

Municipality of North Cowichan

Regular Council

AGENDA

Wednesday, September 18, 2019, 1:30 p.m.
Municipal Hall - Council Chambers

Pages

1. **CALL TO ORDER**

This meeting is open to the public. All representations to Council form part of the public record. Proceedings will be streamed live and archived at northcowichan.ca.

2. **APPROVAL OF AGENDA**

Recommendation:

That Council adopt the September 18, 2019 Regular Council agenda, as circulated [or as amended].

3. **ADOPTION OF MINUTES**

3.1 **September 4, 2019 - Special Council Minutes**

7 - 8

Recommendation:

That Council adopt the minutes of the Special Council meeting held September 4, 2019.

3.2 **September 4, 2019 - Regular Council Minutes**

9 - 19

Recommendation:

That Council adopt the minutes of the Regular Council meeting held September 4, 2019.

4. **MAYOR'S REPORT**

5. **REMEDIAL ACTION REQUIREMENT**

5.1 **Remedial Action Requirement - Request for Reconsideration for 9384 Cottonwood Drive**

20 - 68

Purpose: to consider Webster Daniel Parker's request for Council to reconsider the remedial action requirement (under Section 78 of the *Community Charter*) as imposed by Council as its September 4, 2019 meeting.

The order of proceedings for this reconsideration prior to Council making its final determination on the resolution will include:

- Opportunity for the applicant to address Council;
- Staff will then be given an opportunity to respond;
- Opportunity for adjacent or affected landowners to provide comments

Recommendation:

That Council either confirm, impose conditions, or overturn the following Council resolution that was passed at the September 4, 2019 Regular meeting:

Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;

AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 4, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487] (the "Property"), upon which an accessory building unlawfully used for residential accommodation (the "Accessory Building") is located;

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:

1. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;
2. THAT Council hereby declares that the "Accessory Building" is a nuisance, within the meaning of Section 74 of the Community Charter, and so dilapidated and unclean as to be offensive to the community;
3. THAT Council hereby requires the Owner to demolish the Accessory Building and remove the resulting debris within 30 days of receiving notice of this requirement under Section 77 of the Community Charter (the "Remedial Action Requirement");
4. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the Community Charter, including a copy of this resolution;
5. THAT the District shall notify the persons entitled to notice under s. 77(1) of the Community Charter that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the Community Charter, by providing the District with written notice within 14 days of the date on which notice under s. 77 of the Community Charter was sent to them; and
6. THAT if any or all of the actions in paragraph 3 are not completed by the dates set out above, the District may undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the Community Charter.

6. DELEGATIONS AND PRESENTATIONS

- 6.1 **DELEGATION: Amy Trippe Brophy - Chemainus Valley Historical Society and Museum** 69 - 69

Purpose: Ms. Brophy to provide a brief history of the Chemainus Valley Historical Society and Museum, including the mandate and role in the community and current operations and plans.

- 6.2 **DELEGATION: Kurt Feltrin - Development Variance Permit at 8996 Chemainus Road** 70 - 70

Purpose: Mr. Feltrin is requesting that Council reconsider the decision made at the June 20, 2018 meeting to impose the requirement to register a covenant on title on his property at 8996 Chemainus Road that would restrict the number of dwelling units on each parcel.

7. PUBLIC INPUT

Opportunity for brief verbal input from registered speakers regarding subsequent agenda items.

8. REPORTS

- 8.1 **Architectural and Managing Consultant Services for the New Integrated RCMP Detachment** 71 - 72

Purpose: To provide Council with the results of the Request for Proposal (RFP) for Architectural and Managing Consultant Services for the New Integrated RCMP Detachment.

Recommendation:

That Council authorize the Mayor and Corporate Officer to enter into a contract with KMBR Architects Planners Inc. for \$1,053,000, plus GST, for Architectural and Managing Consultant Services for the new North Cowichan Integrated RCMP Detachment Project.

Recommendation:

That Council authorize the Mayor and Corporate Officer to enter into a contract with Unitech Construction Ltd. For \$875,000, plus GST for Pre-Construction and Agent Construction Management Services for the New Integrated RCMP Detachment.

- 8.2 **Proposed Objectives and Format for Fall 2019 Community Budget Meetings** 73 - 76

Purpose: To consider endorsing the proposed objectives and format for North Cowichan's annual fall community meetings.

Recommendation:

That Council endorse the objectives and format for the fall 2019 community budget meetings as outlined in the Manager, Communications and Public Engagement's report of September 18, 2019.

8.3	Bylaw 3734 - "Delegation of Authority Bylaw" (first three readings)	77 - 88
Purpose: To introduce "Delegation of Authority Bylaw, No. 3734, 2019"- a bylaw which provides for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees.		
<u>Recommendation:</u>		
That Council give first three readings to "Delegation of Authority Bylaw, No. 3734, 2019" – a bylaw to provide for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees.		
8.4	Bylaw 3759 - "South End Water Local Area Service Enlargement Bylaw, 2019" (first three readings)	89 - 92
Purpose: To introduce "South End Water Local Area Service Enlargement Bylaw, 2019" No. 3759 - a bylaw to expand the boundaries of the South End Water Local Area Service to include a portion of Parcel A, DD63480I, Except Plan 9583 (3964 Cowichan Lake Road).		
<u>Recommendation:</u>		
That Council give first three readings to "South End Water Local Area Service Bylaw, 2019," Bylaw 3759.		
8.5	Bylaw 3762 - "Permissive Tax Exemption Amendment Bylaw, 2019" (first three readings)	93 - 104
Purpose: To introduce "Permissive Tax Exemption Amendment Bylaw, 2019" No. 3762 - a bylaw to approve the permissive tax exemptions received for the 2020 assessment roll.		
<u>Recommendation:</u>		
That Council support Permissive Tax Exemptions for the following applications:		
<ul style="list-style-type: none"> • Franciscan Poor Clarie Nuns for the property located at 2382 Calais Road; • Sword Ministries Society for the property located at unit #101, 5855 York Road; • Vancouver Island Vispassana Society for the improvements (building) located at 2359 Calais Road; and • Vancouver Island Vispassana Society for the improvements (building) located on Wicks Road. 		
And That Council give first three readings to "Permissive Tax Exemption Amendment Bylaw, 2019 No. 3762."		
8.6	Council's Strategic Plan - Strategic Priority Project Status	105 - 109
Purpose: To provide Council with an update on staff's progress to-date in 2019 toward Council's 2019-2022 Strategic Plan priority projects and other priority work, and information regarding 2020 strategic project prioritization and potential impacts to the 2020 operational budget.		

Recommendation:

That Council accept the Chief Administrative Officer's report.

9. CORRESPONDENCE

- 9.1 Memorandum of Understanding - United Way and District of North Cowichan** 110 - 113
Re: Homelessness in the Cowichan Region

Purpose: To consider the United Way's request to enter into a Memorandum of Understanding for a collaborative relationship by providing resources to work at reducing and preventing homelessness in the Cowichan Region with the goal of applying for federal funding that would assist in that goal.

10. NOTICE OF MOTIONS

- 10.1 Cannabis Production in the Agricultural Land Reserve**

Purpose: To consider Councillor Douglas' Notice of Motion from the September 4, 2019 Council meeting.

Recommendation:

That staff be directed to prepare a report and draft zoning amendment bylaw to prohibit cannabis production in the Agricultural Land Reserve, unless it is grown in ways that preserve the productive capacity of agricultural land.

11. NEW BUSINESS

12. PUBLIC HEARING

Mayor Siebring to provide an explanation of the public hearing process and to advise members of the public that no further verbal or written presentations can be received by any member of Council following the closure of each public hearing.

- 12.1 PUBLIC HEARING - Rezoning Application No. ZB000112 for Bylaw 3760 -** 114 - 132
"Zoning Amendment Bylaw (2372 Regina Drive), 2019"

- Mayor Siebring to call the Public Hearing to order for Rezoning Application ZB000112 which is a site specific zoning amendment application to permit a detached second dwelling at 2372 Regina Drive.
- Corporate Officer to provide a summary of the correspondence received as well as acceptance of any petitions or late correspondence.
- Planning staff to introduce the application (note: previous staff report attached as background information).
- Presentation by the applicant.
- Call for submissions from the public on the proposed site specific zoning amendment.
- Final call for submissions by the public (Mayor Siebring will ask 3 times)
- Adjournment of the Public Hearing for Rezoning Application ZB000112 for Bylaw 3760 (2372 Regina Drive), 2019.

13. PUBLIC MEETING

13.1 PUBLIC MEETING - Development Variance Permit - 6032 Avondale Place

133 - 143

Purpose: To receive public input, if any, and then consider whether to issue a development variance permit to reduce the minimum side yard setback for a principal building from 2m (6.56ft) to 1.94m(6.36ft).

Recommendation:

That Council issue a development variance permit to Validus Custom Homes, for 6032 Avondale Place to vary 58(6) (a) of Zoning Bylaw 2950 by reducing the minimum permitted side yard setback for a principal building from 2m (6.56ft) to 1.94m (6.36ft).

14. BYLAWS

14.1 Bylaw 3760 - "Zoning Amendment Bylaw (2372 Regina Drive), 2019" (third reading and adoption)

144 - 144

Purpose: to consider giving third reading adoption to Bylaw 3760 "Zoning Amendment Bylaw (2372 Regina Drive), 2019" for a site specific zoning amendment application to permit a detached second dwelling at 2372 Regina Drive.

Recommendation:

That Council give third reading to "Zoning Amendment Bylaw, 2019" No. 3760 to permit a detached second residence at 2372 Regina Drive (PID 000-368-393).

Recommendation:

That Council adopt "Zoning Amendment Bylaw, 2091" No. 3760 to permit a detached second residence at 2372 Regina Drive (PID 000-368-393).

15. QUESTION PERIOD

Public opportunity to ask brief questions regarding the business of this meeting.

16. ADJOURNMENT

Recommendation:

That Council adjourn the September 18, 2019 Regular Council meeting at ____ p.m.

Municipality of North Cowichan Special Council MINUTES

**September 4, 2019, 11:00 a.m.
Municipal Hall - Maple Bay Meeting Room**

Members Present Mayor Al Siebring
 Councillor Rob Douglas (attended electronically at 12:00 p.m.)
 Councillor Christopher Justice
 Councillor Tek Manhas
 Councillor Kate Marsh
 Councillor Rosalie Sawrie
 Councillor Debra Toporowski

Staff Present Ted Swabey, Chief Administrative Officer (CAO)
 Mark Frame, General Manager, Financial and Protective Services
 Ernie Mansueti, General Manager, Community Services
 Sarah Nixon, General Manager, Corporate Services
 David Conway, Director of Engineering
 Rob Conway, Director of Planning
 Natasha Horsman, Manager, Communications and Public Engagement
 Karen Robertson, Corporate Officer
 Nelda Richardson, Deputy Corporate Officer

1. CALL TO ORDER

There being a quorum present, Mayor Siebring called the meeting to order at 11:00 a.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council approve the September 4, 2019 Special Council agenda, as amended, to include three additional topics for discussion with the Municipal Solicitor (to be considered under item 3.4, 3.5, 3.6, and 3.7) and to re-order the agenda to consider items 3.4, 3.5, and 3.6 and 3.7 prior to item 3.1.

CARRIED

3. CLOSED SESSION

It was moved and seconded:

That Council close the September 4, 2019 Special Council meeting at 11:00 a.m. to the public on the basis of the following sections of the *Community Charter*:

- **90(1)(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;**

- **90(1)(i) - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;**
- **(90)(1)(j) - information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act; and**
- **(90)(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.**

CARRIED

4. RISE AND REPORT

Council approved the District of North Cowichan entering into a contract with Duncan Paving, a Division of OK Industries Ltd., for the provision of sidewalk, curb and gutter, and asphalt services, for a five-year period (April 1, 2019 to March 31, 2024) and authorized the Mayor and Corporate Officer to sign the contract.

5. ADJOURNMENT

It was moved and seconded:

That Council adjourn the September 4, 2019 Special Council meeting at 1:05 p.m.

CARRIED

Certified by Corporate Officer

Signed by Mayor

Municipality of North Cowichan

Regular Council

MINUTES

September 4, 2019, 1:30 p.m.
Municipal Hall - Council Chambers

Members Present Mayor Al Siebring
 Councillor Rob Douglas
 Councillor Christopher Justice
 Councillor Tek Manhas
 Councillor Kate Marsh
 Councillor Rosalie Sawrie
 Councillor Debra Toporowski

Staff Present Ted Swabey, Chief Administrative Officer (CAO)
 Mark Frame, General Manager, Financial and Protective Services
 Ernie Mansueti, General Manager, Community Services
 Sarah Nixon, General Manager, Corporate Services
 David Conway, Director of Engineering
 Rob Conway, Director of Planning
 Natasha Horsman, Manager, Communications and Public Engagement
 Lane Killick, Chief Building Inspector
 Rachel Hastings, Senior Bylaw Compliance Officer
 Karen Robertson, Corporate Officer
 Nelda Richardson, Deputy Corporate Officer

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The Mayor noted that Miss Thompson and Middlemiss, who were scheduled to present on the Take Home Naloxone program, needed to reschedule their presentation to the October 2, 2019 meeting. He also advised that Councillor Justice previously asked to have his notice of motion related to Simon Fraser University's Climate Action for BC Communities Initiative withdrawn (noted as item 10.2 on the agenda).

Councillor Douglas advised that he would be presenting a notice of motion regarding cannabis production in the Agricultural Land Reserve and that it could be considered as item 10.4.

It was moved and seconded:

That Council adopt the September 4, 2019 Regular Council agenda, as amended by deferring the presentation by Tracey Thompson and Stacy Middlemiss (noted as item 6.2 on the agenda) removing the notice of motion proposed by Councillor Justice regarding

Climate Action for BC Communities Initiative under item 10.2 and adding the notice of motion from Councillor Douglas regarding cannabis production in the Agricultural Land Reserve as item 10.4.

CARRIED

3. ADOPTION OF MINUTES

3.1 August 21, 2019 Special Council Minutes

It was moved and seconded:

That Council adopt the minutes of the Special Council meeting held August 21, 2019.

CARRIED

3.2 August 21, 2019 Regular Council Minutes

It was moved and seconded:

That Council adopt the minutes of the Regular Council meeting held August 21, 2019.

CARRIED

4. MAYOR'S REPORT

The Mayor gave a verbal report on meetings and activities he recently attended.

5. REPORTS

5.1 Proposed Remedial Action Request for 9384 Cottonwood Road

The Corporate Officer provided an overview of the process for imposing a remedial action requirement in relation to a declared nuisance within the meaning of Section 74 of the *Community Charter* and stated the following:

- A remedial action requirement is a response to specific types of conditions on a property which are generally hazards, nuisances and drainage work obstructions.
- Staff is recommending that Council pass a resolution to impose a remedial action requirement to have the owner demolish the accessory building at 9384 Cottonwood Road as it is a nuisance property which, for several years, has been, and continues to be, a health and safety hazard to the individuals who are illegally occupying the accessory building, as well as the several contraventions of the Building Bylaw.
- Staff has not come to the recommendation lightly. It is as a result of the condition of the building and the actions of the owner since 2009 that has resulted in staff putting forward this recommendation.
- There has been a significant amount of staff time and RCMP time attributed to the issues at the property and if no further action is taken, given the history of the events, it is probable that these issues will continue and additional costs will be incurred by the Municipality to continue to monitor the property.
- Should Council pass the recommended resolution, the owner would be given 30 days to remove the building itself, with costs to be borne by the property owner. If after 30 days the owner does not comply, the District can proceed with the building's

demolition and bill the owner. If remain unpaid, the costs would be added to the owner's taxes.

- Rachel Hastings, the Senior Bylaw Compliance Officer who was also the Building Inspector involved with the file, will provide Council with the background as it relates to the condition of the building, the steps taken by staff to get the owner to bring this building into compliance, and the actions of the owner.
- Allison Gardner, Environmental Health Officer for Island Health is in attendance and can respond to any questions Council might have about the Health Order that was issued on April 11, 2019 for contravention of the Public Health Act and the Sewerage System Regulation (the order was for the clean-up of raw sewage from behind the Accessory Building which has no plumbing facilities).
- Inspector Chris Bear from the North Cowichan/Duncan RCMP is also in attendance and can respond to questions Council might have about the number of calls to the property related to trafficking, possession, stolen property, etc. She noted that Council needs to make its decision about the condition of the building but the calls for service are part of the matrix of what staff has been dealing with over the years.
- Once staff has presented, the owner should be given an opportunity to respond.
- Should Council pass the staff recommendation, Mr. Parker would be given the opportunity to formally request a reconsideration by Council provided he does so within 14 of Council passing a motion.

The Senior Bylaw Compliance Officer then provided background information regarding the accessory building that continues to be habituated contrary to the Building Bylaw and Zoning bylaw and gave an overview of the contraventions that have occurred since 2009.

Allison Gardner from Island Health responded to questions from Council regarding the Order that Island Health issued on April 11, 2019.

Inspector Bear then responded to questions from Council regarding the number of calls for service to the property. He noted that the owner is not managing the property and therefore there is a high number of calls for service from the individuals living on the property.

Ms. Hastings then showed more recent pictures from inspections conducted on the property highlighting the Building Code and Building Bylaw infractions.

The owner of the property was then provided an opportunity to address Council.

Mr. Parker stated that he did not want tenants in the accessory building and that his plans were to move the tenants from the house he owns at 9370 Cottonwood Road to 9384 Cottonwood Road (main house) as the neighbours seem to like those tenants and because he is selling the house at 9370 Cottonwood Road. The belongings he has stored at 9370 Cottonwood Road would then be stored in the accessory building and that he would no longer rent out the accessory building. He highlighted that the tenants in the accessory building also invite others to the property to set up their tents, and that makes the problem worse. He conveyed that the solution is for Council to bring a sewage system to Fuller Lake.

He then indicated that he put in a brand new septic field for the main house, which is in working order, that he would clean up the property, and have his new tenants in the main house by the end of the month. He said that everything that he's been asked to do he has done.

Council enquired why he never made an application to authorize a second dwelling.

Mr. Parker stated that he did not want a second dwelling and that he never allowed any tenants to live in the accessory building. It was his tenant that sub-let to the people living in the accessory building now but noted that the tenant who sub-let the accessory building is no longer there.

He concluded by stating he doesn't want trouble with his neighbours or North Cowichan.

Council asked for clarification from Ms. Gardner on the status of the septic field.

Ms. Gardner advised that a septic tank was installed new, but the owner was responsible for having an electrician connect the communication equipment to the pump in order for the discharge to be pumped into the septic field. When Island Health responded to a complaint, a sewage back up was discovered. This was due to the fact that the system was not installed the way it was supposed to so it wasn't functioning as designed. It has been that way for approximately a year. Following that visit, the system was then properly connected.

Council enquired about the capacity of the septic system given the number of tenants on the property.

Ms. Garner noted that systems are designed, by standard practice, based on the number of bedrooms and an assumed reasonable number of humans living in a dwelling. In speaking with the individuals on the property, and other professionals who have visited the property, there have been, at times, up to 20 people residing on the property between the main house and the accessory building. As such, the system may be at risk for overuse. She also noted that tenants residing in the accessory building have been denied access to the washroom facility in the main house, which in her opinion, caused the health hazard behind the accessory building resulting from a large amount of human excrement and toilet paper on the ground surface behind the accessory building. This is the subject of the second Health Order, yet to be rescinded.

It was moved and seconded:

Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;

AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 4, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487] (the

“Property”), upon which an accessory building unlawfully used for residential accommodation (the “Accessory Building”) is located;

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:

- 1. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;**
- 2. THAT Council hereby declares that the “Accessory Building” is a nuisance, within the meaning of Section 74 of the Community Charter, and so dilapidated and unclean as to be offensive to the community;**
- 3. THAT Council hereby requires the Owner to demolish the Accessory Building and remove the resulting debris within 30 days of receiving notice of this requirement under Section 77 of the Community Charter(the “Remedial Action Requirement”);**
- 4. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the Community Charter, including a copy of this resolution;**
- 5. THAT the District shall notify the persons entitled to notice under s. 77(1) of the Community Charter that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the Community Charter, by providing the District with written notice within 14 days of the date on which notice under s. 77 of the Community Charter was sent to them; and**
- 6. THAT if any or all of the actions in paragraph 3 are not completed by the dates set out above, the District may undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the Community Charter.**

CARRIED

6. DELEGATIONS AND PRESENTATIONS

6.1 PRESENTATION: Cam Mathewson, Senior Research Consultant, NRG Research Group Re: Citizen Satisfaction Survey Follow-up

Mr. Mathewson provided a presentation on the supplemental analysis of the Citizen Satisfaction Survey. Highlights of his discussion included:

- The validity of telephone surveys;
- Details of the data collection;
- Comparison of demographics (unweighted vs. weighted proportions by age and gender;

- Response to Council's follow up questions regarding challenges facing the community, attitudes on population growth, approaches to service levels and property taxes, and the amount of information received on the demographic profile.

A copy of the full presentation can be found on the District's website at <https://www.northcowichan.ca> attached to the September 4, 2019 Council meeting agenda.

It was moved and seconded:

That Council receive the additional information on the 2019 Citizen Satisfaction Survey results for information and consider the results when determining priorities.

CARRIED

By consensus, Council recessed the Council meeting at 3:20 p.m.

The Council meeting resumed at 3:27 p.m.

6.2 PRESENTATION: Tracey Thompson, Regional Harm Reduction Coordinator and Stacy Middlemiss, OER-Community Action Team Coordinator, Canadian Mental Health Association Re: Understanding the Take Home Naloxone Program

Deferred to the October 2, 2019 Regular Council meeting.

6.3 DELEGATION: Jock Hildebrand, President, Friends of the Cowichan Public Art Gallery Society

Mr. Jock Hildebrand, President of the Friends of the Cowichan Public Art Gallery Society was in attendance to provide Council with an update on the Society's plans to build a public art gallery for the Cowichan Valley. Highlights of his discussion were as follows:

- The Cowichan Valley Public Art Gallery is a not-for-profit society that boasts 70 members and 22 people working on the Board and 6 different committees;
- Their goal is to raise 35 million dollars to build a contemporary purpose built gallery to serve the needs of the Cowichan valley and Vancouver Island;
- The organization is already hosting art exhibitions in various venues in order to qualify for ongoing Canada Council operating grants;
- No funding is being requested at this time;
- The goal is to fundraise for the next several years to realize the project and until then, the Society will be hosting exhibitions in rented space;
- Plans are to build an "A" list gallery that can host top international and national exhibitions and provide exposure for local artists in terms of curated exhibitions;
- The Board currently consists of 9 people and there are 6 working committees with 23 people on those committees;
- It is anticipated to take 5 – 8 years to complete funding for the gallery;
- Further information can be found on the Society's website at: cvpublicartgallery.ca

Mr. Hildebrand noted that he would like a letter of support from Council.

The Mayor advised that Council would consider his request at a future Council meeting.

6.4 DELEGATION: Brad Grigor, Chair of the Committee for the Chemainus Valley Cultural Arts Society

Mr. Brad Grigor, Chair of the Committee for the Chemainus Valley Cultural Arts Society (CVCAS) was in attendance to provide Council with an overview of the work that the Society has been doing over the past 20 years to support and foster arts and culture in the Municipality of North Cowichan (i.e. the summertime music programs at the Chemainus Waterwheel Bandshell). He then outlined the recent and planned activities being undertaken by the CVCAS for the community and the region, including establishing the permanent Rainforest Arts Gallery, First Nations projects and the challenges faced. He concluded his presentation by briefing Council on the Society's initiative to develop a regional professional Community Arts Centre in North Cowichan, including the current progress towards funding a professional, independent feasibility study. They were seeking Council's support to:

- Appoint a Councillor as a liaison to the CVCAS Board;
- Provide a letter of support for the CVCAS Community Arts Centre;
- Authorize staff to participate in interviews during the Feasibility Study; and
- Include an A-Team member (Peter Collum) on the OCP Advisory Board.

The Mayor advised Mr. Grigor that Council would consider the Society's requests at a future Council meeting.

6.5 DELEGATION: Bill Routley, Re: Chemainus River Campground

Bill Routley was in attendance to speak on behalf of the owners of the Chemainus River Campground (John and Jeri Wyatt) who were advised by the Agricultural Land Commission that their campground was in non-compliance and ordered the Wyatt's to remove all construction associated with the campground and return the property back to its form Agricultural capacity no later than October 1, 2019.

Mr. Routley then provided a history of the campground since its inception in 1986 and noted that at no point was the land used for agriculture; therefore, it would be unreasonable to shut down the campground. He asked for Council's assistance, on behalf of the Wyatt's, to either make an application to the Agricultural Land Commission (under Section 29 of the *ALC Act*) to have the Chemainus River campground lands excluded from the Agricultural Land Reserve or to support an application to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to increase the water licence to accommodate agricultural use.

It was moved and seconded:

That Council direct staff to submit an application to the Agricultural Land Commission (ALC) under Section 29 of the *ALC Act* to exclude the Chemainus River Campground lands from the Agricultural Land Reserve;

And That the Mayor be authorized to write the Minister of Agriculture, with copies to the Minister of Municipal Affairs and Housing, the Minister of Environment and Climate Change Strategy, Minister of Tourism, Arts and Culture, and the Minister of Forests, Lands, Natural Resource Operations and Rural Development, citing the following concerns:

- **By shutting down the campground there will be a loss of temporary and permanent housing which is unreasonable given the housing crisis we are facing;**
- **The land was previously never used for Agriculture purposes as it was forest; and**
- **The existing water licence, which permits 1,000 gallons a day from the Chemainus River for domestic use only, would not support agriculture use without a substantial increase to the water licence to accommodate agriculture use during the growing season.**

CARRIED

7. PUBLIC INPUT

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

8. REPORTS CONTINUE:

8.1 Setbacks for all Other Principal Buildings On Agricultural Lands

It was moved and seconded:

That staff be directed to prepare a zoning amendment bylaw to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' as follows:

- **In the A1 zone - from 46 m to 25 m for front yard setbacks and from 46 to 15 m for side and rear yard setbacks, except for those lands abutting residentially zoned properties which are subject to 30 m setbacks from the abutting property line;**
- **In the A2 zone - from 30 m to 25 m for front yard setbacks and from 30 m to 15 m for side and rear yard setbacks, except for those lands abutting residentially zoned properties which are subject to 30m setbacks from the abutting property line; and**
- **In the A3 zone - from 30 m to 25 m for front yard setbacks, and from 30 m to 15 m for rear yard setbacks.**

(Opposed: Douglas; Justice)

CARRIED

Councillor Toporowski declared a conflict of interest for items 8.2, 9.1, 9.2 and 9.3 as Cowichan Tribes is a partner in the Costa Canna Corporation and she is a Cowichan Tribes Council member and left the Council Chambers at 5:06 p.m.

Councillor Manhas declared a conflict of interest for items 8.2, 9.1, 9.2 and 9.3 as his employer has submitted a rezoning application for a retail cannabis store and left the Council Chambers at 5:06 p.m.

By consensus Council recessed the meeting at 5:06 p.m. for a 10 minute break.

The meeting resumed at 5:15 p.m.

8.2 Rezoning Application No. ZB000093 for Bylaw 3763 (Retail Cannabis Sales - 8432 Trans-Canada Highway)

It was moved and seconded:

That Council give first reading to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" No. 3752 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway;

AND That the Applicant be directed to conduct an Information Meeting prior to second reading and advise the Halalt and Lyakson First Nations of the information meeting;

AND That a Public Hearing be scheduled as required by the *Local Government Act*.

(Opposed: Siebring; Marsh)

CARRIED

9. BYLAWS

9.1 Bylaw 3752 - "Zoning Amendment Bylaw (Cannabis Sales - 110, 2951 Green Road), 2019" (adoption)

It was moved and seconded:

That "Zoning Amendment Bylaw (Cannabis Sales - 2951 Green Road), 2019" No. 3752 - a bylaw to permit retail cannabis sales at unit 110, 2951 Green Road be adopted.

CARRIED

9.2 Bylaw 3748 - "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater), 2019" (reconsideration)

The following motion from the August 21, 2019 Council meeting was reconsidered pursuant to Section 131 of the *Community Charter*:

That "Zoning Amendment Bylaw (Cannabis Sales – 2900 Drinkwater Road), 2019" – No. 3748 – a bylaw to permit cannabis retail sales at 2900 Drinkwater Road be given third reading."

(Opposed: Siebring; Sawrie)

CARRIED

9.3 Bylaw 3748 - "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019" (adoption)

It was moved and seconded:

That Council postpone adoption of Bylaw 3748 until the Province has completed its licensing and security clearance process for Costa Canna;

And Further that the Mayor write the Minister of Public Safety and Solicitor General requesting that the Provincial government fast track the application process for Costa Canna.

The motion was withdrawn with consent from the mover and seconder.

Council conveyed that its goal was to ensure that both Costa Canna and the Liquor Distribution Branch had the same opportunity in terms of approvals so stated that it would hold off considering adoption of the Liquor Distribution Branch's Zoning Bylaw until such time as the CAO was able to find out more information on the status of Costa Canna's application for security clearance with the Province.

Councillors Manhas and Toporowski returned to the Council Chambers at 5:42 p.m.

10. NOTICE OF MOTIONS

10.1 Quamichan Watershed and Lake Phosphorus Loading

It was moved and seconded:

Whereas it is one of Council's strategic priorities to take action on the water quality of Quamichan Lake;

And Whereas phosphorus deposition in Quamichan Lake is the result of land use practices including land clearing, agricultural practices, residential development, residential life in the watershed, as well as our methods for dealing with storm-water and septic disposal;

And Whereas some jurisdictions have come up with ideas to curtail and limit the deposition of phosphorus into watersheds and lakes using planning policy and land use regulations and engineering standards;

Be it Resolved that, within a time frame appropriate to its use in the OCP process, and the drafting of the new Zoning bylaw, staff present Council with a report on reducing both the deposition of phosphorus into the watershed and the flow of phosphorus into the lake which outlines options and recommendations for a) defining an appropriate target or goal and b) methods for achieving this target or goal including engineering standards, and land use planning policies and regulations.

It was moved and seconded:

That Councillor Justice's Notice of Motion be referred to the September 18, 2019 Council meeting for consideration so staff have the opportunity to seek input from Dr. Preikshot on how staff would proceed with implementing the motion.

CARRIED

10.2 Simon Fraser University's Climate Action for BC Communities Initiative

Withdrawn.

10.3 Public Hearing and Special Council Meeting to be Held at the Cowichan Performing Arts Centre - Tuesday, October 1, 2019 at 6:00 p.m.

It was moved and seconded:

That Council authorize holding a Public Hearing for Bylaw 3761 - "Zoning Amendment Bylaw (Comprehensive Development Zone - 4063 Cowichan Valley Highway), 2019 and Special Council meeting outside of Municipal Hall on Tuesday, October 1, 2019 at 6:00 pm at the Cowichan Performing Arts Centre located at 2687 James Street, Duncan, BC.

CARRIED

10.4 Cannabis Production in the Agricultural Land Reserve

Councillor Douglas requested that the following Notice of Motion be considered at the September 18, 2019 Council meeting:

"That staff be directed to prepare a report and draft zoning amendment bylaw to prohibit cannabis production in the Agricultural Land Reserve, unless it is grown in ways that preserve the productive capacity of agricultural land."

11. NEW BUSINESS

None.

12. QUESTION PERIOD

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

13. ADJOURNMENT

It was moved and seconded:

That Council adjourn the September 4, 2019 Regular Council meeting at 6:30 p.m.

CARRIED

Certified by Corporate Officer

Signed by Mayor

September 9, 2019

Karen Robertson, Corporate Officer

District of North Cowichan

730 Trans Canada Highway

Duncan BC, V9L 6A1

Re: File No. 4020-20 - 9384 Cottonwood Drive, Chemainus, BC



Pursuant to S. 78 of the Community Charter, I hereby request that Council reconsider the remedial action requirement as I have endeavored to correct and repair the premises as follows:

I, Webster Parker, have inspected the art studio and found:

1. There is no water going into the building;
2. There is no water or anything else going out of the building;
3. The building is not dilapidated;
4. The building was left very dirty and has now been cleaned and painted throughout;
5. I did not rent to the tenant that was in there, it was sublet by Ron Cook, who was referred to me by Canadian Mental Health;
6. I will not accept any more referrals from Canadian Mental Health;
7. I have known the new tenants for the main house for six years, they are workers (in Salt Spring Island), and are gone most of the time.
8. The new tenants are known by the locals.
9. A gate has been installed at the entrance and is now being used.
10. I will be using the art studio for my own personal storage, therefore not renting it

I look forward to hearing further from you at your earliest convenience.

Yours truly,

WEBSTER PARKER

Report

Date September 4, 2019

File: 4020-20

To Council

From Karen Robertson, Corporate Officer

Endorsed:



Subject Proposed Remedial Action Request for 9384 Cottonwood Road

Purpose

The purpose of this report is for Council to consider imposing a Remedial Action Requirement (RAR) in relation to the accessory building located at 9384 Cottonwood Road pursuant to Sections 72, 73 and 74 of the *Community Charter*.

Background

In 2002, a building permit was issued for a shop/studio (the "Accessory Building") at 9384 Cottonwood Road. The Board of Variance granted a variance to increase the height of the second floor to allow for its use as an art studio. The building permit (Appendix A) notes that no residential use of the Accessory Building is permitted.

In January 2009, North Cowichan staff discovered that the Accessory Building was being used for residential occupancy and issued a Stop Work Order to Webster Daniel Parker (the "Owner") for unauthorized construction related to the conversion of the Accessory Building to a residence (Appendix B). Enforcement efforts related to this unpermitted use continued in 2011 and through July 2012 when the Owner removed the tenant from the Accessory Building.

In August 2014, North Cowichan staff received a complaint and inspected to confirm that the Accessory Building was again being occupied contrary to the Building Bylaw and Zoning Bylaw. The Owner was required to apply for a decommissioning permit to remove the plumbing, wiring and cooking facilities from the Accessory Building. This permit was issued on August 24, 2014 and completed on December 7, 2015 (Appendix C). The Owner was advised of the processes available to him to apply for a zoning amendment which would permit a second residential building on the Property, but has not pursued such an application.

North Cowichan staff received complaints about noise, illegal activity and residential occupancy of the Accessory Building in 2017, but were unable to confirm whether residential use was being made of the structure at that time.

On March 29, 2018, North Cowichan staff inspected the Property and confirmed that the Accessory Building was being occupied for residential purposes again. A letter was sent to the Owner attaching a copy of the relevant provisions of the Zoning Bylaw (Appendix D).

The Owner took steps to evict the tenants from the Accessory Building through the Residential Tenancy Board process. The tenants appealed and the Supreme Court upheld the removal decision, with a deadline of August 15, 2018 to vacate the Property.

On August 17, 2018, North Cowichan staff received a complaint that the tenants had not vacated the Accessory Building as required. The Owner advised that he was financially unable to hire sheriffs to enforce the removal order at that time, and that he had given the tenants an additional month to move out.

On January 23, 2019, North Cowichan staff attended the Property for an inspection and confirmed that the Accessory Building was no longer being occupied for residential use. An Inspection Report was issued recommending a remedial action requirement be imposed if future complaints were received about unlawful occupancy of the Accessory Building (Appendix E).

On April 11, 2019, after receiving another complaint regarding residential occupancy of the Accessory Building, North Cowichan staff attended the Property to conduct an inspection along with representatives from the RCMP and Island Health. New tenants were occupying the Accessory Building for residential purposes. Island Health issued an Order under Section 31 of the Public Health Act and the Sewerage System Regulation, ordering the cleanup of raw sewage from behind the Accessory Building, which has no plumbing facilities (Appendix F).

The Accessory Building continues to be occupied for residential use.

Discussion

Given the lengthy history of outstanding bylaw infractions and disproportionate level of enforcement resources devoted to the inappropriate use of the Accessory Building, staff is requesting that Council consider its remedial action powers under the *Community Charter* (CC) to address the situation.

Pursuant to s. 73(1)(a) of the CC, Council may impose a remedial action requirement in respect of “a building or other structure”. Pursuant to s. 73(2), Council may only impose such a remedial action requirement if Council considers that the building is in or creates an unsafe condition, or contravenes the provincial building regulations or the Municipality’s Building Bylaw.

Section 6(g) of the Building Bylaw prohibits the occupancy or use of a structure after a change in the building or structure’s occupancy classification, until the Building Inspector issues an occupancy permit for it, or contrary to a permit issued, or notice given, by the Building Inspector.

Given that the Building Inspector has not issued an occupancy permit for the Accessory Building which would permit its use for residential occupancy, the Accessory Building is in violation of s. 6(g) of the Building Bylaw.

Pursuant to s. 74(1)(a) of the CC, Council may also impose a remedial action in respect of a “building or other structure” if Council considers that it is a nuisance or is “so dilapidated or unclean as to be offensive to the community”.

Pursuant to s. 72(2)(b), the remedial action requirement may require the owner of a structure to undertake the following measures with respect to the structure:

- i. Remove or demolish it,
- ii. Fill it in, cover it or alter it,
- iii. Bring it up to the standard specified by bylaw, or
- iv. Otherwise deal with it in accordance with the direction of council or a person authorized by council.

Section 77 CC establishes that notice of a remedial action requirement must be given by personal service or registered mail to the person subject to the requirement, the owner of the land where the action was to be carried out, any other person who is an occupier of the land, and any registered charge-holder (for example, mortgage-holders).

Section 79 empowers the District to give less than 30 days' notice where Council considered there to be a "significant risk to health or safety." In this case, 30 days should be an appropriate amount of time for the property owner to remedy the situation.

Under Section 78 of the *Community Charter*, a person affected by a RAR may seek reconsideration of Council's decision to impose the RAR if they provide a written request within 14 days of the notice of the RAR being sent to the owner. Council must then provide an opportunity to the owner or other party having an interest in the Property to make representations before Council. Council after hearing the owner or other party may confirm, amend, or cancel the RAR.

Options

Option 1 (Recommended)

Under the recommended resolution, the Owner will be required to demolish the Accessory Building and remove the resulting debris. If the Owner is unwilling or unable to comply with the remedial action within 30 days of being sent notice of the remedial action order, the Municipality or its authorized agents could then choose to undertake the necessary work or demolish and remove the building at the expense of the Owner. The Municipality may recover the costs it incurs in undertaking the remedial action in the same manner as property taxes.

Bylaw Enforcement staff will speak to the history on this file at the Council meeting and if Council is of the opinion that the Accessory Building is in violation of the Building Bylaw, is a nuisance, and/or is so dilapidated or unclean as to be offensive to the community, and chooses to impose a remedial action requirement and require the removal of the Accessory Building, the following resolution is recommended:

Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;

AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 4, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487)] (the "Property"), upon which an accessory building unlawfully used for residential accommodation (the "Accessory Building") is located;

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:

- 1. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;**
- 2. THAT Council hereby declares that the "Accessory Building" is a nuisance, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;**
- 3. THAT Council hereby requires the Owner to demolish the Accessory Building and remove the resulting debris within 30 days of receiving notice of this requirement under Section 77 of the *Community Charter*(the "Remedial Action Requirement");**
- 4. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the *Community Charter*, including a copy of this resolution;**
- 5. THAT the District shall notify the persons entitled to notice under s. 77(1) of the *Community Charter* that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the *Community Charter*, by providing the District with written notice within 14 days of the date on which notice under s. 77 of the *Community Charter* was sent to them; and**
- 6. THAT if any or all of the actions in paragraph 3 are not completed by the dates set out above, the District may undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the *Community Charter*.**

Option 2:

Council could resolve to require the Owner to apply within 30 days to rezone the Property to permit a second residential structure, failing which the Owner would be required to demolish the Accessory Building and remove the resulting debris. This option is not recommended because the Owner has been aware (since 2014) of the option to apply for a zoning amendment and has failed to exercise this opportunity. Furthermore, staff would recommend against the approval of such a zoning amendment due to inconsistency with the Official Community Plan.

If Council wishes to provide the Owner with an opportunity to apply for a zoning amendment to permit the Accessory Building before being required to remove the Accessory Building, the following wording for the resolution is recommended:

Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;

AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 4, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487] (the "Property"), upon which an accessory building unlawfully used for residential accommodation (the "Accessory Building") is located;

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:

- 1. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;**
- 2. THAT Council hereby declares that the "Accessory Building" is a nuisance, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;**
- 3. THAT Council hereby requires the Owner to submit a complete application, including all fees, for a zoning amendment to permit a second residential dwelling unit on the Property within 30 days of receiving notice of this Resolution under Section 77 of the *Community Charter*(the "Remedial Action Requirement");**
- 4. THAT if the Owner fails to submit the application described in Paragraph 3 within the time required, or if the application is denied, the Owner must demolish the Accessory Building and remove the resulting debris within 30 days of the expiry of the 30-day application period or within 30 days of receiving notice that the application has been denied, as the case may be;**
- 5. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the *Community Charter*, including a copy of this resolution;**
- 6. THAT the District shall notify the persons entitled to notice under s. 77(1) of the *Community Charter* that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the *Community Charter*, by providing the District with written notice**

within 14 days of the date on which notice under s. 77 of the *Community Charter* was sent to them; and

- 7. THAT if any or all of the actions in paragraphs 3-4 are not completed by the dates set out above, the District may undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the *Community Charter*.**

Implications

Financial:

There has been a significant amount of staff time and RCMP time attributed to the issues at the Property. If no further action is taken, given the history of events, it is probable that these issues will continue and additional cost will be incurred by the Municipality to continue to monitor the Property.

If the Owner fails to comply with the remedial action requirement by the date specified, the Municipality or its appointed contractors, are authorized to enter on the Property under s. 17 CC and to complete the remedial action requirement at the expense of the Owner. Any expenses incurred by the Municipality may be collected as a debt or unpaid taxes pursuant to ss. 17 and 258 CC.

Communication:

Notice will be provided to the Owner, occupiers of the Property, and other required parties in compliance with the process required by the CC.

Staffing:

The Senior Bylaw Compliance Officer will follow up with the Owner to obtain compliance. All building related questions will be directed to the Chief Building Inspector. If the Owner fails to comply with the remedial action requirement, contractors will be hired to undertake the work on the Property.

Recommendation

Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;

AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 4, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487](the "Property"), upon which an accessory building unlawfully used for residential accommodation (the "Accessory Building") is located;

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:

- 8. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;**
- 9. THAT Council hereby declares that the “Accessory Building” is a nuisance, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;**
- 10. THAT Council hereby requires the Owner to demolish the Accessory Building and remove the resulting debris within 30 days of receiving notice of this requirement under Section 77 of the *Community Charter*(the “Remedial Action Requirement”);**
- 11. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the *Community Charter*, including a copy of this resolution;**
- 12. THAT the District shall notify the persons entitled to notice under s. 77(1) of the *Community Charter* that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the *Community Charter*, by providing the District with written notice within 14 days of the date on which notice under s. 77 of the *Community Charter* was sent to them; and**
- 13. THAT if any or all of the actions in paragraph 3 are not completed by the dates set out above, the District may undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the *Community Charter*.**

Attachment(s):

- Appendix A: Building Permit Documents for Accessory Building
- Appendix B: January 15, 2009 Letter to Owner and January 12, 2009 Inspection Photographs
- Appendix C: 2014 Correspondence and Building Permit Records for Accessory Building
- Appendix D: April 18, 2018 Letter to Owner and Zoning Bylaw Excerpt
- Appendix E: January 23, 2019 Inspection Notice
- Appendix F: April 16, 2019 Island Health Order

Appendix A

PLUMBING

FIXTURES TO BE INSTALL

AMOUNT	FIXTURE
	Water Closets
	Bath Tubs
	Bidet
	Shower Heads (N)
	Automatic Washer
	Other
TOTAL NUMBER OF FIXTURE	
SCHEDULE OF FEES	
NUMBER OF FIXTURES	
	Minimum Fee (1 c
	3 to 100 Fixtures
	Over 100 Fixtures
INSPECTION	

CERTIFICATE ISSUED
DATE

AUG 9/05

BUILDING PERMIT - CERTIFICATE OF OCCUPANCY

owichan

Folio No. 15046-000

DATE Sept. 27/ 19. 2002

PERMIT NO. #240/02

ADDRESS P.O. Box 303

STORY Shop / Studio NUMBER OF DWELLING UNITS N/A

tion wood Rd. ZONING DISTRICT R-1

33487
LOT BLOCK LOT SIZE 8.39/acs

on that the said construction shall, in all respects, conform to the Ordinances of this jurisdiction
the construction and use of buildings, and may be revoked at any time upon violation of any
SHALL CONFORM IN CONSTRUCTION TO THE REQUIREMENTS OF THE BRITISH COLUM-
BIA CODE AND ATTACHED PLAN CORRECTION SHEET

urther municipal interests, and not for the benefit of the owner. The Inspector and municipality disclaim any responsibility to
make no representation by this certificate

BUILDING PERMIT

DEPT. FILE COPY

Folio No. 15046-000

1615

DATE Sept. 27/ 19. 2002

PERMIT NO. #240/02

ADDRESS P.O. Box 303

PERMIT TO Construct (2) STORY Shop / Studio

NUMBER OF DWELLING UNITS N/A

AT (LOCATION) 3384 Cotton wood Rd.

ZONING DISTRICT R-1

SUBDIVISION Chem S-13 R-5

LOT BLOCK LOT SIZE 8.39/acs.

This permit is granted on the express condition that the said construction shall, in all respects, conform to the Ordinances of this jurisdiction
including the Zoning Ordinance, regulating the construction and use of buildings, and may be revoked at any time upon violation of any
provisions of said ordinances. THE BUILDING SHALL CONFORM IN CONSTRUCTION TO THE REQUIREMENTS OF THE BRITISH COLUM-
BIA CODE AND ATTACHED PLAN CORRECTION SHEET

REMARKS: No residential use or plumbing to be installed.

BUILDING AREA 7684² ESTIMATED VALUE \$ 33,000 PERMIT FEE \$ 218.00

OWNER / AGENT [Signature] BUILDING DEPT BY [Signature]

ADDRESS 20 above

VII. VALIDATION

Building Permit Number	340
Building Permit Issued	Sept. 27/02
Building Permit Fee	\$ 218.00
Driveway Access Permit Fee	\$
Plumbing Permit Fee	\$
TOTAL	\$ 218.00
Receipt Number	1615
Date of Receipt	Sept. 25/02
Building Permit Issued By	R20

VIII. ZONING

Zoning Type	R-1	Residential Rural Zone
Use	Shop / Garage	Accessory
Front Yard	6.0m	
Side Yard	3.0m	Side Yard
Rear Yard	3.0m	
FSR	N/A	Height 5.0m 16.4'
NOTES		Site Coverage 30%

Construction value \$ 33,000

1st \$ 5,000 = \$ 50.00

2nd \$ 6.00 / 1000 = \$ 168.00

218.00

See Board of Variance decision
to vary height for 2nd floor.
Sept. 16/02 R20

Appendix B

MUNICIPALITY OF
NORTH COWICHAN



7030 Trans Canada Highway, Box 278
North Cowichan, BC V9L 3X4

Tel 250 746 3100 Fax 250 746 3133
www.northcowichan.bc.ca

January 15, 2009

File No: not applicable
Folio No: 15046.000

DELIVERED BY REGISTERED MAIL

Webster Daniel Parker,
9384 Cottonwood Road
Chemainus, BC
V0R 1K5

*Hand delivered to
owner Web Parker
on-site. July 29/2010*

Attention: Sir or Madam

**Re: Stop Work Order and Non Compliance with District Bylaws
9384 Cottonwood Road, North Cowichan BC
That Part of Section 13, Range 5, Chemainus District,
lying to the east of Fullers Lake and to the north of Parcel A (DD 89540I)
shown outlined in red on Plan DD 7789F, Except Part In Plan 33487**

B20

On January 12, 2009, Rob Clark, Bylaw Officer, Dan Gellein, Building Inspector and Audrey Rogers, Planner met on your property located at 9384 Cottonwood Road to review an accessory building and its conformity with District of North Cowichan Bylaws.

Our visit identified the following items that are not in conformity with District of North Cowichan requirements and as a result a Stop Work Order was posted on the property:

1. Per the requirements of Building Bylaw 3172, a building permit was not obtained for the work being done on the existing accessory building – conversion of this building into an accessory dwelling unit.
2. Per Zoning Bylaw 2950 more than one residential building is not permitted on this property.

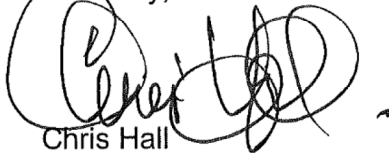
The following is required to remedy the situation found at the above noted property:

1. Since the conversion of an accessory building to include an accessory dwelling unit is not permitted under Zoning Bylaw 2950 the kitchen and bathing facilities are to be removed; a building permit for the balance of the work must be applied for.

Should you not respond as set out herein by **April 1, 2009**, be advised the District of North Cowichan will have no alternative but to take further action in this matter including legal proceedings with costs against you.

Finally, should you wish to appeal any findings set out in this letter you may do so through application to the Municipal Council of the District of North Cowichan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Hall', with a large circular flourish on the left side.

Chris Hall
Director of Planning

/ar

Cc: Bruce Oliphant, Building Inspector, District of North Cowichan
Rob Clark, Bylaw Officer, District of North Cowichan
James Dias, Chief Administrative Officer, District of North Cowichan
Blair Russel, Legal Research, District of North Cowichan

Attached are Excerpts from
Section 6 of the Building Bylaw 2003
Section 56 of Zoning Bylaw 2950

Excerpt from Building Bylaw 2003, Bylaw No. 3172:

Prohibitions

6. No person may
 - (a.) start or continue constructing, altering, demolishing, reconstructing, relocating, or removing a building, structure, or work without a valid permit from the Building Inspector,
 - (b.) continue, after the Building Inspector orders work to stop, constructing, altering, demolishing, reconstructing, relocating, or removing a building, structure, or work, without the Building Inspector's written permission,
 - (c.) submit false or misleading information in an application for a permit under this bylaw,
 - (d.) interfere with the Building Inspector or other authorized person's administration of this bylaw,
 - (e.) substantially vary, in constructing a building, structure, or work, for which a permit is issued, from the drawings or specifications, or supporting documents, for the building, structure, or work, without the Building Inspector's written permission,
 - (f.) reverse, alter, deface, cover, remove, or tamper in any way, with a notice, permit, or certificate, posted on, or affixed to, a building or structure, or
 - (g.) occupy or use a building or structure
 - (i.) before the Building Inspector issues an occupancy permit for it,
 - (ii.) after a change in the building or structure's occupancy classification, until the Building Inspector issues an occupancy permit for it, or
 - (iii.) contrary to a permit issued, or notice given, by the Building Inspector.

Excerpt from Zoning Bylaw 2950

RESIDENTIAL RURAL ZONE (R1)

Permitted Uses

56. (1) The permitted uses for the R1 zone are as follows:

- Agriculture
- Bed and Breakfast
- Boarding House
- Home-based Business
- Single-Family Dwelling
- Temporary Trailer (subject to "Temporary Trailer Permit Bylaw 1976", No. 1685)
- Two-Family Dwelling

Minimum Lot Size

(2) The minimum permitted lot size for the R1 zone is 1,675 m² (18,029 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the R1 zone is 30.0 m (98.43').

Density

(4) The maximum permitted density for the R1 zone is as follows:

- (a) The number of residential buildings shall not exceed one.
- (b) Despite the foregoing, the placement of a temporary trailer may also be permitted on lots larger than two acres subject to "Temporary Trailer Permit Bylaw 1976", No. 1685.

Maximum Lot Coverage

(5) The maximum permitted lot coverage of the R1 zone is 30% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the R1 zone are as follows:

(a) Principal Buildings

Yard, Front	6.0 m (19.68')
Yard, Side	3.0 m (9.84')
Yard, Rear	8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)

Yard, Front	6.0 m (19.68')
Yard, Side	3.0 m (9.84')
Yard, Rear	3.0 m (9.84')

Maximum Building Height

(7) The maximum permitted building heights for the R1 zone are as follows:

- (a) Principal Buildings 9.0 m (29.53')
- (b) Accessory Buildings 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the R1 zone are as follows:

- (a) No fences over 1.2 m (4.00') in height are permitted in the required yards, front.
- (b) No fences over 2.0 m (6.56') in height are permitted in the required yards, side or rear.
- (c) In no situation shall a fence be greater than 2.0 m (6.56') in height.
- (d) Bed and breakfast uses may have no more than six sleeping units.
- (e) Agriculture use shall be subject to "Animal Control Bylaw, 1995", No. 2856.



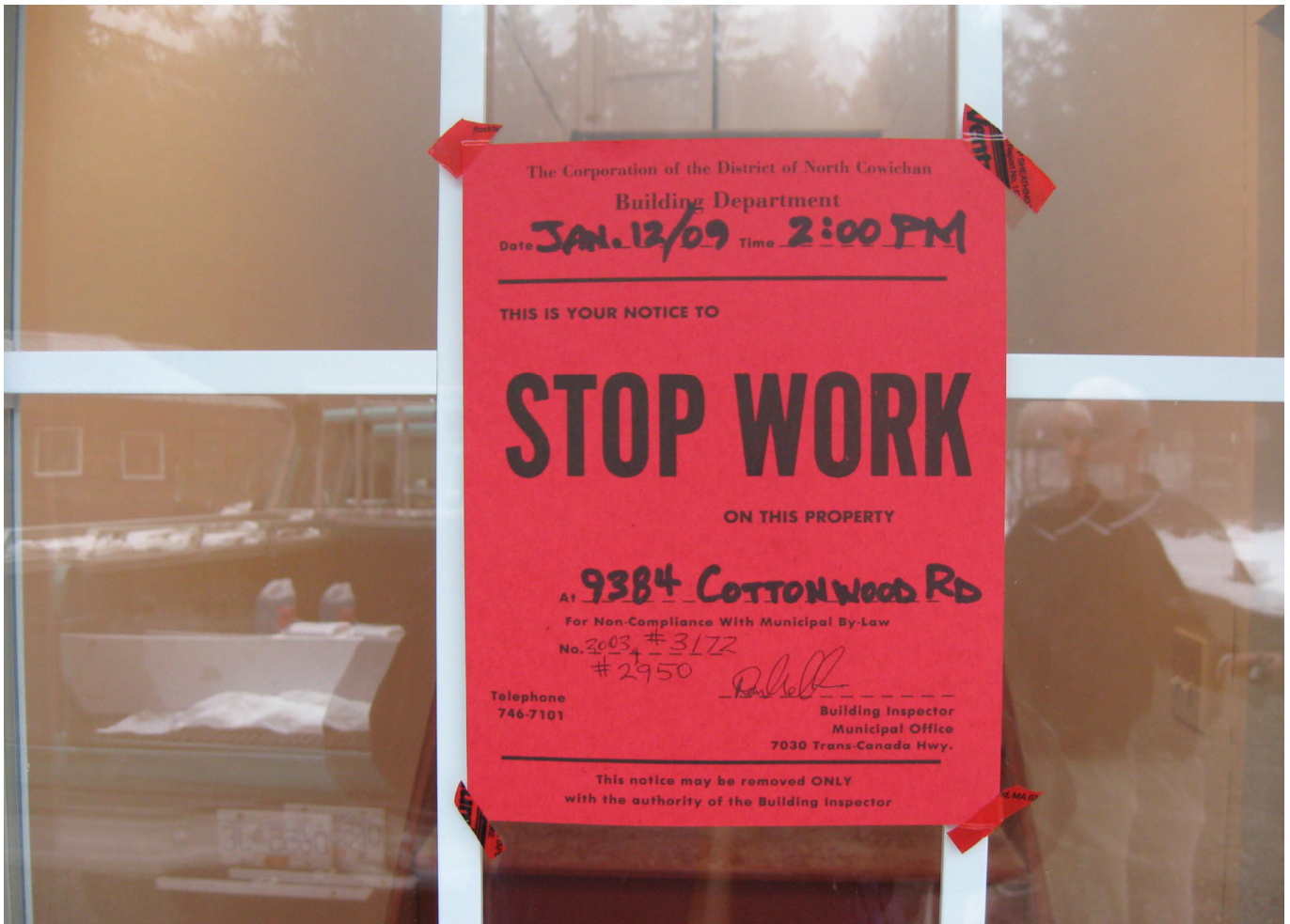




















Appendix C

May 28, 2015

Folio No: 15046-000

File No: BP006863

PARKER, WEBSTER D
9983 BEACH DR
RR 1
CHEMAINUS BC V0R 1K1

Dear Webster Parker

**Re: 9384 COTTONWOOD RD
SEC 13 RGE 5 CHEM**

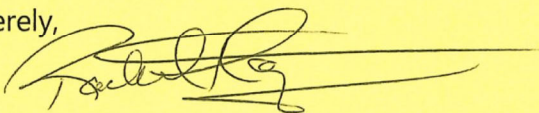
Further to our meeting on May 26, 2015 with Staff from Development Services where we discussed the continuing bylaw infractions associated with your property, it was agreed that staff would not take any further enforcement action for 30 days to allow you time to bring the property into compliance with Building Bylaw 3172 and the BC Building Code 2012.

However, please note that staff from Development Services will conduct an inspection on June 26, 2015 to ensure the property has been brought into compliance. Failure to have rectified the infractions by this date will result in the issuance of a fine for unlawful development and staff taking a report to Council recommending that a Notice on Title be placed on the property.

We look forward to your assistance in resolving these outstanding compliance issues with the property.

Should you have any questions please feel free to contact me at (250)746-3165.

Sincerely,



Rachel Hastings
Building Inspector
DEVELOPMENT SERVICES / Building and Compliance
Municipality of North Cowichan
7030 Trans Canada Highway / Box 278
Duncan, BC V9L 3X4 Canada
T (250) 746-3127

rachel.hastings@northcowichan.ca

LETTER_CORPORATE LETTERHEAD

SCANNED

March 30, 2015

Folio No: 15046-000

PARKER, WEBSTER D
9983 BEACH DR
RR 1
CHEMAINUS BC V0R 1K1

Dear PARKER, WEBSTER D

Re: 9384 COTTONWOOD RD

During a regular review of our current Building Permit files, it has come to our attention that we have not yet received any requests for inspections for the following project:

Building Permit No. **BP006863** issued on **Aug 25, 2014** for a **ACCESSORY BUILDING**

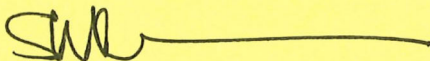
According to the District's Building Bylaw No. 3172, Section 5(6) a), b) and c) every permit that is issued is upon the condition that:

- a) work must be started within six months from the date the permit is issued;
- b) the work must not be discontinued or suspended for a period of more than one year;
- c) the permit will expire if the work is not substantially completed within two years from the date the permit was issued.

Further, the Bylaw requires the owner of a building which is under construction to call for all required inspections prior to occupation and/or use of the building.

Please call 250-746-3165 and leave a detailed message quoting the file number so that we can arrange for a building inspection. A representative from the Building Department will attempt to contact you within the same day or the following business day. A minimum of 24-hours' notice is required to schedule an inspection. Please contact us within 30 days of the date of this letter to discuss your file.

Sincerely,



Scott Mack, M.Arch, B.Sc.(Plan), MCIP, RPP
Director of Development Services

scott.mack@northcowichan.ca

SCANNED

Report

DRAFT

Date August 14, 2014

File: CIP00016
15046-000

To Council

From Rachel Hastings, Building Inspector

Endorsed:

Subject Notice on Title – 9384 Cottonwood Road

Purpose

The purpose of this report is to recommend to Council that Notice on Title be filed on the title of 9384 Cottonwood Road under section 57 of the Community Charter.

The purpose of registering a Bylaw Contravention Notice under Section 57(3) of the *Community Charter* on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Background

The Building and Compliance Services Division is responsible for regulating construction with the Municipality. Once a hazardous condition is observed, the Building Inspector is responsible to attempt to have the deficiency corrected. If the inspector were to fail to take any action, the Municipality may be held liable for any loss or injury sustained.

Section 57(3) of the *Community Charter* allows the Municipality to file a notice on title of any property where the Building Inspector:

- a) observes a contravention of a municipal bylaw, provincial building regulation, or another enactment that relates to the construction or safety of buildings or other structures; or
- b) discovers that something was done without a permit or inspection.

Discussion

A site visit was conducted by Development Services on August 13, 2014. This site visit identified that an accessory building had been converted into a two storey residential building and was being occupied at the time of the site visit. A building permit was issued September 24, 2002 for the 2 storey accessory building following a Board of Variance hearing September 16, 2002 to allow for the increased building height of 6.4m (21.0'). It was noted by the Chief Building Inspector at that Board of Variance meeting that the building was to be used for garage/studio purposes only. A stop work order was posted on the property January 12, 2009 for unauthorized construction related to conversion of the garage into a residence. A registered letter was sent to the owner January 15, 2009 outlining the non-conforming issues and the requirements to remedy the situation. There is no record of compliance on this matter and the building was occupied at the time of the site visit.

The Corporation of the District of North Cowichan

7030 Trans Canada Highway

P.O. Box 278, Duncan, BC

Building Department

Phone: 250-746-3100 Fax: 250-746-3154

BUILDING PERMIT

Permit #: **BP006863**

Folio: 15046-000

Issued Date: Aug 25, 2014

Permit Type: **ACCESSORY BUILDING - ALT**

Description: THIS PERMIT HAS BEEN ISSUED FOR THE DECOMMISSIONING OF AN ACCESSORY BUILDING.

ALL PLUMBING, FIXTURES AND COOKING FACILITIES MUST BE REMOVED.

Address: **9384 COTTONWOOD RD**

Legal: SEC 13 RGE 5 CHEM

Zone: R1 RESIDENTIAL RURAL ZO

P.I.D. 010-529-331

Applicant: PARKER, WEBSTER D

Address: 9983 BEACH DR RR 1 CHEMAINUS BC V0R 1K1

Phone: 250-732-8051

Owner: PARKER, WEBSTER D

Address: 9983 BEACH DR RR 1 CHEMAINUS BC V0R 1K1

Phone: 250-732-8051

Description	Quantity	Amount	Description	Quantity	Amount
Bp Fees	0.00	52.50			
			SCANNED	Total:	\$52.50

Building Information:

TYPE OF IMPROVEMENT: ALT

FLOOR AREA RATIO (%): N/A

CONSTRUCTION VALUE: 0.00

SITE COVERAGE (%): N/A

Special Conditions:

- * The District of North Cowichan will not be responsible for any errors, deficiencies and omissions in this plan information.
- * Neither the granting of a permit nor the approval of the relevant drawings and specifications nor the inspections made by the District of North Cowichan shall in any way relieve the owner of such a building from full responsibility for the carrying out of work or having work carried out in full accordance with the requirements of the B.C.B.C. 2012
- * Plans have been reviewed for general conformance. It is the designers responsibility for accuracy, adequacy and all code requirements.
- *
- * Contractor shall be prime contractor while working within road right of way

This permit expires and the right of an owner shall terminate, if the work is not commenced within 6 months, or if the work is not completed within 24 months of the date of issue of the permit. All Construction shall conform to the current edition of the B.C. Building Code and approved drawings issued with the Application For Permit For Erection, Alteration, or Repair of a Building. No deviation from these drawings, including site plans, shall be made without authorization being given subject to the same procedures established for the examination of the original plans.

The department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the department in accordance with the requirements of the various codes.

Applicant: 

Building Inspector: 

INSPECTION NOTICE

Building & Compliance

Job Location:

9384 Cottonwood Ln

The following item(s) on these premises were inspected today:

- | | |
|---|---|
| <input type="checkbox"/> Footings/Foundation | <input type="checkbox"/> Insulation & Vapour Barrier |
| <input type="checkbox"/> Drain Tile/Damp-proofing | <input type="checkbox"/> Interior Braced Wall Fastening |
| <input type="checkbox"/> Underslab Plumbing | <input type="checkbox"/> Occupancy Inspection |
| <input type="checkbox"/> Rough Plumbing | <input type="checkbox"/> Final Plumbing |
| <input type="checkbox"/> Exterior Braced Wall Fastening | <input checked="" type="checkbox"/> Final Building |
| <input type="checkbox"/> Rough Frame | <input type="checkbox"/> Other _____ |

Inspection indicated that prior to approval, the following items must be corrected:

Complete Items from previous
inspection within 7 days
& call for an inspection by
Dec 1, 2015

Date:

Nov 24 / 2015

Signed:

Rachel Hastings

DO NOT REMOVE THIS TAG

- | | |
|---|--------------|
| <input type="checkbox"/> Inspection Bookings | 250-746-3165 |
| <input type="checkbox"/> Michael Mark, Mgr. Building & Compliance | 250-746-3125 |
| <input type="checkbox"/> Lane Killick, Building Inspector | 250-746-3126 |
| <input type="checkbox"/> Dan Gellein, Building Inspector | 250-746-3179 |
| <input checked="" type="checkbox"/> Rachel Hastings, Building Inspector | 250-746-3127 |

INSPECTION NOTICE

Building & Compliance

Job Location:

9384 Cottonwood

The following item(s) on these premises were inspected today:

- | | |
|---|---|
| <input type="checkbox"/> Footings/Foundation | <input type="checkbox"/> Insulation & Vapour Barrier |
| <input type="checkbox"/> Drain Tile/Damp-proofing | <input type="checkbox"/> Interior Braced Wall Fastening |
| <input type="checkbox"/> Underslab Plumbing | <input type="checkbox"/> Occupancy Inspection |
| <input type="checkbox"/> Rough Plumbing | <input type="checkbox"/> Final Plumbing |
| <input type="checkbox"/> Exterior Braced Wall Fastening | <input checked="" type="checkbox"/> Final Building |
| <input type="checkbox"/> Rough Frame | <input type="checkbox"/> Other _____ |

Inspection indicated that prior to approval, the following items must be corrected:

- ① 220 plug & wiring in wall must be removed & capped properly
- ② IF Plumbing cannot be capped off @ floor level then the plumbing in the floor to be removed & capped @ that location
- ③ Copy of Electrical Permit Required
- ④ Plumbing Pipe @ exterior to be removed Above the cleanout.

Date:

Aug 4/15

Signed:

Rachel Hastings

DO NOT REMOVE THIS TAG

- | | |
|---|--------------|
| <input type="checkbox"/> Inspection Bookings | 250-746-3165 |
| <input type="checkbox"/> Michael Mark, Mgr. Building & Compliance | 250-746-3125 |
| <input type="checkbox"/> Lane Killick, Building Inspector | 250-746-3126 |
| <input type="checkbox"/> Dan Gellein, Building Inspector | 250-746-3179 |
| <input checked="" type="checkbox"/> Rachel Hastings, Building Inspector | 250-746-3127 |

INSPECTION NOTICE

Building & Compliance

Job Location: 9384 Cottonwood

The following item(s) on these premises were inspected today:

- | | |
|---|---|
| <input type="checkbox"/> Footings/Foundation | <input type="checkbox"/> Insulation & Vapour Barrier |
| <input type="checkbox"/> Drain Tile/Damp-proofing | <input type="checkbox"/> Interior Braced Wall Fastening |
| <input type="checkbox"/> Underslab Plumbing | <input type="checkbox"/> Occupancy Inspection |
| <input type="checkbox"/> Rough Plumbing | <input type="checkbox"/> Final Plumbing |
| <input type="checkbox"/> Exterior Braced Wall Fastening | <input checked="" type="checkbox"/> Final Building |
| <input type="checkbox"/> Rough Frame | <input type="checkbox"/> Other _____ |

Inspection indicated that prior to approval, the following items must be corrected:

- ① Cut Wiring & Remove Breakers @ Panel
*work to be done by Qualified Electrician
Provide Copy of Electrical Permit & final
- ② Cap Plumbing upstairs
- ③ Pour Concrete over in ground piping or
completely remove

Date: June 25/15

Signed: Rachel Hastings

DO NOT REMOVE THIS TAG

- | | |
|---|--------------|
| <input type="checkbox"/> Inspection Bookings | 250-746-3165 |
| <input type="checkbox"/> Michael Mark, Mgr. Building & Compliance | 250-746-3125 |
| <input type="checkbox"/> Lane Killick, Building Inspector | 250-746-3126 |
| <input type="checkbox"/> Dan Gellein, Building Inspector | 250-746-3179 |
| <input checked="" type="checkbox"/> Rachel Hastings, Building Inspector | 250-746-3127 |

District of North Cowichan
FEE SLIP



DISTRICT OF NORTH COWICHAN
Box 278 Duncan BC V9L 3X4
PH# 250 746-3100

Please remit with payment.

Folder: BP006863

BUILDING PERMITS
ACCESSORY BUILDING - ALT

<u>Summary</u>	<u>Outstanding</u>
Building Fees	52.50
TOTAL	\$52.50

Receipt: 9688/4
Dated: Aug 25, 2014
Station: CASHDEV/JACKIE

Aug 25, 2014
11:02:51 AM

CDPMT	BP006863	52.50
Total		52.50
CHEQUE	PARKER, WEBSTER D	-52.50

Thank you for your payment

District of North Cowichan
PO Box, 278, 7030 Trans Canada Hwy
Duncan, BC V9L 3X4
Phone: (250) 746-3100
Fax: (250) 746-3154

FEE SLIP

Folder: BP006863

BUILDING PERMITS
ACCESSORY BUILDING - ALT

Address: 9384 COTTONWOOD RD

<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>
Bp Fees	0.00	52.50			
<u>Summary</u>			<u>Outstanding</u>		
Building Fees	52.50	0.00	52.50		
TOTAL	52.50	0.00	52.50		

COPY

SCANNED

Prospero No: CIP00016
Folio No: 15046-000

MR WEBSTER PARKER
9983 BEACH DRIVE
CHEMAINUS
V0R 1K1

Dear Mr Parker

RE: 9384 Cottonwood Road – Illegal building

The purpose of this letter is to follow up on issues following a site visited attended by staff from Development Services on August 14, 2014.

The site visit identified that an accessory building had been converted into a two storey residential building and was being occupied at the time of the site visit. This is contrary to the current zoning of the property. A number of Building Bylaw infractions were also observed with this property during the site visit.

A file review of the property file has identified that a Building Permit #0209240 for an accessory building was issued September 24, 2002, but since this date the property has been converted into a residential building contrary to the Municipality's Zoning and Building Bylaws.

In addition staff noticed on site a number of trailers which appeared to be being used as a "campground". Please note that this use is not permitted in the Residential Rural Zone (R1) and therefore these trailers must be removed from the property.

To legalize the two storey residential building will require you to undertake the following steps:

1. Apply for and obtain a Building Permit to decommission the illegal residential building to return the building to an accessory building, this will include the existing tenants having to vacate the building.

Should you wish to pursue having two separate residential buildings on the property you would need to undertake the following steps:

2. Once item 1. above has been completed, prepare and submit a zoning amendment application to rezone the property from Residential Rural Zone (R1) to allow for an accessory dwelling unit - coach house. Staff would not support a zoning amendment to allow two residential buildings on the property. An accessory dwelling unit – coach house means *'a single storey, self-contained*

dwelling unit that has direct access to the outside at-grade by a set of internal stairs, and forms the second storey of a detached accessory garage building in the rear of the lot'.

We would strongly encourage you to meet with staff to discuss the application requirements and process following the completion of item 1. above. It should also be noted that staff cannot offer any guarantees that your application will be approved by Council.

3. Following a zoning amendment application being obtained, a Building Permit would need to be obtained for the new residential building.

In addition, given that staff is now aware that illegal construction has taken place to create a two storey residential building contrary to our Zoning and Building Bylaw, staff will be taking a report to Council recommending that a Notice on Title be placed on the property. This notice will then only be removed once the property conforms to our Municipal Bylaws.

Sincerely

Brian Green, BSc (hons) Dip TP, MCIP, RPP, MRTPI
Manager of Planning and Sustainability
brian.green@northcowichan.ca
Enclosure 1

C:C Robert Clark, Bylaw Compliance Officer
Rachel Hastings, Building Inspector

Appendix D

April 18, 2018

CFS No: 10533
Folio No: 15046-000

PARKER, WEBSTER D
9983 BEACH DR
RR 1
CHEMAINUS BC V0R 1K1

Dear Mr. Parker:

RE: Illegal Uses and Building at 9384 Cottonwood Road, Chemainus

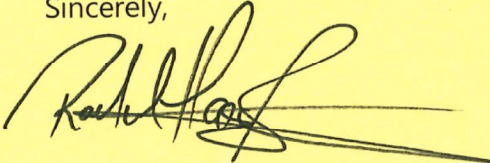
On March 29, 2018, following numerous complaints received by the Municipality, Bylaw Compliance staff visited the subject property. During the site visit, staff became aware of unauthorized uses occurring on the property that are contrary to the Municipality's Zoning and Building Bylaws. The following observations include but are not limited to;

1. Recreational Vehicles (RV) being used for residential purposes which include built structures surrounding some of the RV's
2. A detached accessory building that was previously decommissioned which has continued to be used for habitation.
3. Attic space has been converted to storage space in the detached accessory building and has been identified as a fire hazard.
4. A number of trees that appear to have been cut down within DPA 3 (Natural Environment) without first obtaining the required permit.
5. Multiple burn piles which prohibited materials that have been burnt were still visible.
6. A second dock has been constructed on Fuller Lake without the required permits and approval.

The property is zoned R1 (Residential Rural) (see attached), which does not permit the use of an RV for residential purposes or more than 1 residential building. Use of the RVs for residential purposes which includes overnight stays must cease immediately. Additionally, as only 1 residential building is permitted on the property, all items related to eating, sleeping and sanitary purposes within the accessory building must be removed to ensure this building can no longer be used for habitation.

In order that this matter can be resolved in a timely matter, we require you to respond to the contents of this letter by **May 4th, 2018** outlining how you propose to bring the site into compliance with the Municipality's bylaws. Failure to do so may result in the Municipality initiating legal action to ensure compliance. Your prompt co-operation is greatly appreciated. Should you have any questions please contact me at 250-746-3204 or by email.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Hastings', with a long horizontal flourish extending to the right.

Rachel Hastings
Senior Bylaw Compliance Officer
rachel.hastings@northcowichan.ca

ec manager building and compliance

RESIDENTIAL RURAL ZONE (R1)

Permitted Uses

- BL 3302** 56. (1) The permitted uses for the R1 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Home-based Business
 - BL 3367** Modular Home
 - Single-Family Dwelling
 - Supportive Housing
 - Temporary Trailer (subject to "Temporary Trailer Permit Bylaw 1976", No. 1685)
 - Two-Family Dwelling

Minimum Lot Size

- (2) The minimum permitted lot size for the R1 zone is 1,675 m² (18,029 sq. ft.).

Minimum Frontage

- (3) The minimum permitted frontage for the R1 zone is 30.0 m (98.43').

Density

- (4) The maximum permitted density for the R1 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
 - (b) Despite the foregoing, the placement of a temporary trailer may also be permitted on lots larger than two acres subject to "Temporary Trailer Permit Bylaw 1976", No. 1685.
 - BL3383** (c) The maximum permitted floor space ratio for the R1 zone is 0.5:1.

Maximum Lot Coverage

- (5) The maximum permitted lot coverage of the R1 zone is 30% of the lot area.

Minimum Setbacks

- (6) The minimum permitted setbacks for the R1 zone are as follows:
- (a) Principal Buildings
 - Yard, Front 6.0 m (19.68')
 - Yard, Side 3.0 m (9.84')
 - Yard, Rear 8.0 m (26.25')
 - (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front 6.0 m (19.68')
 - Yard, Side 3.0 m (9.84')
 - Yard, Rear 3.0 m (9.84')
- BL 3150** (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03').

Maximum Building Height

- (7) The maximum permitted building heights for the R1 zone are as follows:
- (a) Principal Buildings 9.0 m (29.53')

- (b) Accessory Buildings 5.0 m (16.40')

Conditions of Use

- (8) The conditions of use for the R1 zone are as follows:

- (a) No fences over 1.2 m (4.00') in height are permitted in the required yards, front.
- (b) No fences over 2.0 m (6.56') in height are permitted in the required yards, side or rear.
- (c) In no situation shall a fence be greater than 2.0 m (6.56') in height.
- (d) Bed and breakfast uses may have no more than six sleeping units.
- (e) Agriculture use shall be subject to "Animal Control Bylaw, 1995", No. 2856.
- BL 3302 (f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
- (v) the number of residents does not exceed ten, including resident staff,
- (ii) the use is within a single family dwelling unit only,
- (iii) valid health permits for septic systems or on-site wastewater treatment systems are obtained, where no municipal sewer is available.
- BL 3083 (g) Limited farm sale of agricultural products may be sold directly to the public provided that:
- (v) a minimum of 50% of the agricultural products offered for sale are produced on the land;
- (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
- (iii) the retail sales are clearly ancillary to the farm use
- BL3367 (h) Repealed.

Appendix E

INSPECTION NOTICE

Bylaw Compliance

Location:

9384 Cottonwood Rd

The premise was inspected today and found to be deficient with respect to the following bylaw (s):

- | | |
|---|---|
| <input type="checkbox"/> Animal Control Bylaw | <input type="checkbox"/> Soil Removal and Deposit Bylaw |
| <input type="checkbox"/> Building Bylaw | <input type="checkbox"/> Traffic Control Bylaw |
| <input type="checkbox"/> Business Licence Bylaw | <input type="checkbox"/> Unsightly Premise Bylaw |
| <input type="checkbox"/> Fire Protection Bylaw | <input type="checkbox"/> Waterworks Bylaw |
| <input type="checkbox"/> Highway Use Bylaw | <input checked="" type="checkbox"/> Zoning Bylaw |
| <input type="checkbox"/> Noise Bylaw | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Sign Bylaw | |

Inspection indicated the following items must be corrected:

THE PROPERTY IS Zoned R-1 which DOES NOT permit the use of an R.V FOR RESIDENTIAL PURPOSES or more than 1 RESIDENT BUILDING. PLEASE NOTE GIVEN THE LENGTH OF TIME AND SUBSTANTIAL RESOURCES ATTRIBUTED TO THIS ENFORCEMENT FILE SHOULD ANOTHER REPORT BE RECEIVED OF OCCUPANCY OF THE DETACHED ACCESSORY BUILDING BYLAW SERVICES WILL FORWARD A REMEDIAL ACTION REPORT TO COUNCIL FOR THE REMOVAL OF THE ACCESSORY BUILDING

FIRE HAZARDS IDENTIFIED IN THE April 18, 2018 #3 HAS BEEN RECTIFIED.

Date:

Jan 23, 2019

Signed:

Rachel Hastings

☒ Rachel Hastings, Bylaw Compliance 250-746-3204

☐ Mike Dunn, Bylaw Compliance 250-746-3108

If another inspection is required please call :

250-746-3165

Please note that this does not purport to certify compliance with all other requirements of North Cowichan Bylaws.

Appendix F

ORDER

Section 31, *Public Health Act*, S.B.C. 2008, Chapter 28 & Section 11 of the Sewerage System Regulation, BC Reg. 326/04

To: Webster Daniel Parker
9983 Beach Drive
Chemainus, BC V0R 1K1

Pursuant to Section 25 of the British Columbia Public Health Act, I Jennifer Alison Gardner Environmental Health Officer, of the Vancouver Island Health Authority, on April 11, 2019 conducted an inspection of your property located at 9384 Cottonwood Road Chemainus BC and legally described as: PID # 010-529-331 - That Part of Section 13, Range 5, Chemainus District, Lying to the East of Fuller Lake and to the North of Parcel A (DD 895401) Shown Outlined in Red on Plan DD 7789F, Except Part in Plan 33487 hereafter referred to as the "Property". The Property is owned by Webster Daniel Parker.

As a result of my inspection, I have reasonable and probable grounds to believe and do believe that you are in contravention of the Sewerage System Regulation (BC Regulation 326/2004) hereafter referred to as the "Regulation". This opinion is based on the following:

- At the time of the inspection on April 11, 2019 the following was observed:

Sewage, including toilet paper, was observed on the ground surface behind the "Studio" structure on the property.

According to Section 3(1) (b) of the Regulation, it is the duty of the owner of every parcel on which a structure is constructed or located to ensure that all domestic sewage originating from the structure does not cause or contribute to a health hazard.

Whereas you have violated that duty, effective upon receipt of this Order, I exercise my authority under Section 31 of the *Public Health Act* and Section 11 of the Regulation and hereby order you to:

1. Immediately cease the discharge of sewage onto the ground surface.
2. Immediately remove all sewage from the ground surface and dispose of in an approved sewerage system.
3. Immediately cover all contaminated soils with lime or bleach and cover the affected area with a minimum of 15 cm of topsoil.

It is an offence under Section 99(1) (k) of the *Public Health Act* to fail to comply with an order of a Health Officer, such as this Order.

Section 43 of the *Public Health Act* gives you the right to request the issuing Health Officer to reconsider the Order.

I request your cooperation with this Order.

Dated at Duncan, BC this 16 day of April 2019.



J. Alison Gardner, CPHI(C)
Environmental Health Officer

e.c.: Craig Nowakowski, Supervisor Health Protection and Environmental Services
Rory Beise, Regional Drinking Water and Land Use Consultant
c.c.: Rachel Hastings, Senior Bylaw Compliance Officer, MNC

JAG/ct

**PRESENTATION TO COUNCIL - SEPTEMBER 18, 2019
CHEMAINUS VALLEY HISTORICAL SOCIETY & MUSEUM
10 MINUTES**

- **TIMELINE : 1962 ♦ 1991 ♦ 2019**
- **MANDATE AND ROLE IN COMMUNITY**
- **CURRENT OPERATIONS AND PLANS**
 - 1. VOLUNTEERS AND PART TIME STAFF**
 - 2. ORGANIZING ARTIFACTS AND ARCHIVES**
 - 3. FUTURE CAPITAL PROJECTS**
 - 4. HOURS OF OPERATIONS**
 - 5. COMMUNITY CONNECTIONS**
 - 6. EXPANDING SUPPORT RESOURCES WITH LOCAL MUSEUMS**
- **EXPLANATION OF GRANT REQUEST SUPPORTING OPERATIONS**
 - 1. SOURCES OF REVENUES**
 - 2. KEY OVERHEAD NEEDS**
- **COUNCIL SUPPORT**
 - 1. HISTORICAL SUPPORT**
 - 2. ASSIGNED COUNCIL MEMBER GUIDANCE**

Delegation to Council
September 18, 2019
Kurt Feltrin

Kurt Feltrin is asking Council to reconsider the Council decision for a Development Variance Permit (DVP00042) for my property at 8996 Chemainus Road.

In 2018, Council issued a DVP that varies section 56(3)(a) of Zoning Bylaw 2950 by reducing the minimum frontage from 30 m to 27.33 m to facilitate a two-lot subdivision, subject to the registration of a covenant on Title that restricts the number of dwelling units on each parcel to one.

I would like to ask that the new lot (1 acre) that 100% conforms to the R1 zone be permitted to have two dwelling units on it. ie. A single family dwelling and secondary suite. The remaining lot (1 acre) that has a 27.33 m frontage instead of 30 m frontage will continue to be limited to only 1 dwelling unit.

Staff Comments: Please see resolution below. In speaking with Mr. Feltrin, the covenant has not been registered as of yet; however, Council is unable to reconsider a decision made from a meeting made in June 20, 2019.

June 20, 2018 – Regular Council Minutes

6.5 Public Meeting - Development Variance Permit - 8996 Chemainus Road


It was moved and seconded:

That Council issue a development variance permit to Kurt Feltrin, for 8996 Chemainus Road, that varies section 56 (3) (a) of Zoning Bylaw 2950 by reducing the minimum permitted frontage from 30 m to 27.33 m to facilitate a 2-lot subdivision, subject to the registration of a covenant on title that restricts the number of dwelling units on each parcel to one.

(Opposed: Douglas)

CARRIED

Report

Date	September 18, 2019	File:
To	Council	
From	M. Frame, General Manager of Financial and Protective Services	Endorsed: 
Subject	Architectural and Managing Consultant Services for the New Integrated RCMP Detachment	

Purpose

To provide Council with the results of the Request for Proposal (RFP) for Architectural and Managing Consultant Services for the New Integrated RCMP Detachment, the results of the Request for Proposal for Pre-Construction and Agent Construction Management Services for the New Integrated RCMP Detachment, and to seek authorization for the Mayor and Corporate Officer to enter into those contracts.

Background

On December 19, 2018, Council agreed, in principle, to build an integrated RCMP Detachment. The budget for the project of \$41,000,000 was included in the 2019 – 2023 Financial Plan, phased over 2019-2021. May 1, 2019, Council endorsed Construction Management and Integrated Project Delivery as the process for construction of the Integrated RCMP Detachment.

Discussion

On July 31, 2019, RFP's for Architectural and Managing Consultant Services, and Pre-Construction and Agent Construction Management Services were released for submission, closing August 30, 2019. Four submissions were received for the Architectural and Managing Consultant Services. The proposals were evaluated and ranked based on Firm Qualifications, Key Personnel and Proposed Methodology; only proposals receiving 75% of the points for these criteria were evaluated for price. The top ranked Architectural proposal was from KMBR Architects Planners Inc. of Vancouver. The price was \$1,053,000, plus GST. KMBR is the Architect for a similar sized RCMP detachment currently under construction in Ft. St. John and should be able to find some synergies between the two projects.

Two submissions were received for Pre-Construction and Agent Construction Management Services. The proposals were evaluated and ranked based on Firm Qualifications, Key Personnel and Proposed Methodology; only proposals receiving 75% of the points for these criteria were evaluated for price. The top ranked Construction Management proposal was from Unitech Construction Management Ltd. The price was \$875,000, plus GST. Unitech is the Construction Manager for a similar sized RCMP detachment currently under construction in Ft. St. John and should be able to find some synergies between the two projects.

Options

No alternate recommendations are being put forward for Council's consideration as Council passed a motion stating that it wished to proceed with building an integrated RCMP Detachment, the submissions came within budget, and the projects are being awarded to the most qualified bidder.

Implications

High quality submissions were received for these two RFPs. These two firms, along with our Project Manager will become the key members of the design team. This will allow the design to be started in 2019. The next step is the release of RFPs for electrical design and trades, and mechanical design and trades. These RFP's will be released the week of September 9th, 2019.

Should Council not wish to proceed with the highest ranked proponent, the RFPs would have to be released again, with amendments, and it would preclude starting design in 2019. The \$41 million project budget includes \$3.4 million for consultant fees and expenses. These two RFPs are within this budgeted amount, and are very reasonable.

Recommendation

That Council authorize the Mayor and Corporate Officer to enter into a contract with KMBR Architects Planners Inc. for \$1,053,000, plus GST, for Architectural and Managing Consultant Services for the new North Cowichan Integrated RCMP Detachment Project.

That Council authorize the Mayor and Corporate Officer to enter into a contract with Unitech Construction Ltd. For \$875,000, plus GST for Pre-Construction and Agent Construction Management Services for the New Integrated RCMP Detachment.

Report


Date September 18, 2019

To Council

From Natasha Horsman, Manager of Communications and Public Engagement

Subject Proposed Objectives and Format for Fall 2019 Community Budget Meetings

File:

Endorsed: 

Purpose

This report seeks Council's endorsement for the proposed objectives and format for North Cowichan's annual fall community meetings.

Background

Section 166 of the *Community Charter* requires local governments to "undertake a process of public consultation regarding the proposed financial plan before it is adopted."

Many local governments, including North Cowichan prior to 2015, meet this requirement by holding a series of Committee of the Whole meetings focused on preparation of the budget (financial plan), allowing public input at these meetings.

In 2015, Council directed staff to hold community budget information/consultation meetings in each of North Cowichan's general community areas. Since 2015, these community budget meetings have continued, typically early in the budget development cycle. Meetings are generally structured around: 1) budget information panels, 2) a brief presentation on key projects or costs driving the budget, 3) Q&A, and 4) participant input stations on various topics, such as values and project priorities.



Council continues to have budget Committee of the Whole and Council meetings to review and deliberate about the draft budget (financial plan) in detail. These meetings are also open to the public and allow for public input.

Participation in the fall budget meetings and associated online engagement is summarized below:

	2015	2016	2017	2018
In-Person	170	135	122	95
Online	n/a	n/a	72 (*PlaceSpeak)	118 (*note: PlaceSpeak and Citizen Budget)
Total	170	135	194	213

In preparing this report, staff asked neighbourhood associations and some other local groups for feedback about past fall community meetings. Feedback was received from **four** individuals, some representing larger groups and some representing themselves. Input is summarized below.

What Would Respondents Like to See at Community Budget Meetings?

- A North Cowichan presentation that isn't too lengthy
- Some new town hall Q&A facilitation techniques
- Improved visibility of information panels (in response to crowding)
- Updates about some specific topics (Rowing Canada, Quamichan Lake)
- Information/insight into why budget is prioritized as it is
- Insight into projects/budget envisioned over next 3-5 years (if possible)
- Positive feedback about using the Ramada Inn as a venue

Discussion

Objectives

This year, staff recommend the following meeting objectives for Council's confirmation:

1. To provide residents with an informal space to interact with Council and senior staff.
2. To deliver information to participants about major capital projects and key Council priorities anticipated for 2020.
3. To invite questions from participants in a town hall format and respond in an open setting.
4. To seek input from participants about the prioritization of actions in Council's 2019-2022 Strategic Plan.
5. To seek input from residents about the value they get from these meetings and what they might like us to do differently (through meeting evaluation forms).

These objectives are similar to past years, with the addition of seeking input on Council's Strategic Plan with the goal of driving alignment as Council develops its budget and selects projects for 2020.

Format

The recommended format for 2019 budget meetings to meet the recommended objectives is:

- **Three (3) in-person meetings in Chemainus, Crofton, and South End.**
 - October 22: Chemainus (confirmed)
 - October 24: Crofton (confirmed)
 - October 28: South End (Ramada Hotel, confirmed)

- **Meeting schedule – roughly 6:00-8:00pm:**
 - 30 minutes: open time where participants can read information about major 2020 capital and priority projects, the citizen survey results, provide input on Council Strategic Plan, and speak with staff and elected officials.
 - 30 minutes: short presentation from the Mayor and CAO providing information about major capital and priority projects anticipated for 2020.
 - 30 minutes: town hall Q&A with participants, the Mayor, and CAO to talk about issues covered in the presentation and topics of interest to participants.
 - 30 minutes: After Q&A, staff and elected officials will remain present for ongoing one-on-one conversations and participants can continue to provide input on Council Strategic Plan actions.
- **Information/Consultation:** The meetings would be focused on sharing information, with consultation focused on gathering input on Council's Strategic Plan actions, as detailed below:
 1. Major capital projects proposed for 2020 (inform)
 2. Key priority projects anticipated for 2020 (inform)
 - OCP project – why it's important and how to get involved
 - Master Transportation Plan – what it is, what it will do
 - Forestry operational review and citizen engagement – what it is, when it's happening, how to get involved
 - New RCMP detachment – why it's needed, financial and tax implications, timing
 - Environmental work – new position, key focus areas, Quamichan and Somenos Lakes
 - Rowing Canada National Training Centre and Art Mann Park – where this process is at, updated timeline
 - Themes from Citizen Satisfaction Survey
 3. Council Strategic Plan prioritization (consult)
 4. Citizen Satisfaction Survey results (inform)
- **Online component:**
 - a. A PlaceSpeak topic will be created where residents can access budget information, the Mayor and CAO's presentation, and provide input on Council's Strategic Plan.
 - b. In 2018, North Cowichan piloted use of the online tool Citizen Budget, which visually demonstrated to users what they pay in property taxes and how those taxes are distributed across North Cowichan's service areas. The Citizen Budget tool will not be used this year, given its low participation last year (the tool cost just under \$5000 and was used by 72 individuals, costing approximately \$66/user). North Cowichan may consider using the tool again in a few years.

Post Meeting Reporting

Following completion of the community budget meetings and associated PlaceSpeak topic, staff will bring Council a report that summarizes input about Council's Strategic Plan.

Options

1. That Council endorse the community meeting objectives and format outlined in this report (**recommended**).
2. That Council endorse the community meeting objectives and format outlined in this report, with amendments.
3. That Council determine that it does not wish to hold community budget meetings, in addition to the Committee of the Whole meetings, in fall 2019.

Implications

Financial: These meetings typically cost \$1500-2000, which covers venue rental, advertising, audio-visual rental, and light snacks and beverages. These costs can be covered within the 2019 operating budget. No overtime costs are incurred as a result of these meetings, as all of the staff that attend are salary employees.

Personnel: A large contingent of senior staff attend these meetings at no additional cost. The Communications and Public Engagement staff (1.8 FTE) will spend a significant amount of time preparing the logistics, materials, and advertising for these meetings, with support from the Financial Services team.

Social: There have been positive benefits from these annual meetings in which Council and staff meet with residents in a neutral and informal environment outside of Council Chambers.

Communication: If Council decides to proceed with the meetings in fall 2019, staff will advertise the meetings, develop materials, and begin meeting promotion.

Recommendation

That Council endorse the objectives and format for the fall 2019 community budget meetings as outlined in the Manager, Communications and Public Engagement's report of September 18, 2019.

Report

Date September 18, 2019
To Council
From Karen Robertson, Corporate Officer
Subject Delegation of Authority Bylaw

File:

Endorsed:



Purpose

To introduce a new "Delegation of Authority Bylaw, No. 3734, 2019" (a bylaw which provides for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees) to reflect the organizational restructure that occurred in the fall of 2018.

Background

On September 19, 2018, Council unanimously endorsed a new organizational structure following recommendations from the organizational services review conducted by Innova Strategy Group. As a result, the existing "Delegation of Authority Bylaw No. 3616, 2016" needed to be updated to reference the current titles and to ensure the delegated authority was given to the appropriate staff with the expertise in making the operational decisions on behalf of the District.

Discussion

Section 154 of the *Community Charter* empowers Council, by bylaw, to delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees. The proposed "Delegation of Authority Bylaw, No. 3734, 2019" (see attached) provides delegated powers, duties and functions for operational matters that are consistent with what other local governments delegate to their officers and employees, thereby giving Council the ability to focus on the broader and longer-term needs of the municipality, increasing efficiency of service delivery, giving greater responsiveness to the public, and providing for improved functioning of Council's business.

To a large degree, the proposed bylaw is a soft rewrite of the existing bylaw, with employee titles now reflecting the present-day organizational structure, procurement figures updated to be consistent with other local governments, and authority granted to the Chief Administrative Officer to deal with employee matters.

There are specific limitations under the *Community Charter* on the delegation of power and certain decisions cannot be delegated such as a power or duty that can only be exercised by bylaw, establishment by legislation that Council gives its approval or consent to, makes recommendations on, appointing or suspending a municipal officer, issuance of a development variance permit, or to impose a remedial action requirement under the *Community Charter*.

The broad authority to delegate is balanced with accountability to the public by having specific limitations on delegation and, in certain cases, reconsideration mechanisms for those decisions made by a delegated person or body such as business licenses (Section 7 in the bylaw) and land use approvals (see Section 23).

This soft rewrite of the existing bylaw has received legal review. As part of that review, our legal counsel has recommended that staff also return to Council in due course to remove matters addressed in this bylaw that are better addressed by way of administrative policy. This would eventually allow our bylaw to become more consistent with what other local governments delegate to their officers and employees once appropriate administrative policies are developed.

Options

Option 1 (Recommended):

That Council give three readings to “Delegation of Authority Bylaw, No. 3734, 2019” as presented.

Option 2:

That Council make the following amendments (insert amendments here) and give three readings to “Delegation of Authority Bylaw, No. 3734, 2019.”

Recommendation

That Council give first three readings to “Delegation of Authority Bylaw, No. 3734, 2019” – a bylaw to provide for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees.

Attachment: Delegation of Authority Bylaw No. 3734, 2019



The Corporation of the District of North Cowichan

Delegation of Authority Bylaw

Bylaw 3734

A bylaw to provide for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees

Contents

1	Interpretation
2	Committee of the whole
3	Municipal audit
4	Parcel tax roll review panel
5	Notices
6	Business licenses
7	Business licenses – reconsideration
8	Outdoor burning ban
9	Personnel administration
10	Agreements – procurement
11	Agreements – miscellaneous
12	Settlement of claims
13	Bylaw enforcement
14	Land sales
15	Land purchases
16	Registration of statutory rights-of-way and covenants
17	Builders liens
18	Discharge of obsolete charges
19	Encroachments within road rights of way
20	Temporary municipal land and street use
21	Municipal Forest Reserve closures
22	Land use approvals
23	Land use approvals – reconsideration
24	Parcel frontage exemptions
25	Strata conversions
26	Works and services agreements
27	Excess or extended services
28	Petitions for local area services
29	Severability
30	Repeal
31	Title

WHEREAS Division 6 of Part 5 of the *Community Charter* empowers a municipal council, by bylaw, to delegate its powers, duties and functions, including those specifically established by an enactment, to the extent provided;

AND WHEREAS Council considers that there are a number of circumstances where delegation of certain of its powers, duties and functions would foster good government;

NOW THEREFORE, the Council of The Corporation of the District of North Cowichan enacts as follows:

Interpretation

1 (1) In this bylaw:

"Approving Officer" means the person so appointed under section 77 [*Appointment of municipal approving officers*] of the *Land Title Act*;

"Audit Committee" means the standing committee of Council established under section 170 [*Audit committee*] of the *Community Charter*;

"Chief Administrative Officer" means the municipal officer appointed under section 147 [*Chief administrative officer*] of the *Community Charter*;

"Corporate Officer" means the municipal officer appointed under section 148 [*Corporate officer*] of the *Community Charter*;

"Department Head" means the persons appointed by the Chief Administrative Officer as the Corporate Officer, the Deputy Corporate Officer, the Information Management Officer, the Municipal Forester, the Senior Manager of Engineering, and the Manager of Engineering Development and Capital Projects, and the persons appointed by the Chief Administrative Officer as a director, senior manager, or manager who reports directly to the Chief Administrative Officer or to the General Manager, Community Services, the General Manager, Development and Engineering Services, the General Manager, Financial and Protective Services, or the General Manager, Corporate Services.

"Director of Engineering" means the person so appointed by the Chief Administrative Officer;

"Director of Information Technology and GIS" means the person so appointed by the Chief Administrative Officer;

"Director of Parks and Recreation" means the person so appointed by the Chief Administrative Officer;

"Director of Planning and Building" means the person so appointed by the Chief Administrative Officer;

"General Manager, Community Services" means the person so appointed by the Chief Administrative Officer;

"General Manager, Development and Engineering Services" means the person so appointed by the Chief Administrative Officer;

"General Manager, Financial and Protective Services" means the municipal officer appointed under section 149 [*Financial officer*] of the *Community Charter*;

"General Manager, Corporate Services" means the person so appointed by the Chief Administrative Officer;

"Local Assistant to the Fire Commissioner" means a person authorized to exercise the powers of a local assistant under the *Fire Services Act*;

"Manager, Fire and Bylaw Services" means the person so appointed by the Chief Administrative Officer;

"Management Staff" means the persons appointed by the Chief Administrative Officer as the Fire Chief or Deputy Fire Chief of a municipal fire hall, the Chief Building Inspector, the Technical Services Specialist, the Business Applications Coordinator, the Senior Bylaw Compliance Officer, the Senior Environmental Specialist, the Community Planning Coordinator, the Development Planning Coordinator, the Human Resources Advisor, the Health, Safety and Disability Management Advisor, the Human Resources Coordinator, the Payroll Coordinator, the Executive Assistant, the Records and Information Management Assistant, the Administrative Assistant, the Communications and Public Engagement Coordinator, the Administrative Supervisor, the Assistant Manager of Operations, a Foreperson, the Facilities Supervisor, and all managers who report directly to a Department Head.

"Municipal Forester" means the person so appointed by the Chief Administrative Officer.

- (2) Where this bylaw delegates a power, duty or function of Council to a named position, the delegation is to the person who holds the position, and to any person who is the deputy of, or who is authorized to act for, that person.
- (3) Unless a power, duty or function of Council has been expressly delegated by this bylaw or another municipal bylaw, the powers, duties and functions of Council remain with Council.
- (4) A person to whom a power, duty or function has been delegated under this bylaw, or another bylaw, has no authority to further delegate to another person any power, duty or function that has been delegated to them by this bylaw.

Committee of the whole

- 2 Council delegates its powers to give direction to staff on matters being considered by the committee of the whole to the committee of the whole.

Municipal audit

- 3 Council delegates its powers, duties and functions under Division 2 of Part 6 of the *Community Charter* to the Audit Committee.

Parcel tax roll review panel

- 4 Council delegates its duty under section 204 (2) [*Parcel tax roll review panel*] of the *Community Charter* to the General Manager, Financial and Protective Services.

Notices

- 5 (1) Council delegates its duty to give notice under the following sections of the *Community Charter* to the Corporate Officer:

- (a) Section 26 (1) *[Notice of proposed property disposition]*;
 - (b) Section 40 (3) *[Permanent closure and removal of highway dedication]*;
 - (c) Section 59 (2) *[Powers to require and prohibit]*; and
 - (d) Section 127 (1) (b) *[Notice of council meetings]*.
- (2) Council delegates its duty to give notice under the following sections of the *Community Charter* to the General Manager, Financial and Protective Services:
- (a) Section 99 (3) *[Annual meeting on report]*; and
 - (b) Section 227 (1) *[Notice of permissive tax exemptions]*.
- (3) Council delegates its duty to give and file notices under the following sections of the *Local Government Act* to the Director of Planning and Building:
- (a) Section 466 (1) *[Notice of public hearing]*;
 - (b) Section 467 (1) *[Notice if public hearing waived]*;
 - (c) Section 494 (1) *[Public notice and hearing requirements]*;
 - (d) Section 499 (1) *[Notice to affected property owners and tenants]*;
 - (e) Section 503 (1) and (3) *[Notice of permit on land title]*; and
 - (f) Section 594 (1) *[Notice on land titles]*.

Business licenses

- 6** Council delegates its powers, duties and functions under sections 8(6), 15 and 60 of the *Community Charter* to grant, refuse, suspend, or cancel a business license to the General Manager, Financial and Protective Services.

Business licenses - reconsideration

- 7**
- (1) A business license applicant or holder that is subject to a decision made under the delegated authority under section 6 of this bylaw is entitled to have the decision reconsidered by Council in accordance with this section.
 - (2) Where a business license applicant or holder wishes to have Council reconsider a decision made under the delegated authority under section 6 of this bylaw:
 - (a) The business license applicant or holder must, within 30 days of the decision having been communicated to the business license applicant or holder, make an application in writing to the Corporate Officer, which application must include the following:
 - (i) A description of the decision sought to be reconsidered by Council;
 - (ii) The date of the decision;
 - (iii) The name of the delegate who made the decision;
 - (iv) The grounds on which reconsideration is being requested; and,
 - (v) A copy of any materials that the business license applicant or holder wishes Council to take into account when reconsidering the decision.

- (b) Council must reconsider the decision at a regular meeting of Council held within a reasonable period of time after the date on which the application for reconsideration was delivered to the Corporate Officer.
- (c) The Corporate Officer must:
 - (i) Place the reconsideration of the decision on the agenda for a regular meeting of Council in accordance with paragraph (b) above; and,
 - (iii) Before the reconsideration of the decision by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered, and a copy of all materials submitted by the business license applicant or holder to the Corporate Officer as part of the application for reconsideration.
- (d) In reconsidering the decision the Council must consider all the material before it.
- (e) At the meeting at which Council is to reconsider the decision, Council will first hear from staff in relation to the subject matter of the decision and in relation to the decision itself, and will then hear from the business license applicant or holder. Council may then hear from staff in relation to any new information raised by the business license applicant or holder in its submissions to Council.
- (f) Council is entitled to adjourn the reconsideration of the decision; and,
- (g) After hearing from staff and the business license applicant or holder, Council will reconsider the decision and may either confirm the decision, amend the decision, or set aside the decision and substitute the decision of Council.

Outdoor burning ban

- 8 Council delegates its powers under section 8(3)(g) of the *Community Charter* to ban outdoor burning in all or part of the municipality to the Local Assistant to the Fire Commissioner, subject to a fire hazard existing, the ban being for not more than 90 days, and the public promptly being notified of the ban.

Personnel administration

- 9
 - (1) Council delegates its powers to appoint an acting Chief Administrative Officer to temporarily act on behalf of the Chief Administrative Officer in the Chief Administrative Officer's absence to the Chief Administrative Officer.
 - (2) Council delegates its powers to appoint, promote, and discipline officers (other than the Chief Administrative Officer) and employees to the Chief Administrative Officer.
 - (3) Council delegates its power to approve compensation for officers (other than the Chief Administrative Officer) and employees to the Chief Administrative Officer, subject to sufficient funds having been allocated and approved by Council under the financial plan bylaw.
 - (4) Council delegates its powers to terminate the employment of employees for cause to the Chief Administrative Officer.
 - (5) Council delegates its powers to terminate the employment of employees without cause to the Chief Administrative Officer, subject to any severance paid to the employee being in accordance with the notice provisions of any applicable employment agreement or

the common law principles applicable to payments in lieu of notice on termination of employment, and sufficient funds having been allocated and approved by Council under the financial plan bylaw.

- (6) Council delegates its powers to settle labour grievances or disputes to the Chief Administrative Officer, subject to the settlement being in accordance with common law principles and sufficient funds having been allocated and approved by Council under the financial plan bylaw to satisfy the settlement.

Agreements - procurement

- 10**
- (1) Council delegates its powers to enter into agreements for the purchase of works, services, or chattels having a value of not more than \$500,000.00 to the Chief Administrative Officer.
 - (2) Council delegates its powers to enter into agreements for the purchase of works, services, or chattels having a value of not more than \$200,000.00 to the General Manager, Corporate Services, the General Manager, Financial and Protective Services, the General Manager, Community Services, the General Manager, Development and Engineering Services, the Director of Planning and Building, the Director of Engineering, the Director of Parks and Recreation, and the Director of Information Technology and GIS.
 - (3) Council delegates its powers to enter into agreements for the purchase of works, services, or chattels having a value of not more than \$75,000.00 to Department Heads.
 - (4) Council delegates its powers to enter into agreements for the purchase of works, services, or chattels having a value of not more than \$10,000.00 to Management Staff.
 - (5) For the purpose of subsections (1) to (4) above, the delegated authority to enter into an agreement is subject to the agreement not requiring the approval or consent of the electors and sufficient funds having been allocated and approved by Council under the financial plan bylaw, and, without limiting the substance of the discretion delegated therein, such discretion is subject to the delegate adhering to the procurement processes endorsed by Council from time to time.

Agreements - miscellaneous

- 11**
- (1) Council delegates the power to enter into agreements in relation to grant monies for approved projects to the General Manager, Financial and Protective Services.
 - (2) Council delegates its powers to enter into agreements for information sharing to the General Manager, Corporate Services.
 - (3) Council delegates its powers to enter into agreements for boat moorage at municipally-owned or operated wharves to the General Manager, Community Services.
 - (4) Council delegates its powers to enter into agreements for authorizing encroachments caused by road widening to the Director of Engineering.
 - (5) Council delegates its powers to enter into agreements for the following purposes to the Director of Parks and Recreation:
 - (a) Facility use or rental agreements for municipal recreation facilities;
 - (b) Rental agreements for parks and municipal forest reserve lands, subject to the agreement being for a term of not more than 3 months; and

- (c) Health promotion and rehabilitation service agreements, subject to sufficient funds having been allocated and approved by Council under the financial plan bylaw.
- (6) Council delegates its powers to amend, renew, extend or suspend agreements previously approved and authorized by Council or under a delegated authority under this bylaw to the Chief Administrative Officer.

Settlement of claims

- 12** Council delegates its powers to settle claims, whether legal proceedings have been commenced or not, to the Chief Administrative Officer, subject to the settlement being for not more than \$50,000.00 and sufficient funds having been allocated and approved by Council under the financial plan bylaw to satisfy the settlement.

Bylaw enforcement

- 13** (1) Council delegates its powers to commence and prosecute bylaw enforcement proceedings under section 274 [*Actions by municipality*] of the *Community Charter* to the General Manager, Financial and Protective Services, subject to there being urgency in the commencement of the proceedings, and the Chief Administrative Officer reporting to Council, as soon as reasonably practicable, at a regular meeting of Council as to the commencement of the proceedings, the urgency necessitating commencement of the proceedings, and the status of the proceedings.
- (2) Council delegates its duty under section 269 (1) [*Hearing of disputes*] of the *Community Charter* to refer disputed tickets to the Provincial Court for a hearing to the General Manager, Financial and Protective Services.

Land sales

- 14** Council delegates its powers to dispose of municipal land, or an interest in municipal land, to the Chief Administrative Officer, subject to Council having first passed a resolution authorizing the disposition of the land or interest in it, and the disposition being for a price that is not less than 95% of the value set by Council in its resolution authorizing the disposition of the land or interest in it.

Land purchases

- 15** Council delegates its powers to acquire land, or interests in land, to the Chief Administrative Officer, subject to the purchase being for a municipal project approved by Council and sufficient funds having been allocated and approved by Council under the financial plan bylaw.

Registration of statutory rights-of-way and covenants

- 16** Council delegates its powers to authorize the registration of statutory rights-of-way and covenants over municipal lands that are under development to the Approving Officer.

Builders liens

- 17** Council delegates its powers to file and discharge notices of interest under the *Builders Lien Act* to the General Manager, Corporate Services.

Discharge of obsolete charges

- 18** Council delegates its powers to discharge obsolete charges and legal notations from the title to real property to the Approving Officer.

Encroachments within road rights of way

- 19** Council delegates its powers to authorize encroachments within road rights-of-way to the Chief Administrative Officer.

Temporary municipal land and street use

- 20**
- (1) Council delegates its powers to issue licenses of occupation for non-exclusive uses of municipal land to the Chief Administrative Officer, subject to the license being for a term of not more than 12 months.
 - (2) Council delegates its powers to authorize sub-leases or sub-licenses of municipal property, and to assign municipal leases and licenses, to the Chief Administrative Officer.
 - (3) Council delegates its powers to issue special event permits for temporary, non-exclusive uses of municipal land, including temporary private uses of municipal streets for parades, walk-a-thons, fundraisers, races and similar events to the General Manager, Community Services, subject to the permit being for a term of not more than 72 hours.
 - (4) Council delegates its powers to authorize the installation of additional equipment on existing telecommunications towers on municipal property to the Chief Administrative Officer.
 - (5) For the purpose of subsections (1) to (4) above, the Chief Administrative Officer or Director of Engineering may set conditions, including conditions relating to compensation, indemnification, insurance, security, machinery, equipment, times of use, and compliance with applicable laws and any restrictions on title to property to which the license or permit relates.

Municipal Forest Reserve closure

- 21** Council delegates its powers to close or restrict use of all or part of the Municipal Forest Reserve, or lands managed for forestry purposes, to the Municipal Forester, subject to the closure or restriction as to use being for not more than 30 days, the closure or restriction as to use being during active forestry operations or being necessary to protect against a danger of fire or another danger, and the public being promptly notified of the closure or restriction.

Land use approvals

- 22**
- (1) Council delegates its powers, duties and functions under sections 490 [*Development permits*] and 491 [*Development permits: specific authorities*] of the *Local Government Act*, to the Director of Planning and Building, subject to there being no variances of municipal bylaws involved.
 - (2) Council delegates its powers under section 493(1)(a) [*Temporary use permits for designated and other areas*] of the *Local Government Act* to:
 - (i) Approve temporary use permits in order to allow property owners to continue to occupy an existing dwelling while a replacement dwelling is under construction; and
 - (ii) Sign temporary use permits approved by Council, to the Director of Planning and Building.
 - (3) Council delegates its powers to require security under section 502 [*Requirement for security as a condition of land use permit*] of the *Local Government Act* in respect of

matters delegated under subsections (1) and (2) above to the Director of Planning and Building.

Land use approvals – reconsideration

- 23** (1) The owner of land who is subject to a decision made under the delegated authority under section 22 of this bylaw is entitled to have the decision reconsidered by Council in accordance with this section.
- (2) Where the owner wishes to have Council reconsider a decision made under the delegated authority under section 22 of this bylaw:
- (a) The owner must, within 30 days of the decision having been communicated to the owner, make an application in writing to the Corporate Officer, which application must include the following:
 - (i) A description of the decision sought to be reconsidered by Council;
 - (ii) The date of the decision;
 - (iii) The name of the delegate who made the decision;
 - (iv) The grounds on which reconsideration is being requested; and,
 - (v) A copy of any materials that the owner wishes Council to take into account when reconsidering the decision.
 - (b) Council must reconsider the decision at a regular meeting of Council held within a reasonable period of time after the date on which the application for reconsideration was delivered to the Corporate Officer.
 - (c) The Corporate Officer must:
 - (i) Place the reconsideration of the decision on the agenda for a regular meeting of Council in accordance with paragraph (b) above;
 - (ii) Give notice of reconsideration of the decision in accordance with any notice requirements applicable to the original decision; and,
 - (iii) Before the reconsideration of the decision by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered, and a copy of all materials submitted by the business license applicant or holder to the Corporate Officer as part of the application for reconsideration.
 - (d) In reconsidering the decision the Council must consider all the material before it.
 - (e) At the meeting at which Council is to reconsider the decision, Council will first hear from staff in relation to the subject matter of the decision and in relation to the decision itself, and will then hear from the owner. Council may then hear from staff in relation to any new information raised by the owner in its submissions to Council.
 - (f) Council is entitled to adjourn the reconsideration of the decision; and,
 - (g) After hearing from staff and the owner, Council will reconsider the decision and may either confirm the decision, amend the decision, or set aside the decision and substitute the decision of Council.

Parcel frontage exemptions

- 24** Council delegates its powers to exempt a parcel from the minimum amount of frontage on a highway required under section 512 (2) *[Minimum parcel frontage on highway]* of the *Local Government Act* to the Approving Officer.

Strata conversions

- 25** Council delegates its powers under section 242(10)(a) *[Approval for conversion of previously occupied buildings]* of the *Strata Property Act* to approve strata conversions to the Approving Officer, subject to the conversion being in relation to a two-family residential building.

Works and services agreements

- 26** Council delegates its powers to enter into agreements for works and services under section 5 of the Works and Services Bylaw 1986, as amended or replaced from time to time, to the Director of Engineering.

Excess or extended services

- 27** Council delegates its powers, duties and functions under sections 507 *[Requirements for excess or extended services]* and 508 *[Latecomer charges and cost recovery for excess or extended services]* of the *Local Government Act* to the Director of Engineering.

Petitions for local area services

- 28** Council delegates its powers to require that petitions for local area services include information in addition to that which is required under section 212 (2) *[Petition for local area service]* of the *Community Charter* to the Director of Engineering.

Severability

- 29** If any provision of this bylaw is, for any reason, found invalid by a court of competent jurisdiction, the provision must be severed and the remainder of the bylaw left enforceable and in effect.

Repeal

- 30** Bylaw 3616, "Delegation of Authority Bylaw" is repealed.

Title


- 31** This bylaw may be cited as "Delegation of Authority Bylaw No. 3734, 2019".

READ a first time on
READ a second time on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date	August 30, 2019	File: 5630-40
To	Council	Folio: 00170-000
From	David Conway, P.Eng., Director, Engineering Approving Officer	Endorsed: 
Subject	South End Water Inclusion – 3964 Cowichan Lake Road	

Purpose

To recommend that Council expand the boundaries of the South End Water Local Area Service to include a portion of Parcel A, DD63480I, Except Plan 9583 (3964 Cowichan Lake Road).

Background

The owners of the referenced property have submitted a valid petition dated July 16, 2019.

Discussion

There is an existing watermain along the frontage of this property that enables an easy connection similar to other properties along this portion of Cowichan Lake Road.

Options

1. Begin the bylaw process of inclusion in the South End Water Local Area Service. This is the recommended option. Some points to consider are noted below.
 - a. The watermain is along the frontage and more users will increase flow which ensures turnover of the water in the watermain;
 - b. Based on the agreement, this option is cost neutral except the annual fees that would be charged to the landowner;
 - c. The property is outside the Urban Containment Boundary (UCB) and zoned A2 in the Agricultural Land Reserve (ALR). Future development is considered unlikely. Other adjacent lands are in the ALR and also connected.
2. Deny the request.

Implications

There are no known negative environmental or social implications related to either option.

Recommendation

That Council read for a 1st, 2nd and 3rd time, South End Water Local Area Service Bylaw, 2019, Bylaw 3759.

Attachments:

1. Petition
2. Map
3. BL3759 South End Water LAS Enlargement Bylaw, 2019

PetitionMUNICIPALITY of **North
COWICHAN**

Date July 16, 2019
 To North Cowichan Municipal Council
 From Property Owners 3964 COWICHAN LAKE RD
 Subject Petition to Enlarge a Local Area Service




Folio:

We, the undersigned property owners, petition the North Cowichan Municipal Council, to enlarge the legal boundary established by bylaw of the South end local area service, to include our property located at 3964 COWICHAN LAKE RD, and to adjust the boundaries of the local area service accordingly.

We agree to assume the responsibilities of a user of the local area service, and to pay North Cowichan the following:

- (a) \$ N/A to extend the main along our full property frontage;
- (b) ~~\$ 3,195.00~~ to connect our property to the service; *(waiver requested)*
- (c) ~~\$ 2,501.00~~ as a capital cost contribution; *(waiver requested)*
- (d) \$ 191.00 per year for the local service (parcel) taxes; and
- (e) \$ 168.00 per year for use of the service.

We understand the above fees and taxes are estimates and are subject to change.

Owners Names	Owners Signatures	Date Signed
TRUDY FIEGE		16/7/19
LARRY FIEGE		16/7/19
GARY FIEGE		16/7/19

Note: A majority of the owners of the property must sign.

OFFICE USE ONLY*Certificate of Sufficiency and Validity of Petition*

I hereby certify that this is a valid and sufficient petition, pursuant to section 212 of the *Community Charter*.


 KAREN ROBERTSON Corporate Officer

July 27/2019
 Date

Box 278, 7030 Trans Canada Highway, Duncan, BC, V9L 3X4
 Ph: 250-746-3100 Fax: 250-746-3133 www.northcowichan.ca

3955

3975

Cowichan Lake Rd

250 DI

25

3964

This side of property
not to be included in
Southend water

New water service, inclusion
of 3394 Cowichan Lake Rd.
only on Southeast side of
Cowichan Lake Rd.

3994



The Corporation of the District of North Cowichan
South End Water Local Area Service Enlargement Bylaw, 2019
BYLAW 3759

WHEREAS section 218 of the *Community Charter* authorizes Council, by bylaw, to enlarge the boundaries of a local area service;

AND WHEREAS Council has received a petition to enlarge the boundaries of the South End Water local area service established by Bylaw No. 1104, being the "South End Waterworks District Bylaw 1966";

AND WHEREAS the corporate officer has certified the sufficiency and validity of a petition to accordingly enlarge the said local area service;

NOW THEREFORE the Council of The Corporation of the District of North Cowichan enacts as follows:


The boundaries of the South End Water local area service, as amended, are further enlarged to include 3964 Cowichan Lake Rd, legally described as Parcel A (DD 63480I), section 20, range 1, Quamichan District, Except those parts in plans 9583 and VIP69177 (Parcel Identifier 001-516-884), excluding that portion of the land lying to the north of Cowichan Lake Road.

READ a first time on
READ a second time on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date	September 18, 2019	File:
To	Council	
From	M. Frame, General Manager of Financial and Protective Services	Endorsed: 
Subject	2020 Permissive Tax Exemptions	

Purpose

The purpose of this report is to provide a summary of permissive tax exemptions received for the 2020 assessment roll.

Background

North Cowichan has a permissive tax exemptions bylaw and policy. The policy is attached for Council's information. The current Permissive Tax Exemption Bylaw exempts 154 properties and expires in 2023. In 2018, municipal tax revenue forgone as a result of permissive tax exemptions was \$461,200. In order to be granted a tax exemption for 2020, a property must be included in the District's Permissive Tax Exemption Bylaw and provided to BC Assessment before October 31, 2019

Discussion

North Cowichan received three new applications for permissive tax exemptions. Two of the applications relate to owners purchasing properties that were previously exempted.

- Franciscan Poor Clare Nuns are applying for a permissive tax exemption for 2382 Calais Rd. They have moved their convent from 2359 Calais Rd to 2382 Calais Rd (previously exempt and occupied by The Franciscan Friars of Western Canada).
- The Sword Ministries Society is applying for a permissive tax exemption for unit # 101 5855 York Road (previously exempt). The exemption would only apply to the unit rented by The Sword Ministries.
- Vancouver Island Vipassana Society is applying for a permissive tax exemption for 2359 Calais Road and Wicks Road. The land and improvements (buildings) were previously owned by the Franciscan Poor Clare Nuns and were therefore exempt. Under the new ownership, staff is recommending that that only the buildings be considered for a permissive tax exemption. For improvements only, the total would be \$3,300. Should Council wish to consider the property and improvements the total permissive tax exemption would be \$11,900 per year.

Options

- (Recommended) That Council give first three readings to "Permissive Tax Exemption Amendment Bylaw, 2019 No. 3762" as presented. This amendment would include the applications received from the Franciscan Poor Clare Nuns (all land and improvements), Sword Ministries Society (leased area), and the Vancouver Island Vipassana Society (improvements only).
- To provide direction on the applications that Council would like to see included in the bylaw and then give first three readings to "Permissive Tax Exemption Amendment Bylaw, 2019 No. 3762" based on that direction.

Implications

The estimated municipal tax revenue forgone for the Franciscan Poor Clare Nuns property at 2382 Calais Rd. is \$3,200 per year.

The estimated municipal tax revenue forgone for the Sword Ministries Society property at unit # 101 5855 York Rd. is \$600 per year.

The estimated municipal tax revenue forgone for the Vancouver Island Vipassana Society for improvements only on 2359 Calais Rd. is \$3,250 and \$50.00 for Wicks Road per year.

Recommendation

That Council support Permissive Tax Exemptions for the following applications:

- **Franciscan Poor Clare Nuns for the property located at 2382 Calais Road;**
- **Sword Ministries Society for the property located at unit #101, 5855 York Road; and**
- **Vancouver Island Vipassana Society for the improvements (building) located at 2359 Calais Road**
- **Vancouver Island Vipassana Society for the improvements (building) located on Wicks Road**

And That Council give first three readings to "Permissive Tax Exemption Amendment Bylaw, 2019 No. 3762."

Attachments:

Permissive Tax Exemption Amendment Bylaw 2019 No. 3762
2020 Permissive Tax Exemption Applications
Permissive Tax Exemption Policy

PERMISSIVE TAX EXEMPTION APPLICATION

SECTION 1 – APPLICANT INFORMATION

Organization Name: Franciscan Poor Clare Nuns	
Are you registered under the BC Societies Act?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are you a registered charity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address: 2382 Calais Road Duncan BC V9L 5V5	
Contact Person: Sr Dawn Kling	
Email Address: info@poorclares.ca	Phone Number: 2507482232
Name and Phone number of two other officials in the organization	
Name: Sr Monique Simpson	Name: Sr Wylie Aaron
Title Vice President	Title Financial Officer
Phone Home: (250) 748-2232	Phone Home: (250) 748-2232
Phone Work: (250) 748-2232	Phone Work: (250) 748-2232

SECTION 2 – ORGANIZATION INFORMATION

Please provide a brief description of the goals and objectives of the organization:
Our main function is to be a praying presence in and for the community. We try to maintain a sacred space, caring for the property to promote a healing, healthy, peaceful environment.
What charitable, philanthropic, athletic or recreational service does your organization provide to the community?
Space for prayer/reflection in the front garden. Occasional days of prayer/reflection to small groups. Some spiritual guidance on an individual basis. Support Food Bank. Warmlands & others.

SECTION 3 – PROPERTY INFORMATION (REGISTRATION, PRINCIPAL USE)

The lands are registered in the name of:
Franciscan Poor Clare Nuns
What is the principal use of the property (including all buildings and/or land)
Living, working and praying area for the religious community of women.

SCANNED

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Please provide details of all other activities on your property including: 1) who uses your facilities or services; 2) whether fees are charged to users; and 3) the percent of time your property is used for each type of use.

There are no fees charged for any services we provide, although donations are accepted.

Is any part of the building or of the property used or rented by commercial or private individuals or by any group other than your organization? If so, please specify the occupant and use.

No

To what extent are the buildings or property accessible to the public?

There is a front peace garden that is always accesible and available for someone to come and use for prayer, reflection or times of quiet space.

SECTION 4 – OTHER INFORMATION

Other information which may be pertinent to your application

We had an exemption at our previous property (2359 Calais Rd), located across the street from our new current location. Our current address (2382 Calais Rd) had an exemption from when the Franciscan Friars of Western Canada lived here before they sold it to us in 2018.


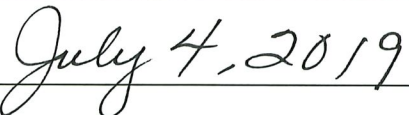
SECTION 5 SUPPORTING DOCUMENTATION CHECK LIST (ATTACHE COPIES TO APPLICATION

Please attach the following:

most recent annual financial statement	copy of property title
constitution	site sketch plan showing buildings & uses

SECTION 6 – DECLARATION

I hereby certify that I have read the Municipality of North Cowichan's Permissive Tax Exemption Policy (available at on our website <http://www.northcowichan.ca/EN/main/departments/finance.html>), that the application complies with its requirements, and hat the information contained in the application is complete and correct. **If there is a change in the status of your organization the Municipality of North Cowichan must be notified.**

Signature: 	Date: 
Name (please print): Sr. Dawn Kling	Date: Jul 4, 2019

Print Form

NOTE: In accordance with Municipal Council's July 3, 2013, policy, application forms must be received by North Cowichan before August 1st.

Note: Personal information is collected by the Municipality of North Cowichan under the authority of section 26 (a) & (c) of the Freedom of Information and Protection of Privacy Act for the purpose of processing and administering property tax exemption requests. Should you have any questions about the collection of this personal information, please contact the Deputy Director of Corporate Services, (250) 746-3100; 7030 Trans Canada Highway, Duncan, BC V9L 6A1.



CERTIFIED COPY
Of a document filed with the
Province of British Columbia
Registrar of Companies

CAROL PREST

CONSTITUTION

BC Society • Societies Act

NAME OF SOCIETY: **FRANCISCAN POOR CLARE NUNS**

Incorporation Number: S0000352

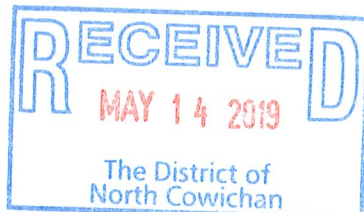
Business Number: 11893 0437 BC0001

Filed Date and Time: June 13, 2017 10:46 AM Pacific Time

The name of the Society is FRANCISCAN POOR CLARE NUNS

The purposes of the Society are:

The purpose of the Society is to allow the sisters to serve God and all of God's people through a life of prayer and contemplation in the Church and to live together in simplicity of life at Saint Clare's Monastery.



PERMISSIVE TAX EXEMPTION APPLICATION

SECTION 1 – APPLICANT INFORMATION

Organization Name: <u>The Sword Ministries Society</u>	
Are you registered under the BC Societies Act?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are you a registered charity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address: <u>405-2548 Lewis Str., DUNCAN, BC, V9L 5A2</u>	
Contact Person: <u>Francois Blouin</u>	
Email Address: <u>THESWORD@shaw.ca</u>	Phone Number: <u>250-886-9673</u>
Name and Phone number of two other officials in the organization	
Name: <u>Sylvie Blouin</u>	Name: <u>John Veuger</u>
Title: <u>Board member</u>	Title: <u>Board member</u>
Phone Home: <u>250-597-7706</u>	Phone Home: <u>250-748-6770</u>
Phone Work: <u>—</u>	Phone Work: <u>—</u>

SECTION 2 – ORGANIZATION INFORMATION

Please provide a brief description of the goals and objectives of the organization:
<u>Teaching and preaching Bible.</u>
What charitable, philanthropic, athletic or recreational service does your organization provide to the community?
<u>Bible studies, church-like activities</u>

SECTION 3 – PROPERTY INFORMATION (REGISTRATION, PRINCIPAL USE)

The lands are registered in the name of:
<u>Terry Wilkins 0708058 BC LTD.</u> <u>250-510-5600</u>
What is the principal use of the property (including all buildings and/or land)
<u>Rent</u>

Please provide details of all other activities on your property including: 1) who uses your facilities or services; 2) whether fees are charged to users; and 3) the percent of time your property is used for each type of use.

- 1) TSM only
- 2) No charges, all classes are free
- 3) few hours daily

Is any part of the building or of the property used or rented by commercial or private individuals or by any group other than your organization? If so, please specify the occupant and use.

Yes.

- 1) The Red Cross - charity, medical equipment rental
- 2) McHollan engineers - business
- 3) Sanders Germaine - private

To what extent are the buildings or property accessible to the public?

To the tenants and their customers.

SECTION 4 - OTHER INFORMATION

Other information which may be pertinent to your application

✓ enclosed are leases for the Sword Ministries & the Red Cross.

SECTION 5 SUPPORTING DOCUMENTATION CHECK LIST (ATTACHE COPIES TO APPLICATION)

Please attach the following:

<input checked="" type="checkbox"/> most recent annual financial statement	<input checked="" type="checkbox"/> copy of property title
<input checked="" type="checkbox"/> constitution	<input checked="" type="checkbox"/> site sketch plan showing buildings & uses

SECTION 6 - DECLARATION

I hereby certify that I have read the Municipality of North Cowichan's Permissive Tax Exemption Policy (available at on our website <http://www.northcowichan.ca/EN/main/departments/finance.html>), that the application complies with its requirements, and that the information contained in the application is complete and correct. If there is a change in the status of your organization the Municipality of North Cowichan must be notified.

Signature:



Date:

May 02, 2019

Name (please print):

Olga Blouin

Date:

May 02, 2019

Print Form

NOTE: In accordance with Municipal Council's July 3, 2013, policy, application forms must be received by North Cowichan before August 1st.

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BRITISH
COLUMBIA

The Best Place on Earth

NUMBER: S-56174

SOCIETY ACT

CERTIFICATE OF INCORPORATION


I Hereby Certify that

THE SWORD MINISTRIES SOCIETY

has this day been incorporated under the *Society Act*

Issued under my hand at Victoria, British Columbia

on January 13, 2010



RON TOWNSHEND

Registrar of Companies

PROVINCE OF BRITISH COLUMBIA



PERMISSIVE TAX EXEMPTION APPLICATION

SECTION 1 – APPLICANT INFORMATION

Organization Name: Vancouver Island Vipassana Association (VIVA)	
Are you registered under the BC Societies Act?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are you a registered charity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address: 2359 Calais Road, Duncan, V9L 5V5	
Contact Person: Lynn Tonkin (lynn.tonkin@dhamma.org) (cell: 778-872-3517)	
Email Address: info@modana.dhamma.org	Phone Number: 250-749-4499
Name and Phone number of two other officials in the organization	
Name: Steven Armstrong	Name: Robert Baker
Title Member, Center Teacher	Title Director, Treasurer
Phone Home: 250-508-6059	Phone Home: (250) 386-2338
Phone Work:	Phone Work:

SECTION 2 – ORGANIZATION INFORMATION

Please provide a brief description of the goals and objectives of the organization:
The technique is taught at ten-day residential courses during which participants follow a prescribed Code of Discipline, learn the basics of the method, and practice sufficiently to experience its beneficial results.
The course requires hard, serious work. There are three steps to the training. The first step is, for the period of the course, to abstain
What charitable, philanthropic, athletic or recreational service does your organization provide to the community?
All sincere people are welcome to join a Vipassana course to see for themselves how the technique works and to measure the benefits.

SECTION 3 – PROPERTY INFORMATION (REGISTRATION, PRINCIPAL USE)

The lands are registered in the name of:
Vancouver Island Vipassana Association
What is the principal use of the property (including all buildings and/or land)
The sole purpose is to provide all the necessary means, teaching materials, environment, basic care for students to comfortably complete a 10-day residential course. VIVA is holding 1 10-day course a month in 2019 with the plan to hold 2 10-day courses a month in 2020. There are approximately 18- 24 students attending per course.

SCANNED
LF B

Please provide details of all other activities on your property including: 1) who uses your facilities or services; 2) whether fees are charged to users; and 3) the percent of time your property is used for each type of use.

There are no fees charged at the center.

Anyone wishing to attend a course can apply on-line.

The entire property is solely used for holding 10-day residential courses.

There are no other activities on the properties.

Is any part of the building or of the property used or rented by commercial or private individuals or by any group other than your organization? If so, please specify the occupant and use.

No.

To what extent are the buildings or property accessible to the public?

The public are welcome to enter and see the property during non-course periods, contact information and course dates are available of the website (<https://modana.dhamma.org/vipassana/>).

SECTION 4 – OTHER INFORMATION

Other information which may be pertinent to your application

The courses are taught throughout the world and there are over 50 languages available to participants for these courses.

We are happy to receive any municipality personnel to come and visit the site and find out more about what is happening at the center.

We have met and are in good relations with all of our direct neighbours and plan to have an open house for the public in the next


SECTION 5 SUPPORTING DOCUMENTATION CHECK LIST (ATTACHE COPIES TO APPLICATION)

Please attach the following:

✓	most recent annual financial statement	✓	copy of property title
✓	constitution	✓	site sketch plan showing buildings & uses

SECTION 6 – DECLARATION

I hereby certify that I have read the Municipality of North Cowichan's Permissive Tax Exemption Policy (available at on our website <http://www.northcowichan.ca/EN/main/departments/finance.html>), that the application complies with its requirements, and that the information contained in the application is complete and correct. **If there is a change in the status of your organization the Municipality of North Cowichan must be notified.**

Signature: 	Date: July 10 / 2019
Name (please print): Steven Armstrong	Date:

Print Form

NOTE: In accordance with Municipal Council's July 3, 2013, policy, application forms must be received by North Cowichan before August 1st.

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Canada Revenue
Agency

Agence du revenu
du Canada

RECEIVED FEB - 4 2008

Ms. Margaret H. Mason
Bull, Housser & Tupper LLP
3000 Royal Centre, PO Box 11130
1055 West Georgia Street
Vancouver BC V6E 3R3

Your file Votre référence

07-2971

Our file Notre référence

3033894

January 29, 2008

SUBJECT: NOTIFICATION OF REGISTRATION
Vancouver Island Vipassana Association

Dear Ms. Mason:

We are pleased to inform you that, based on the information supplied, and assuming that the activities will be as stated in the application, we have determined that the organization qualifies for tax-exempt status as a registered charity under paragraph 149(1)(f) of the *Income Tax Act* (the *Act*).

Reason for Registration

Vancouver Island Vipassana Association has been registered as a charity because:

- It advances religion by establishing, maintaining and supporting a house of worship with services conducted in accordance with Theravadan Buddhist faith; and
- It advances education by teaching members of the public the teachings of Buddha, as taught by Mr. S. N. Goenka in the tradition of Sayagyi U Ba Khim.

REGISTRATION INFORMATION

- the charity's **Business Number** is **84166 1127 RR0001**;
- the charity is **registered effective January 1st, 2008**;
- the charity is **designated** as a **Charitable Organization**;
- the charity's **fiscal year end** has been established as **December 31**;
- the charity will have to **file** its first **annual return** on or before **June 30, 2009**, for the fiscal period ending **December 31, 2008**.



The Corporation of the District of North Cowichan
Permissive Tax Exemption Amendment Bylaw, 2019
Bylaw 3762

The Council of The Corporation of the District of North Cowichan enacts as follows:

1 The Schedule to "Permissive Tax Exemption Bylaw," No. 3519, is amended

(a) by repealing items 63 - 65, and

(b) by adding the following:

Item	Column 1 Owner or Occupant	Column 2 Roll #	Column 3 Location	Column 4 Extent	Column 5 Period	Column 6 Conditions
65	Franciscan Poor Clare Nuns	6038.000	2382 Calais Rd	All land & improvements	2020-2023	
135.1	The Sword Ministries Society	1313.000	101-5855 York Rd	Leased Area	2020-2023	
140.1	Vancouver Island Vipassana Association	6474.000	2359 Calais Rd	Improvements Only	2020-2023	
140.2	Vancouver Island Vipassana Association	6355.000	Wicks Rd	Improvements Only	2020-2023	

Read a first time on
Read a second time on
Read a third time on
Adopted on

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date September 11, 2019

File:

To Council

From Sarah Nixon, General Manager, Corporate Services

Endorsed:



Subject Strategic Plan Update

Purpose

This information report provides Council with an update on staff's progress to-date in 2019 toward Council's 2019-2022 Strategic Plan priority projects and other priority work, and information regarding 2020 strategic project prioritization and potential impacts to the 2020 operational budget.

Background

In early 2019 Council created North Cowichan's first ever Council Strategic Plan. The 2019-2022 Strategic Plan is a clear articulation of what Council aims to accomplish in its term. The strategic objectives in this document identify Council's priority projects for staff. The Strategic Plan sets out several years' worth of projects and new work to realize Council's vision and strategic objectives.

The consultant retained to facilitate the Strategic Plan's creation identified for staff this Council's initial prioritization of the projects identified in the Plan and recommended two annual steps to identify what projects would be actioned each year of the Plan:

1. Public input on prioritization of strategic priority projects in a given year (i.e. what Council would like staff to accomplish).
2. Staff capacity analysis to confirm what projects were achievable in a given year (i.e. what is possible for staff to accomplish).

Public input did not occur during plan development in late 2018 as Council had just been elected and had strong insights into what was important to citizens based on conducting their respective campaigns and being part of many current community conversations. The recent results of the Citizen Satisfaction Survey affirm this assumption.

A staff capacity analysis was undertaken in February 2019 to identify what was achievable in 2019. At the conclusion of the capacity analysis, staff advised Council that they could undertake approximately 65 projects or new work priorities based on forecasted capacity (approximately 123 days of staff capacity). A capacity analysis is not a perfect science, and, nearly one year following initial forecasting, staff have identified some additional factors to consider for 2020 and beyond to allow for more accurate forecasting.

Priority Projects Update

Despite some unforeseen forecasting challenges, staff have made good progress to-date in 2019, with only a small number of projects behind schedule and a handful of projects requiring proactive deferral to 2020. However, much of the progress has required significant and unsustainable afterhours work for senior staff in particular.

Completed (2019)

Priority projects and work anticipated to complete in 2019 and now complete:

- ✓ Council Strategic Plan Development and Implementation
- ✓ Developed Council Policy for retail sales of marijuana
- ✓ Reviewed and updated Council Policy for retail sales of marijuana
- ✓ Implement Board of Variance Processes and Procedures
- ✓ Develop a long-range strategic plan for North Cowichan-owned real estate
- ✓ Citizen Satisfaction Survey
- ✓ CHA Affordable Housing Strategy
- ✓ Global Telephone System Replacement
- ✓ SCADA Server Replacement (water monitoring system)
- ✓ Staff Standards of Conduct Policy development and implementation
- ✓ Employee Engagement Action Plans (Corporate and Departmental)
- ✓ Administrative Services Review
- ✓ Implementation of Procurement Software

On-Schedule (2019)

Priority projects and work started in 2019 and still anticipated to complete in 2019:

- ✓ Corporate Strategic Plan Development and Implementation
- ✓ Innovative Housing Concepts (Kingsview and Chemainus)
- ✓ Remodel and implement the Climate Action and Energy Plan
- ✓ Develop a long-range strategic plan for North Cowichan-owned real estate
- ✓ Evaluate the merits of adopting the Energy Step Code
- ✓ Evaluate options for environmental improvements to Quamichan and Somenos Lakes
(*anticipated scope expansion may result in project coming off schedule*)
- ✓ Asset Management Plan Development (Phase 1)
- ✓ Develop functioning asset management plan for linear assets (Asset Management Plan Phase 2a)
- ✓ Development Procedures Bylaw
- ✓ Nuisance Property Bylaw
- ✓ Performance Management System
- ✓ Human Resources Policy Audit
- ✓ Storage Array Replacement
- ✓ Asbestos Program Review
- ✓ Confined Space Review

- ✓ Contractor Control Program Review
- ✓ Lockout Program Review (High Risk Assessments)

On Schedule (Future Year)

Priority projects and work started or on-going in 2019 but not anticipated to complete until 2020 or beyond:

- ✓ Improve pedestrian safety on Boys Road (2021)
- ✓ Relocate the Joint Utility Board Sewage Outfall Location (2025)
- ✓ Support sport tourism and in particular Rowing Canada Aviron's entry into the community (2023)
- ✓ Chemainus Boardwalk (2020)
- ✓ Cowichan Aquatic Centre Expansion (2020)
- ✓ BC Ferries Expansion in Crofton (2020)
- ✓ Implementation of Parks and Trails Masterplan (2017-2037)
- ✓ Childcare Space Planning (2020)
- ✓ Bell McKinnon Local Area Plan (New Hospital) Implementation (2028)
- ✓ Fire Services Review Implementation (2028)
- ✓ New RCMP Detachment (2021)
- ✓ Network Security Improvements (2022)
- ✓ Safety Program Software Implementation (2020)

On-Going

Priority projects and work which are on-going in nature or require re-envisioned ways of doing business to support achievement of Council's strategic objectives includes:

- ✓ Provide more input into managing the opioid crisis
 - Safer Community Plan Development and Implementation
 - Naloxone administration training to Council
 - Housing and shelter partnership with BC Housing
- ✓ Continue to develop strong relationships with Indigenous Peoples
 - First Nations Relations Committee
 - Informal government to government meetings occurring
 - Letters to six local First Nations to explore interest in regular joint meetings (formal government to government meeting with Cowichan Tribes anticipated in 2019)
 - Council and senior staff attending Cowichan Tribes Elders Lunch
 - Exploration of shared services with Cowichan Tribes (Building Inspection Services Agreement)
 - Exploration of protocol agreements
- ✓ Seek opportunities to partner and support affordable housing initiatives
 - Relationship building with BC Housing
 - Mayor's initiatives (veteran's housing)
 - CAO's initiative to support temporary shelter/low-barrier housing in collaboration with other local jurisdictions
- ✓ Ensure open and transparent communications with the public
 - Public engagement on long-term management of the municipal forest reserve

- IAP2 Training for Elected Officials and Senior Staff
- Media Relations Policy and News Release Template

Behind Schedule (2019)

Priority projects and work anticipated to complete in 2019 but unlikely to complete until 2020 (late or deferred) due to scope expansion directed by Council or staff capacity:

- ✓ Building Permit and Sign Permit Fee Review
- ✓ Building Bylaw Amendments
- ✓ Complete Master Transportation Plan Update
- ✓ Bylaw Adjudication Process/Bylaw
- ✓ Update DCC Bylaw
- ✓ Develop a long-term plan for the municipal forest reserve (*2019 work significantly delayed due to scope expansion and increased project requirements*)
- ✓ Rewrite the Official Community Plan, including LAPs (2021) (*2019 work significantly delayed due to scope expansion and increased project requirements*)

Deferred (to 2020)

Priority projects anticipated for 2019 completion but deferred to 2020 to accommodate priority work scope expansions and unanticipated work or project impacts (Deferred):

- ✓ Working Alone Program Review
- ✓ IAP2 Staff Training
- ✓ IAP2 Staff Workbook
- ✓ Corporate Communications Plan

2020 Preparation

For 2020, public input on prioritization of Council's strategic projects is recommended by staff to occur during the annual community conversations in October 2019 (see the Manager, Communications and Public Engagement's Report dated September 18, 2019). The scope of engagement recommended by staff is supported by the strong alignment between what participants identified as important to them in the 2019 Citizen Satisfaction Survey and Council's strategic priorities.

Like last year, the 2020 capacity analysis will consider three factors to estimate staff capacity for new or additional work with existing staffing levels:

1. Priority projects and work already in progress as a result of previous Council direction (i.e. Parks and Trails Master Plan, Capitals Works Program, etc.);
2. Operational and staff-identified priority projects related to business operations, risk management and customer service; and,
3. Existing staff work hours dedicated to routine operational work and customer service.

However, while staff did make good progress against what was committed for completion to Council, much of the progress required significant and unsustainable afterhours work for senior staff in particular. The pace of 2019 cannot be sustained as it threatens burnout and turnover amongst senior staff.

Based on key learnings and observations over 2019 which may have resulted in over commitment to Council, staff will also be analyzing the following as part of the 2020 capacity analysis which may impact the number of projects staff identify as achievable or have capacity to take on with existing service levels in 2020:

1. Closer matching of capacity with the actual staff persons required to do the work. It was clear early on that the generic identification of capacity resulted in over-commitment to Council. The analysis needs to align better with the staff groups anticipated to actually complete the work. In general, the vast majority of Council's priority work to advance their strategic objectives has required capacity from senior managerial or senior technical staff.
2. Improved forecasting of staff time required to complete major projects. Based on lessons learned in 2019 and the nature of some of the difficult and complex matters staff and Council are facing, staff will be increasing the amount of time forecasted to complete projects to better accommodate this Council's needs and ensure staff do not overcommit to Council. Additional consideration will be given to accommodate Council's ability to:
 - Take more time (over more Council meetings) to contemplate and debate major project milestones or approvals and ask for additional information from staff.
 - Increase or change project requirements, and/or expand project scope.
3. More defined work expectations in relation to Council Strategic Plan objectives that are not clearly defined projects with a start and end date, but rather a new expectation for how the organization conducts business and approaches work under the direction of this Council. For example, "continue to develop strong relationships with Indigenous Peoples" is not a project, it is an on-going commitment that will require continual re-examination and effort to ensure opportunities to build a strong relationship are identified and pursued as they arise. As a result of taking meaningful action toward this direction, new work and commitments which could not be identified in February 2019 has had impacts on forecasted capacity. Staff need better definition of what is expected within these non-project-based directives to ensure we have capacity to follow through.

It is anticipated that the capacity analysis will forecast reduced staff capacity for work in 2020. It is also anticipated Council, based on public input, may wish to add new work to their Strategic Plan.

Staff will ensure Council is apprised of the capacity analysis outcome before the Financial Plan comes to Council and after public input on prioritization is sought to seek Council's direction on whether additional staffing resources will be required to complete all the strategic priorities they would like accomplished in 2020 or whether Council is satisfied with what staff can achieve in 2020.

Recommendation

That Council accept the Chief Administrative Officer's report.

September 9, 2019

MEMO

To: Municipality of North Cowichan

From: Melaina Patenaude, Community Impact Officer, United Way CNVI

Re: Additional information to accompany MOU request

PROGRAM DESCRIPTION

Reaching Home: Canada's Homelessness Strategy, launched on April 1, 2019, is a community-based program that provides direct funding to communities across Canada, including rural and remote areas and organizations that provide supports to First Nations, Inuit and Métis people to bolster local efforts to prevent and reduce homelessness. Reaching Home is designed to support the goals of the National Housing Strategy, in particular, to support the most vulnerable Canadians in maintaining safe, stable and affordable housing and to reduce chronic homelessness nationally by 50% by fiscal year 2027-2028.

Reaching Home uses a third-party delivery model where a local organization, known as the Community Entity, enters into a funding agreement with Employment and Social Development Canada. The Community Entity then undertakes the responsibility to select, approve and manage projects in a community, based on the local priorities. This approach provides communities with the flexibility to invest in local homelessness projects and enhances community capacity to develop long-term, sustainable solutions to preventing and reducing homelessness.

In Duncan, United Way Central and Northern Vancouver Island is the Community Entity for the Reaching Home Program. There are four (4) streams of funding within the Program: Designated, Indigenous, Territorial, and Rural/Remote. Duncan currently receives funding from the Indigenous stream and Cowichan through the Rural/Remote stream.

CONTEXT FOR OUR REQUEST

On November 5, 2018, the Minister of Families, Children, and Social Development announced that the Designated Communities stream of Reaching Home will be expanded by up to six new communities through an open and transparent application process.

On February 1, 2019, the Government of Canada launched a Call for Concepts (CFC) as the first step of this process. The Call for Concepts invited communities with a population size of 25,000 and over (based on Census 2016) outside of Quebec and the territories to demonstrate the need for federal homelessness funding. United Way Central and Northern Vancouver Island, with the support of the Cowichan Coalition to Address Homelessness and the Tze Tza Watul Community Advisory Board, submitted a CFC for the broader Cowichan region (CVRD), not just Duncan. At the end of the CFC, 16 communities were shortlisted for further consideration, including Cowichan. This MOU request is to support the second step of the selection process.

Unit 207 – 225 Canada Avenue, Duncan BC, V9L 1T6

T (250) 618-4232 E ciocci@uwcncvi.ca U uwcncvi.ca

September 9, 2019

The second step has been designed to assess the readiness of applicant communities and the proposed Community Entities to administer Reaching Home's funding. At the end of this step, up to six (6) new Designated Communities will be selected.

It is expected that the decision on the final set of communities will be reached in winter 2020. Once selected, Employment and Social Development Canada will enter into a funding agreement with a Community Entity in each successful community no later than March 31, 2020 and ending on March 31, 2024.

AVAILABLE FUNDING

The total funding available across the new Designated Communities will gradually increase, starting with a total of \$1 million in fiscal year 2019-2020, approximately \$1.9 million in fiscal year 2020-2021, reaching a total of \$3 million in fiscal year 2021-2022 to be maintained until 2023-2024. The community-level allocations will be determined after the final selection of communities.

REQUEST

United Way Central and Northern Vancouver Island was the only organization eligible to apply for this funding and therefore no other applications have been submitted. This expansion is a rare opportunity and if successful, would mean an additional (long-term) annual sum of money (guesstimate ~\$250, 000 annually) to address homelessness in our region. The critical components of their evaluation criteria include whether the community has demonstrated capacity and readiness, a Community Plan, and demonstrated support and partnerships with a wide range of stakeholders (best demonstrated through formalized arrangements eg. memoranda of understanding), that will enable the Community Entity to facilitate a community-wide response to homelessness. UWCNVI is an experienced Community Entity, and collectively, we have a strong foundation in Cowichan, due to the effort and planning of many community agencies working together. To support/demonstrate our collaborative approach in Cowichan, we have requested MOUs from all municipal governments in Cowichan as well as the offices of the MP and MLAs, the Coalition, and a range of local non-profits who provide services to our homeless community members. Our application package needs to be submitted by September 20th, 2019.

We sincerely appreciate your consideration and support.

Memorandum of Understanding

Between

United Way Central and Northern Vancouver Island

and

Municipality of North Cowichan

This Memorandum of Understanding (MOU) sets out the basis for a collaborative relationship between the **United Way Central and Northern Vancouver Island** (UWCNVI) and the **Municipality of North Cowichan** that furthers the mutually agreed goal of reducing homelessness in the Cowichan region.

Background

The Cowichan region is experiencing an increase in the number of homeless people residing in the area. The numbers of *absolutely homeless* people in the Cowichan Valley Regional District has increased over 50% since a 2014 regional count (2014 – N = 58 people counted; summer 2017 regional count N = 89 people counted). A lack of affordable and supported housing will continue to be a key driver, as will the prevalence of mental health and substance use issues.

Policy context

Two related structures have been created to address homelessness in the Cowichan region: the Tze Tza Watul Indigenous Community Advisory Board (CAB) and the Cowichan Coalition to Address Homelessness and Affordable Housing. Working collaboratively, the members of these two groups developed **nuts'a'maat shqwaluwun/Working with One Heart & Mind: A plan to address and prevent homelessness in the Cowichan region**. This strategic plan to address homelessness is linked to the **Cowichan Attainable Housing Strategy**, adopted in 2019 by the Municipality of North Cowichan.

Funding context

A number of stakeholders contribute resources annually to the work of reducing and preventing homelessness in the Cowichan region: local governments, nonprofit agencies, charitable organizations, and municipal, provincial and federal governments. For example, Duncan currently receives funding from the federal government's Reaching Home program (formerly Homelessness Partnering Strategy) through the Indigenous stream; \$152,582 is invested annually towards community-identified priorities. United Way Central and Northern Vancouver Island is the Community Entity (CE) who administers/manages these funds along with the Tze Tza Watul Indigenous CAB. Another example is the Municipality of North Cowichan's support in opening the women's shelter in 2018.

The Cowichan region has submitted an application to the federal government to be considered as one of the 4-6 communities across the country to be chosen for the expansion of the "Designated" funding stream under the new Reaching Home program.

Purpose

In order to effectively address the increase in homelessness we are facing, all the stakeholders in the Cowichan region will need to work collaboratively and strategically. By leveraging investments and working together, it is the intent of the partners to manifest the following community-level outcomes:

- Chronic homelessness in Cowichan is reduced;
- Homelessness in the community is reduced overall and specifically for members of the Aboriginal communities within the Cowichan region;
- New inflows into homelessness are reduced;
- Returns to homelessness are reduced.

Activities

The **United Way Central and Northern Vancouver Island** will continue to seek resources and make strategic investments, through a community-based approach (engaging the CAB and Coalition) and in conjunction with the CVRD, towards services and supports that reduce and prevent homelessness in the Cowichan region.

Municipality of North Cowichan will continue to participate along with UWCNVI in local community-based committees that identify priorities, coordinate activities, and allocate resources to address homelessness.

Duration

This MOU is at-will and may be modified by mutual consent of authorized officials from the **United Way Central and Northern Vancouver Island** and the **Municipality of North Cowichan**. In the absence of mutual agreement by the authorized officials from the **United Way Central and Northern Vancouver Island** and the **Municipality of North Cowichan** this MOU shall end on March 31, 2024.

United Way Central and Northern Vancouver Island

Date

Municipality of North Cowichan

Date



The Corporation of the District of North Cowichan
Zoning Amendment Bylaw (2372 Regina Drive), 2019
Bylaw 3760

The Council of The Corporation of The District of North Cowichan enacts as follows:

- 1. *This Bylaw may be cited as "Zoning Amendment Bylaw No. 3760, 2019".***
- 2. *Zoning Bylaw 1997, No. 2950 is amended in section 56 (4) [density in the Residential Rural Zone (R1)] by adding the following paragraph:***
 - (h) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 2372 Regina Drive (PID 000-368-393).

READ a first time on August 21, 2019
READ a second time on August 21, 2019
CONSIDERED at a Public Hearing on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date	August 21, 2019	Prospero No. ZB000112
To	Council	Folio No. 06781-000
From	Caroline von Schilling, Development Planner	File No. 3360-20 19.07
Subject	Zoning Bylaw Amendment Application No. ZB000112 (2372 Regina Drive) – Detached Second Dwelling	Endorsed: 

Purpose

To provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit a detached second dwelling at 2372 Regina Drive.

Background

The 0.23 ha (0.57 ac) subject property is located at 2372 Regina Drive (see ATTACHMENTS 1 & 2). The property is located within the Official Community Plan designated 'Rural Cluster' between Somenos and Quamichan Lakes. It is located outside the Urban Containment Boundary, and is zoned Residential Rural (R1) (ATTACHMENTS 3 & 4).

Land Use Context

- North:** Residential properties (R1), mixed one and two-storey dwellings
South: Residential properties (R1), mixed one and two-storey dwellings; agricultures uses beyond
East: Residential properties (R1), mixed one and two-storey dwellings
West: Residential properties (R1), mixed one and two-storey dwellings; agricultures uses beyond

Proposal

The applicant is proposing to amend the Residential Rural (R1) Zone to permit a detached second dwelling in the form of a 74 m² (800 ft²) residential suite to be constructed over a 148 m² (1600 ft²) 2-bay garage for the accessory use of hobby vehicle repair (ATTACHMENT 5).

Specifically, the 74 m² (800 ft²) residential suite with exterior access is proposed to be located on the upper floor over Bay 1 of a 2-bay garage. Bay 2 would be open to a mezzanine to accommodate a car hoist (ATTACHMENT 6 & 7). The proposal is not under construction. An existing 110 m² (1200 ft²) garage is proposed to be demolished.

The Residential Rural (R1) Zone permits a two-family residence, which is defined as two (2) dwelling units within one (1) residential building. With this application, the Applicant requests permission for two (2) dwelling units within two (2) residential buildings, i.e., an existing single family dwelling and the proposed second 74 m² (800 ft²) dwelling over a detached garage (ATTACHMENT 8).

Discussion

Policy considerations relevant to this application are:

Official Community Plan (OCP) & Rural Cluster Designation

The Subject Property is located within a 'Rural Cluster' as designated in the OCP (i.e., Map 5) (see ATTACHMENT 3). Rural Clusters are rural areas that are located outside the Urban Containment Boundary (UCB) where rural and residential rural zoning has historically occurred.

HOUSING & SERVICES in RURAL AREAS:

Policy 2.1.5.1 *The Municipality will discourage any relaxation of subdivision and zoning standards that have the effect of increasing net density in rural areas ...*

Policy 2.1.5.5 *... All rezoning applications in rural areas are required to consider policy 2.1.5.6.*

Policy 2.1.5.6 *The Municipality may consider rezoning applications in rural areas to allow additional residential units if all the following provisions are met:*

- i) The proposal demonstrates how the applicant will produce, complement or expand rural economic development activity ... and incorporate provision for the long-term security of the land (e.g., through an Agriculture Land Reserve (ALR) designation or a covenant on use); and*
- ii) Rural views from public areas will be maintained*
- iii) Any adjacent agricultural or other resource use (e.g., forestry, gravel removal) will be appropriately buffered from the residential units; and*
- iv) The extension of municipal services is not anticipated or, should service extension be required, the proposed development will cover the full cost of installing, maintaining and operating the additional services; and ...*

Policy 2.1.5.10 *The Municipality may entertain rezoning applications for rural sites that are zoned inconsistently with surrounding properties. Such applications are permitted only within those areas identified as a "rural cluster" on Map 5. The only rezoning considered will be from one rural zone to another: A1, A2, A3, A4, or A5.*

While the scope of OCP policies guiding land use within the 'Rural Cluster' designation is not extensive, the policies above imply the Rural Cluster area should be protected from further densification. The proposal observes this principle as the number of residential units permitted through the zoning on the parcel are not increasing.

Further, while the Rural Cluster between Somenos and Quamichan Lakes is located outside the UCB, the neighbourhood is not agricultural in nature. The well-established surrounding residential (R1) zone does not require preservation of "rural economic activity", "rural views", nor is the Subject Property located near an "adjacent agricultural ... use". Finally, this proposal can be met without service extension.

Therefore, it is staff's opinion that the proposal does not contradict the intent of OCP policy.

HOUSING:

Policy 2.5.2.3 *The Municipality supports the development of new market forms of affordable housing, both for rent and purchase.*

The proposal supports affordable housing options within the Municipality by meeting the Municipality's commitment to:

- "... the importance of housing as a fundamental part of community health and livability
- ... housing [that] remains affordable for all residents
- ... [the] development of a variety of housing types" (OCP, p. 72).
-

Note, policy 2.5.2.3 is not limited to growth centers.

Policy 2.5.2.5 *The Municipality will ensure that new residential development respects and complements the character of the surrounding neighbourhood.*

While this proposal does not increase the number of permitted dwelling units in this neighbourhood, the proposal could impact the form and character of this neighbourhood comprised of mixed one - and two-storey residences.

This proposal demonstrates sensitive and appropriate scaled design/siting as it is:

- a) Located within a mixed one- and two-storey residential neighbourhood,
- b) Located a greater distance than the required 8.0 m rear yard setback of the Residential Rural (R1) Zone of the Subject Property,
- c) Exceeding the required side yard setback of 3.0 m by an additional 4.19 m, such that the proposed second dwelling is located 7.19 m from the east property boundary; and by,
- d) Located to the rear of this 0.23 ha (0.57 acre) Subject Property, a distance of approximately 25 m to the closest neighbouring residence.

Rural Cluster Designation

The Residential Rural (R1) Zone focusses on residential uses on larger lots (i.e., minimum lot size 1,675 m² or 0.41 acre). This proposal maintains the maximum permitted number of residential units within the R1 zone. Therefore, it is the opinion of staff that this proposal is not inconsistent with the character of this well-established residential neighbourhood.

Zoning Bylaw – Home Based Business Uses

The Applicant has stated that the intended use of the car hoist is for hobby purposes only.

Of note, a home-based business for automotive repair would not qualify for a business license on this property due to lot area requirement for "Automotive Repair".

Section 32 *"The "Automotive Repair" facet of a home-based business shall not:*

- (1) *involve body work*
- (2) *involve repair to any type of motor vehicle other than private passenger motor vehicles;*
or
- (3) *be conducted on a lot less than 4000m² (0.9888 acres) in area".*

Zoning Bylaw – R1 (Residential Rural) Uses

The R1 zoning provisions permit two-family residences (i.e., two dwelling units such as duplexes and secondary suites within one residential building). No increase in the number of residential dwelling units is proposed. Rather, the proposed use would change the allocation of the permitted density from two dwelling units in one residential building to two dwelling units in two residential buildings.

The proposal meets setback, lot coverage, and building height requirements of the Residential Rural (R1) Zone.

Servicing and Infrastructure

Adequate septic service for two residences has been demonstrated to be feasible by a Registered Onsite Wastewater Practitioner.

Ministry of Transportation and Infrastructure

The subject property is not located within 800 m of a Controlled Access Highway (Trans-Canada Highway). Ministry of Transportation and Infrastructure (MOTI) approval of this proposed zoning amendment bylaw prior to bylaw adoption is not required.

Analysis & Conclusion

This proposal is generally consistent with the policies of the Official Community Plan (OCP) for the development of new market forms of affordable housing, as well as for sensitive and appropriate building siting.

It is the opinion of staff that the balance of policies in support of maintaining the allowable number of dwelling units, providing housing options, and maintaining the Residential Rural character of this Rural Cluster designated area have reasonably been met with this proposal. However, should policy considerations for detached second residences be adopted by Council, the following staff recommendation should be reviewed against this policy for possible amendment.

Communications and Engagement

Should Council choose to provide 1st and 2nd Reading to this bylaw, the application will proceed to a Public Hearing, at which time the general public will be provided an opportunity for input on the proposed Zoning Bylaw amendment. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as required by the *Local Government Act*.

Options

The following options are presented for Council's consideration (ATTACHMENT 9):

Option 1 – Staff Recommended

That Council approve First & Second Reading of "Zoning Amendment Bylaw, 2019" No. 3760 to permit a second residence at 2372 Regina Drive (PID 000-368-393); and,

That a Public Hearing be scheduled and notification be issued according to the *Local Government Act*.

Option 2 – Alternate Recommendation:

That Council defer approval consideration of zoning amendment application ZB000112 to rezone 2372 Regina Drive (PID 000-368-393) to permit a detached second residence until a second dwelling policy is considered by Council.

Option 3 – Alternate Recommendation:

That Council deny zoning amendment application ZB000112 to rezone 2372 Regina Drive (PID 000-368-393) to permit a detached second residence.

Should Council choose to deny zoning amendment application the applicant would not be permitted to construct a detached second dwelling.

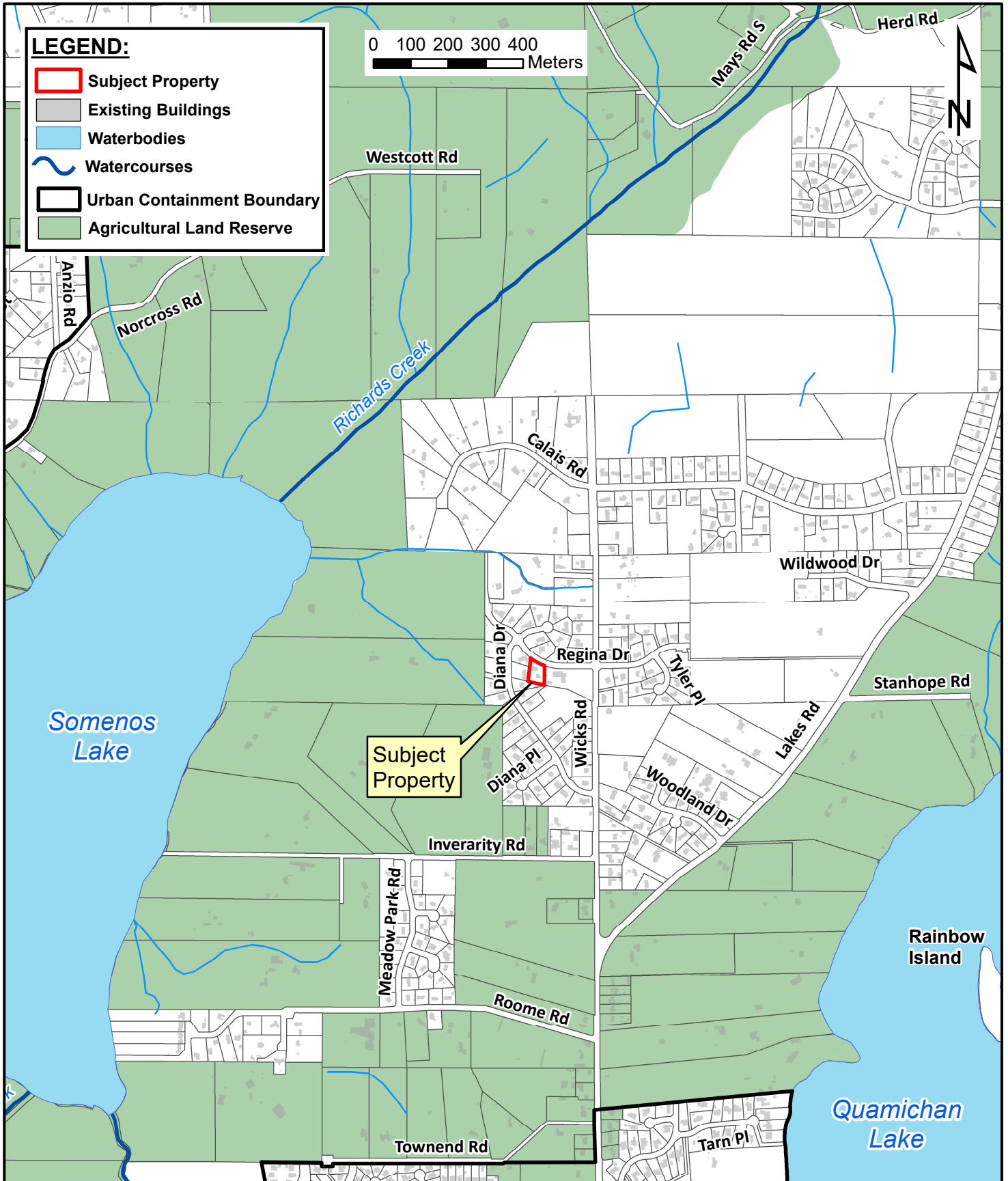
Recommendation

THAT Council approve First & Second Reading of "Zoning Amendment Bylaw, 2019" No. 3760 to permit a detached second residence at 2372 Regina Drive (PID 000-368-393); and,

THAT a Public Hearing be scheduled and notification be issued according to the *Local Government Act*.

Attachments:

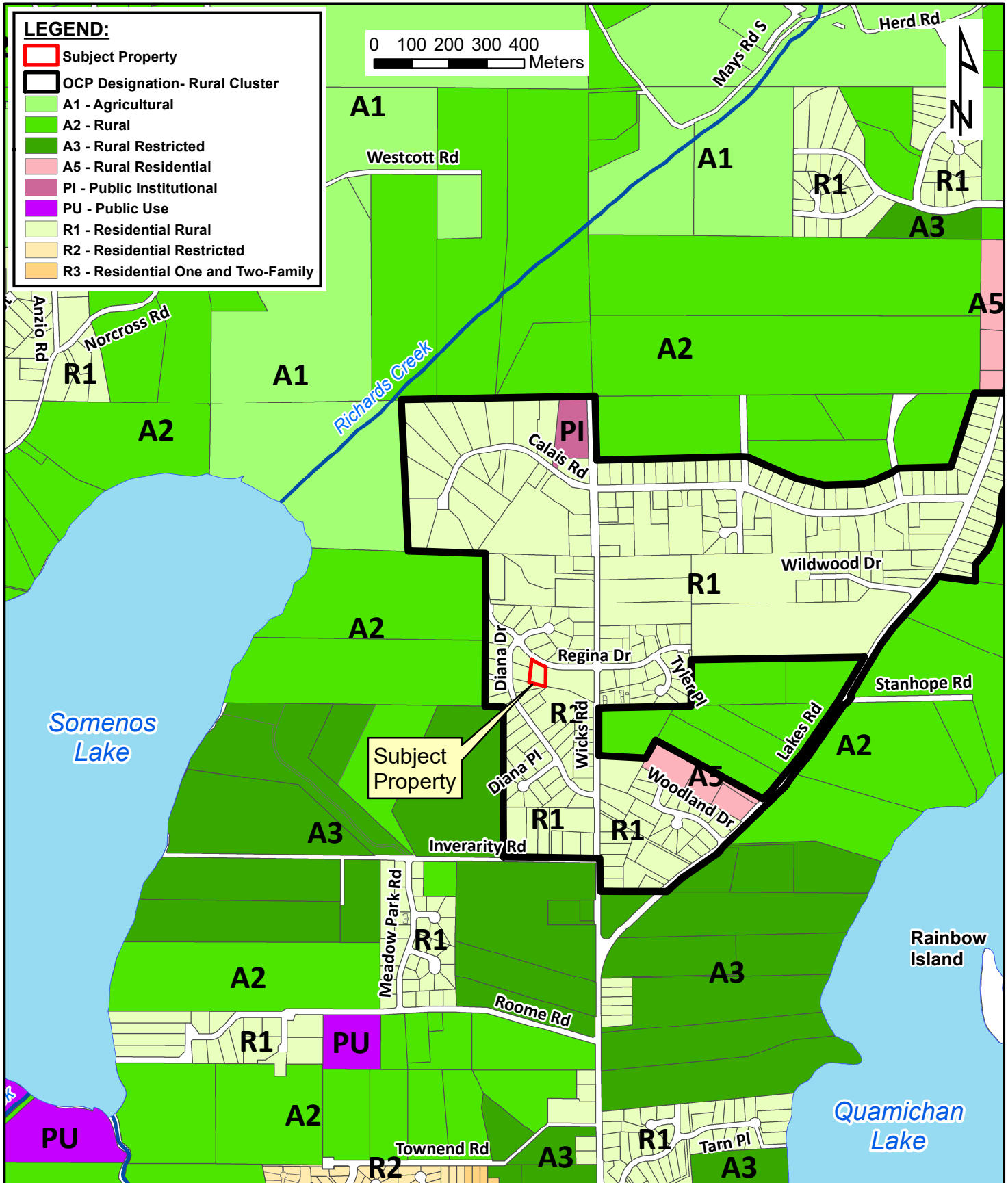
1. Location Map
2. Air Photo
3. Zoning Map
4. Residential Rural (R1) Zone
5. Site Plan & Building Elevations
6. Letter of Rationale
7. Vehicle Hoist Specs
8. Site Photos
9. Draft Bylaw



	LOCATION MAP		DATE:	May 29, 2019
	2372 Regina Drive		TYPE:	Zoning Amendment
			FILE#:	ZB000112



	ORTHOPHOTO MAP (Orthophoto is from 2017 aerial photography)	DATE: May 29, 2019
	2372 Regina Drive	TYPE: Zoning Amendment
		FILE#: ZB000112



Residential Rural Zone (R1)**Permitted Uses**

- 56 (1) The permitted uses for the R1 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Home-based Business
 - Modular Home
 - Single-Family Dwelling
 - Supportive Housing
 - Temporary Trailer (subject to "Temporary Trailer Permit Bylaw 1976", No. 1685)
 - Two-Family Dwelling [BL3302, BL3367]

Minimum Lot Size

- (2) The minimum permitted lot size for the R1 zone is 1,675 m² (18,029 sq. ft.).

Minimum Frontage

- (3) The minimum permitted frontage for the R1 zone is 30.0 m (98.43').

Density

- (4) The maximum permitted density for the R1 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
 - (b) Despite the foregoing, the placement of a temporary trailer may also be permitted on lots larger than 0.81 ha (two acres) subject to "Temporary Trailer Permit Bylaw 1976", No. 1685.
 - (c) The maximum permitted floor space ratio for the R1 zone is 0.5:1. [BL3383]
 - (d) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 9272 Cottonwood Road (PID: 006-038-000). [BL3642]
 - (e) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1217 Barnes Road (PID: 003-134-814). [BL3666]
 - (f) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 6343 Wicks Road (PID: 003-145-603). [BL3731]
 - (g) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 10097 Chemainus Road (PID: 018-858-651). [BL3732]

Maximum Lot Coverage

- (5) The maximum permitted lot coverage of the R1 zone is 30% of the lot area.

Minimum Setbacks

- (6) The minimum permitted setbacks for the R1 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')

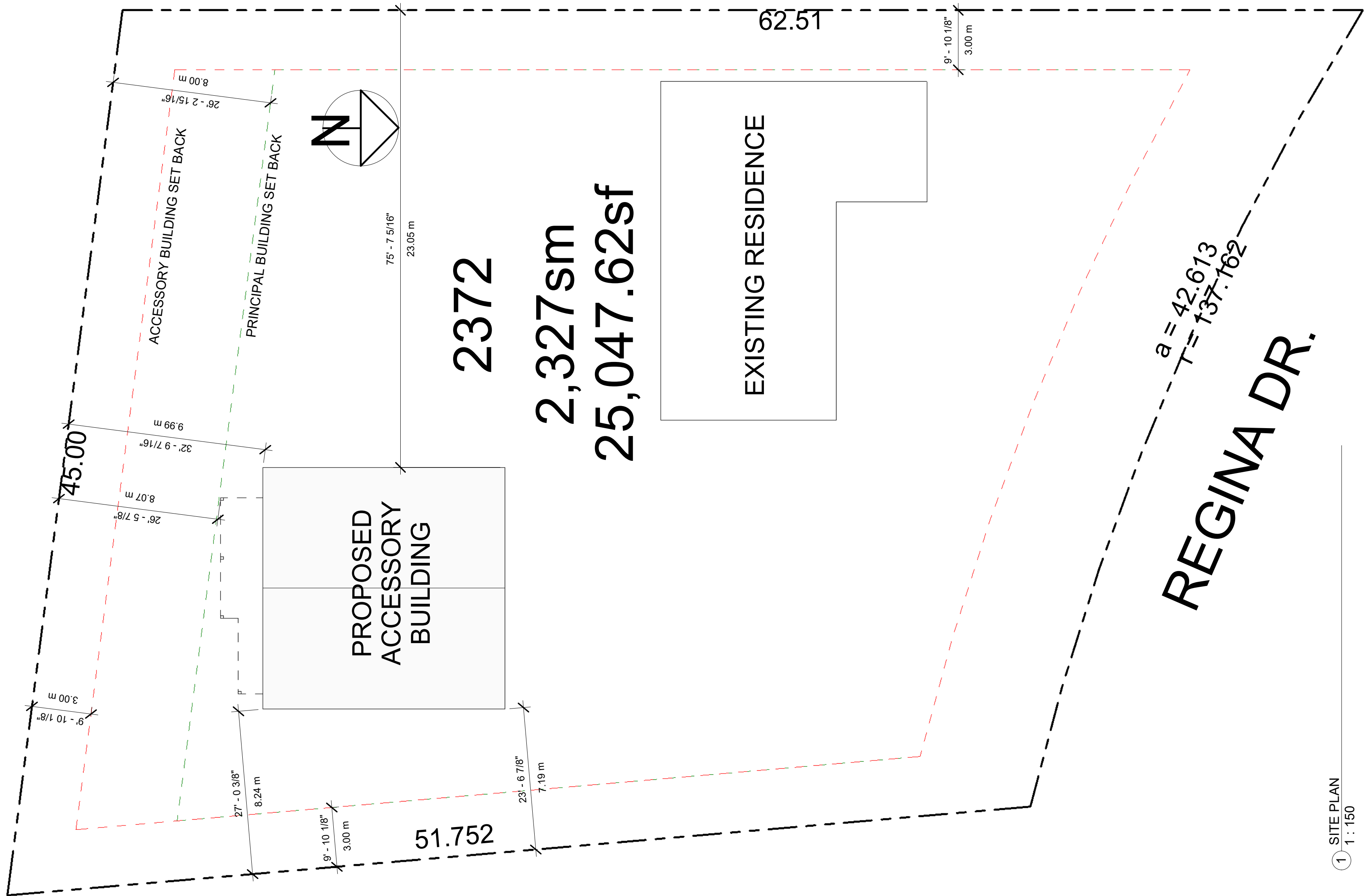
- (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 3.0 m (9.84')
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

- (7) The maximum permitted building heights for the R1 zone are as follows:
 - (a) Principal Buildings, 9.0 m (29.53')
 - (b) Accessory Buildings, 5.0 m (16.40')

Conditions of Use

- (8) The conditions of use for the R1 zone are as follows:
 - (a) No fences over 1.2 m (4.00') in height are permitted in the required yards, front.
 - (b) No fences over 2.0 m (6.56') in height are permitted in the required yards, side or rear.
 - (c) In no situation shall a fence be greater than 2.0 m (6.56') in height.
 - (d) Bed and breakfast uses may have no more than six sleeping units.
 - (e) Agriculture use shall be subject to "Animal Control Bylaw, 1995", No. 2856.
 - (f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that the number of residents does not exceed ten, including resident staff,
 - (ii) the use is within a single-family dwelling unit only,
 - (iii) valid health permits for septic systems or on-site wastewater treatment systems are obtained, where no municipal sewer is available. [BL3302]
 - (g) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
 - (h) [Repealed. BL3367]



1 SITE PLAN
1:150

General Notes

Dimensions provided shall take preference over scale. Contractor to verify all dimensions of Building Designer and Consultants drawings prior to work commencement.

Any discrepancies are to be reported immediately. Any notes elsewhere on the plans that exceed the requirements stated in the immediately preceding section shall take precedence.

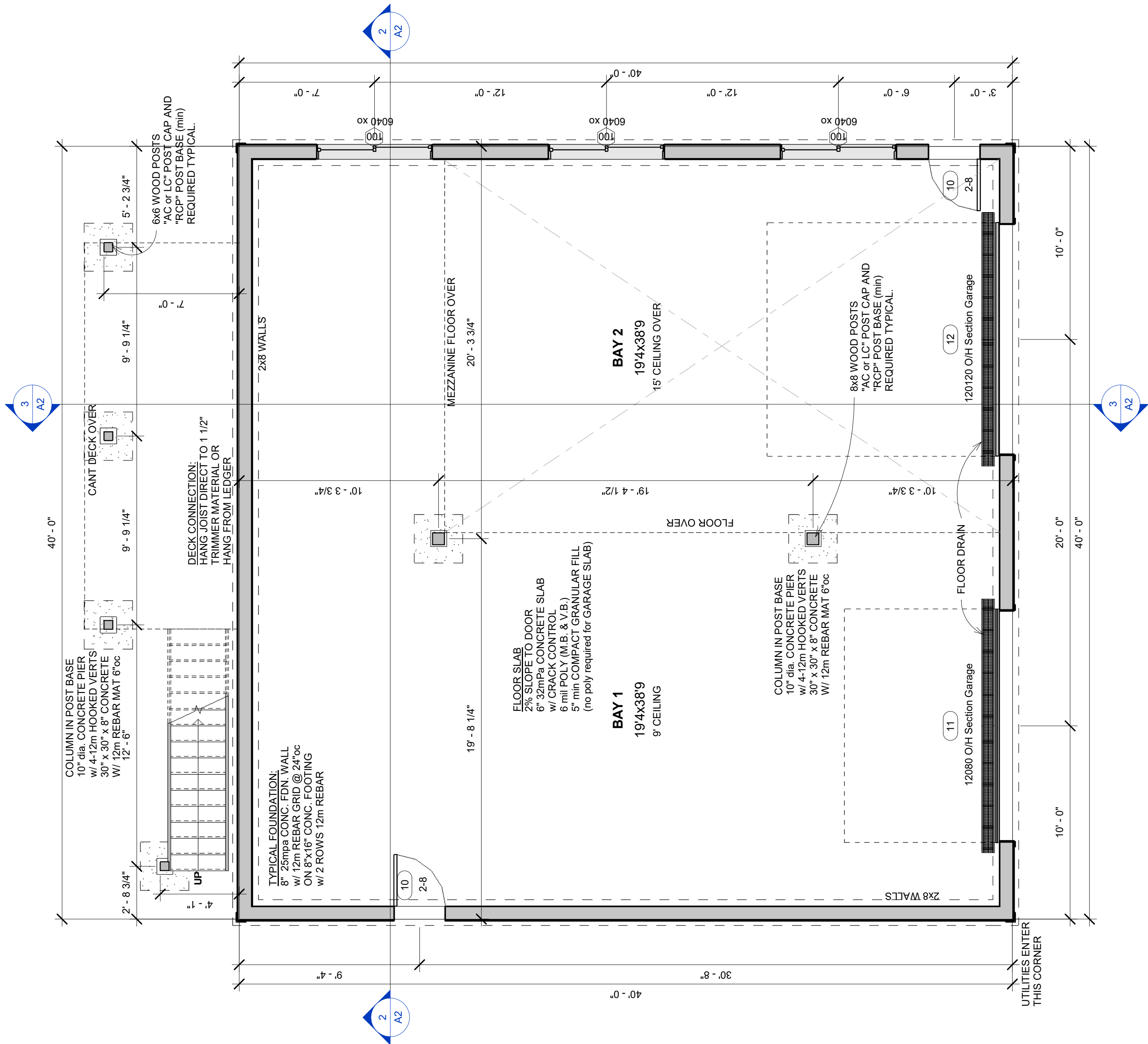
Prior to any alterations or modifications of parts of the plans on site, Contractor(s), shall submit a written request to the Building Designer and Consultants to confirm Building Code requirements, and to make any changes and modifications of the plans.

All references to the "British Columbia Building Code" ("B.C.B.C.") are its current edition or revision, as approved by ministerial order pursuant to the provisions of the British Columbia Building Act, R.S.O. 1980, c. B-7, as amended. In the event that there is no equivalent requirement in the most current edition, all work shall comply with the current edition of the "British Columbia Building Code," the rules and customs of best trade practice to be executed by skilled tradespersons, well equipped and adequately supervised.

Surveyor and/or Contractor to confirm all aspects of siting and placement of structure on lot. Designer not responsible for placement. In the event that the proposed new or existing structure does not conform to the requirements of the B.C. Building Code or Engineer(s)

All materials to be of best quality, complying with the applicable sections of the current C.S.A., C.G.B. and B.C.B. standards. All materials shall be used strictly according to manufacturers printed directions, where not inconsistent with this specification, no duplication permitted except where specified zeds to comply with B.C.B. 9.23.13, and to be designed by structural engineer unless noted elsewhere. Structural Engineering and truss manufacturers drawings to take precedence over structural design standard within.

ALL DIMENSIONS ARE TO FACE OF FRAMING OR CONCRETE. UNDIMENSIONED WINDOW'S AND DOORS ARE LOCATED EITHER AT CENTER OF SPACE OR 3" OFF CORNER, 2-2x10 LINTELS UP TO 72", 3-2x10 OVER W 2x CRIPPLES.



2	MAIN FLOOR	1,600sf	9'0" CEIL'G	7'10" HEAD HT
---	------------	---------	-------------	---------------

PROJECT DATA:

ZONING: R1 Residential Rural Zone
North Cowichan

SITE AREA: 25,047.62sf (2,327sm)

SITE COVERAGE: max 30%	1,791sf = 7.2%
NEW ACCESSORY BUILDING	1,923sf = 7.7%
EXISTING HOME	3,714sf = 14.9%
TOTAL	

FLOOR AREAS:	
MAIN FLOOR	1,600sf
<u>SECOND FLOOR</u>	<u>800sf</u>
TOTAL:	2,400sf

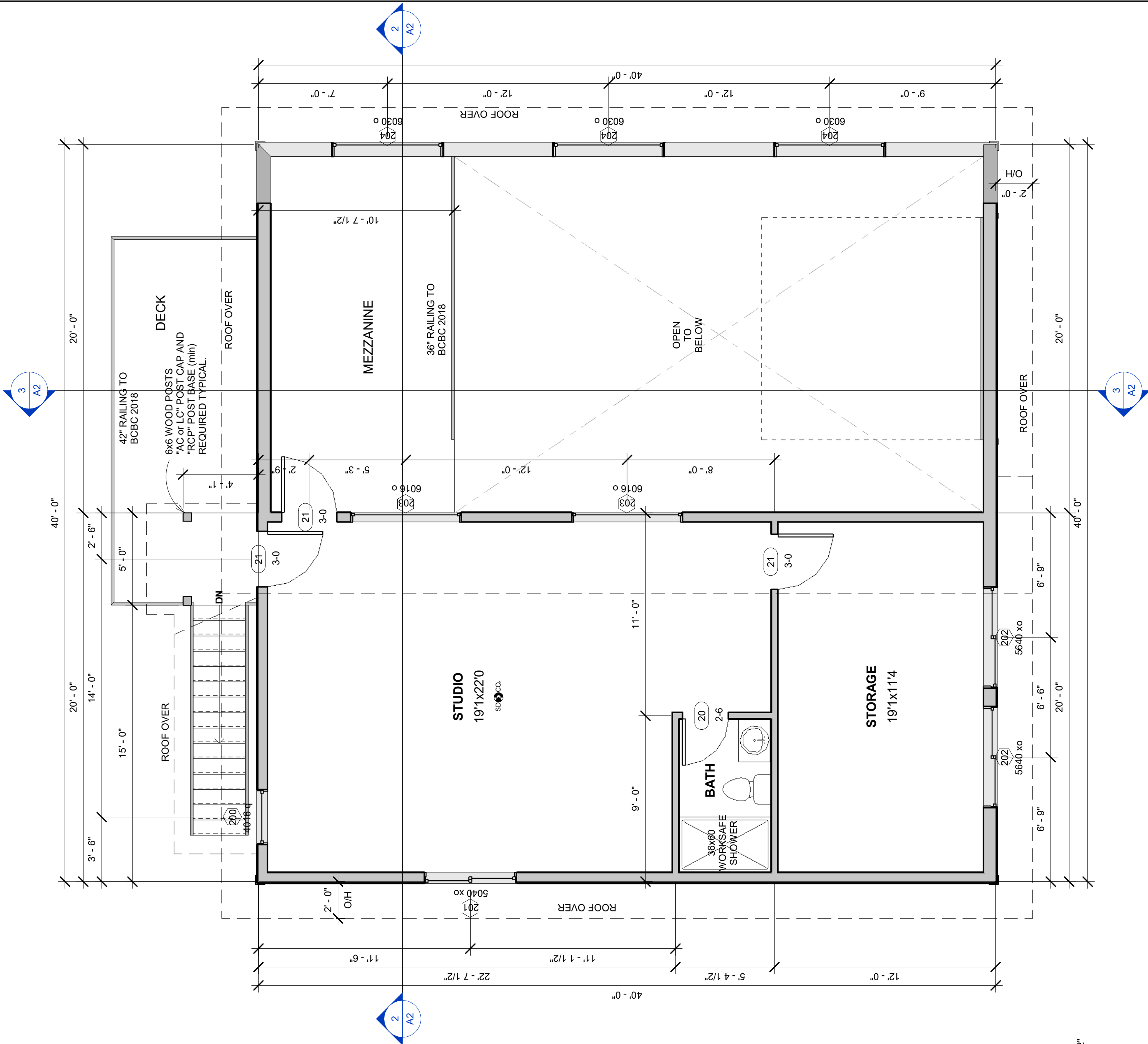
BUILDING HEIGHT:
max permitted ACCESSORY BUILDINGS 5.0m (16'-4 7/8")
from AV'G FINISHED GRADE 7.38m (24'-2 1/2")

Main Floor Door Schedule			
Mark	Type Mark	Family	Door Height Count

10	2-8	Single-Flush	6' - 8"	2	
11	12080 O/H Section	Garage	Overhead-Sectional-Flush	8' - 0"	1
12	120120 O/H Section	Garage	Overhead-Sectional-Flush	12' - 0"	1

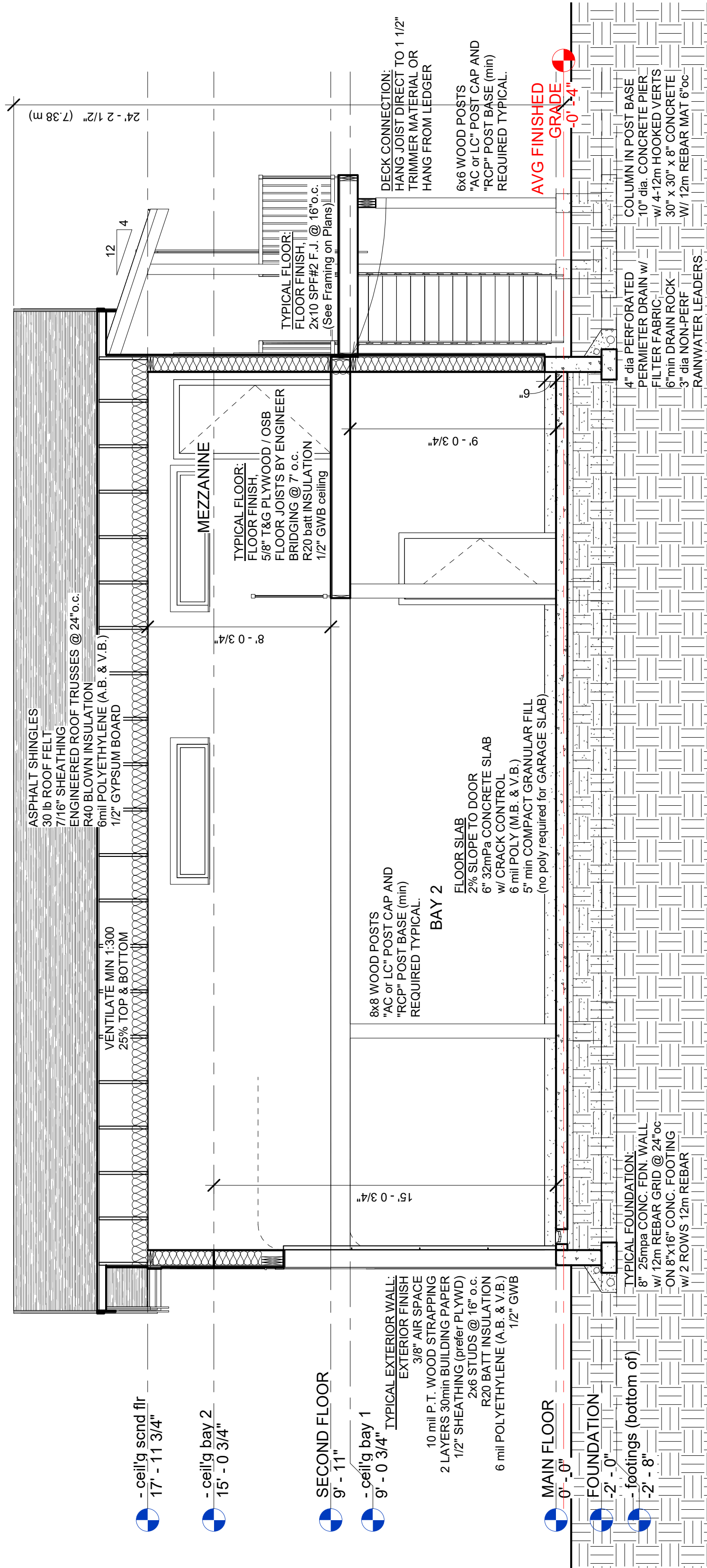
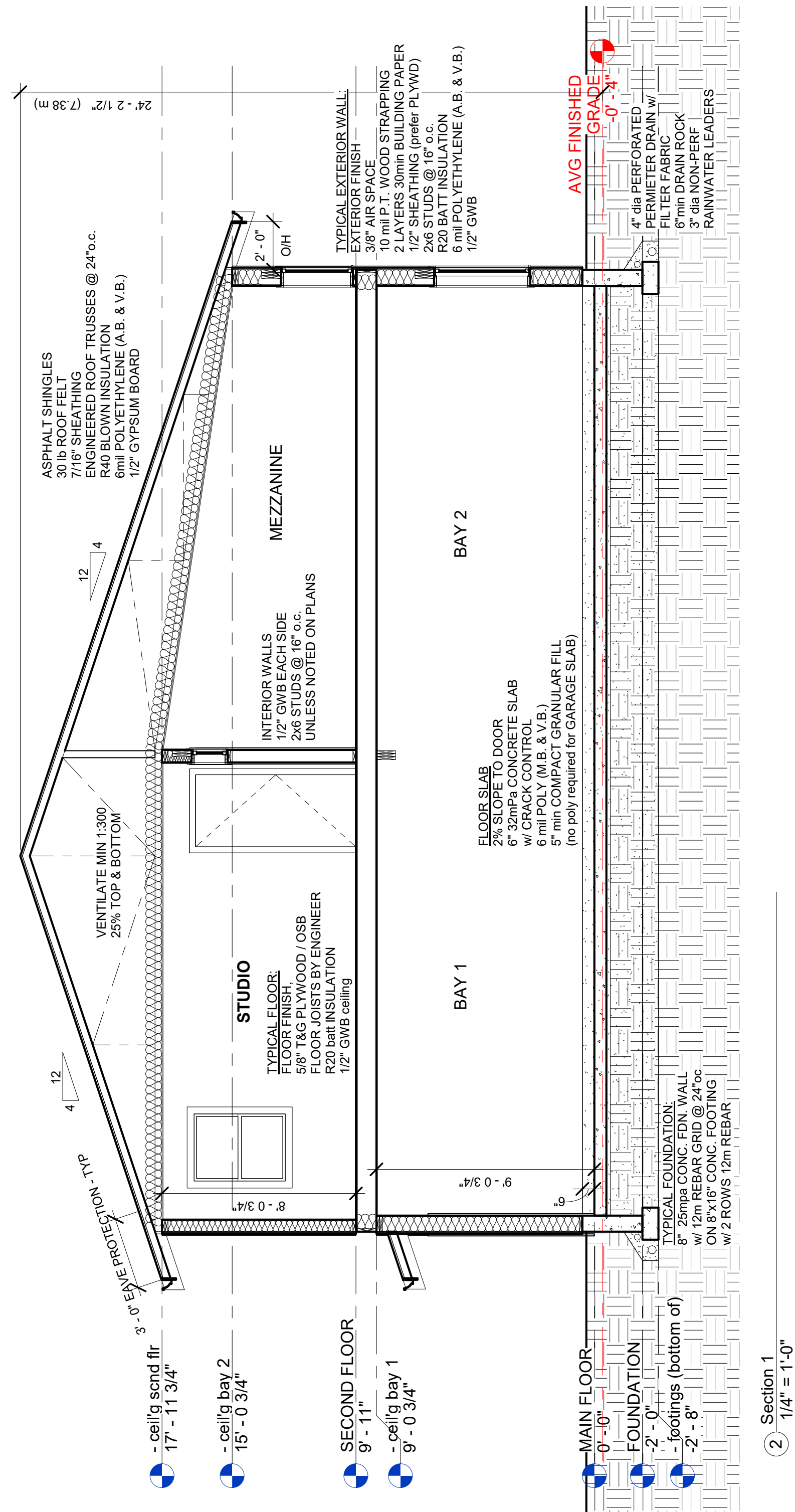
Main Floor Window Schedule			
Mark	Type Mark	Family	Head Height Count

100	6040 xo	Slider with Trim	6' - 8"	3
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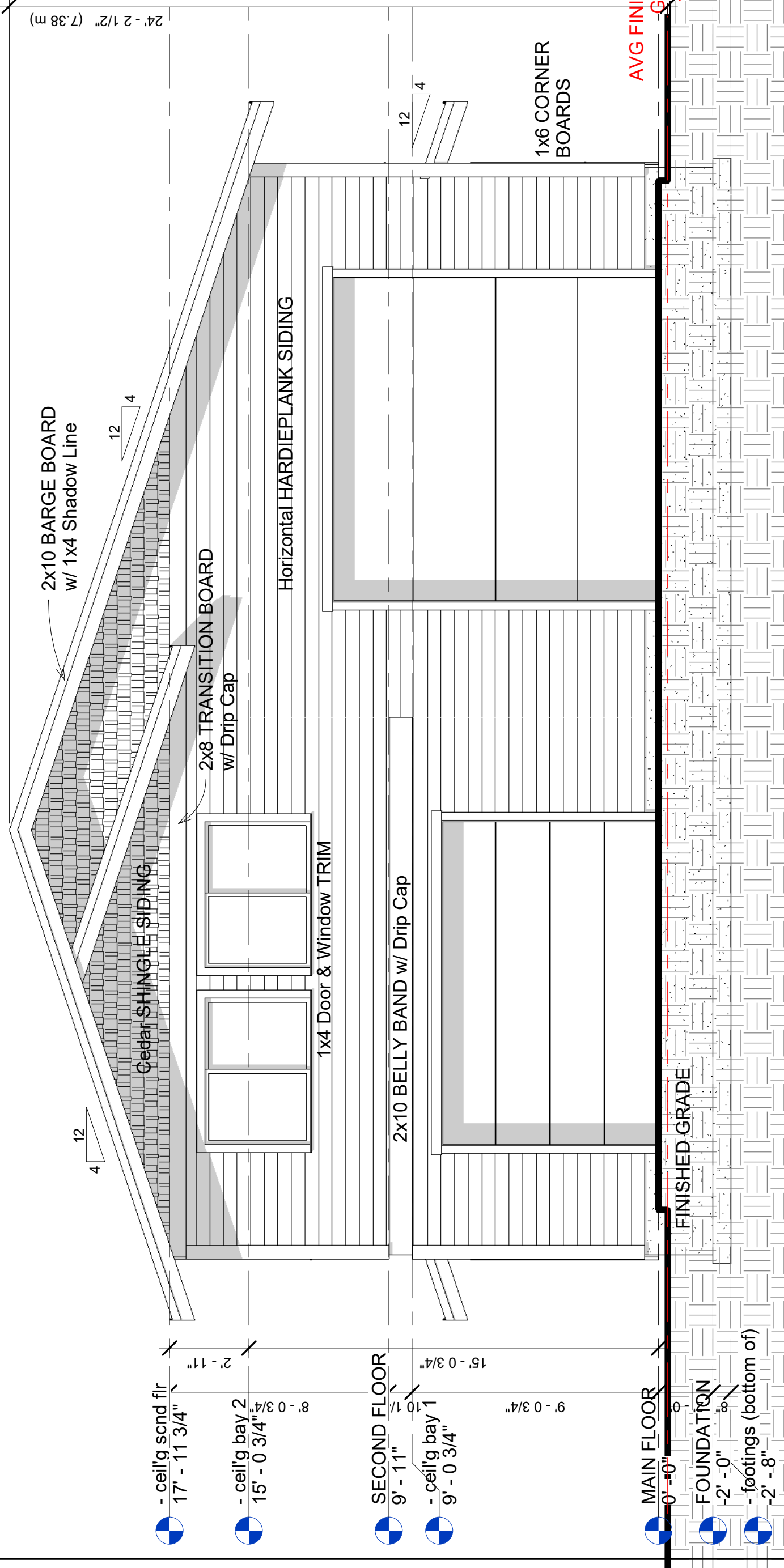
Second Floor Window Schedule					
Mark	Type	Mark	Family	Head Height	Count
200	4016 q		Single Hung with Trim	6'- 10"	1
201	5040 xo		Slider with Trim	6'- 10"	1
202	5640 xo		Slider with Trim	6'- 10"	2
203	6016 o		Fixed with Trim	6'- 10"	2
204	6030 o		Fixed with Trim	3'- 1 1/2"	3

Second Floor Door Schedule					
	Mark	Type Mark	Family	Door Height	Count
	20	2-6	Single-Flush	6' - 8"	1
	21	3-0	Single-Flush	6' - 8"	3

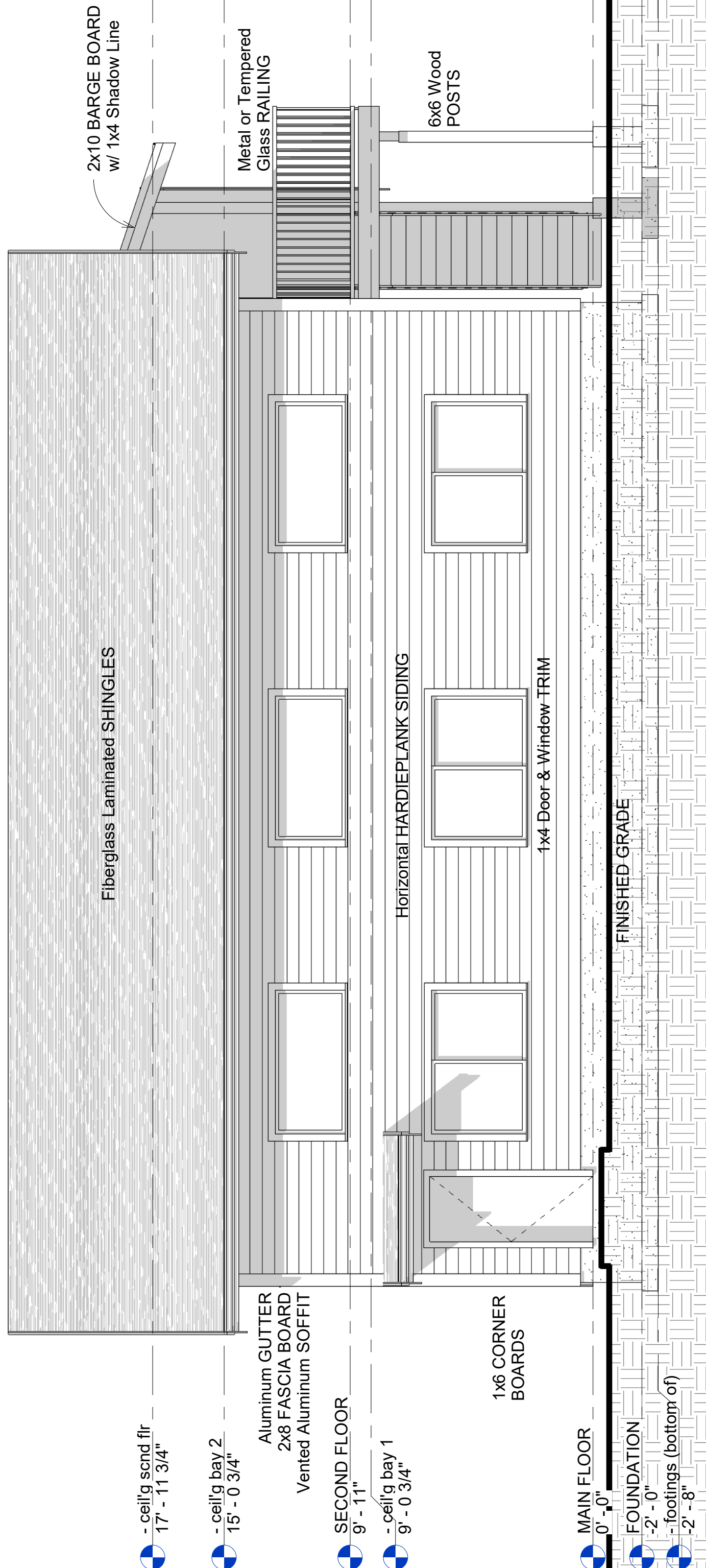


Revision Number	Revision Description	Revision Date

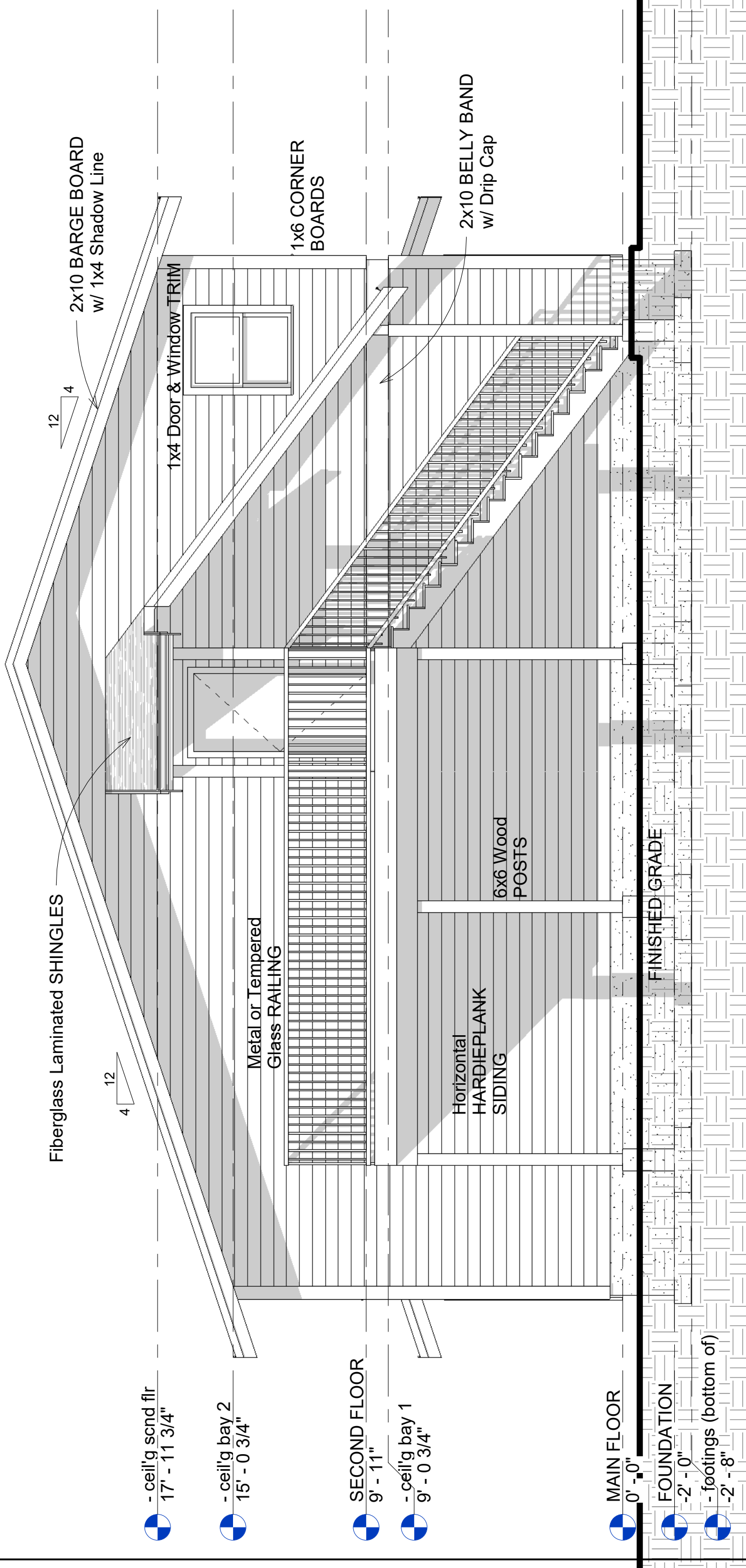
\\peng-srv01\CompanyData\Arch 2018 Precision\A18-081 - 2372 Regina Dr., Duncan - Polack Shop\06 Revit File\2372 Regina Dr., Duncan - Arch_Plan (A18-081).rvt



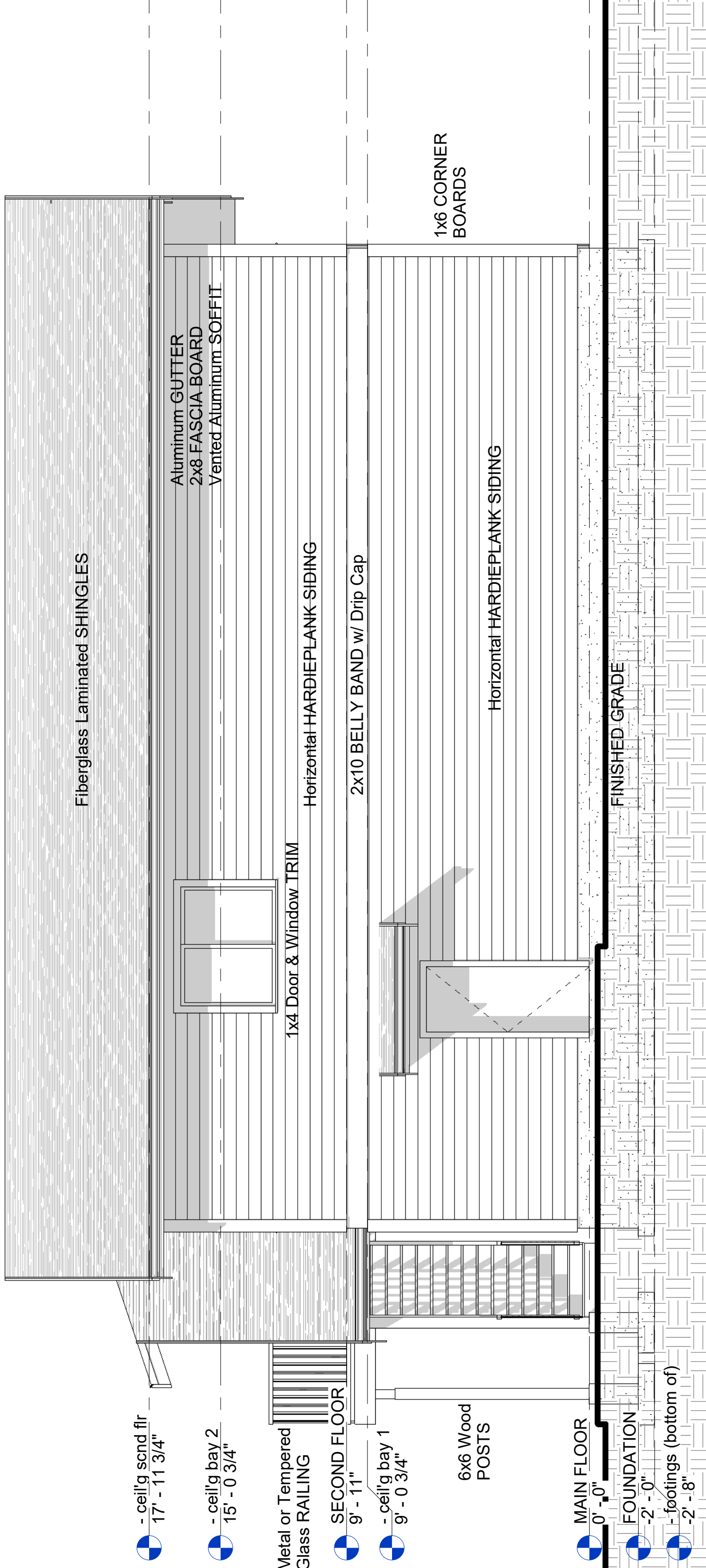
1 FRONT (north) ELEVATION
1/4" = 1'-0"



2 RIGHT (west) ELEVATION
1/4" = 1'-0"



3 REAR (south) ELEVATION
1/4" = 1'-0"



4 LEFT (east) ELEVATION
1/4" = 1'-0"

2372 Regina Dr., Duncan, BC

April 24 / 2019

To whom it may concern,

I am applying for a zoning amendment for my property at 2372 Regina Drive in Duncan. The reason I would like this zoning amendment is so that I can build a garage on my property that contains enough space for my hobbies and a space that can be used for entertaining or a secondary living space.

My hobby is collecting and maintaining vintage import cars of many varieties. I also collect related memorabilia of these vehicles and times. This hobby requires some space for storage of parts and components and I am not the type of person that is interested in storing stuff out in the open. Therefore, a decent size building is required to keep things neat and tidy on the property.

My plan is to remove the current small garage and replace it with a 40' X 40' building. The new building will have an interior ceiling height of 15' in the garage area to obtain enough head room to use a two-post vehicle lift. The specifications of this vehicle lift are attached. The tallest vehicle I would be lifting would have a standing height of approx. 7'. The vehicle lift requires a minimum ceiling height of approx. 12' 6". Then there would need to be space for lighting and garage accessories like ceiling fans.

I am a very particular person when it comes to organizing and maintaining a certain quality of appearance of my property, home and garage. I will require this building to be constructed with the highest quality and appearance so that it will last many years and fit in to the neighbourhood.

If there are any questions that may arise in the process of this request, please feel free to contact me.

Best regards,
Property Owner



EELR532A

(Shown with stack
adapter extensions)



INDUSTRIAL STRENGTH LIFT SOLUTIONS. PREMIUM FEATURES.

Unmatched productivity, performance and value.

INTRODUCING THE **10K** AUTOMOTIVE
LIFT SYSTEMS

John Bean

STANDARD FEATURES

10K Two Post Lift Features

- Light / Medium duty vehicles, lifting capacity of 10,000 lbs (4,436kg)
- Vehicles can be positioned and lifted symmetrically or asymmetrically
- Power column can be arranged on either the driver or the passenger side
- Overall height can be adjusted 10" (25.4 cm)
- Heavy duty replaceable arm restraints ensure engagement
- Three stage front arms provide superior extended and retracted reach, providing versatile vehicle positioning for symmetric / asymmetric lifting
- Double Telescopic lifting pads with replaceable molded plastic insert pad adjusts from 4.25" - 6.75" (11-17cm)
- Single piece overhead adds structural strength and ease of installation
- Padded overhead safety shut off bar for raised vehicle protection
- Hi-rise lifting cylinders and adjustable column heights creates maximum under vehicle clearances
- Single point safety lock release system
- Validated by an Independent Third Party to the ANSI/ALI automotive lift standard, ANSI/ALI ALCTV: 2011

EQUIPMENT SPECIFICATIONS

- Part Number: EELR532A
- Capacity: 10,000 lbs (4,536kg)
- Rise Height (Screw Pads Highest Position): 77.75" (200 cm)
- Overall Adjustable Height: 147.5" / 137.5" (375 / 350 cm)
- Floor to Overhead Shut Off: 140.5" / 130.5" (357 / 331 cm)
- Overall Width: 131.75" (335 cm)
- Drive Thru Width: 98.375" (250 cm)
- Front Arm Reach: 21.75" to 39.25" (55 to 100 cm)
- Rear Arm Reach: 38.25" to 55.375" (97 to 141 cm)
- Lowered Pad Height: 4.25" to 6.75" (11 to 17 cm)
- Ceiling Height Required: 149" (379 cm)
- Inside Column Width: 110.25" (280 cm)
- Rise Time: 40 Seconds
- Maximum Load per Arm: 2,500 lbs (1,134kg)
- Power Requirements: 208-230V 1Ph 60Hz

OPTIONAL ACCESSORIES

- Extension Adapter Kits [Includes Four 3" (7.6 cm) Stack Extensions, Two 6" (15.24 cm) Stack Extensions and Two Organizer Brackets with Mounting Hardware]: EAK0299T22A
- Air/Electric Workstation with Filter/Lubrication/Regulator: EAK0299T27A
- Two 6" (15.24 cm) Stack Adapter Extensions: EAK0299T23A
- 24" (61 cm) Red Column Height Extension Kit; Adds to Vehicle Clearance to Overhead: EAK0299T40A
- Optional Voltages are Available at the Time of Order:
EAK0299T45A: 208V 3Ph
EAK0299T46A: 230V 3Ph

For more information regarding the **10k Automotive Lifts**
call **800.362.4618 (US)** or **800.362.4608 (Canada)**
www.johnbean.com / www.johnbean.ca


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JohnBean





Report

Date	September 18, 2019	Prospero No. DVP00052
To	Council	Folio No. 01277-041
From	Glenn Morris, Development Planning Coordinator	File No. 3080-20 19.03
		Endorsed:
		
Subject	Development Variance Permit Application No. DVP00052 for 6032 Avondale Place.	

Purpose

The purpose of this report is to provide Council with information, analysis, and recommendations regarding a development variance permit application to reduce the minimum side yard setback for a principal building from 2m (6.56ft) to 1.94m (6.36ft).

Background

Land use Context

The subject property contains a side by side duplex which is organized as a building strata (VIS3453) which shares the parcel of land. The parcel upon which the strata duplex is sited is 751m² (8084 square ft) in area, within the Urban Containment Boundary and zoned Residential One and Two Family (R3). The east duplex unit (6032 Avondale Place) is the subject of the variance request.

A building permit to construct an addition to the east exterior wall of 6032 Avondale Place was issued on November 23, 2017. An error in measurement during the construction process resulted in the addition being non – compliant with the required 2m (6.56ft) side yard setback required under the R3 zoning **(ATTACHMENT 5)**.

Proposal

In order to address the non – compliant setback resulting from the measurement error, the applicant requests a variance to relax the setback as noted on the site plan from the required 2m (6.56ft) to 1.94m (6.36ft). The alternative is to remove the siding and re-construct the addition in order to attain compliance with the side yard setback requirement.

Discussion

The difference in the setback as measured from the addition to the lot line against the R3 zoning requirement is .06m or 6cm (2.4inches). De-constructing and rebuilding the addition to achieve compliance with the setback would be more onerous to the homeowner and would not result in any significant change to the building location.

The potential impact of the 6cm encroachment on neighbouring properties is somewhat negligible. Building inspection confirms that the Provincial Building Code for fire safety has been observed and presents no concerns. The duplex complies with all other zoning regulation.

Communications and Engagement

Neighbouring properties within a 60m radius of the subject property have been notified of this application, as well as the date, time and location where Council will consider the requested variance. The public meeting for this application is scheduled for the regular meeting of Council on September 18, 2019.

Options

Option 1: (Recommended) That Council issue a development variance permit to Validus Custom Homes, for 6032 Avondale Place to vary 58(6) (a) of Zoning Bylaw 2950 by reducing the minimum permitted side yard setback for a principal building from 2m (6.56ft) to 1.94m (6.36ft).

Option 2: That Council not issue a development variance permit to Validus Custom Homes, for 6032 Avondale Place to vary 58(6) (a) of Zoning Bylaw 2950 by reducing the minimum permitted side yard setback for a principal building from 2m (6.56ft) to 1.94m (6.36ft).

Implications

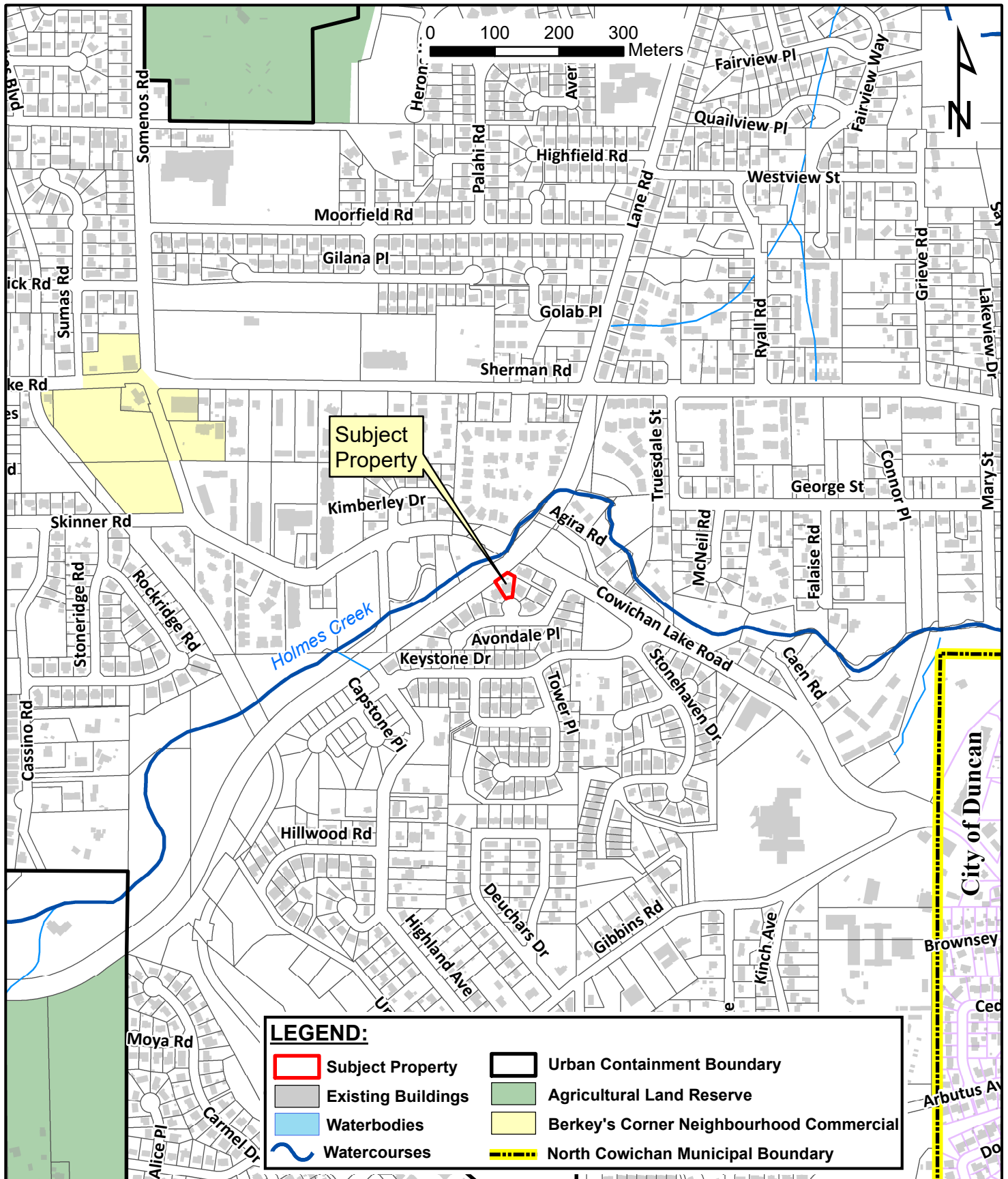
Should Council choose not to support the variance the applicant will then be required to remove the addition entirely or re - build the addition in order to comply with setback requirement under the R3 Zoning.

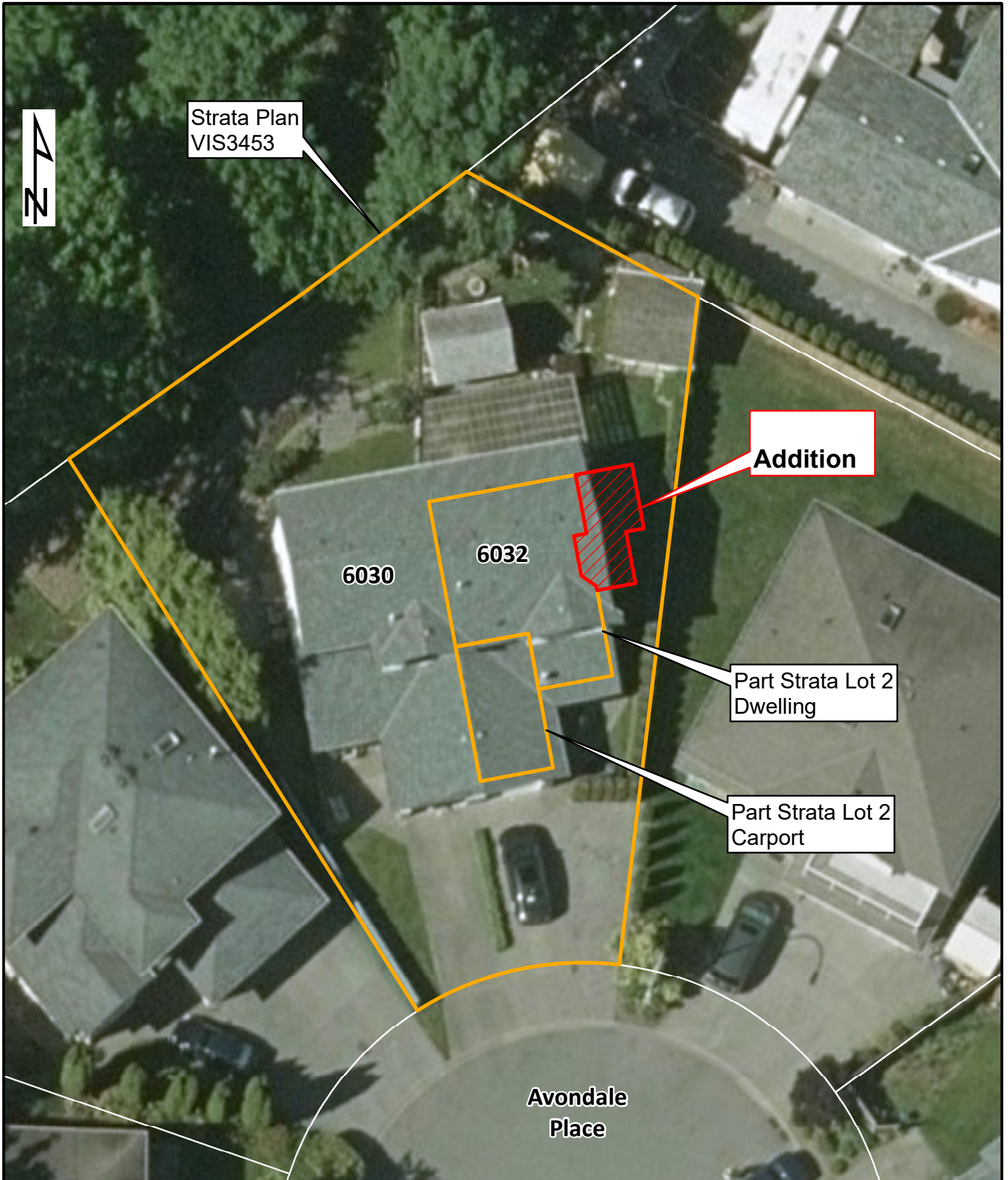
Recommendation

That Council issue a development variance permit to Validus Custom Homes, for 6032 Avondale Place to vary 58(6) (a) of Zoning Bylaw 2950 by reducing the minimum permitted side yard setback for a principal building from 2m (6.56ft) to 1.94m (6.36ft).

Attachment(s):

1. Location Map
2. Orthophoto
3. Zoning Map
4. Letter of Support from Neighbour
5. Site Survey
6. Letter of Rationale from Applicant
7. Site Photos
8. Draft Variance Permit



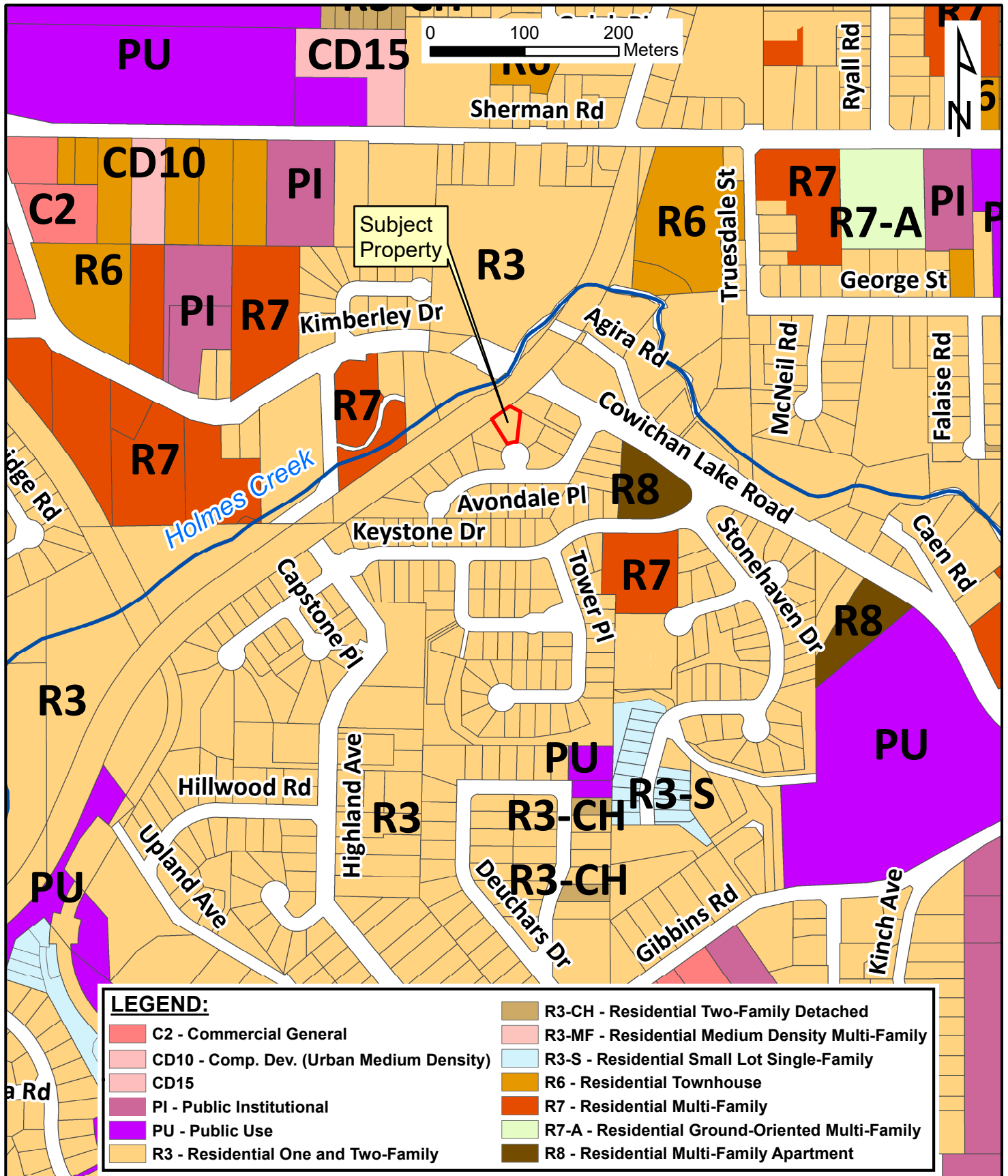


ORTHOPHOTO MAP

(Orthophoto is from 2017 aerial photography)

6032 Avondale Place

DATE:	July 25, 2019
TYPE:	Development Variance
FILE#:	ZB00052



May 21 2019

To whom it may concern, I am the owner of 6030 Avondale Place, Duncan, BC, V9L 5H9, I am aware that a variance will be added to 6032 Avondale Place, Duncan, BC, V9L 5H9. I give my approval.

Signed, 6030 Avondale Place:



Printed Name: Karen Lundstrom

Date: MAY/27/2019

Signed, 6032 Avondale Place:



Printed Name: M. STACYSZYN / SJ STACYSZYN

Date: MAY/27/2019

B. C. LAND SURVEYOR'S
CERTIFICATE OF LOCATION FOR
STRATA LOT 2, SECTION 20,
RANGE 4, QUAMICHAN DISTRICT,
STRATA PLAN VIS3453 (GROUND LEVEL).

Note: Strata Lot 2 lies within the Corporation of the District of North Cowichan and is Zoned R-3. Bylaw setback requirements are as follows:

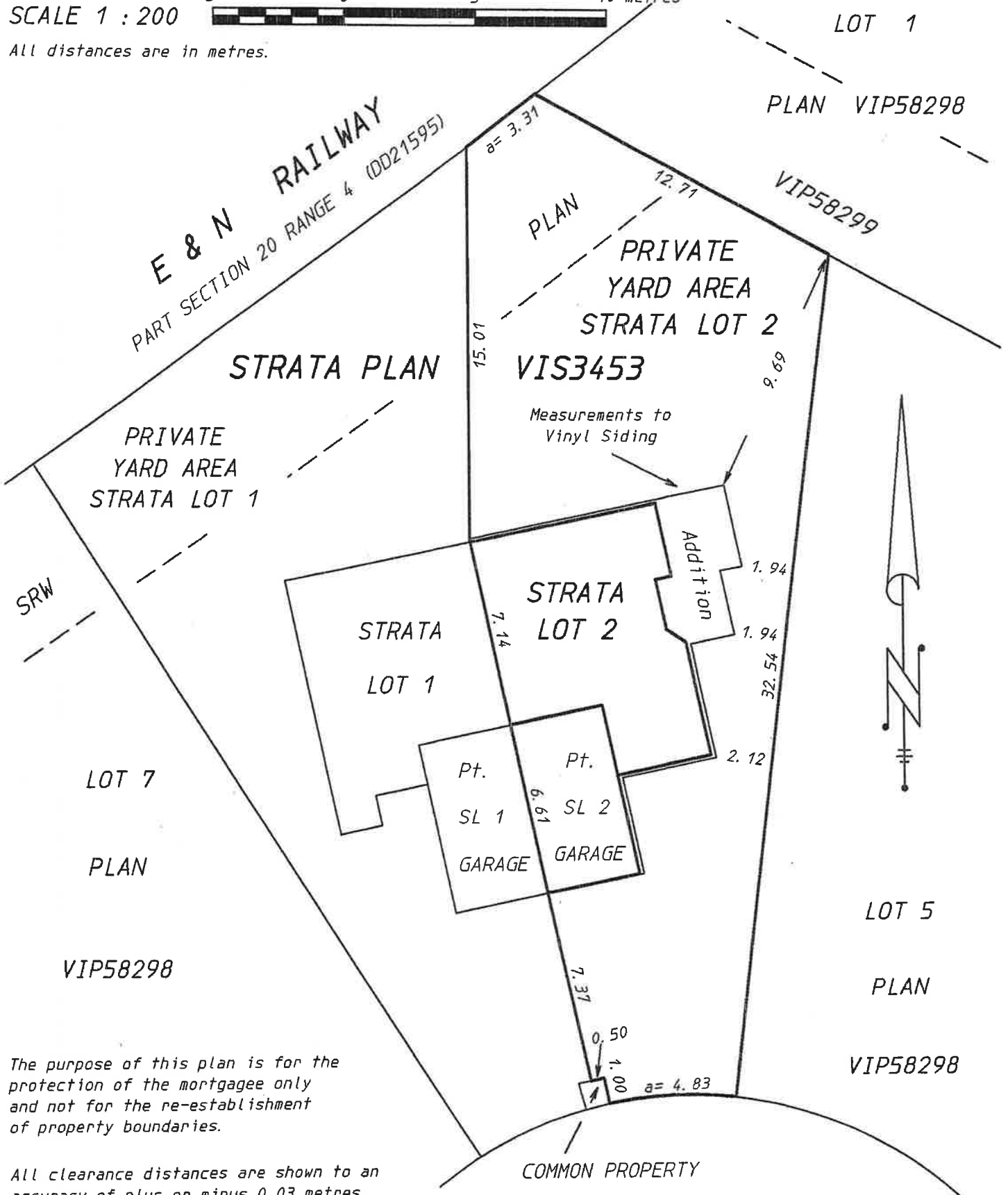
Principal Buildings :

Front	5.0 m
Side (Interior)	2.0 m
Side (Exterior)	3.0 m
Rear	7.5 m
Vehicle entrance to public road excluding lane	5.8 m

SCALE 1 : 200



All distances are in metres.



The purpose of this plan is for the protection of the mortgagee only and not for the re-establishment of property boundaries.

All clearance distances are shown to an accuracy of plus or minus 0.03 metres.

This is to certify that the structure on the above lot lies wholly within the said lot and does not encroach on any adjoining lot or road. Certified correct this 22nd day of May, 2018.

© B. C. L. S.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

DVP00052 Attach 5 Site Survey

KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVE.
DUNCAN, B. C. V9L 2T1 (250) 746-4745
FILE 18-8293. BLC



July 25/2019

Validus Custom Homes Ltd.
1864 Frances St.
Duncan BC V9L 5A2

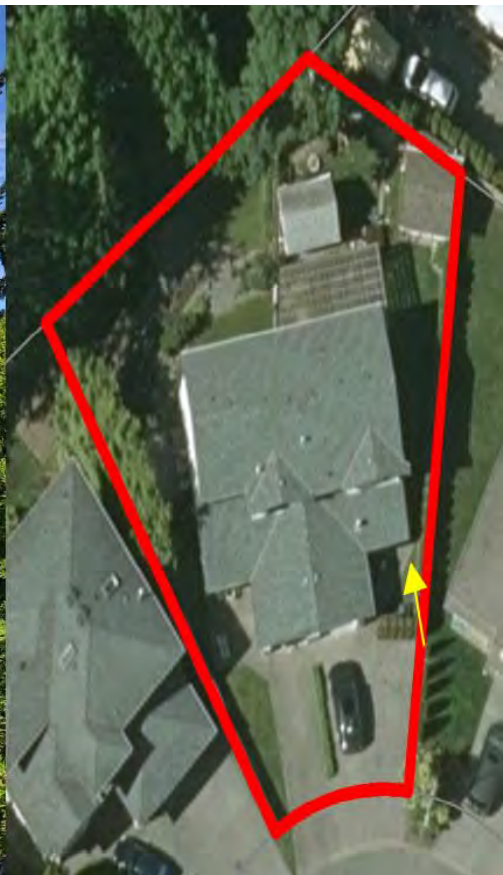
The Municipality of North Cowichan
7030 Trans Canada Highway
Duncan BC V9L 6A1

To whom it may concern,

I am applying for a Variance permit on behalf of our clients, Steve and Monica Stacyszyn. We constructed an addition to their home at 6032 Avondale Place. A slight error on the foundation has left us .06m to close to the property line. Due to this error we are seeking a variance.

Thank you,

Darryl Poets
Construction Manager/Owner
Validus Custom Homes Ltd.





Development Variance Permit

(DVP00052/19.03 3080-20)

To: **Validus Custom Homes Ltd.**

Subject Property: **6032 Avondale Place (Folio: 01277-041)**

1. This permit is issued subject to compliance with all relevant District of North Cowichan bylaws.
2. This permit applies to the lands described below, and any buildings, structures, and other development thereon (hereinafter called 'the Lands').

**Lot 2 Section 20 Range 4 Quamichan District Plan VIS3453
PID: 018-977-243**

3. Pursuant to section 498 of the *Local Government Act* (RSBC 2015, c. 1), this permit varies Section 58(6) (a) of Zoning Bylaw 2950, 1997 by reducing the minimum permitted side - yard setback for a principle building from 2m (6.56ft) to 1.94m (6.36ft).
4. This permit is not a building permit.
5. Pursuant to section 504(1) of the *Local Government Act*, this permit lapses two years from date of issue if the holder of the permit does not substantially start any construction with respect to which this permit is issued.

Date of Development Variance Permit Approval/Issue by Council or its Delegate:

This permit was approved on DATE and issued on DATE.

This permit expires on DATE.

The Corporation of the District of North Cowichan

Designated Municipal Officer



The Corporation of the District of North Cowichan
Zoning Amendment Bylaw (2372 Regina Drive), 2019
Bylaw 3760

The Council of The Corporation of The District of North Cowichan enacts as follows:

- 1. *This Bylaw may be cited as "Zoning Amendment Bylaw No. 3760, 2019".***
- 2. *Zoning Bylaw 1997, No. 2950 is amended in section 56 (4) [density in the Residential Rural Zone (R1)] by adding the following paragraph:***
 - (h) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 2372 Regina Drive (PID 000-368-393).

READ a first time on August 21, 2019
READ a second time on August 21, 2019
CONSIDERED at a Public Hearing on September 18, 2019
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER