

Municipality of North Cowichan

Regular Council

MINUTES

June 16, 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)
 Talitha Soldera, Director, Financial Services
 Michelle Martineau, Corporate Officer
 Jason Birch, Chief Information Officer
 Shawn Cator, Director, Operations
 David Conway, Director, Engineering Projects
 Rob Conway, Director, Planning and Building
 Martin Drakeley, Manager, Fire and Bylaw Services
 George Farkas, Director, Human Resources and Corporate Planning
 Tammy Isaachsen, Acting Manager, Communications and Public Engagement
 Clay Reitsma, Director, Engineering
 Tricia Mayea, Deputy Corporate Officer
 Shaun Mason, Municipal Forester
 Chris Osborne, Manager, Planning
 Dave Preikshot, Senior Environmental Specialist
 Shaun Chadburn, Environmental Programs Coordinator
 Caroline von Schilling, Development Planner

1. **CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:30 p.m.

2. **APPROVAL OF CONSENT AGENDA**

The following items were pulled from the Consent Agenda and added to New Business:

- 2.1.3 Email regarding invasive wall lizards
- 2.1.4 Email regarding increased traffic on the Maple Bay Corridor
- 2.1.5 Request for annual grant to become a line item in North Cowichan's budget
- 2.1.10 Letter regarding OCP growth scenarios
- 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

- 2.1.13 Email requesting a new zero carbon school

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

CARRIED

2.1 Correspondence

That the following correspondence is received for information purposes only:

2.1.1 Emails received in relation to preserving the Municipal Forest Reserve

2.1.2 Email regarding the Rogers Communications cell towers decision

2.1.6 Letter regarding as Tax Agreement Community Works Fund payment

2.1.7 Letter providing information about motor vehicle accident disputes

2.1.8 Email regarding "no growth" position and the Bell McKinnon local area plan

2.1.9 Email requesting support of a public demonstration kelp farm

2.1.11 Email regarding marijuana smoke pollution

2.1.14 Downzoning of 9090 Trans-Canada Highway

ADOPTED ON CONSENT

3. APPROVAL OF REGULAR AGENDA

The following items were added as late items to the agenda:

- (1) An item closed under Section 90(1)(e) land and 90(1)(m) matter under another enactment [Section 16 of the *Freedom of Information and Protection of Privacy Act*] of the *Community Charter*, under section 15.
- (2) A Notice of Motion from Councillor Manhas regarding Forestry Awareness Initiative, under section 11.

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

4. ADOPTION OF MINUTES

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

IT WAS MOVED AND SECONDED:

That Item 12.1 Management of the Municipal Forest, from the June 2, 2021 minutes be amended by striking out the first two whereas clauses.

CARRIED

IT WAS MOVED AND SECONDED:

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

CARRIED

5. MAYOR'S REPORT

Mayor Siebring acknowledged that June 21 is 'National Indigenous Peoples Day' – a day for all Canadians to recognize and celebrate the unique heritage, diverse cultures and outstanding contributions of First Nations, Inuit and Métis peoples.

6. PUBLIC MEETINGS

6.1 2020 Statement of Financial Information

The public was invited to share comments or ask questions in relation to the information included in the report. Council received questions from 1 member of the public.

IT WAS MOVED AND SECONDED:

That Council approve the 2020 Statement of Financial Information. CARRIED

6.2 2020 Annual Report

The Corporate Officer confirmed that the notice requirements under the *Community Charter* have been met.

Council requested the following changes to be made to the Annual Report:

- Page 28 – change the OCP survey response rate from 1,000 to 1,200 people
- Page 31 – change reference to RCMP AAP from \$40 million to \$48 million
- Page 64 – change reserve fund balances table header to say 2019 – 2020
- Page 43 – fix typo in last paragraph - auditors should be 'auditors'
- Add a paragraph regarding the Engagement Framework project.

IT WAS MOVED AND SECONDED:

That Council accept the 2020 Annual Report, as amended during discussion. CARRIED

7. DELEGATIONS AND PRESENTATIONS

7.1 Somenos Marsh Wildlife Society

Paul Fletcher, President, Somenos Marsh Wildlife Society provided a presentation of their findings on the previous Parrots Feather management in Somenos Creek and their GreenStreams strategy to help increase salmon productivity in the Somenos Watershed, and answered questions of Council.

8. PUBLIC INPUT

Council received input from one members of the public regarding consent agenda item 2.1.12.

9. BYLAWS

None.

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

IT WAS MOVED AND SECONDED:

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. CARRIED

Council, by unanimous consent, recessed the meeting at 3:25 p.m. and reconvened at 3:35 p.m.

10.1.2 Affordable Housing Policy

IT WAS MOVED AND SECONDED:

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. CARRIED

10.1.3 Telecommunications Antennae Structures Policy

The main motion was tabled, through unanimous consent, so that the meeting could continue past 4:30 p.m. Following the adoption of the motion to extend the meeting, Council, through unanimous consent, lifted the main motion from the table to continue their debate and vote on the matter.

IT WAS MOVED AND SECONDED:

That the meeting be extended to 9:00 p.m.

CARRIED

IT WAS MOVED AND SECONDED:

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. CARRIED

10.1.4 Traffic calming and safety measures along Indian Road

IT WAS MOVED AND SECONDED:

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. CARRIED

10.1.5 Somenos Marsh Wildlife Society Request for Funding

IT WAS MOVED AND SECONDED:

That Council approve the request from the Somenos Marsh Wildlife Society for up to a \$3,000 donation towards the repair of the viewing tower. CARRIED

Council, by unanimous consent, recessed the meeting at 4:55 p.m. and reconvened at 5:30 p.m.

10.1.6 Recommendations from the Environmental Advisory Committee

No discussion.

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

IT WAS MOVED AND SECONDED:

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; and that the wording within the infill development item, 'existing communities' be replaced with 'existing centers'.

- (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.

(Opposed: Manhas and Siebring)

CARRIED

Due to the technical difficulties that Councillor Sawrie was experiencing, Council, by unanimous consent, recessed the meeting at 6:16 p.m.

When the meeting was reconvened at 6:25 p.m., Mayor Siebring used his authority under Section 131 of the *Community Charter* to require that Council reconsider the above decision to enable Councillor Sawrie to participate in the debate and vote.

IT WAS MOVED AND SECONDED:

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; and that the wording 'existing communities' be replaced with 'existing centers', within the infill development item;
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.

(Opposed: Manhas and Siebring)

CARRIED

10.1.8 Climate Action and Energy Plan: Survey 2 Summary

IT WAS MOVED AND SECONDED:

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.

CARRIED

10.2 REPORTS FOR INFORMATION

10.2.1 2020 Annual Forestry Report

IT WAS MOVED AND SECONDED:

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

CARRIED

11. NOTICES OF MOTIONS

11.1 Forestry Awareness Initiative

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

"Whereas North Cowichan residents depend heavily on a sustainable long-term forest products industry. In 2019, Duncan had the sixth largest forestry supply chain spend of any municipality in British Columbia. North Cowichan's high incidence of forestry employment is a major driver of local prosperity since forestry jobs pay the second highest wages of any industry in British Columbia. Residents of North Cowichan know it's not just about the economy: forest ecosystems are also required for healthy living and overall environmental well-being.

Whereas the Resource Works Society is an independent, not for profit research group based in Vancouver that has been following British Columbia forestry issues closely. They continue to provide a necessary, balanced source of authenticated information at a time when a variety of ideas about forest policy compete for attention.

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. UNFINISHED AND POSTPONED BUSINESS

12.1 UBCM Minister Meetings - for discussion

IT WAS MOVED AND SECONDED:

That staff be directed to arrange a minister meeting at UBCM with Sheila Malcolmson, Minister of Mental Health and Addictions, and Adrian Dix, Minister of Health, to advocate for detox beds.

CARRIED

13. NEW BUSINESS

13.1 Inviting Dr. Suzanne Simard to Speak at North Cowichan

IT WAS MOVED AND SECONDED:

That the following motion:

"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,*
- *Forestry Review project consultants,*
- *Environmental Advisory Committee, and*
- *Resource Works"*

be amended to add the following words to the end of bullet number 1: *"and that staff be directed to report back to Council on the costs and the format."* CARRIED

IT WAS MOVED AND SECONDED:

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, and that staff be directed to report back to Council on the costs and the format.
- (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,
- Forestry Review project consultants,
- Environmental Advisory Committee, and
- Resource Works

CARRIED

13.2 Consent Agenda Item 2.1.3 [Email regarding invasive wall lizards]

This item was discussed.

13.3 Consent Agenda Item 2.1.4 [Email regarding increased traffic on the Maple Bay Corridor]

This item was discussed.

13.4 Consent Agenda Item 2.1.5 [Request for annual grant to become a line item in North Cowichan's budget]

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write a letter to Cowichan Neighbourhood House Association apprising them of their current funding status.

CARRIED

13.5 Consent Agenda Item 2.1.10 [Letter regarding OCP growth scenarios]

IT WAS MOVED AND SECONDED:

That consent agenda item 2.1.10 [Letter regarding OCP growth scenarios from Quamichan Lake Neighbourhood Association] be referred to Planning staff and Modus to ensure it forms part of the OCP process. CARRIED

IT WAS MOVED AND SECONDED:

That the Quamichan Lake Neighbourhood Association be invited to appear as a delegation at the next meeting of Council to present their maps and interpretation. (Opposed: Sawrie, Manhas, Siebring, Toporowski)
DEFEATED

13.6 Consent Agenda Item 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]

This item was discussed.

13.7 Consent Agenda Item 2.1.13 [Email requesting a new zero carbon school]

IT WAS MOVED AND SECONDED:

That on behalf of Council, the Mayor be authorized to write the appropriate provincial government ministers describing our Climate Action and Energy Plan, pointing out our emissions reductions target, and requesting that further efforts be made to make the new high school a zero emissions building - or as close to zero carbon emitting - as possible. (Opposed: Siebring)
CARRIED

14. QUESTION PERIOD

Council received questions from one member of the public.

15. CLOSED SESSION

IT WAS MOVED AND SECONDED:

That Council close the June 16, 2021 Regular Council meeting at 8:22 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;
- 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; and

- *90(1)(m) a matter that, under another enactment [Section 16 of the Freedom of Information and Protection of Privacy Act], is such that the public may be excluded from the meeting.*

CARRIED

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

**15.5 Closed under section 90(1)(e) Land, and (m) matter under another enactment
[Section 16 of the FOIPPA – *aboriginal government relations*]**

16. RISE AND REPORT

Council rose without report.

17. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

Certified by Corporate Officer

Signed by Mayor