

# Municipality of North Cowichan

## Regular Council

### MINUTES

July 19, 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, Chief Administrative Officer (CAO)  
                                  Mark Ruttan, Director of Corporate Services / Deputy CAO  
                                  Ernie Mansueti, Director of Parks and Recreation  
                                  Kyle Young, Assistant Manager of Planning and Subdivision  
                                  Iain Bell, Operations Manager  
                                  Don Stewart, Deputy Director of Parks and Recreation  
                                  Shaun Chadburn, Engineering Technologist - Environmental  
                                  Rachel Hastings, Senior Bylaw Compliance Officer  
                                  Chris Hutton, Development Planner

#### 1.     **CALL TO ORDER**

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

(For purposes of convenience, some items of business were dealt with out of order, but for ease of reading and cross reference with the agenda, these minutes are recorded in agenda order).

#### 2.     **APPROVAL OF AGENDA**

It was moved and seconded:

That Council approve the agenda amended to add 3.1 (closed) Appointment and delete item 8.15.

**CARRIED**

#### 3.     **ADOPTION OF MINUTES**

It was moved and seconded:

That Council adopt the following minutes:

1. June 19 Special Council meeting;
2. June 21 Committee of the Whole meeting;
3. June 21 Regular Council meeting; and
4. June 29 Special Council meeting.

**CARRIED**

#### **4. DELEGATIONS AND PRESENTATIONS**

##### **4.1 Friends of the Environment Contest**

Council heard from North Cowichan's Summer Environmental Student Olivia Poirier, regarding outreach work promoting waste diversion and composting to over 1500 students. Mayor Lefebure and Olivia awarded prizes to the winners of North Cowichan's annual Friends of the Environment contest.

##### **4.2 RCMP Quarterly Report**

Council heard from Staff Sergeant Bear regarding North Cowichan/Duncan RCMP detachment's 2nd Quarter (April through June 2017) activities and accomplishments and answered questions from Council.

#### **5. PUBLIC HEARINGS AND MEETINGS**

##### **5.1 Public Hearing - Bylaw 3642 - "Zoning Amendment Bylaw (No. 11 – Cottonwood Road), 2017"**

Public Hearing Report – Council commenced a public hearing at 1:58 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3642. 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 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 3 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 following persons:

Mary Taylor and Andrea Court, co-owners and applicants, read their previously submitted letter regarding the history of their application. They also advised that they are providing assisted living accommodation and that several neighbours support their application.

Louise Peters, 9270 Cottonwood Road, said neighbours should have been consulted by the applicant earlier. She opposed the rezoning due to the narrow shared access, failure to initially obtain a building permit, contravention of the zoning bylaw, the precedent this sets, environmental impact, capacity of the on-site septic system, and potential decrease in property values.

Arlene Thorne, 9274 Cottonwood Road, expressed concern she was not consulted earlier. She said the owners deliberately circumnavigated municipal zoning. She said she fears the applicant will build an illegal suite in the main home and worries Fuller Lake will be polluted.

Jim Diebold, 9262 Cottonwood Road, said when he asked about the application he was told it was none of his business.

Mary Taylor and Andrea Court, said 2 inspections of their home found there was no basement suite. They also regretted their interaction with Mr. Diebold and stressed they had no intentions to deceive anyone.

Jim Diebold, said that since moving in the driveway has been more dusty. He also said the applicant told him BC Hydro wanted the hydro pole moved, which he does not believe.

Mayor Lefebure asked three times if anyone else wished to speak. No one spoke so Mayor Lefebure closed the public hearing at 2:40 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 11 – Cottonwood Road), 2017", No. 3642.

(Opposed: Siebring)

**CARRIED**

## **5.2 Public Hearing - Bylaw 3660 - "Zoning Amendment Bylaw (No. 12 – Dingwall Street), 2017"**

Public Hearing Report – Council commenced another public hearing at 2:47 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3660. He then invited those in attendance to submit any last-minute correspondence. No late correspondence was presented. The Director of Corporate Services advised that prior to the hearing that 2 pieces of correspondence were received from the public regarding the application. Council then received a presentation regarding the proposal from the Planner Chris Hutton and heard from the following persons:

Linda Taylor, 5867 Howard Avenue, expressed concern regarding the proposed density increase.

Kristie Haz, agent for the applicant, advised she approached immediate neighbours offering to buy their properties but they were not interested. She said she thinks this development will be good for the neighbourhood.

Mayor Lefebure asked three times if anyone else wished to speak. No one spoke so Mayor Lefebure closed the public hearing at 3:10 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 12 – Dingwall Street), 2017", No. 3660.

**CARRIED**

## **5.3 Public Meeting - Development Variance Permit - 10092 View Street**

Councillor Marsh declared that she thinks she may have a conflict of interest as she lives next door to the subject property and she left the meeting at 3:20 p.m.

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 Kevin Glass, for 10092 View Street, that varies section 58 (6) (a) of the Zoning Bylaw, in order to reduce the minimum required principal building setback from 2 m to 1.5 m, to facilitate subdivision of the subject property.

**CARRIED**

Councillor Marsh returned to the meeting at 3:33 p.m.

#### **5.4 Public Meeting - Development Variance Permit - 6387 Green Road**

Council received a presentation from the Assistant Manager of Planning and Subdivision, regarding the proposed variance. Council then invited public input. Council heard briefly from Sean Roy on behalf of Westurban Developments Ltd. who gave a presentation explaining that they intend to develop a 5-storey purpose-built rental building with a mixture of 1 and 2 bedroom apartments.

Gord Griffiths, 6275 Fairview Way, said he thinks the development will cast shadows on his property and parking is too close to Averill Creek. He also said he doesn't think a fence will deter people from accessing the creek. He thinks that the development will be low income rental, and it will hurt his view.

Bernie Jones, explained that he recommended rejection at the Community Planning Advisory Committee meeting and the reasons why.

Christina Fawcett, 6367 Green Road, acknowledged there is no shadowing issue, height is not a concern given height of trees, and connection to the sewer system and storm drain will be helpful. She expressed her view is that the proposal is progressive and a good thing for the area.

Don Fawcett, 6367 Green Road, expressed traffic concerns and the need for good planning.

It was moved and seconded:

That Council issue a development variance permit to Rene and Magdalana Vorselaars (WestUrban Developments Ltd.), for 6387 Green Road, that varies:

1. section 63 (7) (a) of the Zoning Bylaw to increase the maximum permitted principal building height from 11.0 m to 18.29 m, and
2. section 21 (1) of the Zoning Bylaw to reduce the minimum number of required off-street parking spaces from 106 to 83.

**CARRIED**

#### **5.5 Public Meeting - Temporary Use Permit - 1698 Maple Bay 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 temporary use permit No. TUP00006 to the Lightray Development Group, for 1698 Maple Bay Road, for the placement and accommodation of a recreational vehicle for surveillance and security in support of Stonehill development.

**CARRIED**

It was moved and seconded:

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

**CARRIED**

## **6. PUBLIC INPUT**

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

## **7. BYLAWS**

### **7.1 Bylaw 3597 - "Zoning Amendment Bylaw (No. 9 – Text Amendment), 2017"**

It was moved and seconded:

That Council postpone further consideration of proposed Bylaw 3597 until a response from the Province is received regarding whether it will support medical marijuana production within the Agricultural Land Reserve.

(Opposed: Lefebure; Behnsen; Marsh; Walker)

**DEFEATED**

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 9 – Text Amendment), 2017", No. 3597.

(Opposed: Douglas; Maguire; Siebring)

**CARRIED**

### **7.2 Bylaw 3629 - "Kingsview Comprehensive Development Plan Bylaw, 2016"**

It was moved and seconded:

That Council adopt "Kingsview Comprehensive Development Plan Bylaw, 2016", No. 3629.

It was moved and seconded:

That Council postpone the main motion until Council has discussed nutrient loading, rainwater capture, and "energy step" building requirements.

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

**DEFEATED**

It was moved and seconded:

That Council adopt "Kingsview Comprehensive Development Plan Bylaw, 2016", No. 3629.

(Opposed: Douglas; Marsh)

**CARRIED**

**7.3 Bylaw 3631 - "Zoning Amendment Bylaw (No. 9 - Kingsview Development), 2016"**

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 9 - Kingsview Development), 2016", No. 3631.

(Opposed: Douglas; Marsh)

**CARRIED**

It was moved and seconded:

That Council recess for dinner (5:48 p.m. to 6:20 p.m.)

**CARRIED**

**7.4 Bylaw 3654 - "Fire Protection Amendment Bylaw, 2017"**

It was moved and seconded:

That Council read a first and second time "Fire Protection Amendment Bylaw, 2017," No. 3654, as amended in section 2 to

1. Replace "2 ha" with "2 ac", and
2. Remove "from March 15 through April 15, and from October 15 through November 15".

**CARRIED**

It was moved and seconded:

That Council read "Fire Protection Amendment Bylaw, 2017," No. 3654, a second time as amended, to add in section 6 "This Bylaw takes effect January 1, 2018".

(Opposed: Lefebure; Behnsen; Douglas; Maguire; Marsh; Siebring)

**DEFEATED**

It was moved and seconded:

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

**CARRIED**

**7.5 Bylaw 3656 - "Zoning Bylaw Amendment (No. 8 - Lewis Street), 2017"**

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 8 – Lewis Street), 2017", No. 3656.

**CARRIED**

**7.6 Bylaw 3659 - "Street Name Change Bylaw, 2017"**

It was moved and seconded:

That Council postpone consideration of proposed "Street Name Change Bylaw, 2017", No. 3659, until further public consultation is undertaken with Stoney Hill residents, and until Council receives a further staff report.

**CARRIED**

**7.7 Bylaw 3662 - "Zoning Amendment Bylaw (No. 13 - Gibbins Road), 2017"**

It was moved and seconded:

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

**CARRIED**

**7.8 Bylaw 3663 - "Zoning Amendment Bylaw (No. 14 - Cook Street), 2017"**

It was moved and seconded:

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

**CARRIED**

**8. REPORTS**

**8.1 Budget Transfer Request**

It was moved and seconded:

That Council approve the transfer of \$420,000 from 2017 operating overlay budget to 2017 capital overlay budget, and direct staff to draft a bylaw to amend the Financial Plan accordingly.

**CARRIED**

**8.2 Budget Transfer Policy**

It was moved and seconded:

That Council set policy allowing transfers between budgets as follows:

1. Transfers must not contravene the Financial Plan;
2. Transfers of operating budgets up to \$20,000 must be approved by managers;
3. Transfers of operating budgets over \$20,000 must be approved by department heads and the Director of Financial Services;
4. Transfers of capital project budgets up to \$50,000 must be approved by department heads;
5. Transfers of capital project budgets over \$50,000 must be approved by the Director of Financial Services;
6. Cancellation of capital project budgets must be approved by Council;
7. Transfers of capital projects budgets to a new capital project must be approved by department heads, the Director of Financial Services and Council, and
8. At the end of each year, the Director of Financial Services must transfer unexpended budget funds to applicable reserve funds or the appropriate surplus fund for future expenditures.

**CARRIED**

**8.3 Recreation Fees Review**

It was moved and seconded:

That Council direct staff to draft a bylaw to amend the Fees Bylaw to increase Cowichan Aquatic Centre and Fuller Lake Arena single admission and room rental fees by 2.2%, effective September 6, 2017 (and other amendments set out in the June 19, 2017 staff report).

**CARRIED**

Councillor Siebring left the meeting at 7:14 p.m.

**8.4 Crofton Road Improvements**

It was moved and seconded:

That Council authorize the Mayor to send a letter to the Ministry of Transportation and Infrastructure asking for immediate improvements to Crofton Road to decrease emergency response times and damage to emergency vehicles.

**CARRIED**

Councillor Siebring returned to the meeting at 7:18 p.m.

**8.5 Chilco Road Forest Reserve Access**

It was moved and seconded:

That Council approve the following measures to improve parking and access to the Municipal Forest Reserve off Chilco Road:

1. creating up to seven parking stalls on Chilco Road,
2. resurfacing Chilco Road,
3. enlarging the Chilco Road turnaround to its original width,
4. installing "no parking" signs where appropriate,
5. prohibiting overnight parking and sign accordingly,
6. enforcing parking restrictions seven days a week,
7. amending the Municipal Ticket Information System Bylaw to allow for ticketing of cars parked in violation of posted signage,
8. ensuring mapping indicates Osborne Bay Road and Smith Road as primary access points, and
9. informing local outdoor groups of preferred parking areas for group outings.

**CARRIED**

**8.6 Take Heart and Breathe Well Program**

It was moved and seconded:

That Council approve and authorize the Mayor and Corporate Officer to sign the agreement with Island Health for North Cowichan to run the Take Heart and Breathe Well Program.

**CARRIED**

It was moved and seconded:

That Council direct staff to draft a bylaw to amend the Delegation of Authority Bylaw to delegate authority to the Director of Parks and Recreation to enter into health promotion and rehabilitation service agreements.

**CARRIED**

**8.7 Development Permit with Variance - 2935 Sprott Road**

It was moved and seconded:

That Council issue development permit No. DP000107 to Randall and Margot Young, for 2935 Sprott Road, that includes a variance to section 70 (5) (b) of the Zoning Bylaw, to reduce the minimum required front yard accessory building setback from 8 to 0 m for a display platform with landscape enhancements.

**CARRIED**



**8.8 Secondary Suites in North Cowichan**

It was moved and seconded:

That Council direct staff to draft a bylaw to amend the Zoning Bylaw to permit secondary suites in the residential restricted (R2) and residential restricted properties (R2-A) zones, and to decrease the minimum permitted area for a secondary suite in the residential one and two family (R3) zone from 650 m<sup>2</sup> to 450 m<sup>2</sup>.

**CARRIED**

**8.9 Climate Action and Energy Plan**

It was moved and seconded:

That Council authorize staff to apply to the Federation of Canadian Municipalities for up to \$80,000 in co-funding (project value up to \$100,000) for the purpose of updating the Climate Action and Energy Plan's greenhouse gas emissions model.

**CARRIED**

**8.10 Amalgamation Referendum**

It was moved and seconded:

That Council send a joint letter with the City of Duncan to request that the Province direct both municipalities to hold a referendum on amalgamation in the spring of 2018.

(Opposed: Lefebure; Douglas; Marsh)

**CARRIED**

It was moved and seconded:

That Council direct the Amalgamation Working Group to continue to develop the process to provide sufficient unbiased information for a spring referendum question on amalgamation, with approval of that process by both Councils.

(Opposed: Douglas; Marsh)

**CARRIED**

**8.11 Quamichan Lake Information Signs**

It was moved and seconded:

That Council direct staff to

1. install permanent signage at the Quamichan Lake public access points,
2. continue to monitor cyanobacteria levels, and
3. add additional warning signs when risk levels of cyanobacteria are present.

**CARRIED**

**8.12 Quamichan Creek**

It was moved and seconded:

That Council direct staff to monitor the outlet of Quamichan Lake through an on-site visual inspection each spring.

**CARRIED**

**8.13 Quamichan Lake Monitoring Program**

It was moved and seconded:

That Council authorize the Municipality to undertake a water quality monitoring program of Quamichan Lake that takes into account design recommendations from experts.

**CARRIED**

**8.14 Quamichan Lake Nutrient Loading**

It was moved and seconded:

That Council establish a program to manage and reduce nutrient loading into Quamichan Lake.

**Amendment:**

It was moved and seconded:

That Council amend the main motion to add the words "direct staff to provide a report to Council recommending how to" between the words "Council" and "establish".

**CARRIED**

**Main Motion as Amended:**

It was moved and seconded:

That Council direct staff to provide a report to Council recommending how to establish a program to manage and reduce nutrient loading into Quamichan Lake.

**CARRIED**

**9. NOTICE OF MOTIONS**

None.

**10. REVIEW OF COMMITTEE MINUTES**

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

1. Quamichan Lake Water Quality Task Force - June 13, 2017,
2. Protective Services Committee - June 19, 2017, Parks,
3. Parks and Recreation Advisory Committee - June 26, 2017,
4. Quamichan Lake Water Quality Task Force - June 26, 2017, and
5. Community Planning Advisory Committee - July 10, 2017.

**11. NEW BUSINESS**

None.

**12. QUESTION PERIOD**

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

**13. CLOSED SESSION**

Council closed the meeting to the public on the basis of section (90) (1) (a) *[appointments]*, (c) *[labour relations]* and (j) *[third party business information]* of the *Community Charter*.

**14. ADJOURNMENT**

The meeting ended at 8:21 p.m.

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Signed by Mayor

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