

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

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

Pages

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 177 184 4404, 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. Draft Committee Minutes

Recommendation:

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

2.1.1. April 28, 2021 Official Community Plan Advisory Committee meeting 14 - 15

Please note these minutes were adopted by the Committee at their July 7, 2021 meeting.

2.1.2. May 18, 2021 Environmental Advisory Committee meeting 16 - 18

Please see item 9.1.7 [Environmental Advisory Committee Meeting Update] for consideration of EAC recommendations.

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|---------------|--|---------|
| 2.1.3. | June 14, 2021 First Nations Relations Committee meeting | 19 - 20 |
| | Their recommendations from this meeting will be presented in a report from staff at a future meeting of Council. | |
| 2.1.4. | June 15, 2021 Public Engagement Committee meeting | 21 - 22 |
| | There are no recommendations made to Council at this meeting. | |
| 2.1.5. | July 7, 2021 Official Community Plan Advisory Group meeting | 23 - 25 |
| | Please see item 12.4 [Official Community Plan - Growth Scenarios Survey Results] for recommendations that were presented to the Committee of the Whole on July 13, 2021 in the staff report attached to that item. | |

2.2. Correspondence

Recommendation:

That the following correspondence is received for information purposes only:

- | | | |
|---------------|--|---------|
| 2.2.1. | Emails received in relation to preserving the Municipal Forest Reserve | 26 - 59 |
| | 11 emails were received regarding logging, forestry management, wildfires and environmental biodiversity within the Municipal Forest Reserve. | |
| 2.2.2. | Emails received in relation to the proposed development and downzoning of 9090 Trans-Canada Highway | 60 - 71 |
| | 5 emails were received regarding the proposed development and potential downzoning of 9090 Trans-Canada Highway. | |
| 2.2.3. | Emails received in relation to OCP Survey Results and Growth Scenarios | 72 - 81 |
| | 5 emails were received, as part of North Cowichan's OCP project update, pertaining to the growth scenarios survey results, including comments related to the urban containment boundary and growth, affordable housing and/or the Bell McKinnon Local Area Plan. | |
| 2.2.4. | Letter regarding resolution "De-Centralizing Forest Management on Vancouver Island & Coastal BC" | 82 - 83 |
| | Letter from UBCM advising that North Cowichan's resolution "De-Centralizing Forest Management on Vancouver Island & Coastal BC" received endorsement at the 2021 AVICC Spring Convention and will be considered at the 2021 UBCM Convention. | |
| 2.2.5. | Email regarding Bell McKinnon Road name change | 84 - 84 |
| | Suggest that Council consider changing Bell McKinnon Road to something in Hul'q'umi'num. | |

2.2.6.	Letter regarding purchase of municipal right-of-way	85 - 88
	Request to purchase a municipal right-of-way adjacent to 6748 Drummond Drive.	
2.2.7.	Email regarding the Climate Action Plan Survey	89 - 89
	Resident concerned that the Climate Action Plan survey did not include a question related to the Forest Reserve Carbon Offset.	
2.2.8.	Letter regarding Kaspas Road Parking Lot	90 - 91
	Letter from Cowichan Trail Stewardship in response to June 16, 2021 consent agenda item 2.1.12 Kaspas residents request for support in conducting a community led consultation seeking solutions to recreational access to the municipal forest on Mt. Tzouhalem.	
2.2.9.	Email regarding renewable energy facility	92 - 92
	Request that Council consider leasing municipally owned property to JTL Cattle Co. Ltd. for a biodigester facility.	
2.2.10.	Letter regarding the Somenos Marsh Open Air Classroom (OAC)	93 - 94
	Letter from Somenos Marsh Wildlife Society requesting that North Cowichan and the Ministry of Transportation and Infrastructure work together to develop a plan and budget to resolve the OAC parking area access safety issue and to address the flooding issue.	
2.2.11.	Letter regarding the current RCMP Detachment property	95 - 96
	Letter from Somenos Marsh Wildlife Society requesting that Council expedite a decision regarding the disposition of the current RCMP Detachment property.	
2.2.12.	Email regarding speed tables approved for Indian Road	97 - 99
	Request that the speed tables that were approved for installation on Indian Road at the June 16, 2021 meeting, not be installed.	
2.2.13.	Letter regarding Council's endorsement of the Canadian Union of Postal Workers'	100 - 102
	Letter from MP Alistair MacGregor in support of Council's endorsement of the Canadian Union of Postal Workers' "Delivering Community Power initiative". (Includes letter to Minister Anand)	
2.2.14.	Notice of Honours and Awards	103 - 104
	The call for nominations is open for the Province's Medal of Good Citizenship.	
2.2.15.	Email regarding impacts of climate change	105 - 105
	Concerned by the lack of acknowledgement by federal leaders regarding the impacts of climate change on our ecosystems.	

2.2.16.	Letter from District of Saanich regarding UBCM Resolution	106 - 107
	Letter from District of Saanich to BC Municipal Elected Officials regarding UBCM Resolution on a replacement B.C. Climate Action Revenue Incentive Program.	
2.2.17.	Email regarding Cell Phone Tower Policy	108 - 109
	Comment regarding the intrusive nature of cell phone towers.	
2.2.18.	Letter from Island Health regarding Extreme Heat Planning/Climate Change and Health	110 - 111
	Letter from the Office of the Chief Medical Health Officer, Island Health, to provide resources on extreme heat interventions and longer term planning.	
2.2.19.	Email regarding Highwood Drive traffic volume and speeds	112 - 113
	Request that Council address the safety of vehicular and pedestrian traffic on Highwood Drive.	

3. APPROVAL OF 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 the agenda be adopted 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 16, 2021 regular meeting for adoption	114 - 123
4.2.	Minutes from the June 21, 2021 special meeting for adoption	124 - 125

Recommendation:
That Council adopt the minutes of their regular meeting held June 16, 2021 and their special meeting held June 21, 2021.

5. MAYOR'S REPORT

Mayor Siebring will be inviting a special guest, Terry Dillon, CEO of Rowing Canada, to say a few words regarding the 2021 Summer Olympics set to kick-off in Tokyo on July 23, 2021, following his regular update to Council.

6. DELEGATIONS AND PRESENTATIONS

6.1. Tom Walker Forest Legacy Bursary Scholarship

Purpose: Mayor Siebring to present the Tom Walker Forest Legacy Bursary Scholarship to the following recipients:

- Halle Oud from Cowichan Senior Secondary School
- Melanie Cheng from Chemainus Secondary School
- Ryan Hindle from Frances Kelsey School

6.2. Economic Development of Cowichan Valley Regional District (CVRD)

126 - 139

Purpose: Barry O'Riordan, Manager of the Economic Development division of CVRD will be providing an update on the following EDC initiatives:

- Business retention, attraction, expansion and recovery & resiliency
- Sector development
- Supporting communities

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 (9376 Cottonwood Road), 2021, No. 3815 for adoption

140 - 140

Purpose: To consider adoption of Zoning Amendment Bylaw - 9376 Cottonwood Road, No. 3815, which received third reading following the public hearing on February 17, 2021, approval from the Ministry of Transportation and Infrastructure on March 2, 2021, and now that the section 219 covenant has been register on title. If adopted, this bylaw will permit the construction and use of a detached second dwelling at 9376 Cottonwood Road.

Recommendation:

That Council adopt Zoning Amendment Bylaw (9376 Cottonwood Road), 2021, No. 3815.

8.2. Zoning Amendment Bylaw (2772 Herd Road), 2021, No. 3819 for adoption

141 - 141

Purpose: To consider adoption of Zoning Amendment Bylaw - 2772 Herd Road, No. 3819, which received third reading following the public hearing on April 21, 2021, Ministry of Transportation and Infrastructure approval on April 27, 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 (A2) zone.

Recommendation:

That Council adopt Zoning Amendment Bylaw (2772 Herd Road), 2021, No. 3819.

- 8.3. Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 (CD18 Kingsview Comprehensive Development Zone – Area 3) for first and second readings** 142 - 168

Purpose: To introduce Zoning Amendment Bylaw No. 3825, which proposes to amend Area 3 of the Kingsview Comprehensive Development Zone to include single unit and two-unit building types within the definition of a townhouse. Staff will provide a PowerPoint Presentation.

Recommendation:

That Council:

1. Give first and second readings to "Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 to include single unit and two unit building types as part of the CD-18/Area 3 townhouse use; and,
2. Schedule a Public Hearing for "Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 and notification be issued in accordance with the *Local Government Act*.

- 8.4. South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw No. 3840, 2021 for first three readings** 169 - 175

Purpose: To consider a request to include 7900 Mays Road within the South End Water Local Service Area and introduce South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw No. 3840, 2021.

Recommendation:

That Council give first, second and third readings to South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw No. 3840, 2021.

- 8.5. Forest Use, Bylaw Offence Notice Enforcement, and Municipal Ticket Information Systems Bylaw Amendments for first three readings** 176 - 191

Purpose: To introduce amendments to the Forest Use, Bylaw Offence Notice Enforcement, and Municipal Ticket Information Systems Bylaws, increasing penalties for offences related to the Municipal Forest Reserve.

Recommendation:

That Council give first, second and third readings to:

1. Forest Use Amendment Bylaw No. 3833, 2021;
2. Municipal Ticket Information System Amendment Bylaw No. 3834, 2021; and,
3. Bylaw Offence Notice Enforcement Amendment Bylaw No. 3835, 2021.

- 8.6. Fireworks Regulation Bylaw No. 3810, 2021 for first three readings** 192 - 230

Purpose: To introduce the Fireworks Regulation Bylaw No. 3810, 2021 (Attachment 1) for first three readings.

Recommendation:

That Council give first, second and third readings to Fireworks Regulation Bylaw No. 3810, 2021.

8.7. Telecommunications Antenna Structures Policy and Fees and Charges Bylaw Amendment for first three readings

231 - 243

Purpose: To consider the draft telecommunications structures policy and an amendment to Fees & Charges Bylaw No. 3784, adding the associated application fee.

Recommendation:

That Council:

1. Give first, second and third readings to Fees and Charges Amendment Bylaw (Telecommunications Statement of Concurrence Applications) No. 3839, 2021; and,
2. Adopt Telecommunications Antenna Structures Policy as presented in Attachment 2 to the Planning Manager's July 13, 2021 report [*if Council wishes to amend the policy, they should include a "subject to" clause and identify those changes as part of this motion*].

9. REPORTS

9.1. REPORTS FOR DECISION

9.1.1. Development Variance Permit Application No. DVP00066 for 6015 Mary Street

244 - 261

Purpose: To consider an application for a development variance permit to vary Section 58.2(8)(c) of Zoning Bylaw No. 2950 to reduce the required side yard setback from 2.0 metres to 1.0 metres to allow the conversion of an accessory building to an accessory dwelling unit (garden suite). Staff will provide a PowerPoint Presentation.

Recommendation:

That Council:

1. Authorize the issuance of Development Variance Permit DVP00066; and,
2. Vary Section 58.2(8)(c) of Zoning Bylaw 1997, No. 2950 by reducing the required side yard setback for an accessory dwelling unit from 2.0 metre to 1.0 metre for 6015 Mary Street.

9.1.2. Temporary Use Permit Renewal Application No. TUP00023 for 6512 Bell McKinnon Road

262 - 278

Purpose: To introduce a Temporary Use Permit (TUP) Renewal Application for 6512 Bell McKinnon Road to extend Temporary Use Permit TUP00013 for an additional three years to allow two shipping containers to be used for storage on the property. Staff will provide a PowerPoint Presentation.

Recommendation:

That Council:

1. Approve Temporary Use Permit Amendment Application TUP00023 (6512 Bell McKinnon Road) to extend the term of Temporary Use Permit 00013; and
2. Authorize the issuance of Temporary Use Permit 00023/21.01 to permit the temporary use of two shipping containers for storage at 6512 Bell McKinnon Road for a term of three years ending August 16, 2024.

9.1.3. Cowichan Aquatic Centre Roofing Capital Project – Tender Award

279 - 281

Purpose: To award the Cowichan Aquatic Centre Roofing Capital Project and consider options to address the budget shortfall.

Recommendation:

That Council:

1. Award the Cowichan Aquatic Centre Roofing contract to Alpha Roofing and Cladding Inc. for \$1,574,466 plus GST, and authorize the Mayor and Corporate Officer to execute the contract; and
2. Directs staff to amend the 2021 Financial Plan funding of the Cowichan Aquatic Centre Roofing Project by allocating:
 - a. \$850,712 from North Cowichan Appropriated Surplus;
 - b. \$632,051 from the Cowichan Aquatic Centre Reserve Fund; and
 - c. \$224,703 from the City of Duncan.

9.1.4. Ford Road and Drinkwater Road Improvements Contract for Pre-Approval

282 - 372

Purpose: To request that Council pre-approve the award of the Ford Road and Drinkwater Road Improvements Contract Ref. No. 2021-20 before the July 23, 2021 closing date.

Recommendation:

That Council authorize:

1. the award of the Ford Road and Drinkwater Road Improvements Tender, which closes on July 23, 2020, to the lowest qualified bidder provided that the total tendered price (not including GST) is within the available budget of \$861,000; and,
2. the Mayor and Corporate Officer execute the Construction Contract for the works as set out in the Ford Road and Drinkwater Road Improvements Tender.

- 9.1.5. 2022-2026 Budget Direction** 373 - 401
- Purpose: To obtain direction with respect to the 2022-2026 Financial Plan. Staff will provide a PowerPoint Presentation.
- Recommendation:
That Council direct staff to continue with a Recovery Budget for 2022-2026.
- 9.1.6. 2022 Budget Public Engagement Plan and Timeline** 402 - 407
- Purpose: To present the 2022 Draft Budget Public Engagement Plan and Timeline to Council for endorsement.
- Recommendation:
That Council endorse the 2022-2026 Budget Public Engagement Plan and Timeline attached to the July 21, 2021 report from the Director of Financial Services.
- 9.1.7. Environmental Advisory Committee Meeting Update** 408 - 411
- Purpose: To consider the recommendations submitted from the Environmental Advisory Committee from the May 18, 2021 committee meeting.
- Recommendation:
That Council direct staff to work with:
1. Diamond Head Consulting to complete a simple comparison of the Environmental Policy Review and the draft Climate Action and Energy Plan (CAEP) actions;
 2. Sustainability Solutions Group to include an Eco-Industrial Lands Policy as an action in the final CAEP Implementation Plan; and,
 3. Community Energy Association to pursue potential partnerships and apply for grant funding under the Game Changer pathway in order to implement the recommendations under the draft CAEP.
- 9.1.8. Clean BC Better Homes – 2021 Program Update** 412 - 417
- Purpose: To update Council on the Clean BC Better Homes and Home Renovation Rebate Program (the “Program”) and seek direction on continued Program funding.
- Recommendation:
That Council establish an annual allocation of \$40,000 in the Climate Action and Energy Plan Reserve Fund to be used as a top-up to the Clean BC Better Homes and Home Renovation Rebate Program beginning immediately in 2021 until the Program end date of March 31, 2024.

9.2. REPORTS FOR INFORMATION

10. NOTICES OF MOTIONS

10.1. Regular Pumping Out of Septic Tanks to Support the Health of Water Bodies

Purpose: So that Councillor Justice may introduce the following motion which he intends to move at the August 18, 2021 regular Council meeting:

"WHEREAS Council has prioritized the importance of environmental policies and practices to support the future health of North Cowichan;

AND WHEREAS the regular pumping out of septic tanks may be an effective method for preventing nutrients and bacteria from entering nearby water systems;

AND WHEREAS the cost of regular pumping out of septic tanks and effluent disposal may be cost prohibitive for some residents;

THEREFORE BE IT RESOLVED THAT Council direct staff to prepare an analysis of options to reduce the environmental impacts on water pollution caused by private septic tanks or ineffective septic fields."

11. UNFINISHED AND POSTPONED BUSINESS

12. NEW BUSINESS

12.1. Forestry Awareness Initiative

418 - 418

Purpose: So that Councillor Manhas may move the motion he gave notice on at the June 16, 2021 Regular Council meeting.

Recommendation:

That Council direct the Mayor and Staff to:

1. Invite Resource Works executive director Stewart Muir to provide Council with a virtual or in person presentation on the organization's recent report, "Forestry in BC: Setting the record straight" as a method of building awareness about the present status of forest practices and forest management in British Columbia.
2. Invite Resource Works to provide input to any North Cowichan review and public engagement activities that concern forestry.

12.2. Cowichan Watershed Board advice and recommendations regarding Official Community Plan Update Project

419 - 430

Purpose: To consider the reply received from the Cowichan Watershed Board in response to Council's March 3, 2021 request for their advice and recommendation on what is necessary to achieve Council's goals of restoration and regeneration of North Cowichan's lakes, streams, rivers and estuaries and protecting biodiversity, in relation to the land use policy development within the revised Official Community Plan.

12.3. Letter of support by the BC Forest Discovery Centre

431 - 431

Purpose: To consider the request for a letter of support from the BC Forest Discovery Centre.

12.4. Official Community Plan - Growth Scenarios Survey Results 432 - 465

Purpose: To consider the July 13, 2021 Committee of the Whole meeting recommendation regarding the Official Community Plan (OCP) growth scenarios survey results.

Recommendation:

That Council accepts the recommendations of the MODUS June 28, 2021 "What We Heard" report as a basis for drafting a growth management strategy and land use plan for the new Official Community Plan.

12.5. OCP Update Project - Community Profiles 466 - 533

Purpose: To consider the July 13, 2021 Committee of the Whole meeting recommendation (as deferred from the June 21, 2021 Committee of the Whole meeting) regarding the OCP Community Profiles.

Recommendation:

That Council accepts the Draft Community Profiles as presented in Attachment 1 to the Community Planning Coordinator's June 21, 2021 report entitled "OCP Update Project - Community Character Profiles" as background information for consideration during the drafting of the OCP, subject to the following amendments:

- To begin each community character profile with a description of project limitations and how they will and will not be used.
- Maple Bay Community Character Profile (page 187). Reword 'The healthy marine environment located in the Bay is teeming with life and can be easily appreciated on shore or water.' to acknowledge potential threats to water quality.
- Quamichan Community Character Profile (page 191). Change the photograph labeled 'Future Neighbourhood Node – Kingsview', to 'Future Commercial Centre'.
- Change the colour palate of the Rural Community Character Profile.
- Bell McKinnon Community Character Profile – for consistency, remove the 'Thinking Forward' page (page 5).
- Sentence referring to recent cycling and infrastructure improvements – should reference what is in the plan.

12.6. *Somenos Marsh Wildlife Society advice and recommendations regarding Official Community Plan Update Project* 534 - 550

Purpose: To consider the reply received from the Somenos Marsh Wildlife Society in response to Council's March 3, 2021 request for their advice and recommendation on what is necessary to achieve Council's goals of restoration and regeneration of North Cowichan's lakes, streams, rivers and estuaries and protecting biodiversity, in relation to the land use policy development within the revised Official Community Plan.

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. 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, July 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 Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824

551 - 631

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 3824, which proposes a site-specific zoning amendment to permit the use and construction of an apartment building on a vacant lot located on the corner of Skinner Road and Cowichan Lake 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.)

16. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS

16.1. Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824

632 - 632

Purpose: To consider third reading of Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824, following the close of the public hearing.

Recommendation:

That Council give third reading to Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824.

17. CLOSED SESSION

Recommendation:

That Council close the meeting at ____ p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- 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)(g) litigation or potential litigation affecting the municipality; and
- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

17.1. Closed minutes from the June 16, 2021 meeting for adoption

17.2. Closed under section 90(g) potential litigation and (i) legal advice - Breach of Lease

17.3. Closed under section 90(1)(e) land and (i) legal advice - Land Transfer

17.4. Closed under section 90(1)(b) personal information - BC Honours & Awards Nominations

18. RISE AND REPORT

19. ADJOURNMENT

Recommendation:

That Council adjourn the meeting at ____ p.m.