

Municipality of North Cowichan Regular Council MINUTES

**April 5, 2017, 1:30 p.m.
Municipal Hall - Council Chambers**

Members Present Mayor Jon Lefebure
 Councillor Joyce Behnsen
 Councillor Rob Douglas
 Councillor Maeve Maguire
 Councillor Kate Marsh
 Councillor Al Siebring
 Councillor Tom Walker

Staff Present Mark Ruttan, Acting Chief Administrative Officer
 Alyssa Meiner, Deputy Director of Corporate Services
 Scott Mack, Director of Development Services
 David Conway, Director of Engineering and Operations
 Ernie Mansueti, Director of Parks and Recreation
 Kyle Young, Assistant Manager of Planning and Subdivision
 Natasha Horsman, Community Planning Coordinator

1. CALL TO ORDER

There being a quorum present, the meeting was called to order at 1:32 p.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council approve the agenda as amended to add the following items:

1. 12.1 2017 Construction Council of Vancouver Island Forum,
2. 12.2 2017 Firewood Draw.

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:

That Council adopt the minutes of the March 15, 2017 Special Council meeting, Committee of the Whole meeting and Regular Council meeting and the March 23, 2017 Committee of the Whole.

CARRIED

4. PUBLIC HEARINGS AND MEETINGS

4.1 Bylaw 3640 - "Zoning Amendment Bylaw (No. 15 – Sycamore Street), 2016"

Public Hearing Report - Council commenced the public hearing at 1:36 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3640. Mayor Lefebure outlined the public hearing order of business and read aloud Council's policy that it will not receive verbal or written communications from the public regarding the proposed zoning amendment bylaw after the closure of the public hearing. He then invited late correspondence. The Corporate Officer advised that 3 pieces of correspondence (including a petition signed by 21 residents) regarding the application from the public were received. Council then received a presentation introducing the proposal from the Assistant Manager of Planning and Subdivision. Mayor Lefebure then invited the applicant to address Council on the proposed bylaw. Council heard from the following members of the public:

1. Cam Williams, of Cowichan Engineering on behalf of owner,
2. Alan Burnett - 5830 Brier Avenue,
3. Michael Friese - 5886 Brier Avenue, and
4. Gerald Leduc - 5860 Sycamore Street.

Opposing comments included the following:

- increase in density does not reflect character of neighbourhood,
- neighbours are almost all opposed,
- will destroy look and nature of lot,
- insufficient parking to accommodate rezoning, and
- potential of 4 units if basement suites included.

Mayor Lefebure asked three times if anyone else wished to speak. No one else spoke so Mayor Lefebure closed the public hearing at 1:59 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 15 –Sycamore Street), 2016", No. 3640.

(Opposed: Behnsen)

CARRIED

4.2 Bylaw 3644 - "Zoning Amendment Bylaw (No. 2 – Henry Road), 2017"

Public Hearing Report - Council commenced another public hearing at 2:06 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3644. Mayor Lefebure outlined the public hearing order of business and read aloud Council's policy that it will not receive verbal or written communications from the public regarding the proposed zoning amendment bylaw after the closure of the public hearing. He then invited late correspondence. The Corporate Officer advised that no correspondence regarding the application from the public was received. Council then received a

presentation introducing the proposal from the Assistant Manager of Planning and Subdivision. Council heard from the applicant, Darrell Friesen. Mayor Lefebure invited members of the public to speak but no one came forward.

Mayor Lefebure asked three times if anyone wished to speak. No one spoke so Mayor Lefebure closed the public hearing at 2:13 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 2 – Henry Road), 2017", No. 3644.

CARRIED

4.3 Bylaw 3647 - "Zoning Amendment Bylaw (No. 3 - Text Amendment), 2017"

Public Hearing Report - Council commenced another public hearing at 2:15 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3647. Mayor Lefebure outlined the public hearing order of business and read aloud Council's policy that it will not receive verbal or written communications from the public regarding the proposed zoning amendment bylaw after the closure of the public hearing. He then invited late correspondence. The Corporate Officer advised that no correspondence regarding the application from the public was received. Council then received a presentation introducing the proposal from the Assistant Manager of Planning and Subdivision. Mayor Lefebure asked 3 times if anyone wished to speak. No one came forward so Mayor Lefebure closed the public hearing at 2:18 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 3 – Text Amendment), 2017", No. 3647.

CARRIED

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 3 – Text Amendment), 2017", No. 3647.

CARRIED

Councillors Douglas and Marsh left the meeting at 2:21 p.m. and both returned at 2:22 p.m.

4.4 Public Meeting - 6255 and 6257 Somenos Road

Council received a presentation from the Assistant Manager of Planning and Subdivision, regarding the proposed temporary use permit to allow Duncan Jr. Baseball to store equipment at Evans Park. Council then invited public input but no one came forward.

Council heard from the Director of Parks and Recreation that a longer term storage solution is being pursued.

Mayor Lefebure closed the public meeting at 2:23 p.m.

It was moved and seconded:

That Council issue Temporary Use Permit No. TUP00005 to the City of Duncan, Municipality of North Cowichan and Duncan Junior Baseball, 6255 and 6257 Somenos Road for the placement of a shipping container on the Lands for the purposes of equipment storage for Duncan Junior Baseball on a temporary basis for a two-year term.

CARRIED

5. PUBLIC INPUT

Council received brief public input regarding agenda items from registered speakers.

Councillor Siebring left the meeting at 2:30 p.m. and returned at 2:35 p.m.

6. DELEGATIONS & PRESENTATIONS

6.1 Crofton Quay Developments

Council heard from Mr. Blaine Mersereau of Crofton Quay Developments regarding the status and progress of the Crofton Quay development. Council heard that phase 3 planning is underway and includes multiple 2 storey buildings, commercial operations, and long term, low level residential care facilities for elderly and disabled. Council also heard that future plans may include a café or restaurant near the seawalk entrance and development of a modest marina facility.

6.2 Rising Tide Consultants

Council heard from Mr. Bert Hick of Rising Tide Consultants regarding the sale of liquor on grocery store shelves, further to his presentation on December 20, 2016. He noted there is a trade challenge against the Province for allowing only B.C. wines in grocery stores.

7. BYLAWS

7.1 Bylaw 3650 - "Fees Amendment Bylaw (No. 3) 2017"

It was moved and seconded:

That Council adopt "Fees Amendment Bylaw (No. 3) 2017", No. 3650.

CARRIED

7.2 Bylaw 3651 "Zoning Amendment Bylaw (No. 6 - Text Amendment), 2017"

It was moved and seconded:

That Council read a first and second time Zoning Amendment Bylaw (No. 6 Text Amendment), 2017, No. 3651.

(Opposed: Maguire; Walker)

CARRIED

8. REPORTS

8.1 Tree Removal Request - Trans-Canada Trail

It was moved and seconded:

That Council send a letter requesting the Island Corridor Foundation to

1. remove dangerous cottonwood trees on the Cowichan Valley Regional District's trail near Sherman Road that pose a danger to residents and trail users, or
2. provide a rationale, substantiated by an arborist's report, for leaving the trees standing.

CARRIED

8.2 York Avenue (Crofton) Traffic

It was moved and seconded:

That Council direct staff to:

1. continue monitoring traffic volume and speed on York Avenue; and
2. consider additional traffic calming measures as part of the 2019 Roads Program for York Avenue (this may include features such as a narrow through lane, cycling lanes, medians, marked parking, flashing pedestrian beacons and speed humps).

CARRIED

Councillor Maguire left the meeting at 3:21 p.m.

8.3 Oil Tank Replacement

Councillor Maguire returned to the meeting at 3:26 p.m.

It was moved and seconded:

That Council direct staff to proceed, within budget, to assist mobile home owners at the Silver Park Mobile Home Park, 2885 Boys Road, to replace their old oil tanks in order to protect the adjacent municipal water aquifer.

CARRIED

8.4 Garner Street Traffic

It was moved and seconded:

That Council direct staff to prepare a report for Council on the possibility of making Garner Street a one-way street.

CARRIED

8.5 Trumpeter Pointe Park Improvements

It was moved and seconded:

That Council direct staff to engage with area residents using PlaceSpeak, including mailouts to owners and residents, to collect information on values for and uses of the Trumpeter Pointe Park linear greenspace, and report back to Council on the results of that engagement.

(Opposed: Behnsen)

CARRIED

8.6 Polygon Planning Meeting

It was moved and seconded:

That Council receive, for information, the March 28, 2017 staff report on the polygon planning meeting.

CARRIED

8.7 Donnay Drive Rezoning (Bylaw 3614) and Polygon/UCB Review – Next Steps

It was moved and seconded:

That Council direct staff to schedule a new Public Hearing date for Bylaw 3614 in order to be in a position to consider third reading and adoption of the bylaw.

(Opposed: Douglas; Maguire; Marsh)

CARRIED

It was moved and seconded:

That Council extend the meeting to 7:00 p.m.

CARRIED

It was moved and seconded:

That Council direct staff, within the context of the Official Community Plan / Urban Containment Boundary review, to consider the potential impacts of removing those lands that cannot achieve gravity sewer within the polygon area from the Urban Containment Boundary.

(Opposed: Behnsen; Douglas)

CARRIED

It was moved and seconded:

That Council direct staff, as part of the Official Community Plan and Zoning Bylaw review, to draft and present proposed development permit guidelines that establish a character and vegetation protection zone for development adjoining Maple Bay Road, from Indian Road to the Urban Containment Boundary.

CARRIED

It was moved and seconded:

That Council take a 5 minute recess.

CARRIED

8.8 Kingsview Development Plan Consultation

It was moved and seconded:

That Council direct staff to refer the proposed Kingsview development bylaws to the City of Duncan for its comments.

CARRIED

8.9 Conference Request

It was moved and seconded:

That Council authorize Councillor Rob Douglas to attend the BC Community Forest Association's 2017 conference and annual general meeting on June 15 - 17 in Tumbler Ridge, BC.

CARRIED

9. CORRESPONDENCE

9.1 Pre-Budget Consultations

Council discussed the letter from Member of Parliament Alistair MacGregor, inviting Council to provide input into pre-budget consultations for the 2018 Federal budget and directed staff to invite Alistair MacGregor, to a future Committee of the Whole meeting.

10. NOTICE OF MOTIONS

10.1 GHG Emission

It was moved and seconded:

That Council direct staff to:

1. prepare a report clarifying the alignment between GHG emission targets as identified in the Climate Action and Energy Plan and those identified in the Official Community Plan, and
2. add this to the Council priority list.

CARRIED

11. REVIEW OF COMMITTEE MINUTES

Council reviewed, for information, the following Council committee minutes:

1. Public Works Committee - March 8, 2017
2. Quamichan Lake Water Quality Task Force - March 16, 2017

12. NEW BUSINESS

12.1 2017 Construction Council of Vancouver Island Forum.

It was moved and seconded:

That Council authorize Councillor Joyce Behnsen to attend the 2017 Construction Council of Vancouver Island Forum on April 20th in Nanaimo, BC.

CARRIED

12.2 2017 Firewood Draw

Mayor Lefebure selected winners of the 2017 firewood draw.

13. QUESTION PERIOD

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

14. CLOSED SESSION

Council closed the meeting to the public at 5:18 p.m. on the basis of section (90) (1) (a) [*personal information about identifiable individuals*], (e) [*disposition of land*], (g) [*litigation*], (i) [*receipt of solicitor advice*] and (k) [*negotiations*] of the *Community Charter*. Council rose at 8:10 p.m. and reported on the following:

14.1 Regulation of Marihuana Production Facilities on ALR Lands

It was moved and seconded:

That Council

1. receive for information the Assistant Municipal Solicitor's March 13, 2017 legal opinion,
2. rescind the April 20, 2016 postponed motion (That Council direct staff to draft a bylaw to amend the Zoning Bylaw to permit medical marijuana production facilities in agricultural zones within the Agricultural Land Reserve, and to require building

setbacks of 92 m from property lines for marijuana production buildings (regardless of the zoning of adjacent parcels)),

3. direct staff to draft a bylaw to amend the Zoning Bylaw to permit medical marijuana production facilities in agricultural zones within the Agricultural Land Reserve, and to establish regulations consistent with the Ministry of Agriculture's bylaw standards for medical marijuana production facilities, and
4. direct staff to draft appropriate development permit guidelines for medical marijuana facilities and other intensive farming operations in the Agricultural Land Reserve for review by the Agricultural Advisory Committee prior to Council's consideration.

(Opposed: Douglas)

CARRIED

15. ADJOURNMENT

The meeting ended at 8:10 p.m.

Signed by Mayor

Certified by Corporate Officer
(Minutes certified "correct" and Public Hearing
report certified "fair and accurate")