

Municipality of North Cowichan Council - Regular and Public Hearings MINUTES

**July 21, 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 Rob Conway, Director, Planning and Building George Farkas, General Manager, Office of the Mayor and CAO Barb Floden, Manager, Communications and Public Engagement Clay Reitsma, Director, Engineering Don Stewart, Director, Parks and Recreation Jason Blood, Manager, Recreation John Dehoop, Manager, Infrastructure Michele Gill, Manager, Development and Engineering Marla Laycock, Human Resources Advisor Tricia Mayea, Deputy Corporate Officer Shaun Mason, Municipal Forester Chris Osborne, Manager, Planning Dave Preikshot, Senior Environmental Specialist Shaun Chadburn, Environmental Programs Coordinator Anthony Price, Planning Technician Caroline von Schilling, Development Planner

1. CALL TO ORDER

There being a quorum present, Mayor Siebring called the meeting to order at 1:31 p.m.

2. APPROVAL OF CONSENT AGENDA

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

- 2.2.1 Emails received in relation to preserving the Municipal Forest Reserve
- 2.2.4 Letter regarding resolution "De-Centralizing Forest Management on Vancouver Island & Coastal BC"

- 2.2.9 Email regarding renewable energy facility
- 2.2.11 Letter regarding the current RCMP Detachment property
- 2.2.12 Email regarding speed tables approved for Indian Road
- 2.2.19 Email regarding Highwood Drive traffic volume and speeds

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

CARRIED

2.1 Minutes

That the following minutes be received for information purposes only:

- 2.1.1 April 28, 2021 Official Community Plan Advisory Committee meeting
- 2.1.2 May 18, 2021 Environmental Advisory Committee meeting
- 2.1.3 June 14, 2021 First Nations Relations Committee meeting
- 2.1.4 June 15, 2021 Public Engagement Committee meeting
- 2.1.5 July 7, 2021 Official Community Plan Advisory Group meeting

ADOPTED ON CONSENT

2.2 Correspondence

That the following correspondence is received for information purposes only:

- 2.2.2 Emails received in relation to the proposed development and downzoning of 9090 Trans-Canada Highway
- 2.2.3 Emails received in relation to OCP Survey Results and Growth Scenarios
- 2.2.5 Email regarding Bell McKinnon Road name change
- 2.2.6 Letter regarding purchase of municipal right-of-way
- 2.2.7 Email regarding the Climate Action Plan Survey
- 2.2.8 Letter regarding Kaspas Road Parking Lot
- 2.2.10 Letter regarding the Somenos Marsh Open Air Classroom (OAC)
- 2.2.13 Letter regarding Council's endorsement of the Canadian Union of Postal Workers'
- 2.2.14 Notice of Honours and Awards
- 2.2.15 Email regarding impacts of climate change
- 2.2.16 Letter from District of Saanich regarding UBCM Resolution
- 2.2.17 Email regarding Cell Phone Tower Policy
- 2.2.18 Letter from Island Health regarding Extreme Heat Planning/Climate Change and Health

ADOPTED ON CONSENT

3. APPROVAL OF AGENDA

The following item was added as a late item to the agenda:

- (1) An item closed under Section 90 (1)(e)

IT WAS MOVED AND SECONDED:

That the agenda be adopted, as amended.

CARRIED

4. ADOPTION OF MINUTES

4.1 Minutes from the June 16, 2021 regular meeting for adoption

4.2 Minutes from the June 21, 2021 special meeting for adoption

IT WAS MOVED AND SECONDED:

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

5. MAYOR'S REPORT

Mayor Siebring introduced special guest, Terry Dillon, CEO of Rowing Canada, who provided Council with an update on Rowing Canada's 2021 Olympic team who will be participating at the Olympic Games being held in Tokyo starting July 23, 2021.

6. DELEGATIONS AND PRESENTATIONS

6.1 Tom Walker Forest Legacy Bursary Scholarship

Mayor Siebring presented the Tom Walker Forest Legacy Scholarship for \$1,000 to Halle Oud from Cowichan Senior Secondary School, and the two \$500 Bursaries to Melanie Cheng from Chemainus Secondary School, and Ryan Hindle from Frances Kelsey School.

6.2 Economic Development of Cowichan Valley Regional District (CVRD)

Barry O'Riordan, Manager of the Economic Development division (EDC) of the CVRD provided an update on EDC initiatives including: business retention, attraction, expansion and recovery & resiliency; sector development; and supporting communities, and answered questions from Council. A copy of the presentation is included in the agenda.

7. PUBLIC INPUT

Council received public input from four members of the public regarding agenda items 2.2.12, 8.3, 8.4, and 9.1.2.

8. BYLAWS

8.1 Zoning Amendment Bylaw (9376 Cottonwood Road), 2021, No. 3815 for adoption

IT WAS MOVED AND SECONDED:

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

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

IT WAS MOVED AND SECONDED:

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

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

IT WAS MOVED AND SECONDED:

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*. (Opposed: Douglas, Justice, Marsh)
CARRIED

Council, by unanimous consent, recessed the meeting at 3:53 p.m. and reconvened at 4:02 p.m.

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

IT WAS MOVED AND SECONDED:

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

8.5 Forest Use, Bylaw Offence Notice Enforcement, and Municipal Ticket Information Systems Bylaw Amendments for first three readings

IT WAS MOVED AND SECONDED:

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. CARRIED

8.6 Fireworks Regulation Bylaw No. 3810, 2021 for first three readings

IT WAS MOVED AND SECONDED:

That Council give first and second readings to Fireworks Regulation Bylaw No. 3810, 2021. (Opposed: Marsh)
CARRIED

IT WAS MOVED AND SECONDED:

That Council amend section 13 of Fireworks Regulation Bylaw No. 3810, 2021 to replace "at least seven (7) days" with "at least three (3) business days" (Opposed: Marsh)
CARRIED

IT WAS MOVED AND SECONDED:

That Council give third reading to Fireworks Regulation Bylaw No. 3810, 2021, as amended. (Opposed: Marsh)
CARRIED

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

Council, by unanimous consent, tabled the main motion to give Bylaw No. 3839 first three readings and the adoption of Telecommunications Antenna Structures Policy in order to extend the meeting.

IT WAS MOVED AND SECONDED:

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

Council, by unanimous consent, lifted the main motion from the table.

IT WAS MOVED AND SECONDED:

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. CARRIED

9. REPORTS

9.1 REPORTS FOR DECISION

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

IT WAS MOVED AND SECONDED:

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. CARRIED

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

IT WAS MOVED AND SECONDED:

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. CARRIED

9.1.3 Cowichan Aquatic Centre Roofing Capital Project – Tender Award

IT WAS MOVED AND SECONDED:

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. CARRIED

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

IT WAS MOVED AND SECONDED:

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.

CARRIED

9.1.5 2022-2026 Budget Direction

Council by unanimous consent, tabled the main motion to direct staff to continue with a Recovery Budget for 2022-2026 in order to recess for a dinner break and then to convene the public hearing at 6:00 p.m.

14. ADJOURN COUNCIL MEETING TO RECONVENE AT 6:00 P.M.

Council, by unanimous consent, recessed the meeting at 5:32 p.m. and reconvened at 6:00 p.m.

15. PUBLIC HEARINGS 6:00 P.M.

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

Mayor Siebring outlined the public hearing process and called the public hearing to order at 6:00 p.m. for Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824.

The Corporate Officer noted that two submissions have been received in relation to the Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824. One submission was opposed to the zoning amendment and asked that the land be retained as park, and the other submission noted that they were not opposed to the zoning amendment, but had concerns with increased traffic that it may cause in the area.

Council then received a presentation from Rob Conway, Director, Planning and Building who introduced the proposed amendment and answered questions of Council.

Council then heard briefly from the applicant, Steve McPhee.

The Corporate Officer noted that no late submissions have been received in relation to the Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824 and that the only other correspondence received as part of the public hearing information package were from the proposal from the applicant and acknowledgement letter from staff.

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 Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824 at 6:31 p.m.

16. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS

The Council meeting resumed at 6:31 p.m.

Council, by unanimous consent, suspended the rules to consider item 16.1 before returning to where they left off before the dinner break.

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

IT WAS MOVED AND SECONDED:

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

Council returned to the Reports for Decision portion of the agenda to continue on where they had left off before the dinner break.

9.1.5 2022-2026 Budget Direction [continuation]

The main motion to direct staff to continue with a Recovery Budget for 2022-2026 was lifted from the table, by unanimous consent.

IT WAS MOVED AND SECONDED:

That Council direct staff to continue with a Recovery Budget for 2022-2026.

(Opposed: Douglas)
CARRIED

IT WAS MOVED AND SECONDED:

That staff be directed to report to Council earlier in the tax process with tax distribution options. CARRIED

9.1.6 2022 Budget Public Engagement Plan and Timeline

Councillor Marsh left the meeting at 7:06 p.m. and returned at 7:09 p.m.

IT WAS MOVED AND SECONDED:

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. CARRIED

9.1.7 Environmental Advisory Committee Meeting Update

IT WAS MOVED AND SECONDED:

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 grants in order to implement the recommendations under the draft CAEP. CARRIED

9.1.8 Clean BC Better Homes – 2021 Program Update

IT WAS MOVED AND SECONDED:

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.

IT WAS MOVED AND SECONDED:

That the following motion be referred back to staff for further financial analysis and policy review:

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.

(Opposed: Marsh)

CARRIED

Councillor Marsh left the meeting at 7:36 p.m. and returned at 7:52 p.m.

Council, by unanimous consent, recessed the meeting at 7:36 p.m. and reconvened at 7:46 p.m.

9.2 REPORTS FOR INFORMATION

None.

10. NOTICES OF MOTIONS

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

Councillor Justice provided notice of the following motion which will be considered under New Business 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

None.

12. NEW BUSINESS

12.1 Forestry Awareness Initiative

IT WAS MOVED AND SECONDED:

That Council postpone consideration of the following motion until the second meeting in September:

That Council direct the Mayor and Staff to 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. (Opposed: Sawrie, Manhas, Douglas, Siebring)

DEFEATED

IT WAS MOVED AND SECONDED:

That Council direct the Mayor and Staff to 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. (Opposed: Justice, Marsh)

CARRIED

IT WAS MOVED AND SECONDED:

That Council direct the Mayor and Staff to invite Resource Works to provide input to any North Cowichan review and public engagement activities that concern forestry. (Opposed: Marsh, Justice, Douglas, Toporowski)

DEFEATED

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

IT WAS MOVED AND SECONDED:

That the letter from the Cowichan Watershed Board be forwarded to MODUS, the Environmental Advisory Committee and the OCP advisory working group. CARRIED

12.3 Letter of support by the BC Forest Discovery Centre

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write a letter in support of the BC Forest Discovery Centre's grant application to the BC Museums Association to improve accessibility for people with mobility issues. CARRIED

12.4 Official Community Plan - Growth Scenarios Survey Results

IT WAS MOVED AND SECONDED:

That the following motion:

"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."

be amended to include the following wording at the end of the motion:

"omitting the part of the plan that references adding 'A Health and Wellness Precinct in Bell McKinnon to allow compact mixed-use development directly adjacent to the hospital site which will protect the natural and rural lands including the Somenos Watershed', and that staff be directed to schedule a workshop for Council on the implications of options 2Plus on the Bell McKinnon Corridor."

(Opposed: Douglas, Justice, Marsh)

CARRIED

Council, by unanimous consent, tabled the motion regarding the MODUS recommendations to extend the meeting.

IT WAS MOVED AND SECONDED:

That the meeting be extended to 12:00 a.m.

CARRIED

Council, by unanimous consent, lifted the motion regarding the MODUS recommendations from the table.

IT WAS MOVED AND SECONDED:

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, omitting the part of the plan that references adding 'A Health and Wellness Precinct in Bell McKinnon to allow compact mixed-use development directly adjacent to the hospital site which will protect the natural and rural lands including the Somenos Watershed', and that staff be directed to schedule a workshop for Council on the implications of options 2Plus on the Bell McKinnon Corridor.

(Opposed: Douglas, Justice, Marsh)

CARRIED

12.5 OCP Update Project - Community Profiles

IT WAS MOVED AND SECONDED:

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.

CARRIED

12.6 Somenos Marsh Wildlife Society advice and recommendations regarding Official Community Plan Update Project

IT WAS MOVED AND SECONDED:

That the letter from the Somenos Marsh Wildlife Society be forwarded to MODUS, the Environmental Advisory Committee and the OCP advisory working group.

CARRIED

12.7 Consent Agenda Item 2.2.1 [Emails received in relation to preserving the Municipal Forest Reserve]

This item was discussed.

12.8 Consent Agenda Item 2.2.4 [Letter regarding resolution "De-Centralizing Forest Management on Vancouver Island & Coastal BC"]

IT WAS MOVED AND SECONDED:

That the Mayor be directed to write the Minister of Forests, Lands, Natural Resource Operations and Rural Development highlighting that AVICC endorsed the resolution to "De-Centralizing Forestry Management on Vancouver Island & Coastal BC" and request a meeting to discuss the resolution. CARRIED

12.9 Consent Agenda Item 2.2.9 [Email regarding renewable energy facility]

This item was discussed.

12.10 Consent Agenda Item 2.2.11 [Letter regarding the current RCMP Detachment property]

This item was discussed.

12.11 Consent Agenda Item 2.2.12 [Email regarding speed tables approved for Indian Road]

This item was not discussed.

12.12 Consent Agenda Item 2.2.19 [Email regarding Highwood Drive traffic volume and speeds]

This item was not discussed.

13. QUESTION PERIOD

Council received no questions from the public regarding agenda items.

17. CLOSED SESSION

IT WAS MOVED AND SECONDED:

That Council close the meeting at 10:04 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. CARRIED

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

17.5 Closed under section 90(1)(e) land – Potential Lease

18. RISE AND REPORT

None.

19. ADJOURNMENT

IT WAS MOVED AND SECONDED:

That Council adjourn the meeting at 11:07 p.m.

CARRIED

Certified by Corporate Officer

Signed by Mayor