

**Municipality of North Cowichan
Regular Council
MINUTES**

**August 21, 2019, 1:30 p.m.
Ramada Duncan - Ballroom
140 Trans-Canada Highway
Duncan, BC**

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)
Mark Frame, General Manager, Financial and Protective Services
Ernie Mansueti, General Manager, Community Services
Sarah Nixon, General Manager, Corporate Services
David Conway, Director of Engineering
Rob Conway, Director of Planning
Natasha Horsman, Manager, Communications and Public Engagement
Glenn Morris, Development Planning Coordinator
Chris Hutton, Community Planning Coordinator
Shaun Mason, Municipal Forester
Caroline von Schilling, Development Planner
Karen Robertson, Corporate Officer

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council adopt the agenda, as presented, by reordering the agenda to:

- **receive public input on items 6.1 and 6.2 prior to consideration of those staff reports;**
and
- **consider staff report items 6.1 and 6.2 prior to hearing the delegations.**

CARRIED

3. ADOPTION OF MINUTES

3.1 July 17, 2019 Regular Council Minutes

It was moved and seconded:

That Council adopt the July 17, 2019 Regular Council minutes, as presented.

CARRIED

3.2 July 30, 2019 Committee of the Whole Minutes

It was moved and seconded:

That Council adopt the July 30, 2019 Committee of the Whole minutes, as presented.

CARRIED

4. MAYOR'S REPORT

The Mayor gave a verbal report on meetings and activities he recently attended.

5. PUBLIC INPUT (for agenda items 6.1 and 6.2 only)

Council received brief public input from 6 registered speakers regarding agenda items 6.1 and 6.2.

6. STAFF REPORTS

6.1 Request for Proposal and Proposed Selection Process for an Engagement Consultant on the Municipal Forest Reserve

It was moved and seconded:

That Council endorse the engagement RFP deliverables outlined in Appendix 1 to the August 21, 2019 report by the Manager, Communications and Public Engagement with the following amendments:

- **By adding the following to the scope of work which is highlighted in italics: “Concrete deliverables for this work are: an engagement plan based on the International Association of Public Participation (IAP2) framework *and drawing on the literature regarding forestry public engagement in other BC community forests and beyond.*”**
- **By adding the following to the concrete deliverables:**
 - **To provide regular, quarterly updates to Council on the engagement; and**
 - **Engagement will be primarily focused on North Cowichan Residents.**
- **To amend the paragraph about “Who Should Be Involved” by adding the text in italics: “The MFR is owned by North Cowichan on behalf of its residents, and decisions about its future management may affect residents very directly, via their taxes. The MFR is also used extensively for recreation by residents of the Cowichan Valley Region, and indeed, by residents from across Vancouver Island. *The MFR also contributes many other values and services to the community and broader region,* and responses to this RFP should acknowledge the range of interests and impacts involved.”**

And That Council endorse the engagement consultant selection process as described in Table 1.

CARRIED

Council gave some additional feedback on the draft RFP outside of formal amendments, which the Manager, Communications and Public Engagement will incorporate. Feedback included adding reference to the traditional territory of the Coast Salish First Peoples, better characterizing the need for Indigenous involvement, adding reference to innovative methods of engagement and online engagement, and expanding the list of reference documents provided in the RFP.

The Mayor noted that Elder Joe Thorne from Cowichan Tribes was in the audience and invited him to say a few words about the engagement proposal.

Mr. Thorne addressed Council and conveyed his appreciation that Cowichan Tribes will be a part of the process and looks forward to sharing stories about the forest.

Councillor Marsh enquired about what the procedure would be to change her vote on the motion that was just passed for item 6.1.

The Mayor noted that under Council's Procedure Bylaw, a Council member who voted on the prevailing side may move to reconsider a resolution adopted by Council.

It was moved and seconded:

That Council reconsider the motion for item 6.1.

(Opposed: Siebring; Douglas; Justice; Manhas; Toporowski)

DEFEATED

6.2 UBC Proposed Framework to Complete the Multi-Objective, Landscape-Scale Scenario Analysis & Forest Carbon Project Evaluation

Councillor Manhas requested that the recommendations be considered seriatim.

It was moved and seconded:

That Council endorse moving forward with the UBC partnership proposal as outlined on Appendix A to the August 21, 2019 report by the General Manager of Community Services.

CARRIED

It was moved and seconded:

That Council waive the Municipality's Procurement Policy to enable the project to be sole sourced to the UBC Partnership group.

(Opposed: Manhas)

CARRIED

7. DELEGATIONS AND PRESENTATIONS

7.1 DELEGATION: Susan Beaubier from the Chemainus Health Care Auxiliary

Ms. Beaubier was in attendance to bring awareness to Council about the 170 volunteers, both women and men, who contribute to the comfort and care of Chemainus Valley residents, and beyond, through health care programs. She noted the program started back in 1899 by Mrs. Eliza Smith where in earlier times the Auxiliary sewed linens for the

Chemainus Hospital and raised funds through special lunch and shows to furnish other essentials for the comfort and care of the patients. She provided an overview of the services they currently provide which include:

- Partnering with the Chemainus Health Care Foundation (CHCF) to purchase and refurbish the equipment at the urgent care unit;
- Co-sponsored the creation of the palliative suite;
- Major supporter of the Cowichan Valley Hospice House;
- Raised funds for the Children's Hospital in Vancouver;
- Provide annual bursaries to Chemainus Secondary students;
- Donate annually to the COPS for Cancer;
- Donate annually to the Chemainus Health Care Centre, Cowichan District Hospital, Royal Jubilee Hospital (i.e. cardiology); Victoria General Hospital (e.g. diagnostics and imaging); BC Cancer Research, Therapeutic Riding Program; Harvest House, and others.

She concluded her presentation by stating that the auxiliary contributes on average, \$250,000 annually to health care facilities and programs within BC.

By consensus, Council recessed the meeting at 3:20 p.m.

The Council meeting resumed at 3:35 p.m.

7.2 DELEGATION: Mark Holland, Consulting Planner to VIMC Re: Overview of the Rezoning Application for a Comprehensive Development Zone at 4063 Cowichan Valley Highway

Mr. Holland, Consulting Planner to the Vancouver Island Motorsport Circuit (VIMC) was in attendance to provide Council with an overview of their rezoning application for a Comprehensive Development Zone at 4063 Cowichan Valley Highway. Highlights of his PowerPoint presentation included:

- An overview of the current zoning for the 3 parcels: parcel 1 (zoned I-2/C-8); parcel 2 (proposed phase 2 expansion area zoned I-2); and parcel 3 (proposed natural area with trails and zoned A-4);
- The past history of the Drinkwater industrial area which included heavy industry uses;
- The automobile uses in I-2 and the motorized uses in the past;
- The history of VIMC;
- The successes of the current facility;
- The support provided by VIMC to the local community;
- The purpose of the rezoning;
- The approved consultation process;
- The proposed expansion and revised submission in response to community input;
- Environmental strategies;
- Neighbourly challenges;
- Responses to community input on sound levels; and
- How they intend to meet North Cowichan's goals and policies as well as the community benefits that would be provided from the rezoning.

A question an answer period ensued.

8. PUBLIC INPUT

The Mayor noted that it is Council's practice to allow brief public input from five registered speakers at any one meeting but in this instance 43 people signed up to speak to item 9.1 and Council already heard from 6 speakers on items 6.1 and 6.2. He conveyed that while Council has relaxed this practice in the past, and welcomes public input, it would be unfair to have members of the public who were in attendance for other agenda items to have to wait until late into the evening to hear the debate on those topics should Council agree to hear all 43 speakers. He also noted that because there would be an opportunity for unlimited public input on this item at a public hearing (should Council consider passing first and second readings to the bylaw) Council would only consider receiving input from the first five registered speakers to item 9.1 and from the individual who signed up to speak to item 9.3.

9. STAFF REPORTS CONTINUED:

9.1 Bylaw 3761 - "Zoning Amendment Bylaw (Comprehensive Development Zone - 4063 Cowichan Valley Highway), 2019"

It was moved and seconded:

That Council approve first and second reading of Zoning Amendment Bylaw No. 3761 to rezone three properties at Cowichan Valley Highway and Drinkwater Road (PIDs 009-751-297, 029-201-675 & 014, 104-067) from I2 and C8 to a new CD21 zone.

CARRIED

It was moved and seconded:

That referrals be sent to the City of Duncan, the Cowichan Valley Regional District, Cowichan Tribes, the Sahtlam Neighbourhood Association, the Somenos Marsh Society, and the Cowichan Watershed Board;

And That those referral agencies be given a minimum of 30 calendar days to provide a response before a public hearing is held.

CARRIED

It was moved and seconded:

That a Public Hearing be scheduled for Zoning Amendment Bylaw No. 3761 and that notification be issued in accordance with the requirements of the *Local Government Act*.

CARRIED

By consensus Council recessed the meeting at 5:04 p.m. the Mayor stated that the Council meeting would resume at the conclusion of the public hearing.

10. PUBLIC HEARINGS (6:00 p.m.)

10.1 Rezoning Application No. ZB000109 for Bylaw 3752 (Retail Cannabis Sales - 110, 2951 Green Road) - Costa Canna Corp. Operated Retail Cannabis Store .

Mayor Siebring provided an explanation of the public hearing process and advised members of the public that no further verbal or written presentations could be reviewed by any member of Council following the closure of each public hearing. He also noted

the location of the public hearing binders for both rezoning applications and invited the public to review it during the hearing.

Mayor Siebring then called the public hearing to order at 6:02 p.m. for Rezoning Application No. ZB000109 for Bylaw 3752 (Retail Cannabis Sales – 110, 2951 Green Road).

Councillor Toporowski declared a conflict of interest as Cowichan Tribes is a partner in Costa Canna Corporation and she is a Cowichan Tribes Council member and left the Ballroom at 6:02 p.m.

Councillor Manhas declared a conflict of interest as his employer has submitted a rezoning application for a retail cannabis store and left the Ballroom at 6:02 p.m.

The Mayor asked the Corporate Officer to provide an overview of the correspondence received.

The Corporate Officer noted that prior to the hearing no correspondence was received from the public regarding the application.

The Mayor then invited Glenn Morris, Development Planning Coordinator to introduce the application.

Council then received a presentation from Stuart Pagaduan, a Cowichan Tribes Councillor who spoke on behalf of Costa Canna's application. He spoke in favour of the application and stated the following:

- On behalf of the Cowichan Tribes Chief and Costa Canna, there has been a level of frustration with the number of obstacles they have faced by levels of government and they have been ready to open for the past 3 months.
- Cowichan Tribes wants this opportunity for our nation and our people.
- We have many social issues happening on our reserves, just as greater Cowichan does;
- We are in dire need of housing and we have some 800 people on the list for housing and we are looking at ways to make our community healthier and stronger economically;
- We are looking to establish a cannabis store on Cowichan traditional territory;
- We have dreams and goals and we ask you to respect and honor the government to government relationship by asking you to not support the Liquor Control Branch's application;
- We are local people and we keep everything here in our community;
- We could have exercised our self-governance rights and gone on our own but we chose not to. We want to work with North Cowichan.

Council asked questions of the applicant.

Mayor Siebring called for submissions from the public for a second time.

Phil Floucault from Costa Canna spoke and advised Council that the Liquor Distribution Branch has a 15 retail price buying advantage and that if Council were to approve their

application it would be to the detriment of Costa Canna and asked that Council not approve 2 applications for the same location.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing at 6:18 p.m.

10.2 Rezoning Application No. ZB000102 for Bylaw 3748 (Retail Cannabis Sales – 2900 Drinkwater Road) - Liquor Distribution Branch Operated Retail Cannabis Store

Mayor Siebring called the public hearing to order at 6:18 p.m. for Rezoning Application No. ZB000102 for Bylaw 3748 (Retail Cannabis Sales – 2900 Drinkwater Road). It was noted that Councillors Toporowski and Manhas were not in attendance for this public hearing given the conflict declaration they made for item 10.1 which would also be applicable for this application.

The Mayor asked the Corporate Officer to provide an overview of the correspondence received.

The Corporate Officer conveyed that prior to the hearing no correspondence was received from the public regarding the application.

The Mayor then invited Caroline Von Schilling, Development Planner to introduce the application.

Council then received a presentation from the applicant Kerri Lore, Director of Policy for the Liquor Distribution Branch (LDB) who spoke in favour of the application and stated that Council had seen her presentation previously but wanted to highlight the following:

- The goal of the LDB is to make high-quality cannabis products and provide education to all customers;
- Their mandate is to provide cannabis products to consumers throughout BC so that it helps to rid BC of the illicit market. For this reason the LDB supports public and private cannabis businesses throughout BC and stated her support for Costa Canna's application;
- Another goal is to keep cannabis away from youth;
- The LDB stores have educational information and messages on the wall;
- Safety and security is a top priority through surveillance, fire monitoring, tempered glass cases, vault, etc;
- The LDB is a reputable place to work and one of BC's top employers. The LDB pays its employees living wages of \$21.00 per hour plus pension plan. Staff have to go through screening and a serving it right course;
- There is a restricted access with two pieces of id required for anyone who appears under 30;
- The store's interior is open and bright;
- Cannabis accessories are locked behind glass cases;
- The LDB would be proud to have a store in Cowichan and all revenue goes back into provincial public services to support schools and health care;
- The LDB does fundraising in the local communities; and

- There's a variety of product that varies from public and private stores so the produce in a government store could be different than the product in the private stores.

Council asked questions of the applicant.

Mayor Siebring called for submissions from the public for a second time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing at 6:33 p.m.

10.3 Rezoning Application No. ZB000105 for Bylaw 3757 (A2 to A3) to accommodate a lot line adjustment at 3248 Gibbins Road and to permit the construction of two detached dwellings at 3248 Gibbins Road

Mayor Siebring called the public hearing to order at 6:33 p.m. for Rezoning Application No. ZB000105 for Bylaw 3757 (A2 to A3) to accommodate a lot line adjustment and to permit the construction of two detached dwellings at 3248 Gibbins Road.

The Mayor asked the Corporate Officer to provide an overview of the correspondence received.

The Corporate Officer noted that prior to the hearing one piece of correspondence was received from Maureen McInnis (copy included in the public hearing binder) citing concerns with the application.

Councillor Manhas and Councillor Toporowski returned to the Ballroom at 6:36 p.m.

The Mayor invited Caroline Von Schilling, Development Planner to introduce the application.

Council then received a presentation from the applicant, owners (Sharon and Colin McNeil) who spoke in favour of the application. Ms. McNeil stated:

- They have been the owners since the early 1980's and used the property as a family holiday home;
- Prior to the first realignment in 2011, 3248 Gibbins Road was approximately 2 acres at the front near and abutting Gibbons Road and 3246 Gibbins Road was approximately 6.24 acres at the back adjacent to and abutting the Cowichan Indian Reserve;
- In approximately 2009, we decided to retire and give off 2 acres at 3246 Gibbins Road for the family;
- We learned of the new UCB and policy densification in January, 2010 at which time we asked for, and received, a lot realignment with both properties ending up being roughly 4 acres each;
- In the lay of the land, there are 2 benches at each end of the properties;
- The north bench is broad and flat, measuring approximately 2 acres;

- The south bench is also approximately 2 acres, irregular, and mostly forest. It has a large flat area formerly used as a large garden area but now functions as a septic field for the house;
- The south bench also has a low flat area which is an old tennis court but is amenable for a second dwelling under the new A2 policy;
- Between the two benches in the area, at the middle, there is a low wide flat area which at present belongs to 3258 Gibbins Road;
- The low wide flat area is approximately 4 acres;
- Under the old densification policy, this area was problematic due to lack of road access and the need for a lift station;
- This area is more amenable of the new agricultural use policy. Therefore we have this application for lot realignment before you to request placement of this low wide flat area back into the control of 3246 Gibbins Road which has a long panhandle to provide access for this area;
- Under the new policy of agricultural use, we feel this reconfiguration on the lot realignment benefits the community's new policy of agricultural use;
- At present this low area has no road access or easement through the panhandle; and
- This lot realignment and land addition to 3246 Gibbins Road will provide the panhandle access necessary to make this land area a viable farming opportunity.

Mayor Siebring then called for submissions from the public for a first time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a second time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring and closed the public hearing at 6:48 p.m.

Resume Council Meeting

The Council meeting resumed at 6:48 p.m.

Council, by consensus, agreed to consider the bylaws related to the public hearings (11.1, 11.2, and 11.3) prior to consideration of item 9.2.

11. BYLAWS

11.1 Bylaw 3752 - "Zoning Amendment Bylaw (Cannabis Sales - 110, 2951 Green Road), 2019"

Councillor Toporowski declared a conflict of interest as Cowichan Tribes is a partner in Costa Canna Corporation and she is a Cowichan Tribes Council member and left the Ballroom at 6:49 p.m.

Councillor Manhas declared a conflict of interest as his employer has submitted a rezoning application for a retail cannabis store and left the Ballroom at 6:49 p.m.

It was moved and seconded:

That "Zoning Amendment Bylaw (Cannabis Sales - 2951 Green Road), 2019" No. 3752 - a bylaw to permit retail cannabis sales at unit 110, 2951 Green Road be given third reading.

CARRIED

11.2 Bylaw 3748 - "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019"

It was moved and seconded:

That "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019" No. 3748 - a bylaw to permit cannabis retail sales at 2900 Drinkwater Road be given third reading.

(Opposed: Siebring; Sawrie)

CARRIED

Councillors Manhas and Toporowski returned to the Ballroom at 7:01 p.m.

11.3 Bylaw 3757 - "Zoning Amendment Bylaw (3248 Gibbins Road), 2019"

It was moved and seconded:

That "Zoning Amendment Bylaw No. 3757, 2019" - a bylaw to amend the zone at 3248 Gibbins Road (PID: 028-738-071) from Rural Zone (A2) to Rural Restricted Zone (A3) and to permit a second residence at 3248 Gibbins Road be given third reading.

CARRIED

It was moved and seconded:

That "Zoning Amendment Bylaw No. 3757, 2019" - a bylaw to amend the zone at 3248 Gibbins Road (PID: 028-738-071) from Rural Zone (A2) to Rural Restricted Zone (A3) and to permit a second residence at 3248 Gibbins Road be adopted.

CARRIED

9. STAFF REPORTS CONTINUED:

9.2 Bylaw 3760- "Zoning Amendment Bylaw (2372 Regina Drive), 2019"

It was moved and seconded:

That Council approve first and second reading of "Zoning Amendment Bylaw, 2019" No. 3760 to permit a detached second residence at 2372 Regina Drive (PID 000-368-393); and

That a Public Hearing be scheduled and notification be issued according to the *Local Government Act*.

CARRIED

9.3 Community Safety Plan Implementation

Councillor Douglas requested that the recommendations be considered seriatim.

It was moved and seconded:

That Council authorize the Mayor and Corporate Officer to enter into a lease with Duncan Music Ltd. for the premises at 490 Trans Canada Hwy, for a period of two (2) years, with options for two (1 year) extensions, at a rate of \$15.00 per square foot, per year, plus property taxes and expenses.

CARRIED

It was moved and seconded:

That Council approve leasehold improvements at 490 Trans-Canada Highway of up to \$30,000.

CARRIED

It was moved and seconded:

That Council authorize the District of North Cowichan to enter into a 50/50 cost sharing arrangement with the City of Duncan for the costs associated with the lease and leasehold improvements for operation of a Community Safety Office at 490 Trans-Canada Highway.

CARRIED

It was moved and seconded:

That Council approve the District of North Cowichan entering into a 50/50 cost sharing arrangement with the City of Duncan, at a cost of approximately \$70,000, for funding the Community Safety Ambassadors.

(Opposed: Douglas)

CARRIED

It was moved and seconded:

That Council approve, in principle, the proposed Community Safety Implementation Plan, as outlined in the August 21, 2019 report by the General Manager Financial and Protective Services.

CARRIED

9.4 Coastal Communities Social Procurement Initiative

It was moved and seconded:

That Council defer pursuing membership in Coastal Communities Social Procurement Initiative until such time as North Cowichan has adequate procurement resources to implement social procurement as a long term sustainable initiative.

CARRIED

9.5 One-Time Payment - Gas Tax Agreement Community Works Fund

It was moved and seconded:

That Council approve transferring the one-time Community Works Fund payment of \$1,327,987 into a capital reserve for allocation in the 2020 - 2023 Capital Expenditure Program.

CARRIED

11. BYLAWS CONTINUED:

11.4 Bylaw 3755 - "Fee Amendment Bylaw No. 3755, 2019"

It was moved and seconded:

That "Fee Amendment Bylaw No. 3755, 2019" be adopted.

CARRIED

12. NEW BUSINESS

None.

13. NOTICE OF MOTIONS

13.1 Quamichan Watershed and Lake Phosphorus Loading

Councillor Justice requested that the following Notice of Motion be considered at the September 4, 2019 Council meeting:

Whereas it is one of Council's strategic priorities to take action on the water quality of Quamichan Lake;

And Whereas phosphorus deposition in Quamichan Lake is the result of land use practices including land clearing, agricultural practices, residential development, residential life in the watershed, as well as our methods for dealing with storm-water and septic disposal;

And Whereas some jurisdictions have come up with ideas to curtail and limit the deposition of phosphorus into watersheds and lakes using planning policy and land use regulations and engineering standards;

Be it Resolved that, within a time frame appropriate to its use in the OCP process, and the drafting of the new Zoning bylaw, staff present Council with a report on reducing the both the deposition of phosphorus into the watershed and the flow of phosphorus into the lake which outlines options and recommendations for a) defining an appropriate target or goal and b) methods for achieving this target or goal including engineering standards, and land use planning policies and regulations.

13.2 Environmental Advisory Committee

Councillor Marsh requested that the following notice of motion be deferred to the October 2, 2019 Council meeting for consideration.

That Council reinstate its Environmental Advisory Committee;

And That the Committee recommence meetings in October and meet on a monthly basis.

14. QUESTION PERIOD

Council received questions from the public regarding business considered at this meeting.

15. ADJOURNMENT

It was moved and seconded:

That Council adjourn the August 21, 2019 Regular Council meeting at 7:46 p.m.

CARRIED

Certified by Corporate Officer

Signed by Mayor