99 of the *Community Charter*.

Recommendation:

That Council accept the 2020 Annual Report.

7. DELEGATIONS AND PRESENTATIONS

7.1. Somenos Marsh Wildlife Society

Purpose: Paul Fletcher of Somenos Marsh Wildlife Society to present their findings on previous Parrots Feather management in Somenos Creek and their GreenStreams strategy to help increase salmon productivity in the Somenos Watershed.

8. 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

9. BYLAWS

10. REPORTS

10.1. REPORTS FOR DECISION

10.1.1. Development Variance Permit & Development Permit with Variance for 3135 Manor Drive and proposed 3003 Keystone Drive

Purpose: To consider two development applications for 3135 Manor Drive, (1) a Development Variance Permit (DVP00071) and (2) a Development Permit with Variances (DPV00004), to facilitate a subdivision to retain an existing principal residence on proposed Lot 1 and an 18-unit residential townhouse complex on proposed Lot 2, and to consider varying the Zoning Bylaw for the subdivision and development by increasing the maximum lot coverage, and decreasing the minimum building separation, landscaped area and principal building side yard setback.

Recommendation:

THAT Council:

1. Issue the development permit with variance DPV00004 for 3135 Manor Drive to facilitate site design and private amenity spaces, common landscaped amenity spaces, and useable rear yards, as attached to the Development Planner's report dated June 16, 2021;
2. Issue the development variance permit DVP00071 for 3135 Manor Drive to facilitate subdivision, as attached to the Development Planner's report June 16, 2021;
3. Grant the following variances to Zoning Bylaw 1997, No. 2950:
 - i. Section 61(5) to vary the maximum lot coverage by increasing it from 30% to 32.87%;
 - ii. Section 61(8)(a) to vary the minimum permitted building separation by decreasing it from 12.0m to 6.0m between Units 3 & 10, and from 12.0m to 4.5m between Units 16 & 17 and 7 & 8;
 - iii. Section 39(1) to vary the minimum permitted width of vegetated horizontal landscaped area by decreasing it from 1.1m to 0m for a portion of the rear yards of Units 1-3 and 10-12 on the east boundary at 3135 Manor Drive legally described as Lot 1, Section 19, Ranges 4 and 5, Quamichan District, Plan 8704 Except Part in Plan VIP78692 and VIP84510 (PID: 005-426- 758); and
 - iv. Section 58(6)(a) to vary the minimum principal building side yard setback by decreasing it from 2.0m to 1.5m at 3135 Manor Drive legally described as Lot 1, Section 19, Ranges 4 and 5, Quamichan District, Plan 8704 Except Part in Plan VIP78692 and VIP84510 (PID: 005-426-758) at 3135 Manor Drive.

10.1.2. Affordable Housing Policy

Purpose: To provide options for developing an affordable housing policy or strategy and seek confirmation on Council's desired direction. Staff will provide a brief verbal introduction.

Recommendation:

THAT Council direct staff to:

1. Include the items substantially as set out in Table 1 of the Planning Manager's June 16, 2021 report within the draft OCP currently being prepared.
2. Prepare a draft Housing Policy, containing items substantially as set out in Table 2 of the Planning Manager's June 16, 2021 report, working with Cowichan Housing Association and other stakeholders as needed, for Council's subsequent review.
3. Provide options and implications for implementing items set out in Table 3 of the Planning Manager's June 16, 2021 report within a future staff report accompanying a draft Housing Policy.

10.1.3. Telecommunications Antennae Structures Policy

Purpose: To consider which features Council would like included in their Telecommunications Antennae Structures Policy.

Recommendation:

THAT Council directs staff to:

1. Draft Telecommunications Antennae Policy which specifies:
 - a. A consultation area radius of [300m]
 - b. That all applications require a public meeting
 - c. That all applications are to be determined by Council
 - d. Certain exemption criteria for [additions to existing structures less than 15m]
 - e. An application fee of [\$1,000]
2. Draft an amendment to the Municipality's *Fees & Charges Bylaw 3784* to include the application fee.

10.1.4. Traffic calming and safety measures along Indian Road

Purpose: To share the Traffic Calming Study findings for Indian Road and consider the options for implementing traffic calming and safety measures within the study area.

Recommendation:

That Council approve:

1. the installation of three speed tables on Indian Road between Maple Bay Road and Cygnet Drive;
2. the relocation of the 30 km/h speed sign for northbound traffic near the intersection of Indian Road and Maple Bay Road to a new location approximately halfway between Maple Bay Road and Swans Nest Drive;
3. the installation of one new 30 km/h speed sign on Indian Road for northbound traffic just before Cygnet Drive, and
4. the installation of one new stop sign for eastbound traffic on Indian Crescent as described in the Director of Engineering's report dated June 16, 2021.

10.1.5. Somenos Marsh Wildlife Society Request for Funding

Purpose: To present options for Council's response to Somenos Marsh Wildlife Society's request for funding to repair a viewing tower damaged by arson.

(Note: The report was appended to the agenda on June 15, 2021)

Recommendation:

That Council approve the request from the Somenos Marsh Wildlife Society for a \$7,500 donation towards the repair of the viewing tower.

10.1.6. Recommendations from the Environmental Advisory Committee

Purpose: To provide Council with a copy of the minutes from the May 4, 2021 Environmental Advisory Committee (EAC) meeting, which include their recommendations for prioritizing EAC tasks. The discussion on implementing these recommendations has been provided in item 10.1.7 below.

10.1.7. Environmental Advisory Committee Recommended Actions from the Draft Climate and Energy Plan Update.

Purpose: To consider the Environmental Advisory Committee (EAC) recommendations regarding prioritization of the updated Climate Action and Energy Plan (CAEP) greenhouse gas emissions reduction actions.

Recommendation:

That Council direct staff to:

1. Incorporate the Environmental Advisory Committee's (EAC) recommended Climate Action and Energy Plan (CAEP) actions relevant to the Official Community Plan into the policy and implementation sections of the updated OCP, as appropriate;
2. Work with Sustainability Solutions Group to finalize the CAEP update to include the EAC recommendations as presented in the report titled '*Environmental Advisory Committee Recommended Actions from the Draft Climate and Energy Plan Update*' as prepared by the Director, Engineering Projects and prioritized as described in Attachment 2 of the report; and
3. Include development of the recommended policies and targets within the 2022 departmental business plans and budgets.

10.1.8. Climate Action and Energy Plan: Survey 2 Summary

Purpose: To inform Council of results from a public survey conducted by staff on emissions reduction actions for North Cowichan derived from the Climate Action and Energy Plan (CAEP) update.

Recommendation:

THAT Council direct staff to work with the Sustainability Solutions Group to incorporate the information from the public opinion survey in the Climate Action and Energy Plan update and implementation plan.

10.2. REPORTS FOR INFORMATION

10.2.1. 2020 Annual Forestry Report

Purpose: To provide a general summary of the metrics and activities conducted within the Forestry Department in 2020.

Recommendation:

The 2020 Annual Forestry Report has been provided to Council for information purposes only.

11. NOTICES OF MOTIONS

12. UNFINISHED AND POSTPONED BUSINESS

12.1. UBCM Minister Meetings - for discussion

Purpose: To discuss which Ministers, including Premier Horgan, (including specific topics) Council wishes to meet with during the 2021 UBCM (virtual) Convention scheduled for September 14-17, 2021. The deadline to submit meeting requests is June 30, 2021.

13. NEW BUSINESS

13.1. Inviting Dr. Suzanne Simard to Speak at North Cowichan

Purpose: So that Councillor Sawrie may move the motion she gave notice on at the June 2, 2021 Regular Council meeting.

Recommendation:

That Council direct the Mayor and Staff to:

1. Invite Suzanne Simard to give a public virtual presentation about her work with local context on our forests as part of the education for the MFR review followed by a question and answer period.
2. Send a letter to Bond Group Entertainment, inviting them to film Suzanne Simard's memoir *Finding the Mother Tree* in North Cowichan.

And that Council direct Staff to solicit input from the following groups and report back with other educational opportunities we can host and/or share online as part of the forestry review, starting as soon as possible, prior to the public engagement process:

- Forestry and Environment Staff,
- the Forestry Advisory Committee,
- the Forestry Review Working Group and
- Forestry Review project consultants

14. 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

15. CLOSED SESSION

Recommendation:

That Council close the June 16, 2021 Regular Council meeting at ___ p.m. to the public on the basis of the following section(s) 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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- *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*
- *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.*

15.1. Closed minutes from the June 6, 2021 meeting for adoption

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

15.3. Closed under section 90(1)(e) Land acquisition, and (k) heritage preservation

15.4. Closed under section 90(1)(j) FOIPPA s. 21(1)(b) Report supplied in confidence

16. RISE AND REPORT

17. ADJOURNMENT