

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2019-FEB-04, AT 4:30 P.M.

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Present: Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, Director of Community Development  
B. Sims, Director of Engineering and Public Works  
B. Corsan, Deputy Director of Community Development (arrived 7:36 p.m., vacated 7:38 p.m.)  
J. Van Horne, Director of Human Resources (arrived 7:02 p.m., vacated 7:06 p.m.)  
M. Desrochers, Technical Support Specialist  
S. Gurrie, City Clerk  
J. Vanderhoef, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:29 p.m.

2. PROCEDURAL MOTION TO PROCEED IN CAMERA:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations; and,
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

The motion carried unanimously.

Council moved “In Camera” at 4:30 p.m.  
Council moved out of “In Camera” at 6:57 p.m.

The Regular Council Meeting recessed at 6:57 p.m.  
The Regular Council Meeting reconvened at 7:00 p.m.

3. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

J. Van Horne entered the Shaw Auditorium at 7:02 p.m.

4. ADOPTION OF THE MINUTES:

It was moved and seconded that the following minutes be adopted as circulated:

- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-JAN-14, at 4:30 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-JAN-21, at 5:30 p.m.

The motion carried unanimously.

5. MAYOR’S REPORT:

Mayor Krog thanked Council for agreeing to pay for his costs to attend the Mid Island Business Improvement launch event in Vancouver, which was well attended by investors and business people. He also noted that Council had recently had an opportunity to meet with the Airport Commission and School Board in an effort to further those relationships.

(a) Code of Conduct Signing

Mayor Krog spoke regarding the Code of Conduct, presented to Council during the 2019-JAN-28 Committee of the Whole Meeting, which Council had agreed to adopt and sign at the next scheduled meeting of Council. He noted that the signing of the Code of Conduct is reflective of this Council’s commitment to the kind of decorous behaviour that is expected of publicly elected officials.

J. Van Horne vacated the Shaw Auditorium at 7:06 p.m.

6. PRESENTATIONS:

(a) 2018 Community Development Year in Review

Dale Lindsay, Director of Community Development, provided a presentation regarding development statistics for the community, occupancy rates, permit processing timeframes, and large development projects taking place within the City.

7. REPORTS:

(a) Development Permit Application No. DP1102 - 1228 Manzanita Place

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit No. DP1102 at 1228 Manzanita Place with the following variances:

- reduce the minimum front yard setback for proposed Building B from 6m to 5.4m;
- reduce the minimum front yard setback for proposed Building C from 6m to 4.5m;
- increase the maximum building heights for proposed Buildings A, C and D from 7m to 9m; and,
- increase the maximum building height for proposed Building B from 7m to 8.2m.

The motion carried unanimously.

(b) Covenant Amendment Application No. CA10 - 1371 Stewart Avenue

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA10 at 1371 Stewart Avenue. The motion carried unanimously.

B. Corsan entered the Shaw Auditorium at 7:36 p.m.

(c) Front Street Extension - Budget Transfer

Introduced by Dale Lindsay, Director of Community Development.

Presentation:

1. Bill Corsan, Deputy Director of Community Development, provided a presentation regarding the current stage of the waterfront walkway development project, allocation of funding, and submitting a grant application to the Union of BC Municipalities.

It was moved and seconded that Council:

1. approve a change to the funding strategy for the walkway component of the Front Street Extension project; and,
2. direct Staff to submit a revised grant application to Union of BC Municipalities for the waterfront walkway project at 1 Port Drive for evaluation.

The motion carried unanimously.

B. Corsan vacated the Shaw Auditorium at 7:38 p.m.

- (d) Union of BC Municipalities Funding Program for Flood Risk Assessment, Mapping and Mitigation Planning

Introduced by Bill Sims, Director of Engineering and Public Works.

It was moved and seconded that Council:

1. endorse the funding application for the South Fork and Jump Creek Dams Inundation Mapping under the Union of BC Municipalities Funding Program and Flood Risk Assessment, Mapping and Mitigation Planning; and,
2. direct Staff, upon a successful grant application, to amend the 2019 – 2023 Financial Plan to accelerate the South Fork and Jump Creek Dams Inundation Mapping project from year three (2021) to year two (2020) of the plan with funding to be a combination of grant funding and water reserves.

The motion carried unanimously.

8. BYLAWS:

- (a) "Housing Agreement Amendment Bylaw 2019 No. 7262.01"

It was moved and seconded that "Housing Agreement Amendment Bylaw 2019 No. 7262.01" (To amend the bylaw to ensure that all existing and future housing units on the site are used for affordable housing, and to update an outdated reference to the *Local Government Act*) be adopted. The motion carried unanimously.

- (b) "Highway Closure and Dedication Removal Bylaw 2019 No. 7274"

It was moved and seconded that "Highway Closure and Dedication Removal Bylaw 2019 No. 7274" (To provide for highway closure and dedication removal of a portion of Labieux Road adjacent to 2560 Bowen Road) pass third reading. The motion carried unanimously.

(c) "Housing Agreement Bylaw 2019 No. 7280"

It was moved and seconded that "Housing Agreement Bylaw 2019 No. 7280" (To authorize a Housing Agreement between the City of Nanaimo and 0948423 BC Ltd. pertaining to 548 Steeves Road) be adopted. The motion carried.

Opposed: *Councillor Bonner*

9. OTHER BUSINESS:

(a) Councillor Maartman Motion re: Carbon Initiative

It was moved and seconded that Council defer consideration of the following motion:

"That City of Nanaimo declare a climate emergency and takes a leadership role towards achieving carbon neutrality by 2030."

The motion carried unanimously.

(b) Councillor Bonner Motion re: Cannabis and Farm Use Activities

It was moved and seconded that Council direct Staff to submit the following resolutions to the AVICC:

1. Cannabis and Farm Use Activities

"WHEREAS the *Agricultural Land Commission Act* states "farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*,

AND WHEREAS the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) has differentiated the lawful production of cannabis from other "farm use" by limiting the structures for production, and narrowing the definition of 'necessary' activities under section 2(3), unlike any other crop in British Columbia:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation so that the lawful production of cannabis aligns with the growing structures and site development measures available for all other crops. More specifically, placing limits on the unique concrete structure growing method initially targeted for regulation to all crops. Thus enabling cannabis, when grown as any other crop, to be deemed a "farm use", as defined in the *Agricultural Land Commission Act* and a "farm operation" under the *Farm Practices Protection (Right to Farm)*. Circumscribing cannabis production in structures that are lawful by regulation for all other crops, may not withstand judicial review."

2. Cannabis Plants on the Agricultural Land Reserve

"WHEREAS the *Agricultural Land Commission Act* states "farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;

AND WHEREAS the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) has differentiated the lawful production of cannabis from other "farm use" by limiting the structures for production, and narrowing the definition of 'necessary' activities under section 2(3), unlike any other crop in British Columbia:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation in order to clarify the interpretation of section 2(2.5) of the ALR Regulation regarding the lawful production of cannabis "inside a structure (a) that has a base consisting entirely of soil", and clarify that when producing cannabis in a greenhouse, it has the same meaning as "Greenhouse" under section 2(o)(i) of the Regulation. Circumscribing cannabis production in structures that are lawful by regulation for all other crops, may not withstand judicial review.

AND BE IT FURTHER RESOLVED THAT the AVICC request the provincial government to amend the ALR Regulation section 2(2.5) to resemble something like the following:

(2.5) The lawful production of cannabis is designated as farm use for the purposes of the Act if produced outdoors in a field or inside a structure

(a) which has a base consisting entirely of soil, and

(i) that is moveable in nature; or

(ii) on a helical pile foundation; or

(iii) whose base does not create irreversible damage to the soil."

3. Low Impact Foundation Systems for Farm Use Structures

"WHEREAS the structural use of concrete as a foundation system and associated fill, is known to cause irreparable damage to soil biology and render a site unfit for soil-based crops in the future, and low-impact, low carbon, removable foundation technologies are available as a new standard for agricultural structure foundations;

AND WHEREAS the *Agricultural Land Commission Act*, and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) regulate "farm use" structures on the agricultural land reserve (ALR) and the deposit of fill is considered a farm use for all activities under sections 2(1) to (2.2), and does not require notification to the ALR except under limited circumstances, and the National Farm Building Code applies to all agricultural "farm use" structures;

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to encourage the use of low carbon, low impact, cement-free foundation technologies for farm

use structures and buildings within the ALR, thereby reducing the deposition of fill material and elimination of arable soil capability in the long term."

4. Retrofitting of Structures to Reduce Impact of New Construction

"WHEREAS the *Agricultural Land Commission Act*, and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the ALR Regulation) Section 2(2.5)(b) has limited cannabis production to existing structures which were previously utilized for crop production, or were under continuous production prior to the regulatory change, eliminating the ability to convert non-crop or other structures within the Agricultural Land Reserve (ALR);

AND WHEREAS the *Cannabis Act and Regulations* require "good production practices" that create hygienic conditions for the cultivation and production of cannabis, and existing structures are available for federally compliant conversion, which would strengthen municipal 2018 BC Building Code oversight, reduce the pressure for new construction, and facilitate contribution to the local and BC Economy:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation to allow for the retrofitting of existing non-residential structures on the ALR for cannabis production."

5. Indoor Agricultural Fertilization Practices

"WHEREAS water sustainability, healthy watersheds and ground water are of vital importance and, commercial fertilizers can be damaging to groundwater and influence water quality in watersheds;

AND WHEREAS the use of fertilizers in greenhouses and indoor structures creates effluent that contains concentrated commercial fertilizers which, if released untreated can be damaging to groundwater and the overall watershed:

THEREFORE, BE IT RESOLVED that the AVICC request that the provincial government explore including in the BC Agricultural Best Practices, the requirement for closed loop greenhouse irrigation systems in commercial greenhouse and indoor agricultural structures, to prevent commercial fertilizers from being emitted into the environment."

The motion carried.

Opposed: *Councillors Armstrong, Thorpe, Turley*

10. QUESTION PERIOD:

- Heather Ambo re: values for market rentals.
- Les Barclay re: Agenda Item 10(c) - Front Street Extension – Budget Transfer and submission deadline for grant application.

11. ADJOURNMENT:

It was moved and seconded at 7:52 p.m. that the meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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CORPORATE OFFICER