

Municipality of North Cowichan

Regular Council

MINUTES

August 16, 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 Andy Laidlaw, Acting Chief Administrative Officer (CAO)
 Alyssa Meiner, Deputy Director of Corporate Services
 Scott Mack, Director of Development Services
 Mark Frame, Director of Financial Services
 David Conway, Director of Engineering and Operations
 Kyle Young, Assistant Manager of Planning and Subdivision
 Nelda Richardson, Manager of Building and Compliance

1. **CALL TO ORDER**

There being a quorum present, the meeting was called to order at 1:33 p.m.

Mayor Lefebure introduced new staff member Nelda Richardson, Manager of Building and Compliance.

2. **APPROVAL OF AGENDA**

It was moved and seconded:

That Council approve the agenda as amended to add item 3.1 [personnel matter] (Closed).

CARRIED

3. **ADOPTION OF MINUTES**

It was moved and seconded:

That Council adopt the minutes of the Committee of the Whole and regular meetings held July 19, 2017.

CARRIED

4. **DELEGATIONS AND PRESENTATIONS**

4.1 **Climate Projections Report**

Council heard from Kate Miller, Manager of Environmental Services with the Cowichan Valley Regional District (CVRD), regarding the completion of CVRD's climate projections.

Council heard this report is the first phase of a 4 phase project and that specific climate projections are required by local governments for proper infrastructure planning. Council thanked Kate Miller for her presentation.

5. PUBLIC HEARINGS AND MEETINGS

5.1 Public Hearing - Bylaw 3662 - "Zoning Amendment Bylaw (No. 13 - Gibbins Road), 2017"

Public Hearing Report – Council commenced a public hearing at 2:02 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3662. 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 those in attendance to submit any last-minute correspondence. No late correspondence was presented. The Deputy Director of Corporate Services noted the location of the public hearing binder, invited the public to review it during the hearing and advised that prior to the hearing that 7 pieces of correspondence were received from the public regarding the application. Council then received a presentation regarding the proposal from the Assistant Manager of Planning and Subdivision and heard from the applicant Shannon Goulay. Council also heard from the following persons:

1. Paul Tataryn - 5881 Genoa Bay Road,
2. Sandra McPherson - 5734 Van Koy,
3. Wendy Montana - 3810 Scarpe Road,
4. Sebastien Martin - 3804 Scarpe Road,
5. Shannon Goulay - applicant,
6. Leanoir Hearsey - 4012 Robson Road, and
7. Joan Dingee - 3812 Gibbins Road.

Comments in favour of the rezoning included the following:

- The property has contained a campground since 1983;
- The additional 4 events will bring in financial resources needed to pay for property expenses, support other agricultural businesses on the property (horses and eggs) and help address noise and any other concerns arising from the events;
- There is confidence the property owner can work with neighbours to deal with any concerns;
- The property owner is present during events and is committed to mitigating noise and other concerns.

Comments opposed to the rezoning included the following:

- The event noise from microphone and speakers during speeches and music, is too loud and disrupts the quiet enjoyment of neighbouring property owners;
- The noise from events carries beyond neighbouring properties;
- The Municipality's noise bylaw should be amended to help ensure event noise is mitigated past 11:00 p.m.

- The noise from events is disruptive to cattle and sheep of neighbours;
- There is concern that campsites should not be permitted outside of the current site location;
- There is concern that fences should be repaired and raised to reduce trespass to neighbouring properties.

Councillor Marsh left the meeting at 2:58 p.m. and returned at 5:18 p.m.

Mayor Lefebure asked three times if anyone else wished to speak. No one spoke so Mayor Lefebure closed the public hearing at 3:02 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 13 – Gibbins Road), 2017", No. 3662.

(Opposed: Behnsen)

CARRIED

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 13 – Gibbins Road), 2017", No. 3662.

(Opposed: Behnsen)

CARRIED

5.2 Public Hearing - Bylaw 3663 - "Zoning Amendment Bylaw (No. 14 - Cook Street), 2017"

Public Hearing Report – Council commenced another public hearing at 3:24 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3663. He then invited those in attendance to submit any last-minute correspondence. No late correspondence was presented. The Deputy Director of Corporate Services advised that prior to the hearing that 6 pieces of correspondence were received from the public regarding the application. Council then received a presentation regarding the proposal from the Assistant Manager of Planning and Subdivision and heard from the applicant, Tracy McAlister. Council also heard from the following persons:

1. Bob Greene - 3092 Seahaven Road, and
2. Lucky Debron - 3093 Seahaven Road.

Comments in favour of the rezoning included the following:

- There is room for the property owner and her son to park on the driveway;
- There are three off-street parking spaces required that can be accommodated within the existing driveway width.

Comments opposed to the rezoning included the following:

- There is concern Cook Street is becoming crowded with parked cars and there is inadequate parking available for visitors;
- Cars parked on lawns are unsightly.

Mayor Lefebure asked three times if anyone else wished to speak. No one spoke so Mayor Lefebure closed the public hearing at 3:36 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 14 – Cook Street), 2017", No. 3663.

CARRIED

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 14 – Cook Street), 2017", No. 3663.

CARRIED

5.3 Public Meeting - Development Variance Permit - 3324 Gibbins Road

Council received a presentation from the Assistant Manager of Planning and Subdivision, regarding the proposed variance. Council then invited public input but no one came forward.

It was moved and seconded:

That Council issue a development variance permit to Ian and Kelli-Ann Anderson, for 3324 Gibbins Road, to vary Section 52 (7) (a) of the Zoning Bylaw to increase the height of the proposed single-family dwelling on the 3324 Gibbins Road from 9.0 m (29.53 ft) to 10.7 m (35.1 ft).

CARRIED

5.4 Public Meeting - Development Variance Permit - Strata Lots 40-42, Village Way

Council received a presentation from the Assistant Manager of Planning and Subdivision, regarding the proposed variance. Council then invited public input and Council heard briefly from the applicant, Bruce Muir.

It was moved and seconded:

That Council issue a development variance permit to Greenways Developments Ltd., for proposed Strata Lots 40, 41, and 42, Plan EPS1773 (Phase 3), that varies:

1. section 58 (4) (b) of the Zoning Bylaw, to increase the maximum floor space ratio from 0.5:1 to "0.5:1, except that for a single-storey single-family dwelling with a habitable basement, the maximum floor space ratio is 0.7:1";
2. section 58 (5) (b) of the Zoning Bylaw, to increase the maximum lot coverage from 35% to 45%; and
3. section 58 (6) (a) of the Zoning Bylaw, to reduce the minimum side-yard setback from 2.0 m to 1.5 m and reduce the rear-yard setback from 7.5 m to 2.4 m, for any portion of the building under 6.5 m (21.33') in height, and 6.0 m for any portion of the building 6.5 m (21.33') or greater in height.

CARRIED

5.5 Temporary Mobile Home Permit - 2393 Inverarity Road

Council received a presentation from the Assistant Manager of Planning and Subdivision, regarding the proposed temporary mobile home permit.

It was moved and seconded:

That Council issue temporary mobile home permit No. TTP00070 to Sandra and John Bird, for 2393 Inverarity Road, under section 2 (b) *[to accommodate a child needing accommodation]* of the "Temporary Mobile Home Permit Bylaw 1976", No. 1685, with a

variance to increase the permitted width of the mobile home from 4.3 m to 8.2 m, subject to meeting the standard conditions for siting and servicing.

CARRIED

6. PUBLIC INPUT

Council received no public input regarding agenda items from registered speakers.

It was moved and seconded:

That Council take a 5 minute recess.

CARRIED

7. BYLAWS

Meeting resumed at 4:06 p.m. Councillors Marsh and Maguire absent.

7.1 Bylaw 3636 - "Zoning Amendment Bylaw (No. 13 – Severne Street), 2016"

It was moved and seconded:

That Council read a first and second time "Zoning Amendment Bylaw (No. 13 – Severne Street), 2016", No. 3636.

CARRIED

It was moved and seconded:

That Council support the following three uses for the greenspace (park) area on the former Chemainus Elementary School site identified on the map attached to the Community Liaison's May 19, 2017 report:

1. fenced food forest;
2. fenced dog park; and
3. family use area including a playground and picnic area.

CARRIED

It was moved and seconded:

That Council approve the trail connections between the proposed Severn Street subdivision and the park area, as shown on the map attached to the Community Liaison's May 19, 2017 report.

CARRIED

Councillor Maguire returned to the meeting at 4:12 p.m.

It was moved and seconded:

That Council support, in principle, development of multi-family affordable townhouses on proposed Lot 9, shown on the map attached to the Community Liaison's May 19, 2017 report.

(Opposed: Siebring)

CARRIED

7.2 Bylaw 3642 - "Zoning Amendment Bylaw (No. 11 – Cottonwood Road), 2017"

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 11 – Cottonwood Road), 2017", No. 3642.

CARRIED

7.3 Bylaw 3660 - "Zoning Amendment Bylaw (No. 12 – Dingwall Street), 2017"

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 12 – Dingwall Street), 2017", No. 3660.

CARRIED

7.4 Bylaw 3666 - "Zoning Amendment Bylaw (No. 15 – Barnes Road), 2017"

It was moved and seconded:

That Council read a first and second time "Zoning Amendment Bylaw (No. 15 – Barnes Road), 2017", No. 3666.

CARRIED

7.5 Bylaw 3667 - "Zoning Amendment Bylaw (No. 16 – Green Road), 2017"

Council discussed the need to ensure the principal use is residential accommodation and other uses are ancillary. Accordingly, Council directed staff to review the bylaw and bring it back to Council at the next meeting.

It was moved and seconded:

That Council read a first and second time "Zoning Amendment Bylaw (No. 16 – Green Road), 2017", No. 3667.

It was moved and seconded:

That Council sever the main motion.

(Opposed: Behnsen)

CARRIED

It was moved and seconded:

That Council read a first time "Zoning Amendment Bylaw (No. 16 – Green Road), 2017", No. 3667.

CARRIED

It was moved and seconded:

That Council agree to withhold considering whether to adopt Bylaw 3667, until road is dedicated from the subject property to accommodate an adequately-sized public road and turn-around.

CARRIED

7.6 Bylaw 3668 - "Zoning Amendment Bylaw (No. 17 – Cowichan Lake Road), 2017"

It was moved and seconded:

That Council:

1. read a first and second time Zoning Amendment Bylaw (No. 17 – Cowichan Lake Road), 2017, No. 3668, and
2. agree to consider at the public hearing stage whether to issue a development variance permit to John Sterling and Stephanie Wise, for 3340 Cowichan Lake Road, that varies Section 58 (6) (a) of the Zoning Bylaw, in order to reduce the minimum required principal building side-yard setback from 2 m to 1.5 m and rear-yard setback from 7.5 m to 2.1 m, to facilitate conversion of an accessory building (garage) to a principal building (dwelling).

CARRIED

7.7 Bylaw 3669 – "Fees Amendment Bylaw (No. 4), 2017"

It was moved and seconded:

That Council read a first, second and third time "Fees Amendment Bylaw (No. 4), 2017", No. 3669.

CARRIED

7.8 Bylaw 3670 - "Zoning Amendment Bylaw (No. 18 – Chaplin Street), 2016"

It was moved and seconded:

That Council read a first and second time "Zoning Amendment Bylaw (No. 18 – Chaplin Street), 2016", No. 3670.

CARRIED

7.9 Bylaw 3671 - Zoning Amendment Bylaw (No. 19 – Skinner Road), 2017"

It was moved and seconded:

That Council read a first and second time "Zoning Amendment Bylaw (No. 19 – Skinner Road), 2017", No. 3671.

CARRIED

7.10 Bylaw 3672 - "Zoning Amendment Bylaw (No. 20 – Paddle Road)", 2017

It was moved and seconded:

That Council:

1. read a first and second time "Zoning Amendment Bylaw (No. 20 – Paddle Road)", 2017, No. 3672; and
2. agree to withhold consideration of whether to adopt Bylaw 3672 until
 - a. road dedication from the subject property, including 5 m along the full Paddle Road frontage and 10 m along the full southern property boundary, and
 - b. registration of a restrictive covenant that requires offsite frontage improvements along Paddle Road to enhance vehicle and pedestrian safety to Drinkwater Road prior to subdivision or development on the subject property.

CARRIED

7.11 Bylaw 3673 - "South End Sewer Local Area Service Enlargement Bylaw (No. 2), 2017"

It was moved and seconded:

That Council read a first, second and third time "South End Sewer Local Area Service Enlargement Bylaw (No. 2), 2017", No. 3673.

(Opposed: Douglas; Maguire)

CARRIED

8. REPORTS

8.1 Second Quarter Financial Report

Council heard from the Acting CAO and the Director of Financial Services regarding the second quarter financial report. Council heard staff is developing a process to gather public feedback on projects such as the Crofton Revitalization project, and efforts will be made to provide Council with multiple opportunities to review plans for capital projects.

It was moved and seconded:

That Council receive and file the second quarter financial report.

CARRIED

8.2 2018 – 2022 Financial Plan Overview

Council heard from the Acting CAO and the Director of Financial Services regarding the 5-year financial plan overview. Council heard that supplemental items will be brought forward along with details and rationales at a future meeting.

Councillor Marsh returned to the meeting at 5:18 p.m.

It was moved and seconded:

That Council extend the meeting to 7:30 p.m.

CARRIED

It was moved and seconded:

That Council approve the proposed budget schedule set out in the Director of Financial Services July 12, 2017 report.

CARRIED

It was moved and seconded:

That Council direct staff in preparing their budgets to limit the 2018 net tax increase to 2.64% (as projected in the 2017 - 2021 Financial Plan).

CARRIED

It was moved and seconded:

That Council take a 40-minute recess for dinner.

CARRIED

8.3 2018 Permissive Tax Exemption Applications

It was moved and seconded:

That Council direct staff to draft a bylaw to amend the Permissive Tax Exemption Bylaw to include the applications received from

1. The Canadian Red Cross Society,
2. Nature Trust of BC, and
3. Oasis Church Society.

CARRIED

It was moved and seconded:

That Council direct staff to provide Council with further information on Mount Brenton Golf Course Ltd.

(Opposed: Behnsen; Siebring)

CARRIED

8.4 Cowichan Regional Visitor Centre Funding

It was moved and seconded:

That Council direct staff to draft an agreement with the City of Duncan to apportion cost sharing of the Regional Visitor Centre based on number of business licences in Duncan and South End of North Cowichan.

(Opposed: All Members)

DEFEATED

8.5 1576 Nimpkish Place – Removal of Unauthorized Construction

Council heard from the Acting CAO regarding the need to remove unauthorized construction at 1576 Nimpkish Place.

It was moved and seconded:

That Council direct the owner Mr. Lorne Erilch to remove the encroachment at 1576 Nimpkish Place and obtain a building permit for any portion that is remaining.

CARRIED

8.6 Daniel Cline Statue

It was moved and seconded:

That Council direct staff to prepare a report for the Chemainus Advisory Committee's review on the costs and implications of relocating the Spirit of the Earth sculpture in Waterwheel Square, including location options.

CARRIED

8.7 Mural Relocation

It was moved and seconded:

That Council authorize placement of the "Fallers Undercutting a Fir" mural at the Chemainus Fire Services building.

CARRIED

8.8 Council Priorities – Planning and Sustainability Division

Council heard from the Acting CAO regarding the need to re-evaluate Council's planning priorities.

It was moved and seconded:

That Council direct staff to continue with the internal review of Official Community Plan (OCP) policies in an effort to refine and strengthen the OCP existing policy framework.

Amendment:

It was moved and seconded:

That Council amend the main motion to add "and also continue with potential Urban Containment Boundary (UCB) changes to the polygon area bounded by Maple Bay Road, Woodgrove Way, Donnay Drive and Kingsview Road".

(Opposed: Lefebure; Behnsen; Maguire; Siebring; Walker)

DEFEATED

It was moved and seconded:

That Council direct staff to continue with the internal review of Official Community Plan (OCP) policies in an effort to refine and strengthen the OCP existing policy framework.

(Opposed: Douglas; Marsh)

CARRIED

It was moved and seconded:

That Council direct staff to provide a report with recommendations on potential UCB changes in the Gibbins Road area in order to properly address the outstanding Agriculture Land Commission inclusion application for 3252 Gibbins Road.

CARRIED

It was moved and seconded:

That Council extend the meeting to 8:30 p.m.

(Opposed: Maguire; Marsh)

CARRIED

It was moved and seconded:

That Council issue the Request For Proposal for the Bell McKinnon Local Area Plan in fall 2017, with the goal of selecting a consultant and commencing that project in January 2018 (acknowledging that a budget carry-over to 2018 will be required for previously allocated funds).

CARRIED

It was moved and seconded:

That Council direct staff to continue to advance the secondary suites, affordable housing (Community Land Trust Foundation of BC) and Chemainus Elementary redevelopment projects.

(Opposed: Behnsen)

CARRIED

It was moved and seconded:

That Council direct staff to include funding for a permanent Community Planner position for consideration in the 2018 Development Services' operating budget.

CARRIED

It was moved and seconded:

That Council direct staff to provide a report with recommendations on potential UCB changes in the Polygon area.

Amendment:

It was moved and seconded:

That Council add "Following completion of the Gibbins Road area UCB review" to the beginning of the main motion.

(Opposed: Behnsen; Walker)

CARRIED

Amendment:

It was moved and seconded:

That Council replace "Polygon area" with "Maple Bay Corridor" in the main motion.

(Opposed: Lefebure; Behnsen; Maguire; Walker)

DEFEATED

MAIN MOTION AS AMENDED:

It was moved and seconded:

Following completion of the Gibbins Road area UCB review, that Council direct staff to provide a report with recommendations on potential UCB changes in the Polygon area.

(Opposed: Siebring)

CARRIED

It was moved and seconded:

That Council direct staff to bring forward a Land Use Application Procedures Bylaw.

Amendment:

It was moved and seconded:

That Council amend the main motion to add "subject to funding approval for a Community Planner".

CARRIED

MAIN MOTION AS AMENDED:

It was moved and seconded:

That Council direct staff to bring forward a Land Use Application Procedures Bylaw, subject to funding approval for a Community Planner.

CARRIED

It was moved and seconded:

That Council direct staff to defer all other major planning projects and initiatives to a later date.

CARRIED

8.9 Climate Action and Energy Plan Reserve Fund Terms of Reference

It was moved and seconded:

That Council refer the Climate Action and Energy Plan Reserve Fund Terms of Reference to the Environmental Advisory Committee for review.

CARRIED

8.10 Beverly Street Construction

Council heard that in response to concerns raised by the Somenos Marsh Wildlife Society, the Mayor met with the Society and staff is scheduled to meet with the Society next week.

It was moved and seconded:
That Council receive this report for information.

CARRIED

8.11 Meeting Outside of Municipal Boundary

It was moved and seconded:
That Council authorize the August 18, 2017 Special Council meeting to be held outside municipal boundaries.

CARRIED

9. CORRESPONDENCE

9.1 Abandoned Vessels - Bill C-352

Council reviewed the correspondence from Sheila Malcolmson, Member of Parliament, regarding abandoned vessels.

10. NOTICE OF MOTIONS

None.

11. REVIEW OF COMMITTEE MINUTES

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

1. Chemainus Advisory Committee - July 13, 2017, and
2. Community Planning Advisory Committee - August 8, 2017.

12. NEW BUSINESS

None.

13. QUESTION PERIOD

Council received no questions from the public regarding business considered at this meeting.

14. CLOSED SESSION

Council closed the meeting to the public at 8:26 p.m. on the basis of section (90) (1) (c) *[personnel]* and (e) *[disposition of land]* of the *Community Charter*. Council rose and reported on the following:

14.1 Easement - Maple Bay Peninsula

It was moved and seconded:
That Council approve granting an additional easement over Municipal Forest Reserve on Maple Bay Peninsula (East 1/2 of Section 19, Range 7, Cowichan District) to Bill and Valerie Heath (owners of 8450 Stoney Hill Road) in recognition that they have agreed to

grant a right-of-way over their property so North Cowichan can access a pond for future firefighting purposes.

CARRIED

15. ADJOURNMENT

The meeting ended at 8:41 p.m.

Signed by Mayor

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