

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

Wednesday, October 20, 2021, 1:30 p.m.  
Electronically

## 1. CALL TO ORDER

This meeting will be conducted by video conference using the cisco Webex platform. This meeting, though electronic, is open to the public and will be streamed live and archived for viewing on demand at [www.northcowichan.ca](http://www.northcowichan.ca).

Anyone wishing to participate in the meeting, during the 'Public Input' and 'Question Period' portions of the agenda, may do so electronically by joining the meeting using:

- a computer, smartphone, or Please visit [northcowichan.ca/virtualmeeting](http://northcowichan.ca/virtualmeeting) for instructions on how you can connect to this meeting.
- a telephone, dial 1.844.426.4405, enter the meeting ID 2454 242 6576, 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 Council approve the Consent Agenda.

### 2.1. Items for decision

All recommendations provided under each of the items listed below will be adopted once the Consent Agenda is approved, unless removed and placed under New Business.

#### 2.1.1. Council Meeting Minutes for Adoption

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

Recommendation:  
THAT Council adopt the minutes of their regular meeting held September 21, 2021 and their special meetings held September 20, 2021, September 21, 2021, September 29, 2021 and October 7, 2021.

### **2.1.2. OCP Advisory Group Recommendations for Council Endorsement**

Purpose: To consider recommendations made by the Official Community Plan (OCP) Advisory Group at their October 6, 2021 and October 13, 2021 meetings.

Recommendations:

THAT Council:

1. re-designate any industrial designations in an estuary to a designation that better protects those resources;
2. remove all reference to character guidelines from Chapter 3 – Thoughtful Growth Management; and
3. include a new section; 7.2.2 h “Review options to provide engagement with the agricultural community on decisions and policy development regarding agricultural issues.

### **2.2. Items for information**

All items listed below will be received for information purposes only once the Consent Agenda is approved, unless removed and placed under New Business where Council may consider taking action.

#### **2.2.1. Cowichan Tribes regarding North Cowichan's OCP Update**

Purpose: To receive the September 7, 2021 letter from Cowichan Tribes providing their input regarding North Cowichan's Official Community Plan (OCP) update process and request that Council incorporate the “Recognition of Cowichan Tribes’ Statement of Inherent Rights” in the OCP.

Recommendation:

THAT Council receive for information the September 7, 2021 letter from Cowichan Tribes.

#### **2.2.2. Tree Bylaw Request**

Purpose: To receive the September 20, 2021 email from a Chemainus resident requesting Council develop a tree bylaw.

Recommendation:

THAT Council receive for information the September 20, 2021 email.

#### **2.2.3. Township of Langley regarding Financial Assistance for COVID related Budget Shortfalls**

Purpose: To receive the October 7, 2021 letter from Township of Langley to Premier John Horgan requesting the provincial government provide financial assistance to local governments to keep recreation facilities open as the COVID-19 pandemic continues.

Recommendation:

THAT Council receive for information the October 7, 2021 letter from the Township of Langley.

**2.2.4. Town of Ladysmith seeking input on their OCP Review**

Purpose: To receive the September 24, 2021 letter from the Town of Ladysmith advising they are undertaking a review of their Official Community Plan and will be seeking feedback from the District of North Cowichan

Recommendation:

THAT Council receive for information the September 24, 2021 letter from the Town of Ladysmith.

**2.2.5. The Royal Heraldry Society of Canada regarding the discontinued use of the Municipal Coat of Arms**

Purpose: To receive the September 30, 2021 letter from the British Columbia / Yukon Branch of the Royal Heraldry Society of Canada requesting Council contact them for guidance in changing or developing a new Arms for North Cowichan.

Recommendation:

THAT Council receive for information the September 30, 2021 letter from the British Columbia / Yukon Branch of the Royal Heraldry Society of Canada.

**2.2.6. Announcement of the 2021 Premier's Awards for Excellence in Education**

Purpose: To receive the September 27, 2021 letter from the Ministry of Education announcing the launch of the 2021 Premier's Awards for Excellence in Education.

Recommendation:

THAT Council receive for information the September 27, 2021 letter from the Ministry of Education.

**2.2.7. Ambulance Paramedics of BC requesting a Meeting**

Purpose: To receive the September 22, 2021 letter from the Ambulance Paramedics of BC inviting Council to meet with them to discuss initiatives and solutions available to your community and address paramedic, dispatch, and ambulance resources.

*(Note: Troy Fleming, Ambulance Paramedics of BC, is scheduled to attend the December 1, 2021 regular council meeting as an invited delegation.)*

Recommendation:

THAT Council receive for information the September 22, 2021 letter from the Ambulance Paramedics of BC.

**2.2.8. Island Health regarding Regular Pumping Out of Septic Tanks to Support Health of Water Bodies**

Purpose: To receive the September 22, 2021 letter from Island Health in response to the Mayor's letter regarding impacts to water bodies from sewerage systems that may not be functioning as intended.

Recommendation:

THAT Council receive for information the September 22, 2021 letter from Island Health.

**2.2.9. City of Kamloops thanking North Cowichan Fire Department for wildfire assistance**

Purpose: To receive the September 16, 2021 letter from City of Kamloops thanking North Cowichan's Fire Department for their support fighting wildfires.

Recommendation:

THAT Council receive for information the September 16, 2021 letter from City of Kamloops.

**2.2.10. Committee of the Whole Meeting Draft Minutes**

Purpose: To receive the minutes from the October 12, 2021 and October 14, 2021 Committee of the Whole (CoW) meetings for information purposes only.

*(Note: the CoW has been delegated the authority to provide direction to staff under the Delegation of Authority Bylaw.)*

Recommendation:

THAT Council receive for information the October 12, 2021 and October 14, 2021 Committee of the Whole meeting minutes.

**2.2.11. Environmental Advisory Committee Meeting Draft Minutes**

Purpose: To receive the minutes from the September 23, 2021 Environmental Advisory Committee meeting for information purposes only.

Recommendation:

THAT Council receive for information the September 23, 2021 Environmental Advisory Committee meeting minutes.

**2.2.12. City of Langley regarding Appointment of Directors to Regional District Board**

Purpose: To receive the September 15, 2021 letter from the City of Langley to the Honourable Josie Osborne requesting that the Ministry of Municipal Affairs seek feedback from local governments regarding the appointment of municipal directors to Regional District Boards.

Recommendation:

THAT Council receive for information the September 15, 2021 letter from the City of Langley.

**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. MAYOR'S REPORT**

**5. DELEGATIONS AND PRESENTATIONS**

## 6. 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

## 7. BYLAWS

### 7.1. Permissive Tax Exemption Amendment Bylaw No. 3851, 2021 for adoption

Purpose: To consider adoption of Permissive Tax Exemption Amendment Bylaw No. 3841, 2021, which received first three readings at the October 7, 2021 Special Council meeting. If adopted, Bylaw 3851 will exempt from taxation five properties located on Calais Road, Wicks Road, Gibbins Road and James Street.

Recommendation:

THAT Council adopt Permissive Tax Exemption Amendment Bylaw No. 3841, 2021.

### 7.2. Development Variance Permit Application No. DVP00067 and Zoning Amendment Bylaw No. 3858 (8921 Chemainus Road) for first and second readings

Purpose: To consider a development variance permit application to increase the maximum permitted height of an accessory building to allow the construction of a high-bay garage, and introduce an amendment to the Zoning Bylaw to permit a second detached dwelling unit in addition to a principal single-family dwelling at 8921 Chemainus Road.

Recommendation:

THAT Council:

1. grant the variance to Section 56(7)(b) of Zoning Bylaw No. 2950 to increase the maximum permitted height of an accessory building from 5.0m to 6.75m to allow the construction of a high-bay garage;
2. issue Development Variance Permit DVP00067/21.07 to Paul Manhas for 8921 Chemainus Road as presented and appended to the Development Planner's October 20, 2021 report as Attachment 11; and,
3. give first and second readings to Zoning Amendment Bylaw No. 3858, 2021 to permit a second detached residential dwelling at 8921 Chemainus Road, and that a public hearing be scheduled for Bylaw No. 3858.

### 7.3. Amendments to the Fire Protection, Municipal Ticket Information System and Bylaw Offence Notice Enforcement Bylaws for first three readings

Purpose: To introduce amendments to the Fire Protection Bylaw to update language related to charge sections and establish fines for non-compliance with the Fire Protection and Fireworks Regulations Bylaws.

Recommendation:

1. THAT Council rescinds their September 21, 2021 decision to give first, second and third readings to:
  - a. Bylaw Offence Notice Enforcement Amendment Bylaw No. 3844, 2021; and,
  - b. Municipal Ticket Information System Amendment Bylaw No. 3845, 2021.
2. THAT Council give first, second and third readings to:
  - a. Fire Protection Amendment Bylaw No. 3853, 2021;
  - b. Bylaw Offence Notice Enforcement Amendment Bylaw No. 3844, 2021 (provided as Attachment 4); and,
  - c. Municipal Ticket Information System Amendment Bylaw No. 3845, 2021 (provided as Attachment 7).

## 8. REPORTS

### 8.1. 2022 CRI Funding Application and 2021 Project Update

Purpose: To consider applying for grant funding through the Union of British Columbia Municipalities' Community Resiliency Investment program under the FireSmart Community Funding and Supports Stream Program so that North Cowichan can continue working towards reducing the risk and impact of wildfire within the community.

A representative from Diamond Head Consulting will be providing a presentation. (*Note: The PowerPoint slides for the presentation have been inserted prior to the staff report.*)

Recommendation:

THAT Council:

1. supports the activities proposed in the Mount Tzouhalem Fuel Management Prescription prepared by Diamond Head Consulting, appended as Attachment 2 to the Municipal Forester's October 20, 2021 report; and,
2. authorize staff to submit a grant application to the Union of British Columbia Municipalities' Community Resiliency Investment program under the FireSmart Community Funding and Supports stream for 2022, of up to \$150,000, to begin conducting fuel hazard reduction treatments in accordance with the Mount Tzouhalem Fuel Management Prescription.

### 8.2. Agricultural Land Commission Subdivision Application for 7649/7657 Somenos Road

Purpose: To consider an application to subdivide lands within the Agricultural Land Reserve (ALR) at 7649/7657 Somenos Road.

Recommendation:

THAT Council authorize ALC application ID: 61201 for a proposed two-lot subdivision within the Agricultural Land Reserve at 7649/7657 Somenos Road to be forwarded to the Agricultural Land Commission with a recommendation to approve it.

### 8.3. Notice of Motion Policy Amendment

Purpose: To consider amending the Notice of Motion Policy to permit members of Council to provide presentations as part of their introductory remarks and speaking in reply to their motion.

Recommendation:

THAT Council amends the Notice of Motion Policy by inserting two new clauses as sections 4.7 and 4.8 to authorize members to make a presentation using PowerPoint or other tools during their introductory remarks to provide visual elements prior to debating the motion, subject to the time limit established under Section 4.8; and require that they stay within the 10-minute speech limit, established under Council Procedure Bylaw No. 3602, when providing an introduction for their motion, by way of a presentation, and while speaking in debate.

**9. NOTICES OF MOTIONS**

**10. UNFINISHED AND POSTPONED BUSINESS**

**11. NEW BUSINESS**

**12. 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

**13. 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.

**14. 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, October 15, 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.

**14.1. Public Hearing Zoning Amendment Bylaw (Market Community Space use; A6 Zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846**

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 (Market Community Space use; A6 Zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846 which proposes a Market Community Space use at 2431 Beverly Street.

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](http://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.)

**15. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS**

**15.1. Zoning Amendment Bylaw (Market Community Space use; A6 Zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846**

Purpose: To consider third reading of Zoning Amendment Bylaw (Market Community Space use; A6 Zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846 following the close of the public hearing.

Recommendation:

THAT Council give third reading of Zoning Amendment Bylaw (Market Community Space use; A6 Zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846.

**16. CLOSED SESSION**

Recommendation:

THAT Council close the meeting at \_\_\_\_ p.m. to the public on the basis of the following section of the *Community Charter*.

- *90(1)(c) - labour relations or other employee relations.*

**16.1. Closed minutes from the September 21, 2021 and October 7, 2021 meetings for adoption**

**16.2. Closed under section 90(1)(c) labour**

**17. RISE AND REPORT**

**18. ADJOURNMENT**