

**Municipality of North Cowichan
Council
(Public Hearings and Public Meetings)
MINUTES**

**January 31, 2019, 6:00 p.m.
Municipal Hall - Council Chambers**

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Councillor Kate Marsh
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Karen Robertson, Corporate Officer Rob Conway, Director of Planning Glenn Morris, Development Planning Coordinator Caroline von Schilling, Development Planner Larissa Barry-Thibodeau, Planning Technician Mairi Bosomworth, Community Planner

1. CALL TO ORDER

There being a quorum present, Mayor Siebring called the meeting to order at 6:01 p.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council adopt the January 31, 2019 Council agenda, as circulated.

CARRIED

3. PUBLIC HEARINGS AND PUBLIC MEETINGS

3.1 PUBLIC HEARING - Bylaw 3725 - "Zoning Amendment Bylaw (No. 18 - Foreshore Marine Fueling Facility), 2018" (third reading and adoption)

Public Hearing Report – Council commenced a public hearing at 6:01 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3725. Mayor Siebring 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 proposed zoning bylaws after the closure of public hearings. The location of the public

hearing information binder was pointed out and the public was invited to examine it during the hearing.

The Corporate Officer advised that prior to the hearing 3 pieces of correspondence were received from the public and previously circulated to Council, 1 with concerns, 1 with questions, and 1 opposed.

Council received a presentation regarding the proposal from the Development Planning Coordinator. Council asked for clarification from staff regarding the past, current and proposed use of the foreshore lease area for marine fueling, the status of fuel tanks, as well as the rationale for proposed expanded foreshore lease area and concerns over proximity to the islet. Council discussed that Bylaw 3725 proposes to rezone the current foreshore lease area as well as an expanded area, in order to regularize the fueling facility use. Council heard from the applicant that the request to the Province for an expanded foreshore lease area is to accommodate the existing marina and required navigable space for boats, and not to extend the marina infrastructure works further out beyond the existing location.

Council heard from the following persons:

1. David McKerrell -agent representing the owners of Bird's Eye Cove Marina; and
2. Ben Kiedaisch - 1239 McKenzie Drive.

In support of the rezoning, Council heard the following from the public:

- Having two fuel systems in the harbour is helpful in the event of a natural disaster or incident, such as the December 20, 2018 windstorm. Maple Bay is still not able to sell fuel to the area following damage from this windstorm; and
- Having a complete set of spill gear only 1 km away is also helpful for emergency response purposes.

Mayor Siebring asked three times if anyone wished to speak. No one spoke so Mayor Siebring closed the public hearing at 6:53 p.m.

It was moved and seconded:

That Council give third reading to "Zoning Amendment Bylaw (No. 18 – Foreshore Marine Fueling Facility), 2018, No. 3725" in order to add marine fueling facility as a permitted use over the foreshore lease area.

(Opposed: Douglas; Justice; Sawrie; Toporowski)

DEFEATED

3.2 PUBLIC HEARING - Bylaw 3737 - "Zoning Amendment Bylaw (No. 23 - 3042 Henry Road), 2018" (third reading)

Mayor Siebring declared a perceived conflict due to the proximity of his house to the proposed location and left the meeting at 7:10 p.m. Councillor Douglas assumed the Chair.

Public Hearing Report – Council commenced another public hearing at 7:10 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3737.

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The Corporate Officer advised that prior to the hearing 10 pieces of correspondence from the public were received which were previously circulated to Council: 9 in support and 1 opposed to the rezoning.

Council received a presentation regarding the proposal from the Planning Technician. Council then heard from the applicant, Alexander Daether, that the property is already zoned for duplex and it would be a shame to have to decommission the existing home.

Acting Mayor Douglas asked three times if anyone wished to speak. No one spoke so Acting Mayor Douglas closed the public hearing at 7:16 p.m.

It was moved and seconded:

That Council give third reading to "Zoning Amendment Bylaw (No. 23 – Henry Road), 2018", No. 3737 (3042 Henry Road) in order to permit a second residential building.

CARRIED

Mayor Siebring returned to the Council Chambers and assumed the Chair at 7:25 p.m.

3.3 PUBLIC HEARING - Bylaw 3741 - "Zoning Amendment Bylaw (Cannabis Production Facility), 2019" (third reading)

Public Hearing Report – Council commenced another public hearing at 7:26 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3741.

Council received a presentation regarding the proposal from the Community Planner. Council then heard from the following persons:

1. Dereck Stevens - 8798 Sorona Place, Sidney;
2. Sandeep Sundher – 1280 Misty Woods, Victoria;
3. George Anstey - 2557 Cook Street, Victoria;
4. Dereck Stevens for a second time.

In support of the rezoning, Council heard the following from the public:

- Positive impact for economy: increased jobs and tax dollars from these facilities;
- No environmental impacts and must follow Health Canada Guidelines;
- Improved access to certified product for the public;
- Many facilities are inconspicuous and micro-cultivation allows for less intrusive production space.

The Corporate Officer advised that prior to the hearing no correspondence from the public was received.

Mayor Siebring asked three times if anyone wished to speak. No one spoke so Mayor Siebring closed the public hearing at 7:43 p.m.

It was moved and seconded:

That Council give third reading to "Zoning Amendment Bylaw (Cannabis Production Facility), 2019" No. 3741" to permit Cannabis Production Facilities in the Industrial Light Zone (I1) and Industrial Heavy Zone (I2).

CARRIED

3.4 PUBLIC MEETING - Development Variance Permit - 1005 Springett Street

Council heard from the Development Planner regarding the development variance permit application, and heard from the Corporate Officer that 1 piece of correspondence, in favour of the application, was received regarding the proposed Development Variance Permit.

Council heard from the applicant, Mr. Noonan, regarding the applicant's honest intent to abide by building regulations.

It was moved and seconded:

That Council issue a development variance permit to Gregory and Catherine Noonan for 1005 Springett Street, that varies section 56.7(b) of Zoning Bylaw No. 2950, 1997 by increasing the maximum accessory building height by 0.6 m (2.1 ft) from 5.0 m (16.4 ft) to 5.6 m (18.5 ft) in order to regularize a garage currently under construction.

CARRIED

4. BYLAWS

4.1 Bylaw 3730 - "Zoning Amendment Bylaw (No. 20 – 9833 Willow Street), 2018" (adoption)

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 20 - 9833 Willow Street), 2018," No. 3730 in order to rezone the property from the Residential One and Two-Family (R3) Zone to the Urban Medium Density Comprehensive Development (CD10) Zone.

CARRIED

4.2 Bylaw 3699 - "Zoning Amendment Bylaw (No. 7 – 6495 Paddle Road), 2018" (adoption)

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 7 – 6495 Paddle Road), 2018", No. 3699.

CARRIED

5. ADJOURNMENT

It was moved and seconded:

That Council adjourn the January 31, 2019, Council meeting at 7:57 p.m.

CARRIED

Signed by Mayor

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