

# **Municipality of North Cowichan Council - Regular and Public Hearings AGENDA**

Wednesday, February 19, 2020, 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 February 19, 2020 Regular Council and Public Hearing agenda, as circulated [or as amended].**

**3. ADOPTION OF MINUTES**

6 - 24

Recommendation:

**That Council adopt the following minutes:**

1. **Regular Council and Public Hearings meeting held January 29, 2020;**
2. **Special Council meeting held February 10, 2020; and**
3. **Special Council meeting held February 11, 2020.**

**4. MAYOR'S REPORT**

**5. PUBLIC INPUT**

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

**6. BYLAWS**

**6.1 Bylaw 3767 - "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), 2019"**

25 - 26

Purpose: To consider adopting "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), 2019", No. 3767.

Recommendation:

**That Council adopt "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), 2019", No. 3767.**

**6.2 Bylaw 3777 - "Street Name Change Bylaw, 2020" 27 - 31**

Purpose: To present Council with background information, analysis and a recommendation to rename portions of Humbird Street and Green Road within North Cowichan to provide ease in locating affected properties for emergency services or residents.

Recommendation:

**That Council read a first, second and third time "Street Name Change Bylaw, 2020", No. 3777".**

**6.3 Bylaw 3778 - "Fees Amendment Bylaw, 2020" 32 - 35**

Purpose: To introduce proposed amendments to North Cowichan's Fees Bylaw and recommend that Council give three readings to "Fees Amendment Bylaw, 2020", No. 3778 for the purpose of increasing cemetery fees by three percent in 2020.

Recommendation:

**That Council read a first, second and third time "Fees Amendment Bylaw, 2020", No. 3778.**

**6.4 Bylaw 3779 - "Commercial Vehicle Licensing Repeal Bylaw, 2020" 36 - 42**

Purpose: To provide Council with information regarding the cessation of the Union of British Columbia's (UBCM) Commercial Vehicle Licensing (CVL) program and recommend that Council repeal North Cowichan's "Commercial Vehicle Licensing Bylaw, 1964", No. 984 and give three readings to "Commercial Vehicle Licensing Repeal Bylaw, 2020", No. 3779.

Recommendation:

1. **That Council read a first, second and third time "Commercial Vehicle Licensing Repeal Bylaw, 2020", No. 3779; and**
2. **That Council direct staff to prepare an amendment bylaw to "Municipal Ticket Information System Bylaw, 2013", No. 3464 to remove Section 5 - Commercial Vehicle Licensing Bylaw 1964 from Bylaw 3464.**

**7. REPORTS**

**7.1 BC Winter and Summer Games - Invitation to Host 43 - 45**

Purpose: To determine whether the Municipality of North Cowichan should apply to host the BC Summer and Winter Games in 2024 or 2026.

Recommendation:

**That Council refer the invitation to host the BC Summer and Winter Games in 2024 or 2026 to the Cowichan Valley Regional District (CVRD) for consideration to be held as a regional event.**

**7.2 Trail Maintenance Policy 46 - 67**

Purpose: To provide Council with information and a recommendation regarding a proposed Trail Maintenance Policy.

Recommendation:

**That Council adopt the Trail Maintenance Policy attached to the February 19, 2020 staff report.**

**7.3 Senior Social and Housing Planner Position - Implications of not hiring**

68 - 72

Purpose: To advise Council which social and housing priorities identified within the 2019-2022 Corporate Strategic Plan may be achieved during the term, based upon current staffing capacities.

Recommendation:

**For information (no recommendation).**

**8. NOTICE OF MOTIONS**

**9. NEW BUSINESS**

**9.1 Environmental Protection Bylaws**

73 - 76

Purpose: To consider the matter Councillor Douglas brought forward as a notice of motion at the January 29, 2020 Regular Council meeting as it has been revised. The use of plain language in revised motion is intended to make the direction easier for the public to understand and to clarify the direction to staff in a way that enhances and supports the OCP rewrite.

Recommendation:

**That staff be directed to prepare a high-level report that (1) provides an inventory of North Cowichan's current environmental protection policies; (2) identifies related issues and opportunities; and (3) recommends a process for strengthening environmental protection policies as part of the rewrite of the Official Community Plan (OCP); and that potential focus areas include the prevention of unauthorized land clearing; maintenance of natural hydrological functions and erosion prevention; prevention of nutrient/pollutants getting into storm drains and natural watercourses; noxious and invasive weeds; Garry oak ecosystem protection; wildlife habitat protection; urban forest enhancement; greenways protection/creation; and pesticide herbicide use.**

**9.2 Natural Assets as Ecological Systems and Services - Conference Attendance**

77 - 81

Purpose: To consider request to attend the April 24, 2020 session on Natural Assets as Ecological Systems and Services at the 3rd Annual Vancouver Island Symposium on Water Stewardship in a Changing Climate at the Florence Filberg Centre in Courtenay, BC.

Recommendation:

**That Council authorize Councillors \_\_\_\_\_ to attend the April 24, 2020 session on Natural Assets as Ecological Systems and Services at the 3rd Annual Vancouver Island Symposium on Water Stewardship in a Changing Climate at the Florence Filberg Centre in Courtenay, BC.**

**10. ADJOURN COUNCIL MEETING TO RECONVENE AT 6:00 P.M.**

Purpose: To recess the Council meeting until the start time of the public hearing/meeting.

Recommendation:

That the meeting be adjourned at \_\_\_\_ p.m. to reconvene at 6:00 p.m. this evening in Council Chambers.

**11. PUBLIC HEARINGS AND PUBLIC MEETINGS 6:00 P.M.**

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 the public hearing.

**11.1 Bylaw No. 3773 - "Zoning Amendment Bylaw (4029 Normandy Road), 2020"**

82 - 100

- Mayor Siebring to call the Public Hearing to order.
- 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 application to permit two residential buildings, with a maximum of two residential units at 4029 Normandy Road.
- Final call for submissions by the public (Mayor Siebring will ask 3 times)
- Adjournment of the Public Hearing for "Zoning Amendment Bylaw (4029 Normandy Road), 2020", No. 3773.

Recommendation:

That Council read a third time "Zoning Amendment Bylaw (4029 Normandy Road), 2020", No. 3773.

**11.2 Bylaw No. 3774 - "Zoning Amendment Bylaw (2755 Crozier Road), 2020"**

101 - 122

- Mayor Siebring to call the Public Hearing to order.
- 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 zoning amendment application to permit (principal) residential use at 2755 Crozier Road.
- Final call for submissions by the public (Mayor Siebring will ask 3 times)
- Adjournment of the Public Hearing for "Zoning Amendment Bylaw (2755 Crozier Road), 2020", No. 3774.



Recommendation:

That Council read a third time "Zoning Amendment Bylaw (2755 Crozier Road), 2020", No. 3774.

12. RESUME COUNCIL MEETING

13. QUESTION PERIOD

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

14. ADJOURNMENT

Recommendation:

That Council adjourn the February 19, 2020 Regular Council and Public Hearings meeting at \_\_\_\_\_ p.m.

# **Municipality of North Cowichan Council - Regular and Public Hearings MINUTES**

**January 29, 2020, 1:30 p.m.  
Municipal Hall - Council Chambers**

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Councillor Kate Marsh
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) 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 and Building Megan Jordan, Manager, Communications and Public Engagement Alyssa Meiner, Acting Corporate Officer Nelda Richardson, Deputy Corporate Officer

## **1. CALL TO ORDER**

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

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

## **2. APPROVAL OF AGENDA**

It was moved and seconded:

**That Council adopt the January 29, 2020 Regular Council and Public Hearings Meetings agenda, as amended to:**

- **add an item 12.1 [AVICC Resolution] under new business; and**
- **add an item to the closed portion of the agenda under section 90(1)(f) of the *Community Charter* regarding law enforcement.**

**CARRIED**

## **3. ADOPTION OF MINUTES**

It was moved and seconded:

**That Council adopt the minutes of the Special Council meeting held January 20, 2020.**

**CARRIED**

#### **4. MAYOR'S REPORT**

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

#### **5. DELEGATIONS AND PRESENTATIONS**

##### **5.1 DELEGATION - Sonia Furstenau, MLA**

Council received an update from MLA Sonia Furstenau on Provincial matters, including the following highlights:

- Ms. Furstenau has been attending meetings with local governments to ensure that interests of everyone in valley are on the agenda and groups are working together;
- there has been progress made on infrastructure projects in the valley (e.g. new high school);
- there is a need for more progress on homeless and addictions issues and the impacts on small business;
- inside the BC Legislature, the Legislative Assembly Management Committee has been tasked with looking at policies and procedures to ensure accountability and transparency;
- a respectful workplace policy has been brought in;
- a recent press conference with all three major party leaders is an indication that some things are about good governance rather than partisan politics;
- with land use planning issues, concerns with ecological carrying capacity, and a drive for development, Local Governments have Official Community Plan processes that can allow the community to participate in visioning for their community;
- it is important to recognize that everyone wants resiliency, food security, water security, energy security, healthy safe communities, and infrastructure for communities and all levels of government need to work to achieve this;
- it is "untweatable work of good governance" to bring people together and really listen; and
- there is work to be done to improve processes and communications between local governments and the Provincial government in an outcomes based way.

##### **5.2 DELEGATION - Philip and Heather Macdonald**

Council heard from Philip and Heather Macdonald regarding their Zoning Amendment Application to permit two residential buildings at 4029 Normandy Road. Council heard the reason for speaking in advance of first reading is to explain the merits of their application, which was in-stream before Council's policy was adopted. Council heard that the application meets all but one aspect of the policy, and the purpose of the second residential building is to accommodate family on the property. The alternative would be to build an addition onto the existing cottage but this would result in less privacy. The Macdonald's provided copies of letters of support to Council.

##### **5.3 DELEGATION - Violet Wild Cannabis Company**

Council heard from Jill Maiback (consultant), Terra Maibach (CEO Violet Wild Cannabis Company) and Sue Roe (owner of building), regarding their Zoning Amendment Application for a retail cannabis storefront at 9750 Chemainus Road.

Council heard from Ms. Maibach that she resides above the proposed storefront in Chemainus and would not want people congregating around the store; that safety of the community is a priority; they intend to integrate into community by allowing a mural on the wall of the building; and are proposing a boutique storefront with a goal of compliant and legal cannabis.

Council heard from Mrs. Roe that residents want a cannabis storefront in Chemainus, the current business owners have a strong business plan and vision, parking and easy access are offered at this site, and the applicant believes this is the right business at the right time.

## **6. PUBLIC INPUT**

Council received brief public input regarding agenda items from the following registered speakers:

1. Eric Piikkila - comments and concerns regarding item 8.1;
2. Peter Rusland - comments regarding items 8.1, 8.6 and 9.1;
3. Eric Jeklin - comments and concerns regarding item 9.1;
4. Scott Mack - (Townsite Planning) - update on item 7.3 that a community meeting has been scheduled;
5. Joyce Behnsen - concerns regarding item 11.1.

## **7. BYLAWS**

### **7.1 Bylaw No. 3773 - "Zoning Amendment Bylaw (4029 Normandy Road), 2020"**

Council heard from the Director of Planning and Building that it is Council's prerogative to determine whether or not their policy should apply to in-stream applications and staff recommended against the application because it did not comply with the new policy.

Council asked about the proposed covenant and heard from the Director of Planning and Building that the covenant would prevent further subdivision and restrict the size of the second dwelling.

It was moved and seconded:

- 1. That Council approve first and second reading of "Zoning Amendment Bylaw (4029 Normandy Road), 2020", No. 3773 to permit a second dwelling at 4029 Normandy Road (PID 002-075-016);**
- 2. And That a Public Hearing be scheduled and notification be issued in accordance with the *Local Government Act*.**

**CARRIED**

### **7.2 Bylaw No. 3774 - "Zoning Amendment Bylaw (2755 Crozier Road), 2020"**

Council heard from the Director of Planning and Building that the Crozier Road area has been zoned Residential Rural (R1) for decades, and this application is to rezone the property from Commercial Recreational (C4) to R1 even though the current and intended use of the property is residential. Council heard that a covenant is proposed to limit subdivision potential to just one additional lot, which is in keeping with lot sizes in the neighbourhood.

It was moved and seconded:

1. **That Council read a first and second time “Zoning Amendment Bylaw No. 3774 (2755 Crozier Road), 2020” to rezone 2755 Crozier Road (PID: 025-520-423) from Commercial Recreational (C4) Zone to Residential Rural Zone (R1);**
2. **That a Public Hearing for Bylaw No. 3774 be scheduled and notification be issued according to the *Local Government Act*;**
3. **That prior to adoption of Bylaw No. 3774, a Section 219 covenant to limit subdivision of the Subject Property to a maximum of 2-lots and to secure a 5 m road reserve for a future multi-modal trail along the Crozier Road frontage to be registered on the title; and**
4. **That prior to adoption of Bylaw No. 3774, Section 219 covenant ET129877 be discharged.**

**CARRIED**

**7.3 Bylaw No. 3775 - "Zoning Amendment Bylaw (Lot 1, Plan 5760, Adelaide Street), 2020"**

Council heard from the Director of Planning and Building that there are challenges in coordinating planning of development in this area, it is difficult to require consolidation of properties for development, and this development proposal does attempt to take into account future development in the area. There has also been some effort made to minimize impact on natural features.

Council heard the intent of the Rural Urban Interface Policy is to address the need for site adaptive planning analysis. For this application, the owner engaged Madrone Environmental to inform the site analysis and this led to the applicant's proposal identifying a watercourse feature to be protected and public dedication of land. Council heard from the Director of Engineering regarding the reduction of road width standard and lands to be transferred to North Cowichan to protect the watercourse.

Council heard that, if first and second reading are given, a public hearing will be scheduled following the applicant's neighbourhood information meeting. The Acting Corporate Officer clarified that a Council resolution to hold a public hearing is redundant as Part 14 of the *Local Government Act* sets out the public hearing requirements.

It was moved and seconded:

1. **That Council read a first and second time “Zoning Amendment Bylaw No. 3775 (Lot 1, Plan 5760, Adelaide Street), 2020 to rezone Lot 1, Plan 5760 (PID: 005-930-863) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3);**
2. **That should Bylaw No. 3775 be adopted, Council reduce the municipal local road width standard from 15m to 11m; and**
3. **That the Applicant be directed to host a neighbourhood information meeting prior to scheduling of a Public Hearing.**

**CARRIED**

**7.4 Bylaw No. 3776 - "Zoning Amendment Bylaw (Cannabis Sales - 9750 Chemainus Road), 2020"**

Councillor Manhas declared a conflict of interest as his employer has submitted an application for a retail cannabis store and left the meeting at 2:57 p.m.

Council members acknowledged there is a demand for Cannabis retail in Chemainus and the value of a public hearing for this application, and questioned whether any location in Chemainus would be able to comply with Council's current policy.

It was moved and seconded:

- 1. That Council give first and second reading to "Zoning Amendment Bylaw (9750 Chemainus Road), 2020", No. 3776;**
- 2. That Council direct the applicant to conduct an information meeting prior to Council's consideration of third reading of Bylaw No. 3776.**

**CARRIED**

**8. REPORTS**

**8.1 Engagement Plan for the Municipal Forest Reserve (MFR)**

Councillor Manhas returned to the meeting at 3:00 p.m.

Council heard from the Manager of Communications and Public Engagement regarding steps involved in engaging consultant, Lees & Associates, to prepare a community engagement plan to receive public input on future management of North Cowichan's Municipal Forest Reserve (MFR).

Council received a presentation from Lees & Associates on the proposed plan and deliverables that included the following highlights:

- The social, environmental, and economic importance of the Municipal Forest Reserve (MFR) cannot be understated;
- North Cowichan is the only community in Canada with a wholly-owned MFR;
- It is important to establish best practices to inform protocols and policies for indigenous engagement;
- Plan to facilitate completion of interim and long term MFR Management Plans on schedule;
- Engagement will fall at the "involve" level on the IAP2 spectrum of public participation. "Involve" means to work directly with the public throughout the process to ensure the public concerns are taken into consideration;
- The engagement scope is broad across the whole community;
- Residents and stakeholders will be providing input on a number of aspects;
- There will be public pop-up events, phone and online surveys, stakeholder interviews, working groups, public forums, and MFR tours;
- There will be two phases or rounds of public engagement;
- Round 1 includes presenting baseline data by the UBC Partnership Group, exploring a full range of public values, and providing input on interim management options back to the UBC Partnership Group.
- The 2020 timeline includes

- January - initial contact made with local First Nations to ask how they wish to participate; identifying stakeholders;
- February - a working group will be established to help guide the engagement process;
- March - public pop-ups and an online survey;
- April - public forums, hear from UBC Partnership Group on their work, hear how the public would like to see interim and long term options develop;
- May - round 1 completed and results feed into the UBC Partnership Group's work and analysis, and an on-site forestry tour will happen;
- July - September - phase two occurs including working group meetings, public forum, and an online/phone survey;
- October - final engagement findings will be presented to Council to then inform creation of the Long-Term Management Plan.
- 10 stakeholders will be interviewed;
- The working group will not be a decision making group and will include members of the public;
- The consultant's role is to gather input from many sources and ensure it is a representative sample;
- The purpose of the engagement is to help inform the recommendations the UBC Partnership Group will make for the Interim Management Plan and capture public input to help Council decide what the Long Term Plan will look like.

When asked about engagement fatigue, the consultants identified that it is really important to have multiple rounds of engagement, otherwise there is a perception that North Cowichan is bringing forward a finished product for review when in reality community input is informing the product.

Council heard that the biggest challenge is pulling out input from the silent majority, who do not normally get involved. There are two public forums proposed but if further meetings are needed Council can direct further opportunities. Council members suggested including youth as part of the working group, and suggested attending First Nation events to provide outreach. In response to a question on costs, the CAO advised that the cost for both the UBC technical review, and the engagement consultant is approximately \$200,000, although there may be further costs associated with the First Nations engagement portion.

It was moved and seconded:

**That Council endorse the draft engagement plan as attached to the January 29, 2020 staff report and direct staff to move forward with public engagement.**

**CARRIED**

Council recessed from 3:49 p.m. and resumed the meeting at 4:04 p.m.

## **8.2 Temporary Mobile Home Permit Application at 2345 Townend Road**

Council heard from the Director of Planning and Building that the Agricultural Land Commission had recently announced that the February 22, 2020 deadline for allowing mobile homes in the Agricultural Land Reserve had been extended to end of 2020. Council also asked about relaxing mobile home width.

It was moved and seconded:

**That Council approve Temporary Mobile Home Application No. TTP00077; and that staff be directed to issue a Temporary Mobile Home Permit to Robert and Maureen Pesti for a temporary mobile home with a maximum width of 8.23 metres at 2345 Townend Road for the purpose of accommodating a child and his/her family.**

**CARRIED**

**8.3 Referral Responses for Bylaw No. 3767 Proposed Reduction of “All Other Principal Building” Setbacks in Agricultural Zones**

Council received the January 29, 2020 staff report for information.

**8.4 Fire Inspection Program**

Council discussed the cost of the new proposed Assistant Fire Chief position to carryout fire inspections, the possibility of charging fees for initial fire inspections and re-inspections, and the possibility of assigning fire inspection duties to existing Bylaw staff. Council heard from the General Manager of Financial and Protective Services that one person can only complete approximately 500 inspections per year, the policy asks for businesses to self-inspect, and the Fire Commissioner’s best practices identified not charging fees for inspections. Council also heard that the Fire Services Review identified a need for more oversight over North Cowichan’s fire departments, so the Assistant Fire Chief position would also serve that function as well as fire inspections.

Council heard from the CAO that if the motion is defeated, Council will need to consider next steps to address operational needs at a future meeting.

It was moved and seconded:

- 1. That Council direct staff to include a full time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 Budget; and**
- 2. That Council direct staff to implement a system of fees for re-inspections due to noncompliance and requested inspections.**

(Opposed: Douglas; Justice; Manhas; Toporowski)

**DEFEATED**

**8.5 Panhandling Signage**

Council heard that the City of Duncan has approved similar panhandling signage and an information campaign is also anticipated with the new signs.

It was moved and seconded:

**That Council direct staff to install panhandling signage at the Drinkwater Road and Trans-Canada Highway intersection that include the wording; “Panhandling on roadways is unlawful and unsafe. Please consider giving to agencies that help those in need.”**

**CARRIED**



## 8.6 Flag Policy

Council discussed the proposed flag protocol policy and heard from the General Manager of Corporate Services that the policy language is broad enough to include organizations. Councillor Douglas' proposed amendment to the policy was not seconded.

It was moved and seconded:

**That Council adopt the Flag Protocol Policy attached to the January 29, 2020 staff report.**

(Opposed: Manhas)

**CARRIED**

## 9. NOTICE OF MOTIONS

### 9.1 Environmental Protection Bylaws

Councillor Douglas gave notice that he intends to bring forward the following motion at the February 19, 2020 Regular Council meeting.

"*WHEREAS* the Official Community Plan ("OCP") identifies the preservation of our natural environment as a fundamental principle;

*AND WHEREAS* the OCP also recognises that the Municipality is in the rare and endangered Coastal Douglas-fir biogeoclimatic zone and that this includes a variety of rare ecosystems as well as many provincially identified rare and endangered species;

*AND WHEREAS* Council has acknowledged the climate emergency we are facing and understands the added impact climate change will have on many aspects of our environment and the immediate need to protect, steward and rehabilitate the important ecological functions and services our land base provides us;

*AND WHEREAS* Council's 2019-2022 Strategic Plan includes as a vision statement that we will be "...stewarding healthy forests, rivers and lakes;"

*AND WHEREAS* Council's Strategic Plan states as an objective that "We lead in environmental policies and practices to support the future health of the community";

*AND WHEREAS* Council's Strategic Plan has a number of priority items related to strengthening our protection of the environment, including: supporting the health of our beaches, making environmental improvements to Quamichan and Somenos Lakes, developing a municipal biodiversity protection strategy, and strengthening environmental policy in all land use planning;

*AND WHEREAS* the municipality currently has policy tools that provide environmental protections, it is likely that our current suite of environmental protection policies (bylaws, DPAs, etc.) may have both missing components or components that need to be strengthened;

*THEREFORE BE IT RESOLVED* that staff be directed to provide Council with 1) an assessment or inventory of our current approach to environmental protection which includes an evaluation of what is working well, what is missing, what requires

strengthening; and 2) a recommendation for a process to achieve a "state of the art" modern package of strong and effective environmental protection bylaws, including, but not limited to, bylaws related to:

- prevention of unauthorised land clearing;
- maintenance of natural hydrological functions and erosion prevention;
- prevention of nutrient/pollutants getting into storm drains and natural watercourses;
- noxious and invasive weeds;
- Garry oak ecosystem protection;
- Wildlife habitat protection;
- Urban forest enhancement;
- Greenways protection/creation; and
- Pesticide herbicide use."

The Mayor requested that the CAO's memo regarding concerns with this motion also be included on the February 19, 2020 agenda.

## **9.2 Proposed Bus Service**

Council heard from Councillors Manhas and Douglas, and discussed the motion including that options for a bus service could also include use of existing routes.

It was moved and seconded:

**That North Cowichan Council direct the Mayor to write the Cowichan Valley Regional District Chair (CVRD) requesting that the CVRD investigate options for creating a bus service from the Cowichan Valley to the Duke Point and/or Departure Bay ferry terminals in the City of Nanaimo.**

**CARRIED**

## **10. REVIEW OF COMMITTEE MINUTES**

### **10.1 December 16, 2019 First Nations Relations Committee (FNRC)**

#### **10.1.1 Committee Terms of Reference and Mandate**

Council heard from Councillor Toporowski, Chair of the FNRC, regarding the Terms of Reference and noted "membership" should be removed from the Terms of Reference.

It was moved and seconded:

**That Council adopt the First Nations Relations Committee Terms Of Reference, as amended.**

**CARRIED**

#### **10.1.2 Stoney Hill Road Naming**

Council heard from Councillor Toporowski, Chair of the FNRC, regarding changes to road names in Stoney Hill. Council heard from the Director of Engineering that input and concerns from residents has been considered.

It was moved and seconded:

**That Council approve the road names suggested by Cowichan Tribes and direct staff to 1) notify residents about the proposed changes, and 2) prepare a bylaw for the change in road names, and install appropriate signage.**

**CARRIED**

### **10.1.3 Naming of Parks**

Council heard from Councillor Toporowski, Chair of the FNRC, regarding a request to rename Crofton Beach Park.

It was moved and seconded:

**That Council decline the request to rename the Crofton Beach Park to the E J Hughes Park pending a broader discussion on parks naming policy with the inclusion of First Nations consultation.**

**CARRIED**

## **11. BUSINESS**

### **11.1 Strike of United Steelworkers Members Against Western Forest Products**

Council heard from Councillor Douglas regarding his revised motion. The Mayor proposed an amendment to the motion in order to remain neutral rather than ask the Provincial Government not to intervene. Council also heard from members that no letter should be sent to the Provincial Government.

It was moved and seconded:

**That Council direct the Mayor to communicate the following positions to the Premier with respect to the USW/WFP dispute:**

- **The dispute is having serious economic impacts on our community, including potential downstream impacts for Paper Excellence/Crofton;**
- **We remain committed to seeing this dispute resolved through the collective bargaining process; and**
- **We are expressly asking for government not to intervene in this dispute, but we do urge the government to make every reasonable effort to facilitate a settlement by exploring whatever options may help the ongoing bargaining and mediation processes to achieve a successful conclusion.**

It was moved and seconded:

**That the third bullet in the motion be amended to "we are expressly not asking for direct government intervention in this dispute".**

(Opposed: Douglas; Justice; Manhas; Sawrie; Toporowski)

**DEFEATED**

It was moved and seconded: (previously)

**That Council direct the Mayor to communicate the following positions to the Premier with respect to the USW/WFP dispute:**

- **The dispute is having serious economic impacts on our community, including potential downstream impacts for Paper Excellence/Crofton;**

- **We remain committed to seeing this dispute resolved through the collective bargaining process; and**
- **We are expressly asking for government not to intervene in this dispute, but we do urge the government to make every reasonable effort to facilitate a settlement by exploring whatever options may help the ongoing bargaining and mediation processes to achieve a successful conclusion.**

(Opposed: Siebring; Manhas; Toporowski)

**DEFEATED**

## **12. NEW BUSINESS**

### **12.1 2020 Resolution to the Association of Vancouver Island and Coastal Communities (AVICC)**

Council heard from the Mayor regarding his proposed motion.

Councillor Toporowski left the meeting at 5:08 p.m. and returned at 5:11 p.m.

It was moved and seconded that the following resolution be forwarded to AVICC for consideration at the April 2020 Conference:

**WHEREAS the Supreme Court of Canada has refused to hear the appeal of a BC Court of Appeal decision in *Canadian Plastic Bag Association v. Victoria (City)*, a decision which effectively limits the ability of local governments to regulate the use of soft plastics and other plastic packaging within their geographic jurisdictions,**

**AND WHEREAS some local governments see the need for such regulation:**

**THEREFORE BE IT RESOLVED that the Government of British Columbia be requested to amend Section 9 of the *Community Charter* to expressly allow local government regulation of plastics and other packaging materials that may be considered environmentally deleterious.**

**CARRIED**

## **13. CLOSED SESSION**

It was moved and seconded:

**That Council close the January 29, 2020 Regular Council meeting at 5:15 p.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; and**
- **90(1)(f) - law enforcement.**

**CARRIED**

## **14. RISE AND REPORT**

Council rose without report at 5:45 p.m.

**15. RECESS COUNCIL MEETING**

It was moved and seconded:

**That Council recess the meeting at 5:45 p.m. and resume the open meeting at 6:00 p.m.**

**CARRIED**

**16. PUBLIC HEARINGS 6:00 P.M.**

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

Members Absent      Councillor Kate Marsh

Staff Present      Rob Conway, Director of Planning and Building  
                                 Alyssa Meiner, Acting Corporate Officer  
                                 Nelda Richardson, Deputy Corporate Officer  
                                 Glenn Morris, Development Planning Coordinator  
                                 Mairi Bosomworth, Community Planner

**16.1 Public Hearing - Rezoning Application No. ZB000118 for Bylaw 3766 (1038 Herd Road), 2019**

Mayor Siebring called the public hearing for Bylaw 3766 to order at 6:02 p.m.

The Mayor identified the location of the public hearing binder and Council heard that no public correspondence was received prior to the public hearing.

Council then heard from the Development Planning Coordinator regarding the zoning amendment application to permit a second dwelling at 1038 Herd Road. Staff advised that a section 219 covenant is recommended to be registered to prohibit subdivision and limit the size of the second dwelling.

Council heard from the applicant that he has no issues with the covenant.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing for Bylaw 3766 at 6:07 p.m.

It was moved and seconded:

- 1. That Council read a third time “Zoning Amendment Bylaw (1038 Herd Road), 2019”, No. 3766 in order to permit a second residential building; and**
- 2. That Council direct staff prior to bylaw adoption, to require the applicant to register a Section 219 covenant on the title of the property prohibiting any form of subdivision of the lands including strata subdivision and limit the maximum size of the second dwelling to 92 m2 (990.28 ft2).**

**CARRIED**

**16.2 Public Hearing - Rezoning Application No. ZB000119 for Bylaw 3767 (Reduction of Setbacks in Agricultural Zones), 2019**

Mayor Siebring called the public hearing for Bylaw 3767 to order at 6:08 p.m.

Council heard from the Acting Corporate Officer that no public correspondence was received prior to the public hearing.

The Mayor then invited the Community Planner to introduce the application for Zoning Amendment Bylaw 3767. Council received a summary of steps taken to this point, including receipt of referrals in favour of the proposed setback changes.

Council asked technical questions of staff. Council heard from the Director of Planning and Building regarding the Ministry of Agriculture's Guide to Edge Planning and that this is likely not relevant in this instance for establishing buffer criteria.

There was no one in attendance who wished to speak to the application so Mayor Siebring closed the public hearing for Bylaw 3767 at 6:18 p.m.

It was moved and seconded:

**That Council read a third time "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), 2019", No. 3767.**

**CARRIED**

**17. QUESTION PERIOD**

Council received questions from the public regarding business considered at this meeting before moving into the closed portion of the meeting.

**18. ADJOURNMENT**

It was moved and seconded:

**That Council adjourn the January 29, 2020 Regular Council and Public Hearings at 6:19 p.m.**

**CARRIED**

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

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Signed by Mayor

# **Municipality of North Cowichan**

## **Special Council**

### **MINUTES**

**February 10, 2020, 6:00 p.m.**  
**Municipal Hall - Council Chambers**

Members Present      Mayor Al Siebring  
                                 Councillor Rob Douglas  
                                 Councillor Christopher Justice (attended electronically)  
                                 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  
                                 Jason Birch, Director, IT and GIS Services  
                                 David Conway, Director of Engineering  
                                 Don Stewart, Director, Parks and Recreation  
                                 Nelda Richardson, Deputy Corporate Officer

#### **1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 6:00 p.m.

#### **2. APPROVAL OF AGENDA**

It was moved and seconded:

**That Council approve the February 10, 2020 Special Council agenda as circulated.**

**CARRIED**

#### **3. PUBLIC INPUT**

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

#### **4. BUSINESS**

##### **4.1 PRESENTATION: General Manager, Financial and Protective Services Re: Overview of Five Year Capital Expenditure Program**

Council received a presentation on the Five Year Capital Expenditure Program from the General Manager, Financial and Protective Services who provided an overview of the proposed 2020-2024 Capital Expenditure Program as attached to the February 10, 2020 Special Council agenda and responded to questions from Council.

Councillor Douglas left the meeting at 7:07 p.m. and returned at 7:10 p.m.

Councillor Toporowski left the meeting at 7:22 p.m. and returned at 7: 24 p.m.

It was moved and seconded:

**That Council approve the 2020-2024 Capital Expenditure Program as presented.**

It was moved and seconded:

**That the main motion be amended to defer way finding signage under Trails Capital from the 2020 budget to the 2021 budget.**

(Opposed: Siebring; Justice; Marsh; Sawrie)

**DEFEATED**

Council recessed at 8:04 p.m. and returned at 8:08 p.m.

It was moved and seconded:

**That Council approve the 2020-2024 Capital Expenditure Program as presented.**

**CARRIED**

**4.2 PRESENTATION: Director of Engineering Re: Overview of Five Year Roads, Cycling and Sidewalk Program**

Council received a presentation on the Five Year Roads, Cycling and Sidewalk Program from the Director of Engineering who provided an overview of the proposed 2020-2024 Roads, Cycling and Sidewalk Program as attached to the February 10, 2020 Special Council agenda and responded to questions from Council.

It was moved and seconded:

**That Council approve the 2020-2024 Roads, Cycling and Sidewalk Program as presented.**

**CARRIED**

**5. NEW BUSINESS**

None.

**6. QUESTION PERIOD**

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

**7. ADJOURNMENT**

It was moved and seconded:

**That Council adjourn the February 10, 2020 Special Council meeting at 8:44 p.m.**

**CARRIED**

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Certified by Deputy Corporate Officer

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Signed by Mayor



# **Municipality of North Cowichan Special Council MINUTES**

**February 11, 2020, 6:00 p.m.  
Municipal Hall - Council Chambers**

Members Present      Mayor Al Siebring  
                                 Councillor Rob Douglas  
                                 Councillor Christopher Justice (attended electronically)  
                                 Councillor Tek Manhas  
                                 Councillor Kate Marsh (attended electronically)  
                                 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 and Building  
                                 Nelda Richardson, Deputy Corporate Officer  
                                 Shaun Mason, Municipal Forester

## **1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 6:00 p.m.

## **2. APPROVAL OF AGENDA**

It was moved and seconded:

**That Council approve the February 11, 2020 Special Council agenda as circulated.**

**CARRIED**

## **3. PUBLIC INPUT**

Council received brief public input from the following registered speakers regarding items on the agenda:

- Diana Hardacker – Forestry Operational Budget;
- Greg Gerbis – General Operating Budget;
- Eric Jeklin – Forestry Operational Budget; and
- Rob Fullerton – Forestry Operational Budget.

#### 4. BUSINESS

##### 4.1 Councillor Manhas Reconsideration of Full Time Assistant Fire Chief

It was moved and seconded:

1. *That Council direct staff to include a full time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 Budget; and*
2. *That Council direct staff to implement a system of fees for re-inspections due to noncompliance and requested inspections.*

It was moved and seconded:

*That the main motion be amended by striking out item 2 and inserting in its place the following: "That Council direct staff to implement a system of fees for a \$100 for first inspections and \$50 for re-inspections".*

It was moved and seconded:

**That consideration of the motion to amend the main motion be postponed until after item 4.2. on the agenda.**

(Opposed: Siebring; Manhas)

**CARRIED**

##### 4.2 PRESENTATION: General Manager, Financial and Protective Services Re: Overview of Five Year Operating Budget

Council received a presentation from the General Manager, Financial and Protective Services who provided an overview of the proposed 2020-2024 Operational Budget, as was attached to the February 11, 2020 Special Council agenda. Staff responded to questions regarding the budget presentations, the key considerations and advised that the 2020 budget process had been a very condensed and intense process. The importance of considering all of the higher service levels of staff together as it will be a busy year for projects and engagement was noted. Discussions surrounding the annual forestry cut in relation to the engagement plan and UBC Report and the two options presented in the 2020 Forestry Budget took place.

Councillor Toporowski left the meeting at 6:57 p.m. and returned at 7:00 p.m.

It was moved and seconded:

**That Council direct staff to harvest the 2018/2019 contract obligations, and that Council will consider additional harvesting in 2020 after receiving the fire smart study and recommendations from the UBC Partnership regarding an interim forest management plan.**

**CARRIED**

Councillor Douglas left the meeting at 7:55 p.m. and returned at 7:56 p.m.

Council recessed the meeting at 8:24 p.m. and reconvened the meeting at 8:38 p.m.

It was moved and seconded:

**That Council direct staff to include a full time Procurement Manager in the 2020 Operating Budget.**

(Opposed: Siebring; Douglas; Manhas)

**CARRIED**

It was moved and seconded:

**That Council direct staff to include a full time Social and Housing Planner in the 2020 Operating Budget.**

(Opposed: Siebring; Douglas; Manhas; Toporowski)

**DEFEATED**

It was moved and seconded:

**That Council direct staff to include a full time RCMP Office Manager in the 2020 Operating Budget.**

(Opposed: Douglas; Manhas)

**CARRIED**

Council through unanimous consent, divided the question, which they postponed their consideration until after item 4.2, to include a full time Assistant Fire Chief and implement a system of fire inspection fees into two motions. The first part of the question in relation to an Assistant Fire Chief, as moved and seconded under item 4.1:

**That Council direct staff to include a full time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 Budget.**

(Opposed: Douglas)

**CARRIED**

The amendment to the second part of the question in relation to the system of fire inspection fees, as moved and seconded under item 4.1:

**That Council direct staff to implement a system of fees for a \$100 for first inspections and \$50 for re-inspections.**

(Opposed: Siebring; Justice; Marsh; Sawrie; Toporowski)

**DEFEATED**

It was moved and seconded:

**That Council direct staff to provide a report on cost recovery for the full time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 Budget.**

**CARRIED**

It was moved and seconded:

**That Council direct staff to provide a report with options for reducing the net tax increase to 3 percent.**

(Opposed: Siebring; Justice; Marsh; Sawrie)

**DEFEATED**

It was moved and seconded:

**That Council direct staff to reduce the 2020 Budget from 28,000 to 18,000 for EV Chargers.**

(Opposed: Justice; Marsh)

**CARRIED**

It was moved and seconded:

**That Council direct staff to reduce the 100,000 for Quamichan Lake Water reserve contribution to 67,000.**

(Opposed: Justice; Marsh; Sawrie)

**CARRIED**

It was moved and seconded:

**That Council approve the 2020-2024 Operating Budget as amended.**

(Opposed: Douglas; Manhas)

**CARRIED**

It was moved and seconded:

**That Council direct staff to prepare the 2020-2024 Financial Plan Bylaw for three readings at a future Council meeting.**

(Opposed: Douglas; Manhas)

**CARRIED**

**5. NEW BUSINESS**

None.

**6. QUESTION PERIOD**

Council received one question from the public regarding business considered at this meeting.

**7. ADJOURNMENT**

As there was no further business, Mayor Siebring adjourned the meeting at 10:05 p.m.

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Certified by Deputy Corporate Officer

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Signed by Mayor



The Corporation of the District of North Cowichan

## **Bylaw No. 3767**

Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), 2019

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

### **1 Title**

This Bylaw may be cited as "Zoning Amendment Bylaw No. 3767 (Reduction of Setbacks in Agricultural Zones), 2019."

### **2 Administration**

**Zoning Bylaw 1997, No. 2950 is amended as follows:**

**2.1 *Section 51 (6) (d) [All Other Principal Buildings in the A1 Zone] is repealed and the following substituted:***

"(d) All Other Principal Buildings  
Yard, Front, 25 m (82.02')  
Yard, Side, 15 m (49.21')  
Yard, Rear, 15 m (49.21')"  
Yard, Abutting Residentially Zoned Property, 30 m (98.42')

**2.2 *Section 52 (6) (c) [All Other Principal Buildings in the A2 Zone] is repealed and the following substituted:***

"(c) All Other Principal Buildings  
Yard, Front, 25 m (82.02')  
Yard, Side, 15 m (49.21')  
Yard, Rear, 15 m (49.21')".  
Yard, Abutting Residentially Zoned Property, 30 m (98.42')

**2.3 *Section 53 (6) (b) [All Other Principal Buildings in the A3 Zone] is is repealed and the following substituted:***

"(c) All Other Principal Buildings  
Yard, Front, 25 m (82.02')  
Yard, Side, 15 m (49.21')  
Yard, Rear, 15 m (49.21')".

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READ a first time on November 6, 2019  
READ a second time on November 6, 2019  
CONSIDERED at a Public Hearing on January 29, 2020  
READ a third time on January 29, 2020  
APPROVED by Ministry of Transportation and Infrastructure on February 6, 2020  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER

# Report

Date February 19, 2020

File: CIB00630

To Council

From David Conway, Director of Engineering

Endorsed:



Subject Road Names Changes for Green Road and Humbird Street

## Purpose

To present Council with background information, analysis and a recommendation to rename portions of Humbird Street and Green Road within North Cowichan to provide ease in locating affected properties for emergency services or residents.

## Background

1. Green Road runs west from the Trans-Canada Highway to a round-a-bout south of Cowichan Commons and terminates at the third exit (after the two main Cowichan Common road entrances) for all practical purposes. In fact, Green Road makes a turn to the left across the railway tracks, west of the first roundabout off the Trans Canada Highway. This creates confusion for locating the direction of Green Road as it appears that the mall entrance road running west is a continuance of Green Road. In addition, the current civic addressing of this road portion is assigned to different blocks, 200 block and 6000 block. Different blocks on the same street places the civic addresses out of sequence and creates further difficulty in locating these properties.
2. Humbird Street was initially a street with future road dedication expectation for development growth between Cook Street and Channel Blvd; however, Echo Heights Park dedication permanently removed a portion of the road dedication potential. This resulted in creating two streets with the same street name separated by parkland.

## Discussion

1. Green Road (Schedule 1)

The proposed road name for Green Road southbound from the round-a-bout is Crosland Place. This name was selected given the history of the surrounding area. In 1915, Ralph and Samuel Crosland purchased the land which included 2965 Green Road and the Cowichan Commons property. They became world famous for growing sweet pea seeds and many other varieties of seeds and plants at this location.

There are currently three properties that would be effected by this road name change:

- 2965 Green Road –Developed and happy by this name change proposal.
- 6387 Green Road – dormant development property and will not be impacted by this name change proposal.

- 6367 Green Road – Long time resident and will be impacted by this name change proposal but are aware of the proposed change.

## 2. Humbird Street (Schedule 2)

The proposed street name for the north portion of Humbird Street is MacMillan Street. John A. Humbird and Harvey R. MacMillan were both prominent lumber barons in the Chemainus Community. MacMillan was appointed the first Chief Forester of British Columbia and was the Assistant Manager of the Chemainus plant of Victoria Lumber and Manufacturing Co. This road name proposal provides a historical reference to the logging era in Chemainus. You can view John Humbird shaking hands with H.R. MacMillan on a mural downtown.

## Options

### Staff Recommendations:

Options 1: (Recommended) to designate new road names proposed to portions of Humbird Street and Green Road and to inform property owners effected.

Option 2: Council could choose to not amend the road names to portions of Humbird Street and Green Road.

## Recommendation

**That Council read a first, seconded and third time "Street Name Change Bylaw, 2020", No. 3777".**

### Attachments (3)

Attachment 1 - Renaming North Section of Humbird Street Map

Attachment 2 - Renaming Part of Green Road Map

Attachment 3 - Proposed "Street Name Change Bylaw, 2020", No. 3777



# SCHEDULE 1

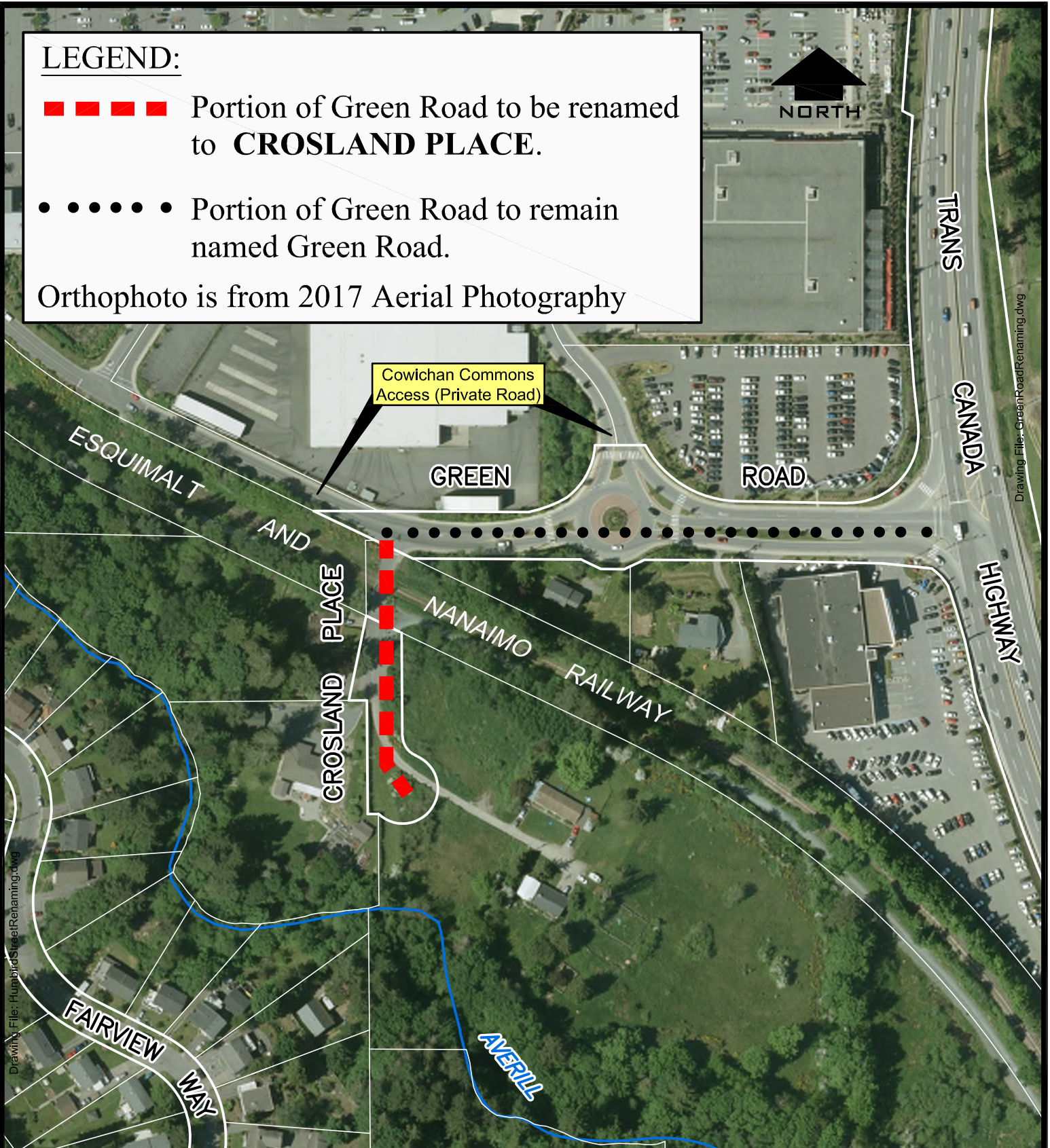
## LEGEND:

■ ■ ■ ■ Portion of Green Road to be renamed to **CROSLAND PLACE**.

● ● ● ● Portion of Green Road to remain named Green Road.

Orthophoto is from 2017 Aerial Photography

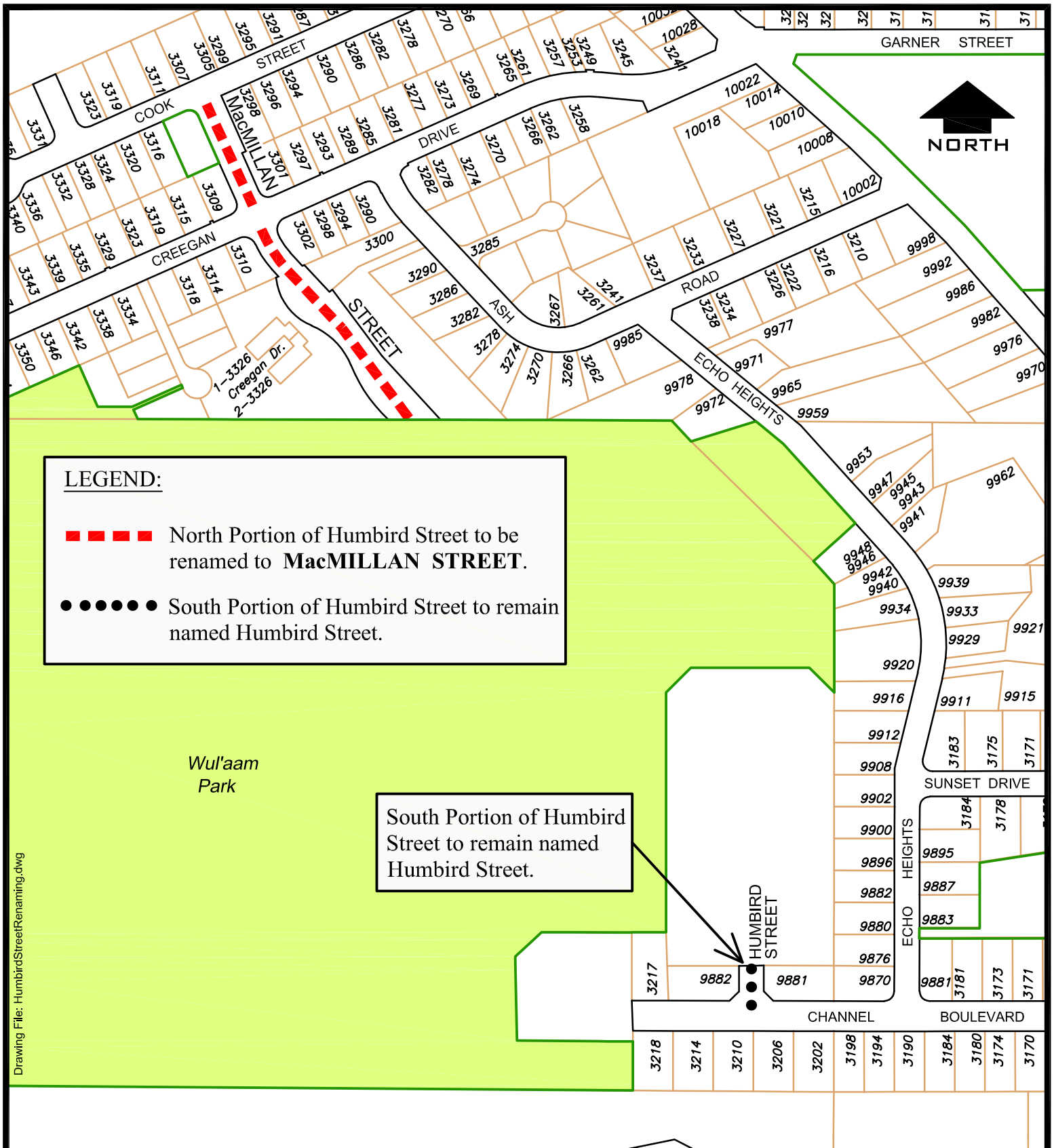
Cowichan Commons  
Access (Private Road)



## RENAMING OF PART OF GREEN ROAD

Prepared by the North Cowichan Engineering Department, January 16, 2020

# SCHEDULE 2



## RENAMING OF THE NORTH SECTION OF HUMBIRD STREET IN CHEMAINUS

Prepared by the North Cowichan Engineering Department, January 16, 2020



# SCHEDULE 3



The Corporation of the District of North Cowichan  
**Street Name Change Bylaw, 2020**  
**Bylaw 3777**

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

- 1 This Bylaw renames:
  - (a) a portion of Green Road to "Crosland Place" as shown in red on Schedule 1; and
  - (b) the north portion of Humbird Street to "MacMillan Street" as shown in red on Schedule 2.

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

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ACTING CORPORATE OFFICER

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PRESIDING MEMBER

# Report

Date February 19, 2020

File: 3900-50

To Council

From Nelda Richardson, Deputy Corporate Officer

Endorsed:



Subject Proposed "Fees Amendment Bylaw, 2020", No. 3778

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## Purpose

To introduce proposed amendments to North Cowichan's Fees Bylaw and recommend that Council give three readings to "Fees Amendment Bylaw, 2020", No. 3778 for the purpose of increasing cemetery fees by three percent in 2020.

## Background

At the November 16, 2016 Regular Meeting of Council, Council made the following motion;

***"That Council direct staff to draft a bylaw to increase cemetery fees three percent annually for the next five years."***

The last annual increase to cemetery fees was adopted by Council on February 6, 2019.

## Discussion

Following Council's direction staff are bringing forward the annual 2020 three percent increase to cemetery fees for Prevoist Cemetery. Annual cemetery fee increases of three percent will be brought forward for Council's consideration again in 2021 and 2022.

## Options

### Option 1 (Recommended)

That Council read a first, seconded and third time "Fees Amendment Bylaw, 2020", No. 3778.

### Option 2

Council could choose to not move forward with the proposed bylaw to increase cemetery fees three percent for 2020 as previously directed in 2016.

## Implications

The three percent increase to cemetery fees in 2020 is included in the 2020-2024 Financial Plan. If Council chooses not to move forward with adopting "Fees Amendment Bylaw, 2020", No. 3778 the Financial Plan will need to be amended.

**Recommendation**

**That Council read a first, second and third time "Fees Amendment Bylaw, 2020", No. 3778.**

Attachment 1 – Proposed "Fees Amendment Bylaw, 2020", No. 3778



The Corporation of the District of North Cowichan

## **Fees Amendment Bylaw, 2020**

Bylaw 3778

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

**1      *The Schedule of "Fees Bylaw", No. 3603, is amended***

**(a)    *by repealing section 5 [Cemetery Fees] and substituting the following:***

### **CEMETERY FEES**

*(Section 5)*

Item	Column 1 <b>Description</b>	Column 2 <b>Amount</b>
1	Grave Space for Adult (13 years and older) – Resident	\$1,429
2	Grave Space for Adult (13 years and older) – Non-resident	\$3,157
3	Grave Space for Child – Resident	\$507
4	Grave Space for Child – Non-resident	\$1,002
5	Grave Space for Cremated Remains – Resident	\$456
6	Grave Space for Cremated Remains – Non-resident	\$1,036
7	Columbarium Niche – Resident	\$1,474
8	Columbarium Niche – Non-resident	\$2,943
9	Columbarium Bottom Row Niche – Resident	\$1,295
10	Columbarium Bottom Row Niche – Non-resident	\$2,572
11	Columbarium Inurnment	\$456
12	Columbarium Inurnment – after hours, weekends or holidays	\$911
13	Columbarium Niche Plate Engraving and Handling	\$456
14	Burial for Adult	\$1,621
15	Burial for Adult – after hours, weekends or holidays	\$3,236
16	Burial for Child	\$793
17	Burial for Child – after hours, weekends or holidays	\$1,587
18	Burial for Cremated Remains	\$765
19	Burial for Cremated Remains – after hours, weekends or holidays	\$1,587

**CEMETERY FEES***(Section 5)*

Item	Column 1 <b>Description</b>	Column 2 <b>Amount</b>
20	Exhumation of Adult	\$3,230
21	Exhumation of Adult – after hours, weekends or holidays	\$6,455
22	Exhumation of Child	\$1,587
23	Exhumation of Child – after hours, weekends or holidays	\$3,168
24	Exhumation of Cremated Remains	\$1,188
25	Exhumation of Cremated Remains –after hours, weekends or holidays	\$2,380
26	Memorial Installation	\$411
27	Remove curbs or capping and re-seed	\$529
28	Transfer grave space or columbarium niche	\$48
29	Concrete base for single marker	\$327
30	Concrete base for double marker	\$388
31	Base for fibreglass liner	\$327
32	Supply and install fibreglass liner without base	\$765
33	Fibreglass cremated remains container	\$259
34	Memorial tree with bronze plaque on granite base	\$1,270
35	Memorial bench – smooth, grey, concrete legs, base, back & seat	\$1,390
36	Memorial bench – smooth, coloured, concrete legs, base, back & seat	\$1,465
37	Memorial bench – concrete legs and base; cedar back & seat	\$1,480
38	Memorial picnic table – concrete	\$1,755
39	Vault handling – per hour	\$259

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READ a first time on, 2020  
 READ a second time on, 2020  
 READ a third time on, 2020  
 ADOPTED on, 2020

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CORPORATE OFFICER

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PRESIDING MEMBER

# Report

Date February 19, 2020

File: 3900-50

To Council

From Nelda Richardson, Deputy Corporate Officer

Endorsed:



Subject Proposed "Commercial Vehicle Licensing Repeal Bylaw, 2020", No. 3779

## Purpose

To provide Council with information regarding the cessation of the Union of British Columbia's (UBCM) Commercial Vehicle Licensing (CVL) program and recommend that Council repeal North Cowichan's "Commercial Vehicle Licensing Bylaw, 1964", No. 984 and give three readings to "Commercial Vehicle Licensing Repeal Bylaw, 2020", No. 3779.

## Background

The CVL program was established in 1906 by the BC provincial government to provide a source of revenue for participating municipalities to offset the expenses related to the use of local roads and highways as the result of commercial vehicle traffic on municipal roads. The CVL program was contained in the *Local Government Act (LGA)*. UBCM has administered the CVL program since 1987 through an agreement with the province.

## Discussion

In 2018 UBCM conducted a review of the CVL program that considered a range of topics, including the distribution of licensing revenue; Licensing requirements; and feedback provided by the six largest municipalities contributing to the program. Member feedback identified the following:

- The revenue generated was insufficient to meet program intent when disbursed among the participants;
- the program required significant resources to administer;
- the program was not enforced in many jurisdictions; and
- the program design distributed funds in disproportion to the actual commercial vehicle licensing that is occurring in communities.

The review concluded that the CVL program had ceased to fulfill its original intent. UBCM and the province discussed potential amendments to the legislation, in the end the province agreed to remove UBCM as the administrator of the CVL program and the CVL program ended on December 31, 2019.

Some municipalities, such as Vancouver and Victoria, have introduced their own replacement CVL programs in 2020. Staff are not recommending an option for North Cowichan to establish its own CVL program at this time based on the revenue received over the last five years and the cost associated with starting, maintaining and enforcing such a program.



2015 to 2019 Commercial Vehicle Licences Sold in North Cowichan:

YEAR	NUMBER OF LICENCES SOLD	REVENUE
2015	10	\$375
2016	15	\$595
2017	9	\$345
2018	4	\$130
2019	9	\$340
<b>TOTAL</b>	<b>47</b>	<b>\$1,785</b>

**Option**

Option 1 (Recommended)

1. That Council read a first, second and third time proposed "Commercial Vehicle Licensing Repeal Bylaw, 2020", No. 3779; and
2. That Council direct staff to prepare an amendment bylaw to "Municipal Ticket Information System Bylaw, 2013", No. 3464 to remove Section 5 – Commercial Vehicle Licensing Bylaw 1964 from Bylaw 3464.

**Implications**

There are no financial implications to North Cowichan if "Commercial Vehicle Licensing Repeal Bylaw, 2020", No. 3779 is adopted.

**Recommendation**

- 1. That Council read a first, second and third time "Commercial Vehicle Licensing Repeal Bylaw, 2020", No. 3779; and**
- 2. That Council direct staff to prepare an amendment bylaw to "Municipal Ticket Information System Bylaw, 2013", No. 3464 to remove Section 5 - Commercial Vehicle Licensing Bylaw 1964 from Bylaw 3464.**

Attachment 1 – "Commercial Vehicle Licensing Bylaw, 1964", No. 984

Attachment 2 – Proposed "Commercial Vehicle Licensing Repeal Bylaw, 2020", No. 3779

Attachment 3 – Section 5 – Commercial Vehicle Licensing Bylaw 1964 of "Municipal Ticket Information System Bylaw, 2013", No. 3464



The Corporation of the District of North Cowichan  
**A Bylaw to Provide for the Licensing of Commercial Vehicles**  
Bylaw 984

*[Consolidated and printed by authority of the Corporate Officer under section 139 of the Community Charter. Current to May 16, 2016. Last amended December 16, 2015. Amendments: 2137, 2714, 3470, 3567.]*

WHEREAS Section 740 of the *Municipal Act* provides that the regulation made thereunder and the building code established thereby apply to The Corporation of the District of North Cowichan;

NOW THEREFORE, the Municipal Council of the Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

**1** [Repealed; BL3567]

**2** In this Bylaw, unless the context otherwise requires:

"**Act**" means the *Municipal Act*, being Chapter 290 of the Revised Statutes of British Columbia 1979, as amended;

"**Gross vehicle weight**" means the weight at which a vehicle is licensed under the *Commercial Transport Act* or the *Motor Vehicle Act*, as the case may be;

"**Highway**" means a highway as defined by the Act but does not include an arterial highway as defined by the *Highway Act*;

"**Inspector**" means the person so appointed by the Chief Administrative Officer;

"**licence-year**" means the licence-year as prescribed under the *Motor Vehicle Act*;

"**Municipality**" means The Corporation of the District of North Cowichan;

"**non participating municipality**" means a non-participating municipality as defined by the Act;

"**owner**" means, when used in reference to a vehicle, the person or persons duly registered from time to time under the *Motor Vehicle Act* or *Commercial Transport Act* as the owner or owners or the vehicle;

"**participating municipality**" means a participating municipality as defined by the Act;

"**registration card**" means the motor-vehicle licence for the motor-vehicle issued pursuant to the *Motor-Vehicle Act* or the *Commercial Transport Act*;

"**vehicle**" means any vehicle used by a person upon any highway in a participating municipality which is a commercial vehicle defined as such and licensed under the *Commercial Transport Act*, and any vehicle not so licensed but which is used for the collection or delivery, or both, of goods, wares, merchandise, or other commodity in the ordinary course of a business undertaking.

[BL2137; BL3567]

- 3** Division 2 of Part 11 of the Act is hereby declared to apply to the Municipality from and after July 1, 1964. [BL2137]
- 4** Except as otherwise provided in the Act, but subject to the *Motor Carrier Act*, no vehicle shall be used or operated on any highway in the Municipality unless there is displayed upon the vehicle a valid and subsisting licence-plate with a current year decal affixed issued for the vehicle in accordance with Division 2 of Part 11 of the Act and with this Bylaw. [BL2137]
- 5** (a) Except as may be otherwise provided by the Act, the owner of every vehicle shall, before it is used or operated on any highway in the Municipality, cause the vehicle to be licensed with the Inspector and a licence-plate with a current year decal affixed obtained pursuant to the Act and this By-law. [BL2137; BL3567]
- (b) A valid and subsisting licence and licence-plate with a current year decal affixed issued for the current licence-year by any other municipality is valid in the Municipality for such licence-year. [BL2137]
- 6** (a) The application for a licence and licence-plate with a current year decal affixed shall be in the form as shown in Appendix "A" hereto attached and forming part of this Bylaw and shall be signed by the owner or his duly authorized agent, provided that in the case of partnerships or multiple owners any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the duly authorized agent of all the owners or of the partnership.
- (b) Where the applicant for a licence is an agent or co-owner, the owner or owners shall be deemed to have authorized all statements set forth in the application and shall be deemed to have made such statements on his own or their behalf and as his own or their statements.
- 7** (a) The application form, together with the registration card for the vehicle, shall be delivered to the Inspector and, in the case where a licence fee is applicable, shall be accompanied by the fee prescribed in the Act. [BL2137; BL3567]
- (b) Where the applicant for licences is one and the same person, as many applications of the same kind as may conveniently be made on any one of the forms prescribed may be combined in one such form without the necessity for the completion of separate application forms for each vehicle for which a licence and a licence-plate with a current year decal affixed is sought. [BL2137]
- (c) Notwithstanding subsections (a) and (b) but not inconsistent with the Act or this Bylaw, the Inspector is hereby authorized to modify any of the forms prescribed, or any of the administrative procedures prescribed, deemed necessary by him when dealing with any owner applying for licences and plates with a current year decal affixed for more than one vehicle. [BL2137; BL3567]
- 8** Notwithstanding section 9, the purchase of a vehicle by a dealer in vehicles for resale shall not require the licence plate with a current year decal affixed to be cancelled or transferred until the dealer sells the vehicle to a person other than another such dealer for resale. [BL2137]

- 9** (a) Where a person ceases to be the owner of a vehicle licensed and authorized to carry a licence-plate with a current year decal affixed, the registration thereof and the licence-plate with a current year decal affixed is deemed to be cancelled and the new owner of such vehicle may make application forthwith to the Inspector for the transfer of the licence-plate with current year decal affixed in accordance with the provisions of the Act. [BL2137; BL3567]
- (b) Subject to the requirements of this By-law, a licence-plate with a current year decal affixed may be transferred
- (i) from person to person for the same vehicle, or
  - (ii) from vehicle to vehicle for the same person, upon payment to the Municipality of transfer fee prescribed in the Fees Bylaw and any sum representing the difference in licence fee required for the transfer of a licence-plate with a current year decal affixed to a vehicle of a greater gross weight, and such latter sum is deemed to be a licence fee for the purpose of section 13 of this Bylaw. [BL2137; BL2714; BL3470]
- 10** Upon receipt of the application for a licence and upon being satisfied of the truth of the statements contained therein, and that the prescribed fee has been paid, the Inspector shall cause to be issued and delivered a numbered licence-plate with a current year decal affixed and shall endorse on the registration card:
- (i) the number of such licence-plate with a current year decal affixed;
  - (ii) the date of issuance thereof;
  - (iii) the fee paid. [BL2137; BL3567]
- 11** Where a licence-plate with a current year decal affixed is lost, stolen, destroyed or becomes illegible or mutilated, the owner of the vehicle in respect of which the plate was issued, or his agent, may apply to the Inspector for a replacement thereof for a fee prescribed in the Fees Bylaw upon the surrender of such plate, if still in possession of the owner, and the Inspector, if satisfied of the truth of the facts in support of the application, may cause a new licence plate with a current year decal affixed, to be issued in replacement and shall endorse the record of its issuance on the registration card. [BL2714; BL3470; BL3567]
- 12** The licence-plate with a current year decal affixed shall at all times be affixed in a horizontal position on the front of the vehicle either to, or immediately adjacent to, the provincial motor-vehicle licence plate, and shall be kept entirely unobstructed and in a legible condition and shall not obscure any other legally required plate, sign, or notice. [BL2137]
- 13** All fees collected by the Inspector under this By-law and in accordance with Division 2 of Part 11 of the Act shall be paid forthwith to the Treasurer of the Municipality who shall deal with the said fees in the manner provided by the Act. [BL2137; BL3567]
- 14** The owner or operator of a vehicle who operates or uses or causes such vehicle to be operated or used upon any highway in the Municipality without holding and displaying a valid and subsisting licence and licence-plate with a current year decal affixed for such vehicle is liable, on summary conviction, to a fine not exceeding \$50. [BL2137]
- 15** This Bylaw may be cited as the "Commercial Vehicle Licensing Bylaw 1964".

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Read a first, second and third time on June 3, 1964.  
Adopted on June 17, 1964.



The Corporation of the District of North Cowichan  
**"Commercial Vehicle Licensing Repeal Bylaw, 2020"**  
**No. 3779**

*Contents*

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

- 1** Title:  
This bylaw may be cited as "Commercial Vehicle Licensing Repeal Bylaw, 2020", No. 3779
- 2** Repeal:  
"Commercial Vehicle Licensing Bylaw, 1964", No. 984 is hereby repealed.

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READ a first time on, 2020  
READ a second time on, 2020  
READ a third time on, 2020  
ADOPTED on, 2020

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CORPORATE OFFICER

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PRESIDING MEMBER

ATTACHMENT 3

*Section 5 – Commercial Vehicle Licensing Bylaw 1964*

Item	Column 1 <b>Offence</b>	Column 2 <b>Section</b>	Column 3 <b>Fine</b>
1	Fail to Display Licence	4	\$100
2	Operate Without a Licence	5(a)	\$200

# Report

Date	February 19, 2020	File:	8100-20/BCWIN BCSUM
To	Council		
From	Ernie Mansueti, General Manager, Community Services	Endorsed:	
Subject	Invitation to Host BC Winter and Summer Games		

## Purpose

To determine whether the Municipality of North Cowichan should apply to host the BC Summer and Winter Games in 2024 or 2026.

## Background

In February 2020, the Municipality of North Cowichan received a letter (Attachment 1) from the BC Games Society inviting the Municipality to apply to host the BC Winter and Summer Games in 2024 or 2026. The deadline for bid submission is September 18, 2020.

The Municipality in partnerships with the City of Duncan, Cowichan Tribes and/or the Cowichan Valley Regional District (CVRD) have had a history of hosting very successful events/games which include the BC Festival of the Arts (1987), BC Winter Games (1991), BC Seniors Games (2005), the North America Indigenous Games (2008) and the BC Summer Games in 2018.

## Discussion

The BC Games were initiated by the Government of B.C. in 1978. Since that time, the BC Games have played an important part in the development of amateur sport and athletes as well as communities in British Columbia. The purpose of the BC Games is to:

- assist in developing athletes, coaches, and officials in preparation for higher levels of competition;
- promote interest and participation in athletic and sports activities by the citizens of British Columbia; and
- assist in the development of strong and vibrant communities in the Province.

The Government of B.C., through the Ministry of Healthy Living and Sport, will provide \$625,000 for the administration and operation of the BC Summer Games and \$575,000 for the BC Winter Games. As part of the application process, the prospective hosting community is required to commit resources to the Games. A minimum of \$55,000 cash and \$55,000 of in-kind services and facilities is required for the planning and staging of the Games. In addition, the host community must employ a full-time Operations Manager for approximately nine months in advance of and during the Games to ensure that the Games are properly planned and managed. It is estimated that such a position would cost approximately \$45,000 for the nine month period.

Planning for the BC Games typically begins two years prior to the Games. The BC Games attracts approximately 3,400 participants for the Summer and 2000 for the Winter. One of the benefits to the host community is the significant economic impact that is created by the athletes and visitors that come to the host city immediately prior to and during the Games. This economic impact is estimated to be in the range of \$2 to \$3 million. The capacity to host the BC Games would only be possible through the region (CVRD).

A resolution will be required from the Board of School District #79, indicating support for the bid application and willingness to donate the necessary school district facilities during the Games. The Municipality of North Cowichan alone does not have the capacity from a staffing, facilities or community perspective to solely host the BC Games.

A submission package is a very key component of an application. The submission has to be professional in nature and proudly outline the area, the venues, accommodations, and transportation network. This has not been included within the costs, but would be in the range of \$5,000 to do an acceptable submission.

Generally communities that have hosted games in previous years may not have the same consideration as a new potential host.

### Recommendation

**That Council refer the invitation to host the BC Summer and Winter Games in 2024 or 2026 to the Cowichan Valley Regional District for consideration to be held as a regional event.**

Attachment 1 - Invitation to Apply to Host BC Winter and Summer Games





January 31, 2020

His Worship Mayor Al Siebring  
District of North Cowichan  
7030 Trans-Canada Highway  
Duncan, BC V9L 6A1

Dear Mayor Siebring,

On behalf of the Province of BC and the Ministry of Tourism, Arts and Culture, the BC Games Society is pleased to invite your community to bid as a host of one of the following premier events in provincial sport.

Bids are now being accepted for:

2024 BC Winter Games  
2026 BC Winter Games

2024 BC Summer Games  
2026 BC Summer Games

The enclosed Bid Package will provide your community with details on all aspects related to a successful bid. Submissions will be accepted by the BC Games Society until September 18, 2020. It is anticipated that successful communities will be announced by the Minister in late fall 2020.

Events such as these are vital to any BC community. The BC Games can provide a catalyst for both sport and community development while also exposing the province to all that your city has to offer.

As noted in the Bid Package, there will be two information meetings, however, any questions prior to those meetings can be directed to Alison Noble at [alisonn@bcgames.org](mailto:alisonn@bcgames.org) or 250.387.1375.

Thank you for your consideration to host a BC Winter or BC Summer Games in your community. We wish you the very best for a successful bid.

Sincerely,

Jamey Paterson  
Chair, BC Games Society

Encl.

FILE No. _____	CAO <input type="checkbox"/>
Council <input type="checkbox"/>	GM Corp Services <input type="checkbox"/>
COW <input type="checkbox"/>	GM Fin. & Protective Services <input type="checkbox"/>
Com. <input type="checkbox"/>	GM Comm. Services <input type="checkbox"/>
Info Pack <input type="checkbox"/>	Director Eng <input type="checkbox"/> Director Plan <input type="checkbox"/>
	Other <input type="checkbox"/>
	For Action <input type="checkbox"/>

Alison Noble  
President and CEO

# Report

Date February 19, 2020  
To Council  
From Don Stewart, Director Parks and Recreation  
Subject Trail Maintenance Policy

File: 0340-10

Endorsed:



## Purpose

To provide Council with information and a recommendation regarding a proposed Trail Maintenance Policy.

## Background

Our Municipality has a long history of having trails being a key part of our infrastructure within our neighbourhoods, parks and forest reserves.

Through the Parks & Trails Master Plan, we purposely entered into the active management of our recreational trails (primarily within the forest reserves) which expanded the scope, range, diversity and quantity of trails. As a result, priorities are required to determine, against a variety of conditions, the "maintenance level of service" that a specific trail does or does not receive moving forward.

This includes meeting the goals of:

- Identifying and agreeing on trail standards in terms of type and degree of difficulty
- Creating a priority list of trails
- Assigning level of priority for all trails
- Maintaining high safety standards
- Protecting natural resources
- Providing high user experience

Key to the above, a policy provides a framework to facilitate the effective allocation of available resources to maintain our community trails, on a priority basis, into the future. Confirmation of this framework was through a legal vetting of the proposed Trail Maintenance Policy.

## Discussion

The creation of a priority list for maintenance of trails is determined through two lenses:

- 1) The type of trail by formally identifying the Whistler Standards (first edition) as our own,
  - a. Breaks down trails into types of build, technical features and accessibility.
- 2) The general trail priorities
  - a. Breaks down priorities into location, usage, community needs, funds, environment and resource availability.

This focus on trail type, and the priority awarded it, enables Council to provide through to the Parks and Recreation Department clear and identifiable thresholds for maintenance and inspection requirements for all trails within the District.

The “maintenance levels of service” identified within the policy, comes down to four categories:

#### Priority A

Two inspections scheduled per year. Are all accessible trails, trails with technical trail features or alternative transportation routes

Specific examples are:

- Dike trail
- Upper and Lower Maple Syrup (technical trail features)

#### Priority B

One inspections scheduled per year. Are Type II or III trails. Includes built structures like bridges.

Specific examples are:

- Wul'aam Park / Chemainus Lake Trails
- Cross Trail

#### Priority C

Inspected once every two or three years. Are Type III or IV trails. No high impact use (equine).

Specific examples are:

- Pink trail

#### Priority D

No inspections. Public complaints documented and shared with identifiable trail stewards.

No trail examples exist presently.

In addition, the proposed policy formalizes the following processes or statements:

- 1) How repair and maintenance from vandalism is processed
- 2) Conditions for the closure of trails
- 3) Additional maintenance requirements above routine wear and tear
- 4) Trail maintenance by stewards

### **Options**

#### Option 1 (Recommended)

That Council adopt the Trail Maintenance Policy attached to the February 19, 2020 staff report.

#### Option 2

Council could choose not to adopt the proposed Trail Maintenance Policy and receive the report for information as presented.

**Recommendation**

**That Council adopt the Trail Maintenance Policy attached to the February 19, 2020 staff report.**

Attachment 1 – Trail Maintenance Council Policy

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### TRAIL MAINTENANCE POLICY

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#### 1. PURPOSE

To describe the trails to be maintained within the District boundaries and the level of maintenance to which they are to be sustained at.

#### 2. SCOPE

This Policy applies to Council, District administration, trail users, trail stewards, and the public.

#### 3. DEFINITIONS

**"accessible trail"** means a trail that complies with accessibility guidelines and can be used by persons in wheelchairs.

**"Council"** means the Council of the District.

**"cycling"** or "mountain biking" includes the use of any non-motorized built bicycle and e-bikes (Class 1 only – Class 2 and 3 e-bikes are prohibited except where motorized traffic is permitted).

**"decommission"** means a process of reclaiming an entire trail or sections of a trail within District boundaries so that it is returned to a natural state without causing negative environmental impacts such as erosion.

**"difficulty rating"** means a rating system used to categorize the technical difficulty of trails ranging in difficulty from easy (green circle) to extreme (double black diamond).

**"District"** means the Corporation of the District of North Cowichan.

**"District trail"** means any trail designated in the Priority Trail Inventory.

**"double-track"** means a trail where users generally travel single file but have the ability to pass each other while travelling in the opposing or same direction.

**"machine-built"** means constructed with the use of an excavator, dozer, ditch witch, or other similar machine.

**"Manager"** means the Director of Parks and Recreation for the District or his/her approved designate.

**"North Cowichan Trail Standards"** means the standards for trail construction, maintenance, signage and inspection adopted by the District.

**"Policy"** means this Trail Maintenance Policy.

**"Priority Trails Inventory"** means the inventory of District trails and corresponding priority levels attached as Appendix A to this Policy.

**“remediation”** means a process of restoring a trail or any large impacted areas of a trail due to the impact of various environmental hazards or trail design issues.

**“single-track”** means a trail:

- a) where users must travel in single file;
- b) that tends to wind around obstacles such as rocks and trees rather than having the obstacles removed, allowing the trail to blend into the environment; and
- c) where no motorized use is permitted.

**“surfaced”** means a trail with imported material on the tread surface such as pavement, gravel, mulch or other durable material.

**“trail steward”** means an organization or individual that:

- a) formally takes on responsibility for the care and maintenance of a particular trail or trail network; and
- b) is generally a volunteer organization whose stewardship is authorized through a memorandum of understanding or maintenance agreement.

“Trail Stewards List” means the list of trail stewards for the District attached as Appendix C to this Policy.

**“tread width”** means the measured width of a trail surface upon which users travel.

**“Technical Trail Feature”** means an obstacle on a mountain bike trail designed to challenge the skill of mountain bike users that can be natural (e.g., rock face or slab) or man-made (e.g., ramps, bridges, or teeter totters). Bridges constructed to cross streams, gullies or protect the environment will not be considered a Technical Trail Feature, unless features are added onto them (i.e. bumps).

**“unauthorized trail”** means any new trail constructed within District limits that is constructed without proper authority or approval.

**“unsurfaced”** means a trail where the tread is made up of soils and materials naturally found where the trail is located.

## 4. POLICY

4.1 Residents of North Cowichan hold the trail network in very high regard and are committed to its preservation, use and enjoyment. It is felt that the trail network reflects the District’s unique valley and mountain setting. The trail network is enjoyed by both residents and visitors. North Cowichan citizens envision a District trail system in which all take pride, and every citizen assumes responsibility for its protection.

4.2 There are hundreds of kilometres of mapped trails within the Municipality of North Cowichan boundaries. The District is responsible for the maintenance of specific trails that meet established criteria. The level of service for identified trails is determined using a system of prioritization. This maintenance responsibility includes, but is not limited to, scheduled inspections, clearing, remediation, re-routing, decommissioning and issue tracking. The District will provide this service

on a priority basis in a cost-effective manner, with consideration to safety, budgets, personnel, and environmental concerns.

4.3 The Policy specifically excludes the following:

- a) Trails not identified in the Priority Trails Inventory;
- b) Sidewalks and public rights-of-way;
- c) District parks and District playgrounds; and
- d) Greenbelts and/or environmental protection areas.

## 5. OBJECTIVES

5.1 The objectives of this Policy are to create appropriate high quality trails within the community and provide equal opportunities for all residents to access a public trail close to their neighbourhoods. This will be achieved by:

- a) Providing an annotated list of priority trails that is reviewed on a periodic basis by Council;
- b) Assigning appropriate levels of service to District trails;
- c) Describing and scheduling specific tasks associated with designated service levels;
- d) Maintaining high safety standards on the trails;
- e) Protecting natural resources within the immediate vicinity of the trails;
- f) Providing high quality user experiences;
- g) Providing a framework to facilitate the effective allocation of available resources to maintain the North Cowichan Trail Standards; and
- h) Facilitating citizen participation in accessing the user experience on trails.

## 6. RESPONSIBILITIES

6.1 Council shall:

- a) Annually set and adopt the trail maintenance budgets;
- b) Set and adopt the levels of service on a periodic basis;
- c) Set and adopt the Priority Trails Inventory on a periodic basis; and
- d) Authorize any permanent trail closures.

6.2 District Administration (Parks and Recreation Department)

The Manager shall ensure the implementation of this Policy by:

- a) Determining when and how to initiate and perform trail maintenance activities;
- b) Allocating and scheduling park and trail resources;
- c) Obtaining, allocating and scheduling privately held resources;
- d) Addressing public concerns and public safety issues;
- e) Managing the budget; and
- f) Recommending revisions to the Policy as required.

6.3 The Manager shall have authority to:

- a) amend the Priority Trails Inventory as required to reflect changes such as newly authorized trails and trails or sections of trails that have been temporarily closed or decommissioned in the interests of public safety or the protection of the environment; and

- b) amend the Trail Stewards List as necessary to reflect any changes or additions.
- 6.4 District Parks and Recreation Department employees shall carry out trail maintenance in accordance with this Policy, the approved budget, and the instructions of the Manager.
- 6.5 Private Contractors
  - Where not-for-profit organizations assume the primary maintenance role on identified trails, the organization shall:
  - a) Perform duties consistent with the established 'level of service' assigned to each trail;
  - b) Work within guidelines established by the North Cowichan Trail Standards; and
  - c) Report maintenance plans and activities to the Manager on April 1 and October 1 of each year.

## 7. TRAIL TYPES

***This classification system is adapted from the Whistler Trail Standards (first edition). Classification systems may be modified when the Resort Municipality of Whistler updates their trail standards.***

- 7.1 There are five general types of District trails. Type I trails have the highest amount of traffic with multiple users and Type IV trails have the least amount of traffic with specific users.

### 7.1.1 Type I Trails

Type I Trails are double-track trails with a compacted gravel surface, paved with asphalt or chip sealed. Typical use includes pedestrian and cycling.

Type I Trails:

- a) Are within the District core and connecting neighbourhoods;
- b) Provide a two to three metre tread width;
- c) Provide a clear height to three metres;
- d) Have trailhead signage and enroute signage installed where appropriate;
- e) Have difficulty and distance markers installed where appropriate;
- f) Have interpretive signage installed at established points of interest where appropriate;
- g) Have benches and viewing platforms installed where appropriate; and
- h) May provide lighting for night-time use if appropriate.

### 7.1.2 Type II Trails

Type II Trails are surfaced single-track or double-track trails. Typical use includes pedestrian, cycling and equine.

Type II Trails:

- a) Have a single-track tread width up to one metre;
- b) Have a double-track tread width up to three metres;
- c) Provide a clear height to 2.4 metres;



- d) Are machine-built;
- e) Have boardwalks and bridges installed if appropriate;
- f) Have embedded trail obstacles removed;
- g) Have trailhead signage and enroute signage installed where appropriate;
- h) Have difficulty and distance markers installed where appropriate;
- i) Have interpretive signage installed at established points of interest where appropriate;
- j) Have benches and viewing platforms installed where appropriate; and
- k) The typical difficulty rating is easy (green circle).

#### 7.1.3 Type III Trails

Type III Trails are unsurfaced single-track. Typical use includes hiking and mountain biking.

Type III trails:

- a) Have a single-track tread width of 50 to 70 centimetres;
- b) Provide a clear height to 2.4 metres;
- c) May be machine built;
- d) Have trailhead signage and enroute signage installed where appropriate;
- e) Have difficulty and distance markers installed where appropriate; and
- f) Have difficulty rating ranges from easy (green circle) to extreme (double black diamond).

#### 7.1.4 Type IV Trails

Type IV Trails are unsurfaced single-track trails. Typical use includes hiking and mountain biking.

Type IV Trails:

- a) Plan for a tread width between 30 to 50 centimetres on native soil;
- b) Provide a clear height to 2.4 metres;
- c) Are hand built;
- d) Have minimal trailhead and enroute signage installed;
- e) Have terrain that is sometimes rough with minimal tree grubbing and soil removed;
- f) Has no high impact users such as horses; and
- g) Have difficulty rating ranges from moderate (blue square) to extreme (double black diamond).

#### 7.1.5 Type V Trails

Type V Trails are wilderness trails. Typical use includes hiking and mountain biking.

Type V Trails:

- a) Are planned as low-impact nature trails;
- b) Plan for a tread width between 30 to 50 centimeters on native soil;

- c) Provide a clear height to 2.4 metres;
- d) Are hand built;
- e) Have minimal trailhead and enroute signage installed;
- f) Have terrain that is sometimes extremely rough with minimal tree grubbing and soil removed;
- g) Have no high impact users such as horses;
- h) In case of low-impact use boardwalks to traverse sensitive areas; and
- i) Have difficulty rating ranges from moderate (blue square) to extreme (double black diamond).

## 8. TRAIL PRIORITIES

8.1 In assigning a level of priority to trails, consideration is given to criteria such as:

- a) Location;
- b) Level of use by both residents and non-residents;
- c) Recreation needs;
- d) The nature of the facilities;
- e) The funds budgeted for trail maintenance;
- f) Personnel;
- g) Resources; and
- h) Environmental impact.

8.2 The District has set four priority ratings for trail maintenance, as outlined in this section and assigned to each District trail in the Priority Trails Inventory:

8.2.1 Priority A: This priority level may be applied to trails that meet one or more of the following criteria:

- Type I trails;
- Trails with Technical Trail Features;
- Accessible trails; and
- Trails that are used as alternative transportation routes connecting neighbourhoods and the downtown core.

8.2.2 Priority B: This priority level may be applied to trails that meet one or more of the following criteria:

- Type II or Type III trails;
- Trails that receive moderate levels or intensity of use;
- Trails that include built structures and/or features;
- Seasonal trails;
- Trails that are maintained by the District on behalf of other landowners as specified in an agreement; and
- Trails that are currently maintained by not-for-profit organizations where the District and the organization either have or do not have a trail user agreement in place.

8.2.3 Priority C: This priority level may be applied to trails that meet one or more of the following criteria:

- Type III or Type IV Trails;
- Trails that do not include built structures and/or features; and
- Trails that receive low levels or intensity of use.

8.2.4 Priority D: This priority level may be applied to trails that meet one or more of the following criteria:

- Type II, III, IV or Type V Trails;
- Key trails that are located in areas for which trail planning and official designations have not occurred; and
- Wilderness trails that are not part of an organized network with established trailheads and signage.

8.3 The District will not be required to maintain any trail not identified in the Priority Trails Inventory.

8.4 As part of the annual budget review process, the Manager shall make recommendations to Council regarding the appropriate priority and service levels for any new trails that have been proposed.

## **9. MAINTENANCE LEVEL OF SERVICE**

9.1 Maintenance and operations of District trails are under the general responsibility of the Parks and Recreation Department, with most forest reserve recreational trail duties performed by trail stewards.

9.2 Trail inspections, where identified, include a review of the trail for overall safety and difficulty designation, signage review, and review of constructed features. All issues observed will be logged and work orders created as appropriate.

### **9.3 Priority A Trails**

Priority A Trails will be inspected twice per year (March and October).

- Public complaints are logged and work orders created if appropriate.
- Winter maintenance will be as per the District's Snow Policy.
- Work will be completed based on budget and resources available.

### **9.4 Priority B Trails**

Priority B Trails will be inspected once per year at the beginning or end of the use season (March or October).

- All issues observed are logged and work orders created if appropriate.
- Public complaints are tracked and work orders created if appropriate.
- Work will be completed based on budget and resources available.
- If the District is not the primary organization responsible for maintaining the trail, the identified trail steward will complete inspections, document required maintenance and issues, and coordinate resulting trail work.
- The District will support identified trail stewards with user agreements in place to complete maintenance and improvements if human and financial resources are available.

### 9.5 Priority C Trails

Priority C Trails will be inspected once every two or three years at the beginning or end of the use season (April or October).

- a) Public complaints are tracked and work orders created if appropriate.
- b) Work will be completed based on budget and resources available.
- c) If the District is not the primary organization responsible for maintaining the trail, the identified trail steward will complete inspections, document required maintenance and issues, and coordinate resulting trail work.
- d) The District will support identified trail stewards with user agreements in place to complete maintenance and improvements if human and financial resources are available.

### 9.6 Priority D Trails

Priority D Trails are not inspected.

- a) Public complaints will be documented and shared with identified trail stewards.
- b) Work will be completed based on budget and resources available.

## **10. ADDITIONAL MAINTENANCE**

10.1 Trails may require additional maintenance if one or more of the following occurs:

- a) Deterioration of constructed features or Technical Trail Features.
- b) Erosion or excessive soil loss due to insufficient drainage.
- c) Trail widening or braiding.
- d) Ruts or vegetation cover loss.
- e) Incidents such as flooding, wind-fall trees, etc.

10.2 Work will be completed based on available resources, budgets, and priorities.

## **11. REPAIR OF DAMAGE CAUSED BY VANDALISM**

11.1 Repair of damage caused by vandalism to trails, trailheads, and signage is carried out in order to maintain an aesthetic level consistent with the trail priority level, to maintain trails and features, to minimize recurrence, and to ensure public safety.

11.2 Public complaints are received and logged. Data is used to schedule maintenance, capital upgrades, and replacement.

11.3 Repair of damage caused by vandalism is undertaken year round.

## **12. CONDITIONS FOR TRAIL CLOSURES**

12.1 District trails or sections of District trails that pose a significant risk to public safety and/or the environment may be temporarily closed under the authority of the Manager while the issue is resolved through clean up, maintenance, and/or re-routing.

- 12.2 In the event that risks to public safety or the environment cannot be resolved through clean up or maintenance, the Manager may decommission District trails or sections of District trails as deemed necessary. However, any decommissioning of whole District trails shall be subject to confirmation by resolution of District Council.
- 12.3 At any time as deemed necessary, the Manager may temporarily close any trail or portion thereof to public use, including adjacent public open space.
- 12.4 Upon discovery, unauthorized trails will be closed under the authority of the Manager to allow for investigation and review.
- 12.5 When considering temporary closure, the Manager may take the following steps:
- a) Consultation and cooperation with relevant stakeholders or trail stewards to determine remediation requirements;
  - b) Posting a public notice indicating the reason for closure, in the forms attached as Appendix B to this Policy;
  - c) Fencing and/or barricade placement as required; and
  - d) Monitoring to ensure compliance with the trail closure.
- 12.6 The authority for permanent closure of District trails rests with District Council.

### **13. TRAIL MAINTENANCE AND ENHANCEMENTS BY TRAIL STEWARDS**

- 13.1 Trail stewards intending to conduct trail maintenance or enhancements within municipal boundaries shall submit proposals outlining their intentions to the District prior to commencing any work.
- 13.2 Proposals for maintenance or rehabilitation on District trails may be approved by the District if public safety, user conflicts, and environmental issues can be managed.
- 13.3 Proposals to enhance, expand, or diversify a District trail by constructing new sections of trail or re-routing trail may be approved by the District if:
- a) Public safety, user conflicts, and environmental issues can be managed; and
  - b) In the opinion of the Manager, the District has the resource capability to adequately manage the expanded trail system, or if the resources do not currently exist and the proponent agrees to enter into a long term use agreement where maintenance and management responsibility is passed onto the trail organization or steward.

### **14. PUBLIC RELATIONS**

- 14.1 The Parks and Recreation Department (250.746.3106) shall hear concerns and inquiries, Monday to Friday, 7:30AM to 4:00PM. After hours emergency concerns and inquiries shall be directed to the Duty Foreman. Trail maintenance activities or information is advertised on the Parks and Recreation Department's pages on the District website ([www.NorthCowichan.ca/trails](http://www.NorthCowichan.ca/trails)).

## 15. HOURS OF OPERATION AND STAFF DEPLOYMENT

15.1 Trail maintenance work occurs year round. In general, tasks are divided into:

- a) Spring season – February to April
- b) Summer season – May to August
- c) Fall season – September to November
- d) Winter season – December to January

15.2 When in the opinion of the Manager abnormal conditions exist, overtime, additional District equipment and outside forces and equipment may be mobilized within existing budgets.

## 16. SAFETY

16.1 All work shall be carried out in accordance with the General Safety Regulations of the WorkSafeBC and the *British Columbia Occupational Health and Safety Act*.

## 17. APPENDICES

Appendix A – Priority Trails Inventory

Appendix B – Public Notice Signs

Appendix C – Trail Stewards List

## 18. SUPPORTING REFERENCES

The *Local Government Act*, related council bylaws and policies, and other applicable Acts and Regulations, as amended from time to time.

The Resort Municipality of Whistler Trail Standards, First Edition.

## APPROVAL HISTORY

WRITTEN BY: Don Stewart, Director, Parks and Recreation	APPROVED BY:	DATE: <a href="#">Click here to enter a date.</a>
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## APPENDIX "A"

### Maintenance Priority Trails Inventory

Appendix "A" assigns priority ratings for District trails in accordance with section 13 of the Policy. Each trail listed is described according to the trail types listed in sections 8 to 11 inclusive.

#### PRIORITY A TRAILS

Trail Name	General Location	Technical Trail Features?	Trail Type 1	Trail Type 2	Trail Type 3	Trail Type 4	Trail Type 5	Priority A
Al Howie Trail	South End	No	X					X
Askew Creek Drive	Chemainus	No	X					X
Averill Creek Trail	South End	No	X					X
Bisecticon	Mount Tzouhalem	Yes			X			X
Bumblebee	Mount Tzouhalem	Yes			X			X
Capstone Connector Trail	South End	No	X					X
Chicken Run	Mount Tzouhalem	Yes			X			X
Chocolate Tungle	Mount Tzouhalem	Yes			X			X
Crofton Connector Trails	Crofton	No	X					X
Crofton Seawalk	Crofton	No	X					X
Cross Cliff Side Trail	Mount Tzouhalem	No				X		X
Dike Trail	South End	No	X					X
Double D	Mount Tzouhalem	Yes			X			X
Finality	Mount Tzouhalem	Yes			X			X

Gibbins Road Connector Trail	South End	No	X					X
Keystone Drive Connector Trail	South End	No	X					X
Kingsview Connector Trails	Maple Bay	No	X					X
Lindsay Place Trail	Crofton	No		X				X
Loam Line	Mount Tzouhalem	Yes			X			X
Maple Syrup (Lower)	Maple Mountain	Yes			X			X
Maple Syrup (Upper)	Maple Mountain	Yes			X			X
Peters Lane	Maple Bay	No		X				X
Phloem (Upper)	Maple Mountain	Yes			X			X
Quamichan Park Rd Connector Trail	South End	No	X					X
Resurrection	Mount Tzouhalem	Yes			X			X
Rocky Mountain Ridge	Mount Tzouhalem	Yes			X			X
Rosewood Connector Trail	South End	No	X					X
Roys Revenge	Mount Tzouhalem	Yes			X			X
Salley O'Malley	Mount Tzouhalem	Yes			X			X
Sherman Road Soccer Pitch Trails	South End	No	X					X
Solar Coaster	Maple Mountain	Yes			X			X
Stonehaven Connector Trails	South End	No	X					X
T-Bone	Mount Tzouhalem	Yes			X			X
Tony's Arbutus	Maple Mountain	Yes			X			X
Upland Connector Trail	South End	No	X					X
York Road Connector Trail	South End	No	X					X



## PRIORITY B TRAILS

Trail Name	General Location	Technical Trail Features?	Trail Type 1	Trail Type 2	Trail Type 3	Trail Type 4	Trail Type 5	Priority B
A Grand Traverse	Mount Tzouhalem	No			X			X
AGT Connector	Mount Tzouhalem	No			X			X
Askew Creek Park	Chemainus	No		X				X
Cross Trail	Mount Tzouhalem	No		X				X
Danalyzer	Mount Tzouhalem	No						X
Daniel Street Stairs	Chemainus	No		X				X
Field of Dreams	Mount Tzouhalem	No						X
Fluid	Mount Tzouhalem	No						X
Freezone	Maple Mountain	No			X			X
Fuller Lake Park	Chemainus	No		X				X
Greg's Dash	Mount Tzouhalem	No						X
Herons Woods Trails	South End	No		X				X
Interior Trails	Wul'aam Park	No		X				X
Loggers Lane	Maple Mountain	No			X			X
Lower T	Mount Tzouhalem	No						X
M600 Connector	Maple Mountain	No			X			X
Maple Way Trail	Maple Mountain	No		X				X
Mom's Park	South End	No		X				X
M-One	Mount Tzouhalem	No						X
Muni Trail	Mount Tzouhalem	No			X			X

Northview Trail	Crofton	No		X				X
Osborne Bay Park	Crofton	No		X				X
Perimter Trail	Chemainus Lake	No		X				X
Perimter Trail	Wul'aam Park	No		X				X
Phloem (Lower)	Maple Mountain	No			X			X
Properties Park Trails	Maple Bay	No		X				X
Ronnie's Rockin Ride	Mount Tzouhalem	No						X
School's Out	Mount Tzouhalem	No						X
Shore Pine Connector	Mount Tzouhalem	No						X
Shore Pine Loop	Mount Tzouhalem	No			X			X
Showtime	Mount Tzouhalem	No						X
Story Trail	Maple Mountain	No			X			X
Story Trail Connector	Maple Mountain	No			X			X
This Way That Way	Mount Tzouhalem	No						X
Tidemark Way Trail	Crofton	No		X				X
Tiwst and Shout	Mount Tzouhalem	No						X
Viewpoint Trail	Mount Tzouhalem	No			X			X
Xylem Trail (Lower)	Maple Mountain	No						X
Xylem Trail (Upper)	Maple Mountain	Yes			X			X
YBA Roadie	Mount Tzouhalem	No						X

## PRIORITY C TRAILS

Trail Name	General Location	Technical Trail Features?	Trail Type 1	Trail Type 2	Trail Type 3	Trail Type 4	Trail Type 5	Priority C
Awesome Trail	Mount Tzouhalem	No				X		X
Blue Trail	Maple Mountain	No					X	X
Green Trail	Maple Mountain	No			X			X
Orange Trail	Maple Mountain	No					X	X
Pink Trail	Maple Mountain	No					X	X
Southview Trail	Maple Mountain	No			X			X
Southview Trail Bypass	Maple Mountain	No			X			X
Yellow Trail	Maple Mountain	No					X	X
Yellow Trail (Viewpoint Extension)	Maple Mountain	No					X	X

**PRIORITY D TRAILS**

Trail Name	General Location	Technical Trail Features?	Trail Type 1	Trail Type 2	Trail Type 3	Trail Type 4	Trail Type 5	Priority D

APPENDIX "B"  
Public Notice Signs

# WARNING

# TRAIL CLOSED

## *To all trail users:*

This trail is Temporarily/Permanently closed due to hazardous conditions.

If you require additional information  
please contact the Municipality of  
North Cowichan at  
[trails@northcowichan.ca](mailto:trails@northcowichan.ca) or (250)  
XXX-XXXX.

APPENDIX "B"  
Public Notice Signs

# WARNING UNAUTHORIZED TRAIL

## To trail builder:


You have one week from (insert effective date) to contact the Municipality of North Cowichan at [trails@northcowichan.ca](mailto:trails@northcowichan.ca) or (250) XXX-XXXX or else action will be taken and your trail will be permanently closed.

APPENDIX "C"

**Trail Stewards List**

Cowichan Trail Stewardship Society

# Report

Date	February 19, 2020	File:
To	Council	
From	Rob Conway, Director of Planning and Building	Endorsed: 
Subject	Senior Social and Housing Planner Position– Implications of not hiring	

## Purpose

To advise Council which social and housing priorities identified within the 2019-2022 Corporate Strategic Plan may be achieved during the term, based upon current staffing capacities.

## Background

Presentations to the Committee of the Whole on February 3, 2020 and the February 11, 2020 Special Council meeting on the 2020 Planning and Building Department Business Plan and the 2020-2024 General Operating Budget identified a "senior social and housing planner" as a staff position Council may wish to consider funding as a way to advance a number of its Strategic Plan priorities. At the February 11, 2020 Special Council meeting, Council discussed and debated the merits of the position and ultimately decided not to fund it in the 2020 budget. During Council's deliberation on the position there were questions about how housing and social planning services could be delivered with existing resources and how the position relates to the services provided by the CVRD's Regional Housing Service. This report is intended to provide Council with information regarding the proposed position, and to outline work that can be accomplished on Council's housing and social planning strategic priorities utilizing existing resources.

## Discussion

### *What is social planning?*

Social planning is about improving the well-being and quality of life of people. It is a process that involves collaboration with citizens, non-profit agencies, local government departments, provincial and federal agencies, community leaders and local business to address complex issues of accessibility, equity, affordability, safety and public health.

### ***Demands for Social Services:***

Housing and social planning are public services that have traditionally been provided by the senior levels of government. Despite past practice, local governments are increasingly involved in housing and social planning issues as the provincial and federal government have moved away from providing social services and the need for such services within communities has become more acute.



Due to the demand for these services and the impact of not providing them has on communities, the Municipality has become increasingly involved in issues of housing affordability, homelessness and the opioid crisis. Council's 2019-2022 Strategic Plan indicates Council's intention to maintain and expand housing and social planning services.

***Current Resources and Capacity:***

In response to increased demand for social planning services in the Cowichan Region and community needs identified in the Visions 2020 planning process two decades ago, Social Planning Cowichan was established as a charitable society in 2004 to provide social planning services within the Cowichan region. The organization is partially funded by the CVRD's Social Planning Service, which will provide \$51,000 to Social Planning Cowichan in 2020, of which approximately \$20,000 is funded by North Cowichan.

A new CVRD Regional Housing Service was established by referendum in 2018 for the purpose of assisting the Cowichan Housing Association with costs associated with providing programs and services related to affordable housing and homelessness prevention in the Cowichan Valley. The Service has two primary goals;

1. To increase local funds for affordable housing in order to leverage funds from other sources and to incentivize the development of affordable and attainable housing options in the Cowichan region.
2. To increase the capacity of local communities to develop affordable housing projects by providing expertise, knowledge and support.

The total 2020 budget for the service is \$765,000, of which approximately \$246,500 is funded by North Cowichan property owners. \$252,000 of the 2020 budget is allocated to operating the service with the remainder held in a reserve fund for affordable housing projects.

The Municipality presently does not have dedicated staff for housing and social planning issues or for advancing Council's housing and social planning agenda. Resourcing for housing and social planning is provided by the Chief Administrative Officer (CAO), senior management and community planning staff. The time that any individual staff member has to allocate to housing and social planning issues is small due to various other duties and competing priorities and none of these staff have specialized training or direct experience with housing and social planning. This ad hoc structure has allowed the Municipality to respond to emerging social issues and participate in social planning initiatives involving other partners, but the approach draws staff resources away from core services and other Council priorities. Current resources do not afford any additional capacity for expanding the level of service for housing and social planning issues without reducing service levels elsewhere.

### ***Anticipated Capacity with Social and Housing Planner Position:***

The ideal candidate for the position would be an experienced senior planner with expertise in social planning and housing, but also with a solid understanding of community planning in the municipal context. The candidate would be adept at building relationships, advocating for resources with municipal partners, and capable of delivering on the Municipality's objectives and priorities. The establishment of a dedicated social and housing planner position would allow the Municipality to accelerate the pace at which housing and social policy objectives are achieved and would better position the Municipality to respond to current and emerging challenges related to the cost and availability of housing, the opioid crisis, and the general health and well being of North Cowichan residents.

Specific duties associated with the position include:

- Promote and facilitate affordable housing, social equity, cultural diversity and community health.
- Liaise and develop strong relationships with non-profit agencies, community organizations, local first nations, provincial and federal agencies, and adjacent local and regional governments.
- The coordination and management of affordable housing and other housing and social planning projects.
- Coordinate, compile and maintain housing data.
- Facilitate and develop community partnerships.
- Prepare and administer social and housing policies.
- Participate in community planning processes, including the official community plan, local area plans, comprehensive land use planning.
- Undertake assignments involving the application of specialized knowledge in the analysis of community and social planning policy, legislation and best practice.
- Work collaboratively with Council, North Cowichan staff, external agencies, stakeholders and the public to achieve housing and social planning objectives.

### ***Council Strategic Priorities and Projects:***

Priorities from the 2019-2020 Council Strategic Plan that involve housing and social planning are:

SERVICE:	✓	Maintain the existing high level of service in the community
	✓	Identify potential new sources of review
ENGAGEMENT:	✓	Support community groups and organizations
	✓	Work collaboratively with regional government partners, ensuring a strong relationship with the CVRD
	✓	Lobby the CVRD, provincial and federal governments to support North Cowichan through grants, funding and tax revenues
HOUSING:	✓	Seek opportunities to partner and support affordable housing initiatives
	✓	Create opportunities for new forms of housing
	✓	Explore opportunities for additional housing that meets the needs of the community
ENVIRONMENT		"... lead in environmental policies and practices to support the future health of our community (purpose statement)
ECONOMY		"...attract and retain great talent and sustainable business, and have opportunities for all" (purpose statement)

Housing and social planning projects that are not specifically identified in Council's Strategic Plan, but which Council has explicitly supported through resolutions or implicitly supported through policy, including:

- Implementation of the Cowichan Attainable Housing Strategy.
- Participation on the Community Action Team.
- Participation in a Housing Needs Assessment with the CVRD and other member municipalities.
- Facilitation of the new Cowichan District Hospital and the new high school.
- Administration of the affordable housing reserve fund.
- Development of housing and social planning policy through the OCP review.
- Participation with the CVRD in the BC Childcare Space Planning Grant and application for funding from the Community Childcare Space Creation Program.
- Partnering with the Community Land Trust on affordable housing projects at Sherman Road and Willow Street.
- Establishment of the Safer Community Plan and the Corridor Safety Office.
- Exploring affordable housing options for municipally-owned properties.
- Interaction with land owners, developers and non-profit housing providers about prospective affordable housing projects.

***Relationship to CVRD's Regional Housing Service and Social Planning Service:***

Housing and social issues are not easily contained within municipal boundaries and such issues are often better regionally or inter-regionally. CVRD's Regional Housing and Social Planning Services are being effectively delivered by Cowichan Housing Society and Social Planning Cowichan and current and future resources that North Cowichan Council allocates for housing and social planning priorities within the Municipality should not be considered a substitute for these important regional initiatives. Similarly, while the Cowichan Housing Society and Social Planning Cowichan are valuable allies that help to promote and facilitate affordable housing and social planning in the Cowichan region, including North Cowichan, they have neither the mandate nor capacity to provide direct resourcing for Council's priorities and directives. However, by working in partnership with these organizations the Municipality can make effective use of existing resources and utilize those resources to help both North Cowichan and the Regional District realize their objectives. Cowichan Housing Society and Social Planning Cowichan are resources that complement and facilitate North Cowichan's housing and social planning priorities.

***Conclusion:***

"Opportunity Cost" is the cost of what has to be given up when making choice. In the context of the senior social and housing planner, the opportunity cost can be thought of as the work and accomplishments that cannot be achieved if the position is not created. While it is difficult to be precise about what won't be accomplished if Council decides to not create the new position because there is an ability to shift existing resources between priorities. The following list attempts to summarize some of the anticipated implications of not filling the position and continuing to use existing resources for providing housing and social planning services as well as implications if capacity is expanded by creating the new position.

Maintaining existing capacity means:

- Responsibility for delivering priorities will be shared among senior staff and community planning staff to the extent possible.
- Response to emerging issues and opportunities will tend to be reactive.
- Affordable housing projects initiated by North Cowichan or projects that involve the Municipality as a partner will require project management services to be contracted or be undertaken by a partner that may not be directly accountable to the Municipality.
- Staff will need to be selective about participating in housing and social planning initiatives due to capacity constraints.
- Some of Council's priorities may be delayed until staff resources are available, or until opportunities and circumstances are conducive to their delivery.
- Progress on Council priorities will be more dependant on other projects (e.g. OCP, local area plans) rather than stand-alone initiatives.

Expanding capacity through the creation of a new position means:

- Time that senior staff and community planning staff currently spend on housing and social planning issues can be re-allocated to other priorities.
- Funding and other resources from senior government can be more readily identified, accessed and leveraged.
- A more strategic and pre-emptive approach to current and emerging social issues can be taken.
- The Municipality can better participate in building the relationships and partnerships that are needed to address challenging social issues.
- Expectations may be raised about North Cowichan's responsibility for providing affordable housing and social services.

## Implications

The annual cost of a senior social and housing planner, including wages and benefits, is \$120,000. This represents a tax rate increase of 0.20% in 2020 and 0.19% in 2021.

## Recommendation

**For information (no recommendation).**

Item 9.1

ATTACHMENT 1

As requested by the Mayor at the January 29, 2020 Regular Council meeting, attached is the December 13, 2019 email to Council from the Chief Administrative Officer (CAO), regarding concerns with Notices of Motion.

## Terri Brennan

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**From:** Ted Swabey  
**Sent:** Friday, December 13, 2019 10:13 AM  
**To:** A:Mayor&Council  
**Cc:** Executive Management Team  
**Subject:** FW: Notices of motion for Dec.18 meeting agenda

Mayor and Council,

As you will see when the agenda is published, Wednesdays meetings are very full, and contain large complex issues, yearend summaries of staff work related to Councils Strategic Priorities and summaries our corporate initiatives, ....along with a myriad of regular reports.

I hope you will agree when you read these reports that staff has worked beyond its capacities to undertake heavy work plans in 2019 while managing significant staffing changeover/shortage and while also dealing with the ongoing expectations of Council related to;

- new work,
- unexpected work related to undefined priorities
- expanded scope of projects
- new service delivery
- responsiveness to councilors
- responsiveness to public enquiries.

I already anticipate requesting new staffing to manage existing workloads, and we cannot take on new initiatives without existing priorities falling off the priority list or without increased budgets and resourcing. Although we are completing a tremendous amount of projects/priorities, the factors noted above along with the stresses related to managing VIMC, Forestry, the OCP, and regular operational issues is taking its toll on senior staff.

I have already warned of the serious tax issues we will be facing and some of this is related to the need for staffing and consulting budgets to manage Councils existing priorities. Coupled with this, we are an organization in transition and we are responding daily to Councils desire to have an environmental lens on everything we do and to respond to Councils acknowledgement of a climate emergency.

Please know that this cultural shift is also a process and as per the analogy I have used previously, if you turn a large ship, such as our complex organization of service delivery, there can be consequences related to the stresses related to the speed in which the transition occurs. We are feeling these stresses throughout the organization.

The "Notices of Motion" noted below proposed by Councillor Douglas and the notice of motion presented by Councillor Justice last week are good examples of what is noted above. I also worry the OCP process is being usurped by these motions.

Responding to the second motion of Councillor Douglas would be a massive staff undertaking and requires significant budget allocations to complete. Council should consider this and its work planning priorities, if this work is desired to be completed.

Happy to discuss further at next week's Council meeting.

Ted

## ***Association of Vancouver Island and Coastal Communities (AVICC) Resolution – Regional Forestry Pilot on Vancouver Island and the Coast***

*WHEREAS the forest industry on Vancouver Island and Coastal BC is in crisis with thousands of men and women out of work and facing hardship, forestry companies curtailing operations and re-directing investment outside of the province, and once thriving communities experiencing severe economic decline;*

*AND WHEREAS many communities across British Columbia and globally have demonstrated that when local people are empowered to manage public forests and other common resources through community forest licenses, regional trusts and other community-based governance models, they can maintain and enhance environmental sustainability, provide stable and fulfilling employment, and improve equity and fairness:*

*THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities (AVICC) call on the Province of British Columbia to pilot a de-centralized forestry management model on Vancouver Island, Sunshine Coast, Powell River, the North Coast and the Central Coast (“Vancouver Island and the Coast”) that will empower workers, local communities and First Nations;*

*AND THEREFORE BE IT FURTHER RESOLVED, that AVICC call upon the Province of British Columbia to undertake the following actions as a first step to more local control:*

- Establish a Regional Standing Committee of the BC Legislature composed of the MLAs for Vancouver Island and the Coast;*
- Mandate the Regional Standing Committee to fund a planning exercise for Vancouver Island and the Coast that will engage local workers, communities and First Nations; and*
- Appoint a forester to work with communities to develop a regional land use and resource plan for Vancouver Island and the Coast based on citizen input, and report back to the Regional Standing Committee.*

### ***Notice of Motion – Environmental Protection Bylaws***

*WHEREAS the Official Community Plan (“OCP”) identifies the preservation of our natural environment as a fundamental principle;*

*AND WHEREAS the OCP also recognises that the Municipality is in the rare and endangered Coastal Douglas-fir biogeoclimatic zone and that this includes a variety of rare ecosystems as well as many provincially identified rare and endangered species;*

*AND WHEREAS Council has acknowledged the climate emergency we are facing and understands the added impact climate change will have on many aspects of our environment and the immediate need to protect steward and rehabilitate the important ecological functions and services our land base provides us;*

*AND WHEREAS Council’s 2019-2022 Strategic Plan includes as a vision statement that we will be “...stewarding healthy forests, rivers and lakes;”*

*AND WHEREAS Council’s Strategic Plan states as an objective that “We lead in environmental policies and practices to support the future health of the community”*

*AND WHEREAS Council’s Strategic Plan has a number of priority items related to strengthening our protection of the environment, including: supporting the health of our beaches, making environmental improvements to Quamichan and Somenos Lakes, developing a municipal biodiversity protection strategy, and strengthening environmental policy in all land use planning;*

AND WHEREAS the municipality currently has policy tools that provide environmental protections, it is likely that our current suite of environmental protection policies (bylaws, DPAs, etc.) may have both missing components or components that need to be strengthened;

THEREFORE BE IT RESOLVED that staff be directed to provide Council with 1) an assessment or inventory of our current approach to environmental protection which includes an evaluation of what is working well, what is missing, what requires strengthening; and 2) a recommendation for a process to achieve a "state of the art" modern package of strong and effective environmental protection bylaws, including, but not limited to, bylaws related to:

- prevention of unauthorised land clearing;
- maintenance of natural hydrological functions and erosion prevention;
- prevention of nutrient/pollutants getting into storm drains and natural watercourses;
- noxious and invasive weeds;
- Garry oak ecosystem protection;
- Wildlife habitat protection;
- Urban forest enhancement;
- Greenways protection/creation; and
- Pesticide herbicide use.



# 3rd Annual Vancouver Island Symposium on Water Stewardship in a Changing Climate

## Climate Change, Collaboration and Landscape Restoration

This symposium is part of an ongoing series that highlights the power of collaboration between local government, elected leaders, ENGO's and industry professionals. This collaboration is essential to mobilize and respond effectively to the impacts of climate change and to reconnect the ecology and hydrology in the built and natural environments that surround us.

### APR 22

#### Changing Climate Public Event

Florence Filberg Centre  
Special Guest Speakers TBA

### APR 23

#### Water, Place and Reconciliation Opening Session

#### Regional Collaboration toward Natural Asset Management

#### Engaging Community in Climate Strategies - Projects and Tactics

#### Stitching Together Altered Landscapes: Conservation, Community and Resilience

#### Symposium Social

Courtenay and District Museum  
and Paleontology Centre  
4-7 pm

### APR 24

#### BC's Climate Reality, Inter-Regional Collaboration & Actionable Visions

#### Natural Assets as Ecological Systems and Services

#### International Year of the Salmon – Will Lightning Strike Twice?

#### To register, please visit:


[https://www.civicinfo.bc.ca/  
event/2020/Comox-Val-  
ley-Water-Stewardship-Sym-  
posium](https://www.civicinfo.bc.ca/event/2020/Comox-Valley-Water-Stewardship-Symposium)

APRIL  
22 – 24  
2020

The Florence Filberg Centre  
411 Anderton Ave, Courtenay, BC, V9N 6C



the partnership  
for water sustainability in bc

Cost:	<div> <div>Early Bird</div> <div>(effective until February 29, 2020)</div> </div>		<div>Full Registration</div> <div>(effective as of March 1, 2020)</div>
	Students	\$50	\$90
	First Nations & Stewardship Sector	\$105	\$135
	All Others	\$250	\$300
Payment Methods:	<p>VISA and MasterCard payments will be accepted with your online registration. If paying by cheque, please include a copy of your registration confirmation, and make payable to '<b>Comox Valley Land Trust</b>', send to:</p> <p><b>Attention: Erin Nowak, Program Coordinator</b></p> <p><b>P.O. Box 3462</b>  <b>2356 Rosewall Crescent.</b>  <b>Courtenay, BC</b>  <b>V9N 5N5</b></p>		
Registration Deadline:	April 9, 2020		
Refund Policy:	Full refunds up to and including April 9; no refunds after. Substitutions allowed.		
Accommodations:	<p>Arrangements have been made with Bayview Hotel Group Ltd for a symposium rate. Book directly by dialing 778-225-0010 and quoting block code 2004SYMPOS. The last day for registration at the symposium rate is March 22, 2020.</p>		
Documents:	<p>The program has 7 modules. To learn more about each, download the PROGRAM BROCHURE (<a href="https://www.civicinfo.bc.ca/local_content/event_docs/7359/Comox Valley 2020_program_brochure_Nov-2019_v2_.pdf">https://www.civicinfo.bc.ca/local_content/event_docs/7359/Comox Valley 2020_program_brochure_Nov-2019_v2_.pdf</a>) </p>		
Waterbucket News:	<p>Upon registration, you will receive the Partnership's weekly e-newsletter which features the stories of those leading changes in land and water practices. Visit the Symposium homepage (<a href="https://waterbucket.ca/viw/category/convening-for-action-in-2020/comox-valley-water-stewardship-symposium/">https://waterbucket.ca/viw/category/convening-for-action-in-2020/comox-valley-water-stewardship-symposium/</a>)</p>		

## Instructions

1. Complete the entire on-line form. Fields marked with \* are required. Once the form is complete, click the "Register for Summit" button at the bottom of this page.
2. After clicking "Register for Summit", your registration will be confirmed.
3. After you have registered, refer to the on-screen instructions for your payment options. Payment is accepted by credit card or cheque.

If you experience any difficulties with this form, please contact CivicInfo BC at 250-383-4898.

## Participant Information

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**\* Delegate Type**

Please select Delegate Type... ▼

**\* First Name**

**\* Last Name**

**\* Organization**

**\* Job Title**

**\* Mailing Address**

**\* City**

**\* Province / State**

**\* Postal / Zip Code**

**\* Phone**

**\* Email**

**\* Confirm Email**

## Participant Information

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### Dietary Needs

☐ None ☐ Specify:

## Questions

Your responses to our questions are important.

Your answers will help the symposium team understand your context and your expectations.

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\* How did you learn about Comox Valley 2020?

\* Did you attend either Nanaimo 2018 or Parksville 2019?

☐ Yes

☐ No

\* What factors have influenced your decision to attend?

\* What aspect of the Comox Valley 2020 draft program has grabbed your attention?

\* What do you hope to take away from Comox Valley 2020?

Do you anticipate that you would attend the free “Changing Climate Public Event” on the evening of Wednesday, April 22?

☐ Yes

☐ No

## Payment Information

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## Payment Information

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Registration Fee:

**\$250.00**

GST 5% # 83293 3402 RT0001:

**\$12.50**

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**Total Payment Due:**

**\$262.50**

[Register for Summit](#)

## Need Assistance?

Please contact the Event Administrator.

**Kim Stephens, Executive Director, Partnership for Water Sustainability in British Columbia**


Phone: 6048174657 (tel: #)

Email: [kstephens@watersustainabilitybc.ca](mailto:kstephens@watersustainabilitybc.ca) (mailto:kstephens@watersustainabilitybc.ca)

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# Report

Date	January 29, 2020	Prospero No. ZB000117
To	Council	Folio No. 02124-000
From	Caroline von Schilling, Development Planner	File No. 3360-20 19.12
Subject	Zoning Bylaw Amendment Application No. ZB000117 (4029 Normandy Road) – Detached Second Dwelling	Endorsed: 

## Purpose

To provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit two residential buildings, with a maximum of two residential units at 4029 Normandy Road.

## Background

The 0.84 ha (2.07 ac) Subject Property is located at 4029 Normandy Road (see ATTACHMENTS 1 & 2). The property is located outside the Urban Containment Boundary, and is zoned Rural Restricted Zone (A3) (ATTACHMENTS 3 & 4). The Subject Property is not located within the Agriculture Land Reserve (ALR).

## Land Use Context

North: Rural, residential properties (A3), mixed one and two-storey dwellings  
South: Rural, residential properties (A2, A3); Cowichan River beyond  
East: Rural, residential properties; mixed one and two-storey dwellings  
West: Rural, residential properties (A2); agricultural uses & forest

## Proposal

The applicant is proposing to amend the Rural Restricted (A3) Zone to permit a detached second dwelling in the form of a 92 m<sup>2</sup> (990.28 ft<sup>2</sup>) residential suite in the north-west corner of the property fronting Normandy Road with access from the existing driveway (ATTACHMENT 5).

Under the current zoning, a maximum density of one (1) residential building with two (2) residential units is permitted. With this application, the Applicant requests a reallocation of this maximum density to permit *two* (2) residential buildings, with a maximum of two (2) residential units for the purpose of accommodating a family member (ATTACHMENT 6 and 7).

## Discussion

Policy considerations relevant to this application are:

## Official Community Plan (OCP)

### HOUSING & SERVICES in RURAL AREAS

OCP 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 ...*

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

OCP 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 viewsapes 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 ...*

Staff are satisfied that this zoning amendment proposal request:

- Does not increase the net density of this rural area;
- Does not unreasonably discourage future agricultural use of this property, i.e., siting of the proposal is at the road frontage leaving the easterly remainder of the property available for possible future agriculture use, and requires no further driveway construction, e.g., footpath to the cottage;
- Maintains the viewscape from Normandy Road;
- Is sufficiently buffered from agricultural parcels within the Agriculture Land Reserve to the north, east and south by other residential properties; and
- Does not require an extension of municipal water or sanitary services.

### HOUSING

OCP 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 located:

- Along the Normandy Road frontage, and,
- At a distance of approximately 50 m to the closest neighbouring residence (to the north).

#### Strategic Agricultural Plan

OCP Policy 2.1.1.1 *The Municipality will continue to implement its Strategic Agricultural Plan as a supplement to the Official Community Plan*

This rural, residential neighbourhood is not located within the Agriculture Land Reserve. This parcel is currently in residential use. This proposal does not significantly impact potential agriculture use of this A3 zoned parcel.

#### Second Dwelling Rural Lands Policy (see ATTACHMENT 8)

On December 4, 2019, Council adopted a policy directing staff to review all future site specific applications for second dwellings, in the context of the existing OCP Policy, and for applications for second dwellings outside the Urban Containment Boundary, with respect to:

- a) Second dwelling size restriction of 92 m<sup>2</sup> (990.28 ft<sup>2</sup>);
- b) Subdivision restricted by covenant to prevent subdivision including strata subdivision;
- c) Consideration of a minimum lot size; and
- d) Siting on agricultural lands be established and restricted by covenant to preserve agricultural land.

For items a), b), and d), the Applicant would agree to the registration of these criteria on title with a Section 219 restrictive land use covenant, subject to zoning amendment approval.

However, for item c), applications for second dwellings also require a minimum parcel size of 1.0 ha (2.5 acres) where no Municipal sewer or water exists. This proposal is located on a parcel size of 0.84 ha (2.07 acres) and does not have Municipal sewer or water. **Therefore, this proposal does not meet the Second Dwelling Rural Lands Policy minimum lot size requirement of 1 ha (2.5 acres).**

#### Zoning Bylaw – A3 Rural Restricted Zone

With zoning amendment approval, the proposal would be required to meet setback, lot coverage, and building height requirements of the Rural Restricted (A3) Zone at time of build permit application.

#### 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 and Conclusion**

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

This proposal is consistent with the size, and siting criteria of the Second Dwelling Rural Lands Policy adopted by Council on December 4, 2019. Should Council give Third Reading to this bylaw, the Applicants would be in agreement with the registration on title of a Section 219 covenant for the criteria outlined in the Second Dwelling Rural Lands Policy pertaining to building size, subdivision prohibition, and siting.

However, the proposal is inconsistent with the Second Dwelling Rural Lands Policy such that the lot size at 4029 Normandy Road of 0.84 (2.07 acres) is under the minimum required 1.0 ha (2.5 acres).

***Therefore, in staff's opinion this proposal does not meet the intent of the policies for second residences on rural lands (located outside the Urban Containment Boundary).***

***Yet, while the Applicants were informed that a new policy direction informing Council decisions on detached second dwellings could affect this application, staff would like to acknowledge to Council that this application opened on September 14, 2019 while the Second Dwelling Rural Lands Policy was in development and before Council's adoption of the policy on December 4, 2019.***

### **Communications and Engagement**

Should Council choose to provide 1<sup>st</sup> and 2<sup>nd</sup> 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 deny zoning amendment application ZB000117 to permit a second dwelling at 4029 Normandy Road (PID 002-075-016).

Option 2 – Alternate Motion:

1. That Council approve First & Second Reading of “Zoning Amendment Bylaw, 2019” No. 3773 to permit a detached second dwelling at 4029 Normandy Road (PID 002-075-016), and;
2. That a Public Hearing be scheduled and notification be issued in accordance with the *Local Government Act*.

**Recommendation**

**That Council deny zoning amendment application ZB000117 to permit a second dwelling at 4029 Normandy Road (PID 002-075-016).**

Attachments (9)

Attachment 1 - Location Map

Attachment 2 - Air Photo

Attachment 3 - Zoning Map

Attachment 4 - Rural Restricted (A3) Zone

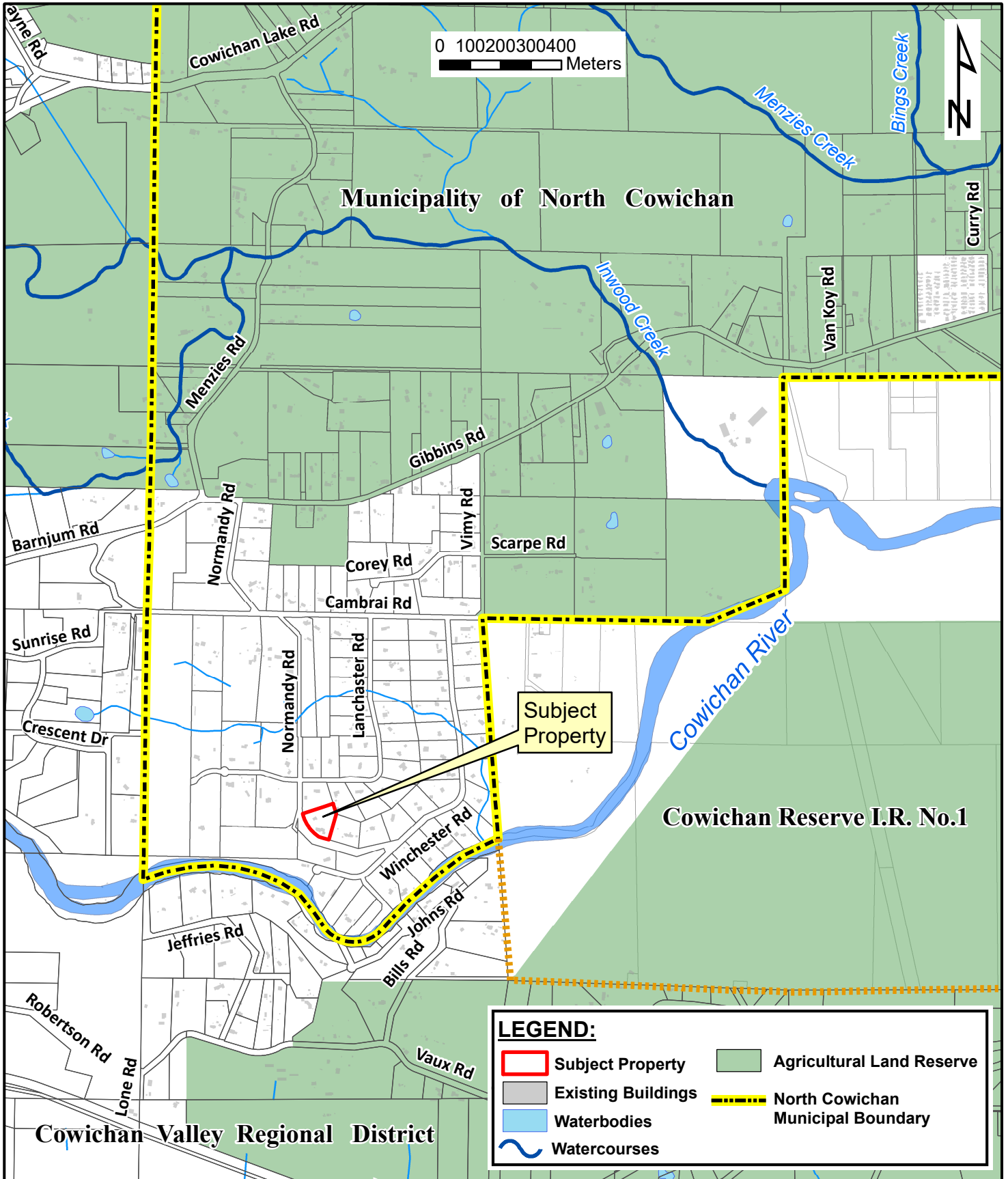
Attachment 5- Site Plan & Building Elevations

Attachment 6 - Letter of Rationale

Attachment 7 - Site Photos

Attachment 8 - Second Dwelling Rural Lands Policy, December 4, 2019 Regular Council Minutes

Attachment 9 - Bylaw 3773



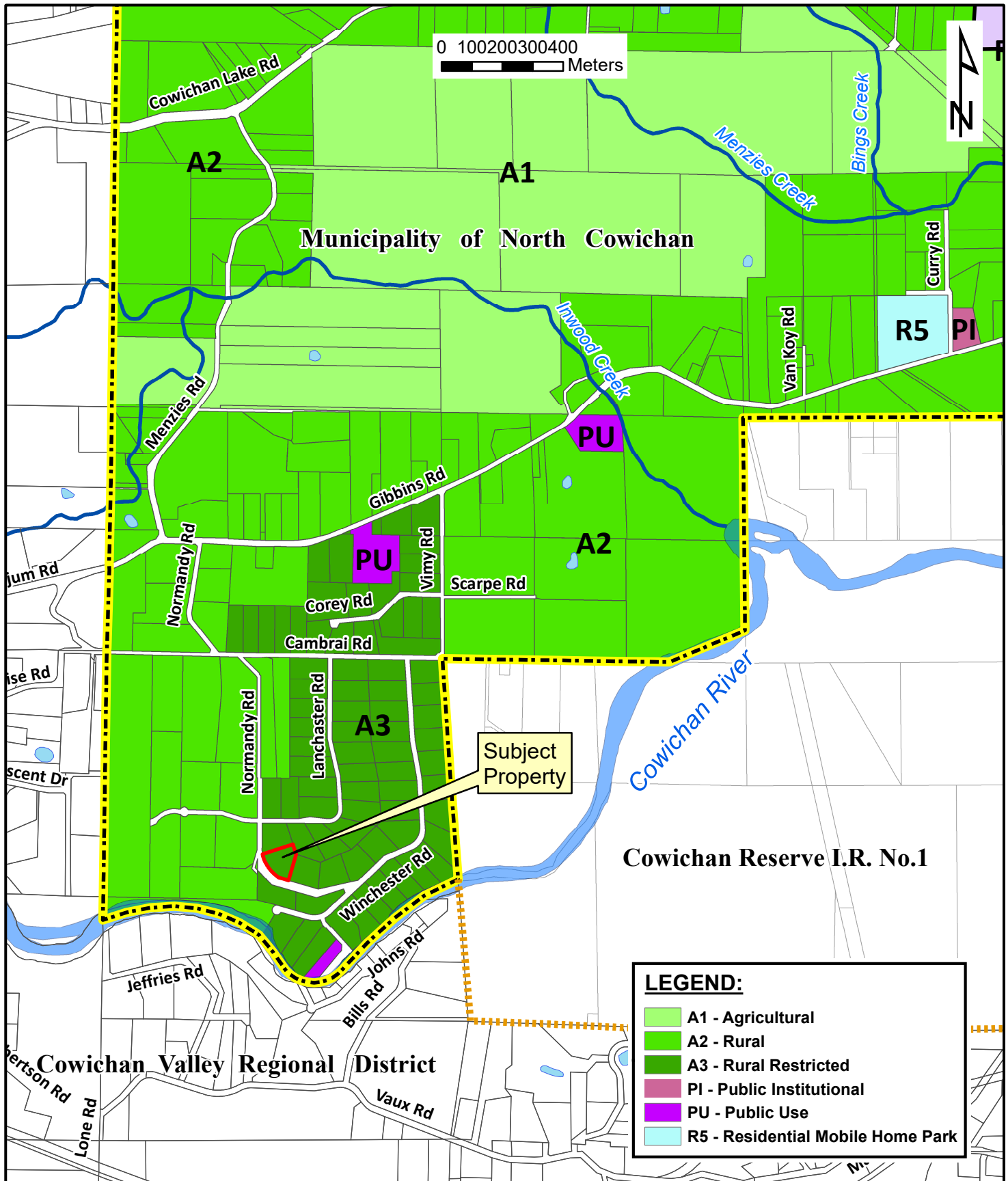
<b>MUNICIPALITY OF</b> <b>NORTH</b> <b>Cowichan</b>	<b>LOCATION MAP</b>		DATE:	September 24, 2019
	4029 Normandy Road		TYPE:	Zoning Amendment
			FILE#:	ZB000117





	<b>ORTHOPHOTO MAP</b> ( Orthophoto is from 2017 aerial photography)	<b>DATE:</b> September 24, 2019
	4029 Normandy Road	<b>TYPE:</b> Zoning Amendment
		<b>FILE#:</b> ZB000117





	<b>ZONING MAP</b>		DATE:	September 24, 2019
	4029 Normandy Road		TYPE:	Zoning Amendment
			FILE#:	ZB000117

**Rural Restricted Zone (A3)****Permitted Uses**

- 53 (1) The permitted uses for the A3 zone are as follows:
- Agriculture
  - Agricultural Storage
  - Assisted Living
  - Bed and Breakfast
  - Community Care Facility
  - Greenhouse
  - 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 A3 zone is 8,000 m<sup>2</sup> (1.98 acres).

**Minimum Frontage**

- (3) The minimum permitted frontage for the A3 zone is 60.0 m (196.85').

**Density**

- (4) The maximum permitted density for the A3 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 subject to "Temporary Trailer Permit Bylaw 1976", No. 1685.
  - (c) Despite section 53 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, are permitted on 5404 Gore Langton Road (PID: 005-177-740), 3368 Henry Road (PID: 006-660-819), and 3788 Winget Place (PID: 018-498-451). [BL3644; BL3680]

**Maximum Lot Coverage**

- (5) The maximum permitted lot coverage of the A3 zone is 30% of the lot area.

**Minimum Setbacks**

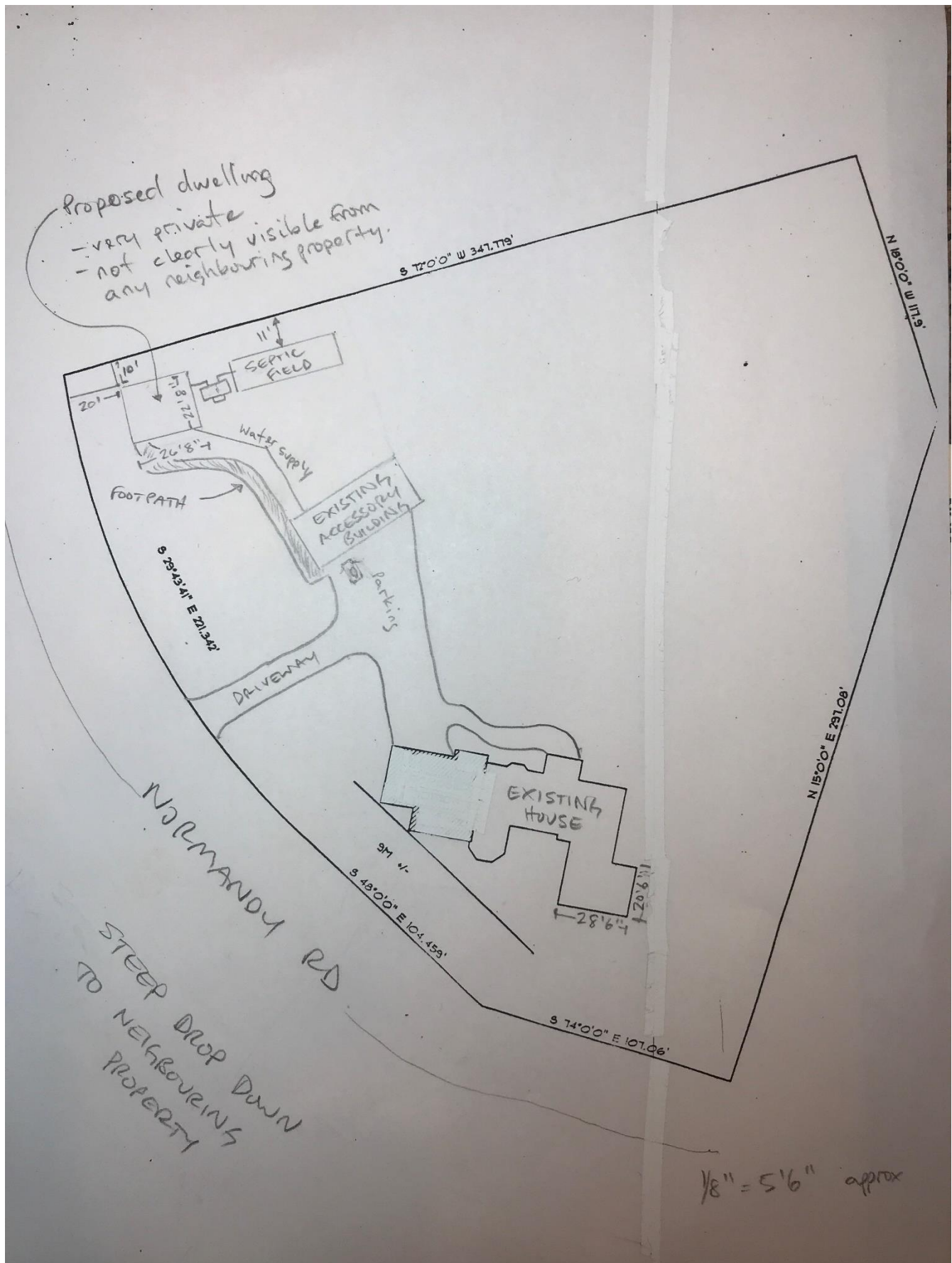
- (6) The minimum permitted setbacks for the A3 zone are as follows:
- (a) Single-Family Dwellings and Two-Family Dwellings
    - Yard, Front, 6.0 m (19.68')
    - Yard, Side, 3.0 m (9.84')
    - Yard, Rear, 8.0 m (26.25')
  - (b) All Other Principal Buildings
    - Yard, Front, 30.0 m (98.42')
    - Yard, Side, 15.0 m (49.21')
    - Yard, Rear, 30.0 m (98.42')
  - (c) Accessory Buildings and Structures (Excluding Fences)
    - Yard, Front, 8.0 m (26.25')
    - Yard, Side, 3.0 m (9.84')
    - Yard, Rear, 8.0 m (26.25')
  - (d) Temporary Trailers
    - To be sited in accordance with the provisions of "Temporary Trailer Permit Bylaw 1976", No. 1685.

## Maximum Building Height

- (7) (a) The maximum permitted building height for buildings, containing one or more dwelling units, within the A3 zone is 9 m (29.53').
- (b) Despite the foregoing, the heights of other farm buildings are subject to the provisions of the ACNBC Farm Building Code 1995.

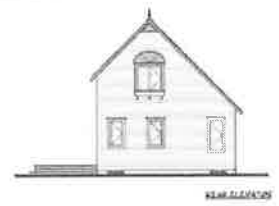
## Conditions of Use

- (8) The conditions of use for the A3 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) Limited farm sale of agricultural products may be sold directly to the public provided that:
    - (i) 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 m<sup>2</sup> (1076.4 sq. ft.); and
    - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
  - (f) [Repealed. BL3367]
  - (g) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
    - (i) the number of residents does not exceed ten, including resident staff,
    - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,
    - (iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve, and
    - (iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained. [BL3302]
  - (h) Despite section 53 (1) "accessory dwelling unit, coach house" is a permitted use on 3331 Henry Road. [BL3535]





**Cozy Cottage Hideaway**



**991**

Heated S.F.



**2 - 3**

Beds



**2**

Baths



**2**

Floors

Philip and Heather Macdonald  
 4029 Normandy Road  
 North Cowichan, BC  
 V9L 6G2

## LETTER OF RATIONALE

Date: August 27, 2019  
 Re: 4029 Normandy Road  
 Prepared For: Municipality of North Cowichan  
 Prepared by: Philip and Heather Macdonald

---

Location: 4029 Normandy Road, North Cowichan BC

PID: 002-075-016

Legal Description: Lot 32 Section 13 Range 1 District 45 Plan VIP28324

Zone: Rural Restricted Zone A3

Property size: 2.07 acres

Request: Permission to construct a 2 bedroom cottage for a family member on our property

Details: 2 story [main floor: 596 sq ft, 2<sup>nd</sup> floor: 395 sq ft] 991 square feet  
 2 bedroom / 2 bathroom  
 shared driveway [using existing driveway]  
 located on the North West corner of the property, within prescribed setbacks

Note: Size restriction in accordance with a Section 219 restrictive land use covenant

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## Description of Proposal

We are putting forward our Zoning Amendment Application to obtain permission to construct a secondary dwelling on our property that will provide a home for a family member [Heather Macdonald's mother]. She has spent many years living on Vancouver

Island, but is currently living alone in Surrey BC since her husband passed away some years ago. She hasn't any other family and we all want to be geographically closer.

As per current zoning, our property is permitted a secondary suite attached to our house. But we are applying to have the dwelling be separate from our house for the following reasons:

- 1) It's a "mother-in-law" cottage.... Need we really say more...??
- 2) The homeowners previous to us, worked hard to produce a beautiful home and we don't feel it would do the appearance of the house any justice by adding any more to it.
- 3) The separate dwelling will allow my mother to maintain her independence, as well as our own.
- 4) We have spoken to our neighbours about our proposal and they are all in favour.

Thank you in advance for your consideration of our application.

Philip & Heather Macdonald  
4029 Normandy Road

ATTACHMENT 7







## 8.2 Second Dwelling Rural Lands Policy

Council heard from the Director of Planning and Building that North Cowichan has been dealing with recent requests for second dwellings on a case-by-case basis. The issue is the Official Community Plan (OCP) and Zoning Bylaws do not currently have criteria to deal with basic standards around secondary dwellings, and there is limited ability to restrict size of proposed second dwellings.

3

December 4, 2019 - Regular Council Minutes

Council asked questions of the Director of Planning and Building and heard that should Council approve the recommended policy, site specific applications for second dwellings would still need Council approval as a Zoning Amendment is still required.

Councillor Douglas left the meeting at 2:42 p.m. and returned at 2:45 p.m.

It was moved and seconded:

**That Council direct staff to review all future site specific applications for second dwellings, including second residences and detached suites, in the context of existing OCP Policy; and**

**That all future site specific applications for second dwellings, outside the Urban Containment Boundary, be reviewed with respect to the following criteria:**

- a. **That size of the proposed second dwelling be restricted by covenant to 92 m<sup>2</sup> (990.28 ft<sup>2</sup>) or less;**
- b. **That subdivision be restricted by covenant to prevent subdivision including strata subdivision;**
- c. **That the size of the parcel be a minimum of; and**
  - i. **1 ha (2.5 acres) where no Municipal sewer or water exists;**
  - ii. **0.4 ha (1 acre) where no Municipal sewer exists;**
  - iii. **0.2 ha (0.5 acres) where Municipal water and sewer exist; and**
- d. **That siting of second dwellings on agricultural lands be established and restricted by covenant to preserve agricultural land.**

**CARRIED**



The Corporation of the District of North Cowichan

## **Bylaw No. 3773**

Zoning Amendment Bylaw (4029 Normandy Road), 2020

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

### **1 Title**

This Bylaw may be cited as "Zoning Amendment Bylaw No. 3773 (4029 Normandy Road), 2020".

### **2 Administration**

**Zoning Bylaw 1997, No. 2950 is amended as follows:**

2.1 ***Section 53 (4)(c) [density in the Rural Restricted Zone (A3)] is amended by***

#### ***2.1.1 Replacing***

***"Despite section 53 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, are permitted on 5404 Gore Langton Road (PID: 005-177-740), 3368 Henry Road (PID: 006-660-819), and 3788 Winget Place (PID: 018-498-451). [BL3644; BL3680]"***

#### ***2.1.2 With***

***"Despite section 53 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, are permitted on 5404 Gore Langton Road (PID: 005-177-740), 3368 Henry Road (PID: 006-660-819), 3788 Winget Place (PID: 018-498-451), and, 4029 Normandy Road (PID: 002-075-016). [BL3644; BL3680; BL3773]"***

---

READ a first time on January 29, 2020  
READ a second time on January 29, 2020  
CONSIDERED at a Public Hearing on  
READ a third time on  
COVENANT registered on  
ADOPTED on

---

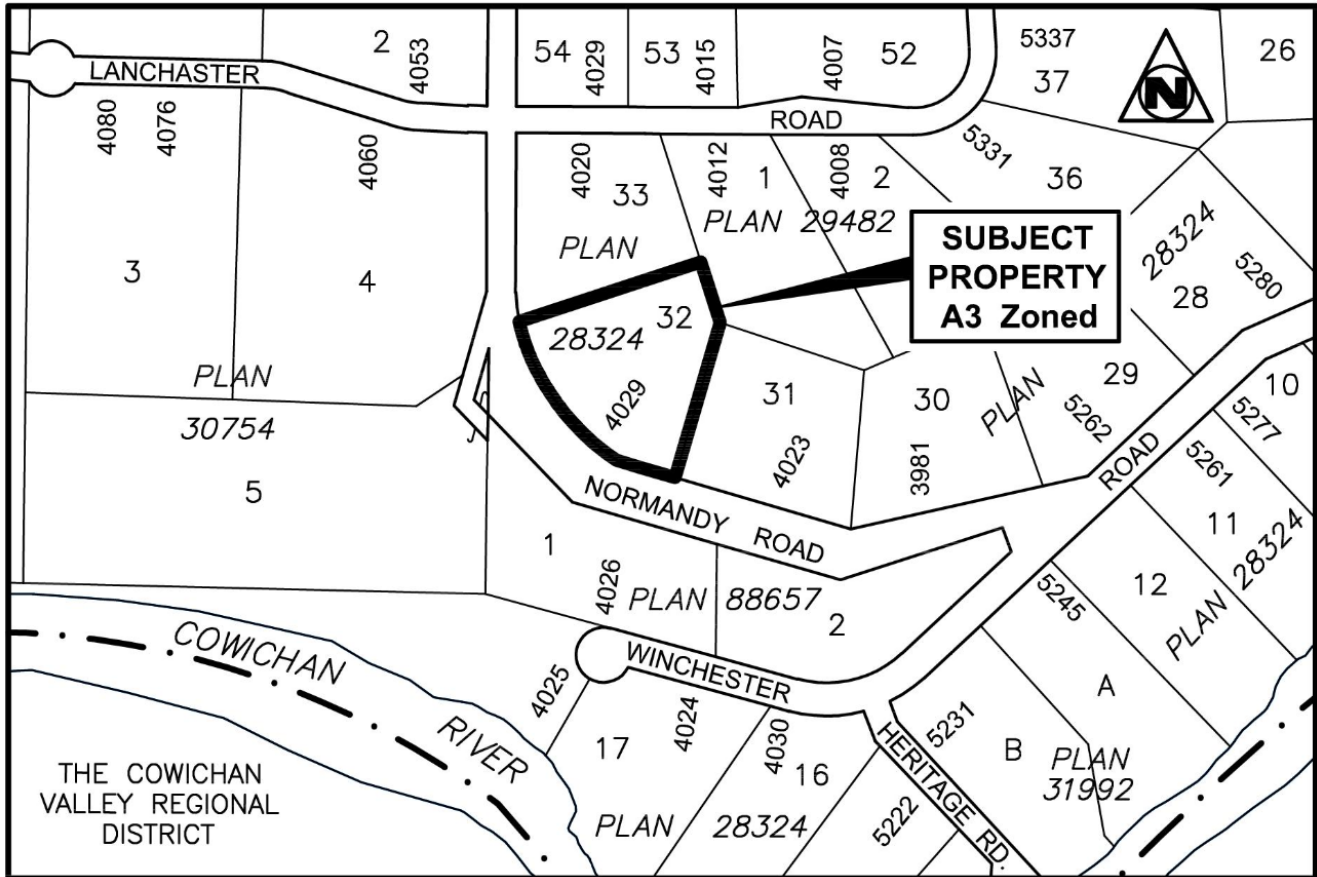
CORPORATE OFFICER

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PRESIDING MEMBER



**Schedule**





# Report

Date	January 29, 2020	Prospero No. ZB000116
To	Council	Folio No. 15615-002
From	Caroline von Schilling, Development Planner	File No. 3360-20 19.11
Subject	Zoning Bylaw Amendment Application No. ZB000116 (2755 Crozier Road) – from C4 to R1	Endorsed: 

## Purpose

The purpose of this report is to provide Council with information, analysis and a recommendation regarding a zoning amendment application to permit (principal) residential use at 2755 Crozier Road.

## Background

The 1.3 ha (3.2 ac) Subject Property is located at 2755 Crozier Road (see ATTACHMENTS 1 & 2). The property is located outside the Urban Containment Boundary, and is zoned Commercial Recreational (C4) (ATTACHMENTS 3 & 4). It is not located within the Agriculture Land Reserve.

## Land Use Context

North: Recreational use, i.e., Mount Brenton Golf Course  
South: Residential properties (R1) & forested or agricultures uses; Agriculture Land Reserve  
East: Residential properties (R1)  
West: Residential properties (R1); Fuller Lake beyond

## Proposal

Under the ownership of Mount Brenton Golf Course, the Subject Property was rezoned in 1994 from the Residential Rural (R1) to the Commercial Recreational (C4) Zone for future expansion of the golf course. It is now the owner's intention to be divested of the parcel rather than to expand the golf course. A single family dwelling that is currently occupied is located on the parcel. Our records indicate it was built before 1985, consistent with historical zoning of the parcel (ATTACHMENT 5 & 6).

The applicant proposes to restore the Subject Property to its pre-1994 zoning (R1), consistent with the permitted uses of adjacent residential parcels.

For clarification, under the current Commercial Recreational (C4) Zone, Accessory Dwelling Unit is permitted, by definition, in association with and ancillary to a principal commercial recreational use, which in this case is the golf course. The owners wish to amend the zoning to be consistent with the intended residential use of the property prior to selling it.

Policy considerations relevant to this application are:

Official Community Plan (OCP)

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 ...*

The proposal is inconsistent with OCP Policies to 'discourage zoning standards that have the effect of increasing net density' outside the Urban Containment Boundary (UCB). Under R1 zoning this property could be subdivided based on the minimum lot size in the R1 zone, i.e., 1675m<sup>2</sup>, for a potential total of 8 lots; however, this is a theoretical number. Practically, it is anticipated that an estimated maximum of 2 to 3-lots could be achieved (based on minimum 1 acre lot subdivision guideline for lots with municipal water service but without sewer, e.g., requiring septic fields as regulated by Vancouver Island Health, providing septic and required environmental buffers are demonstrated/met and development permits have been issued).

Of note, all properties in this R1-zoned neighbourhood could be eligible for subdivision with an application and considered under the same regulatory constraints and processes.

***Staff recommend a restriction to the subdivision potential of this property in number and lot size, i.e., maximum of 2-lots, with a minimum lot size of 1 acre, through the registration of a Section 219 Covenant. The covenant would in no way guarantee that subdivision potential can be achieved as all regulatory constraints and processes associated with subdivision would still have to be met.***

HOUSING:

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

This neighbourhood on Crozier Road has been zoned Residential Rural (R1) since at least 1980 (Zoning Bylaw No. 1850, 1980; ATTACHMENT 7).

For clarification, this neighbourhood is zoned Residential Rural (R1) because the growth area boundary of Chemainus has been shrinking in this area (shifting northward) with successive Official Community Plans. While this neighbourhood was once designated “suburban” (Schedule B-1; OCP No. 2307, 1987; see ATTACHMENT 7), it is now excluded from the Urban Containment Boundary thereby considered ‘rural’ (Map 12; OCP No. 3450, 2011). This area has not been rezoned to reflect these changes.

***While this zoning amendment proposal from C4 to R1 could result in an increased net residential density in this rural area, the proposal is unlikely to impact the character of this ‘legacy’ R1-zoned neighbourhood, which has existed under this zoning since at least 1980 (including the Subject Property until 1994) (Zoning Bylaw No. 1850, 1980).***

#### Parks and Trails

The Parks and Trails Master Plan, 2017 identifies a Multi-modal Trail for Crozier Road, which would eventually connect the Trans-Canada and Cowichan Valley Trail networks to Fuller Lake Destination Park.

***As a community amenity contribution to the Municipality should the zoning amendment be successful, the Applicant agrees to register a road reserve covenant for a 5m strip along the frontage of Crozier Road for future multi-modal trail use.***

#### Community Amenity Contribution

OCP Policy 2.5.8.5 b) *The Municipality encourages the dedication of parkland and development of neighbourhood park facilities as part of the re-zoning application process, as long as such an amenity meets a need identified in the Park and Open Space Strategy for the District of North Cowichan.*

See ‘Parks and Trails’ section above.

#### Zoning Bylaw – R1 (Residential Rural) Uses

The existing dwelling is currently compliant with Residential Rural (R1) zoning provisions.

#### Development Permit Area – (Riparian)

A stream is located on the east side of the parcel.

***Any future proposed subdivision, construction, or alteration of land within 30m of the stream would trigger a Development Permit requiring a Qualified Environmental Professional (QEP) to apply Riparian Areas Protection Regulations prior to Municipal development permit for any such works.***

### Servicing and Infrastructure

A letter of opinion provided by a Registered Onsite Wastewater Practitioner indicates that “the soils are suitable for a dispersal system while maintaining critical setbacks from property lines and the creek”.

### Covenant

A Section 219 covenant (ET129877) restricting building construction of an isolated non-adjacent portion of PID 025-520-423 during its consolidation with the golf course (zoning amendment completed 2003; consolidation completed 2004) has served its purpose during the consolidation process. The covenant is no longer relevant to the remainder of the property, which is now only 2755 Crozier Road. See Figure 1.

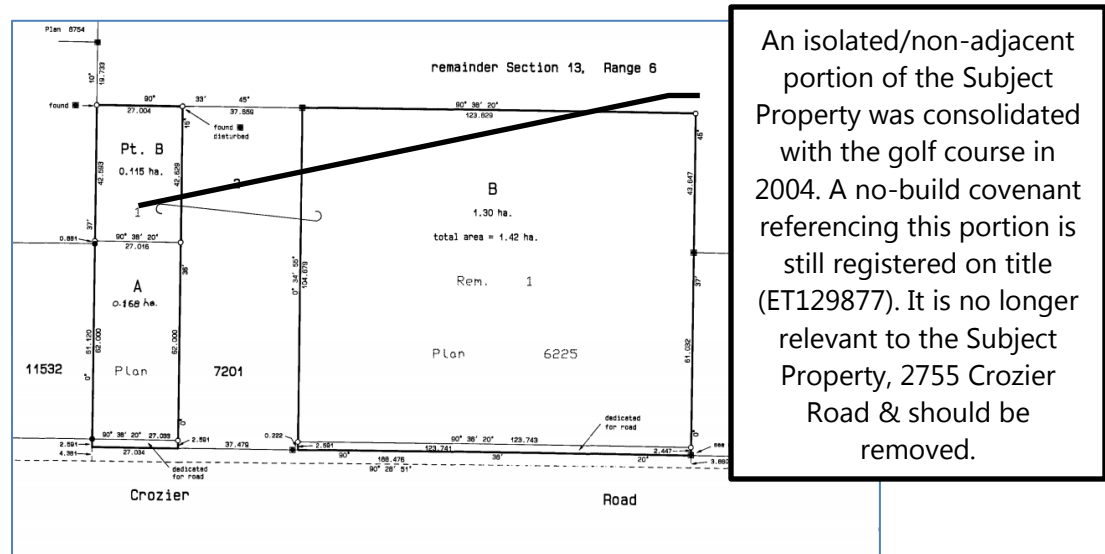


Figure 1. A covenant limiting building construction was relevant only to an isolated and non-adjacent portion of the property, which was consolidated with the golf course in 2004. It is no longer relevant to the Subject Property.

***As this covenant is no longer relevant to the remaining portion of property, i.e., 2755 Crozier Road, it is recommended that this covenant be discharged as a condition of zoning amendment adoption.***

### 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.

### Referrals

Internal Municipal departments expressed no concerns/comments. The Residents Association of Chemainus comments forms part of the public input; it is attached for Council's consideration (ATTACHMENT 8).

## Analysis and Conclusion

The Crozier Road neighbourhood had Residential Rural (R1) zoning since at least 1980 and the general neighbourhood of Crozier Road/Cottonwood Road under Residential Rural & Restricted Rural zoning since at least 1966 (Zoning Bylaw No. 1850, 1980; Zoning Bylaw No. 1097, 1966).

This proposal is generally inconsistent with current policies of the Official Community Plan (OCP) for zoning amendments that could increase rural, residential density outside the Chemainus Growth Centre and Urban Containment Boundary.

This proposal is generally consistent with current OCP policies for zoning amendments that best complement the character of this neighbourhood for land use.

For clarification, the growth area boundary of Chemainus has been shifting northward in this area with successive Official Community Plans. This neighbourhood was once designated "suburban" (Schedule B-1; OCP No. 2307, 1987), and is now considered 'rural' because it is located outside the Urban Containment Boundary (Map 12; OCP No. 3450, 2011).

Therefore, it is the opinion of staff that, on the balance of current growth management, neighbourhood character, and housing policies of the Official Community Plan, the return of this property to its pre-1994 zoning (when it was zoned from R1 to C4 for golf course use) is a reasonable and appropriate use of this property.

Staff request Council's consideration of the following:

- This proposal does not meet the OCP's growth management policies that may result in a net density increase in this neighbourhood; however,
  - Rezoning to the same 'legacy' zoning of this neighbourhood maintains land use consistency and therefore also neighbourhood character in terms of land use;
  - The Applicant is willing to enter into a subdivision restriction agreement (Section 219 Covenant Agreement) for a maximum 2-lot subdivision with 1 acre minimum parcel size for consistency with the neighbourhood in terms of lot size (north-side Crozier/East side Cottonwood Rd parcels range 0.5 – 3.5 acres), providing all other regulations and bylaws applicable to subdivision have been met, e.g. environmental and septic buffers, access, servicing, etc.;
  - The R1 zone would permit the principal use of the existing dwelling, which would allow the property to be sold without creating a zoning compliance issue for the property; and,
  - There is no obvious benefit or purpose to the community in retaining the parcel's Commercial Recreational (C4) zoning.

Note: staff would like to acknowledge that a re-alignment with today's policy standards would typically be undertaken as part of an OCP and zoning bylaw review.

## Communications and Engagement

Should Council choose to provide 1<sup>st</sup> and 2<sup>nd</sup> Reading to this bylaw and direct that a public hearing be scheduled, neighbouring property owners and the public will be provided a formal 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:

### Option 1 – Staff Recommendation

1. That Council approve first & second reading of "Zoning Amendment Bylaw No. 3774 (2755 Crozier Road), 2020" to rezone 2755 Crozier Road (PID: 025-520-423) from Commercial Recreational (C4) Zone to Residential Rural Zone (R1);
2. That a Public Hearing for Bylaw No. 3774 be scheduled and notification be issued according to the *Local Government Act*;
3. That prior to adoption of Bylaw No. 3774, a Section 219 covenant to limit subdivision of the Subject Property **to a maximum of 2-lots** and to secure a 5 m road reserve for a future multi-modal trail along the Crozier Road frontage be registered on the title; and
4. That prior to adoption of Bylaw No. 3774, Section 219 covenant ET129877 be discharged.

### Option 2 – Alternate Recommendation

1. That Council approve first & second reading of "Zoning Amendment Bylaw No. 3774 (2755 Crozier Road), 2020" to rezone 2755 Crozier Road (PID: 025-520-423) from Commercial Recreational (C4) Zone to Residential Rural Zone (R1);
2. That a Public Hearing be scheduled for Bylaw No. 3774 and notification be issued according to the *Local Government Act*;
3. That prior to adoption of Bylaw No. 3774, a Section 219 covenant **to prohibit subdivision of the Subject Property** and to secure a 5 m road reserve for a future multi-modal trail along the Crozier Road frontage be registered on the title; and
4. That prior to adoption of Bylaw No. 3774, Section 219 covenant ET129877 be discharged.

### Option 3 – Alternate Recommendation

That Council deny zoning amendment application ZB000116 to rezone 2755 Crozier Road (PID: 025-520-423) from Commercial Recreational (C4) to Residential Rural (R1).

Should Council choose to deny this zoning amendment application, the principal residential use of the Subject Property would not be permitted.

#### Recommendation

- 1. That Council read a first and second time “Zoning Amendment Bylaw No. 3774 (2755 Crozier Road), 2020” to rezone 2755 Crozier Road (PID: 025-520-423) from Commercial Recreational (C4) Zone to Residential Rural Zone (R1);**
- 2. That a Public Hearing for Bylaw No. 3774 be scheduled and notification be issued according to the *Local Government Act*; and,**
- 3. That prior to adoption of Bylaw No. 3774, a Section 219 covenant to limit subdivision of the Subject Property to a maximum of 2-lots and to secure a 5 m road reserve for a future multi-modal trail along the Crozier Road frontage be registered on the title; and**
- 4. That prior to adoption of Bylaw No. 3774, Section 219 covenant ET129877 be discharged.**

#### Attachments (9)

Attachment 1 - Location Map

Attachment 2 - Air Photo

Attachment 3- Zoning Map

Attachment 4 - Commercial Recreational (C4) Zone & Proposed Residential Rural (R1) Zone

Attachment 5 - Letter of Rationale

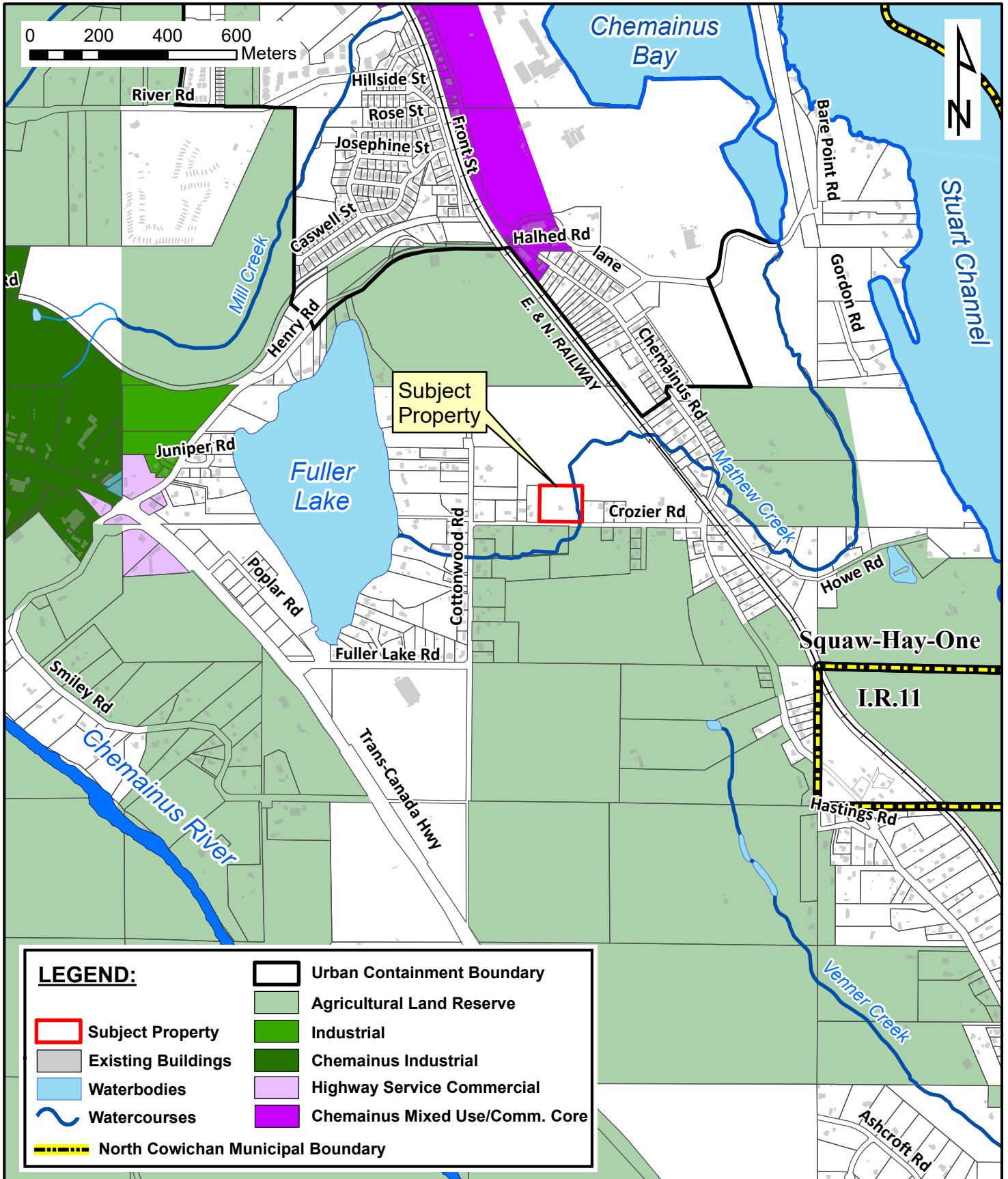
Attachment 6 - Site Photos

Attachment 7 - Legacy zoning & OCP context: 1980 & 1987

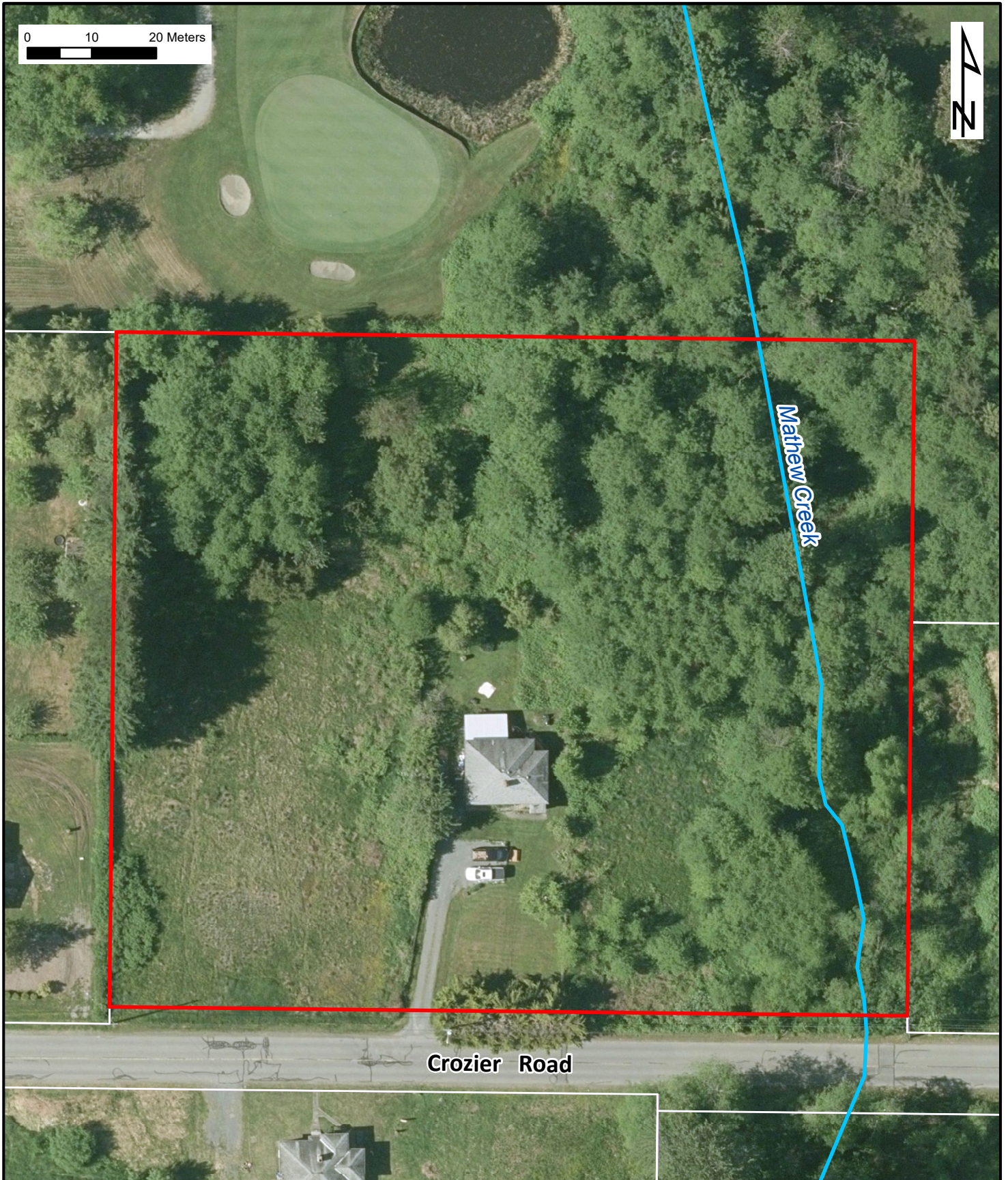
Attachment 8 - Chemainus Residents Association Comments

Attachment 9 - Bylaw 3774



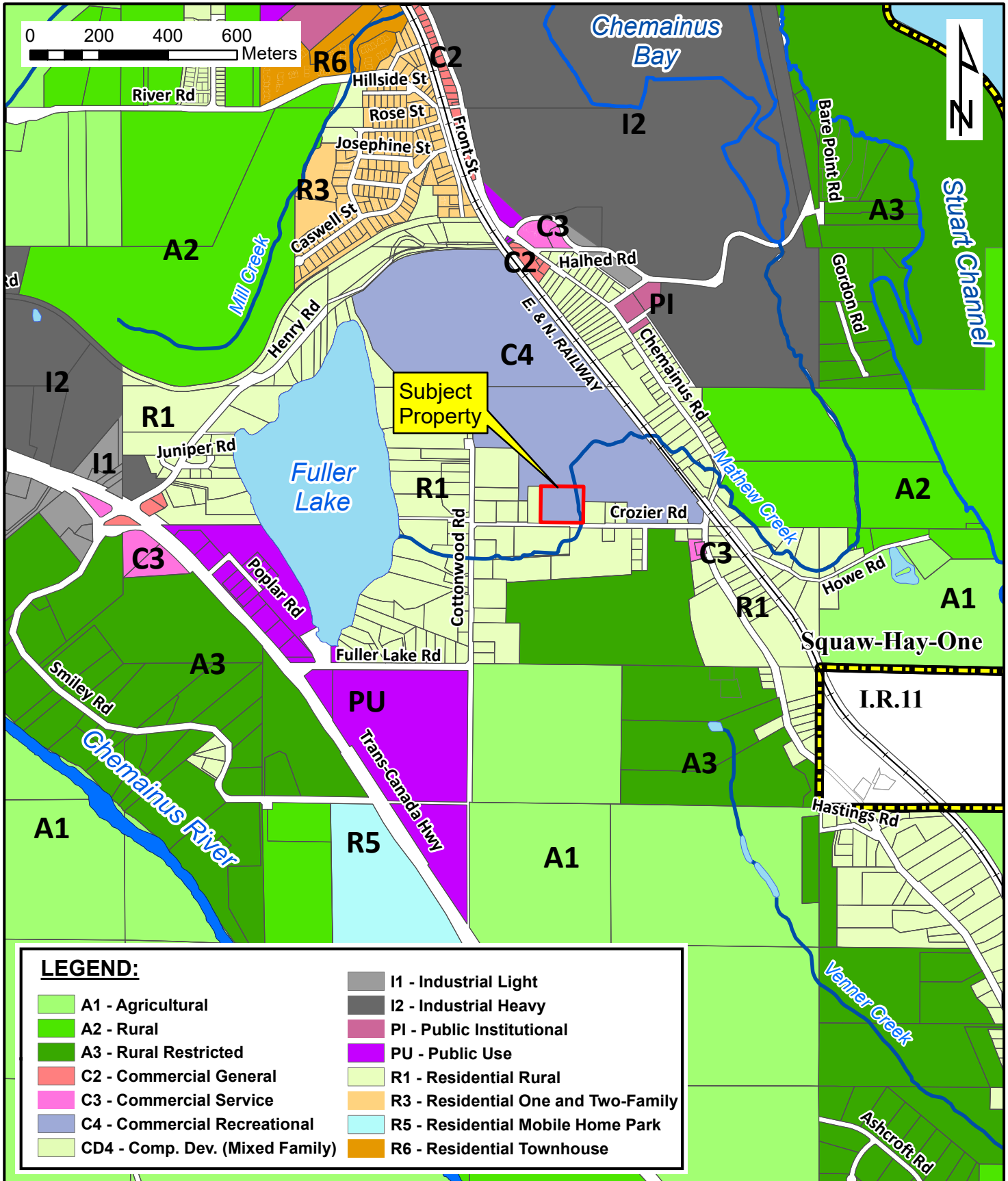






	<b>ORTHOPHOTO MAP</b> ( Orthophoto is from 2017 aerial photography)	<b>DATE:</b> October 8, 2019
	2755 Crozier Road	<b>TYPE:</b> Rezoning
		<b>FILE#:</b> ZB000116





**Commercial Recreational Zone (C4)****CURRENT ZONING****Permitted Uses**

- 71** (1) The permitted uses for the C4 zone are as follows:
- Accessory Dwelling Unit
  - Accessory Sales
  - Driving Range
  - Golf Course
  - Hotel
  - Mini Golf
  - Mobile Food Service
  - Dining Room
  - Restaurant
  - Tourist Accommodation
  - Zoo or Game Farm [BL3657]

**Minimum Lot Size**

- (2) The minimum permitted lot size for the C4 zone is 560 m<sup>2</sup> (6,028 sq. ft.).

**Minimum Frontage**

- (3) The minimum permitted frontage for the C4 zone is 15.0 m (49.21').

**Maximum Lot Coverage**

- (4) The maximum permitted lot coverage for the C4 zone is 30% of the lot area.

**Minimum Setbacks**

- (5) The minimum permitted setbacks for the C4 zone are as follows:
- (a) Principal Buildings
    - Yard, Front, 8.0 m (26.25')
    - Yard, Side, 5.0 m (16.4')
    - Yard, Rear, 5.0 m (16.4')
  - (b) Accessory Buildings and Structures (Excluding Fences)
    - Yard, Front, 8.0 m (26.25')
    - Yard, Side, 1.0 m (3.28')
    - Yard, Rear, 1.5 m (4.92')

**Maximum Building Height**

- (6) The maximum permitted building heights for the C4 zone are as follows:
- (a) Principal Buildings, 12.0 m (39.37')
  - (b) Accessory Buildings, 5.0 m (16.4')

**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 m<sup>2</sup> (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]

**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 m<sup>2</sup> (1076.4 sq. ft.); and
    - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
  - (h) [Repealed. BL3367]

September 5, 2019

District of North Cowichan  
Attention: Planning Department

Re: Rational Letter – Re-Zoning Request, 2755 Crozier Road, Chemainus B.C.

I am writing on behalf of the Board of Directors of the Mount Brenton Golf Course Ltd., in support of a zoning amendment request relating to 2755 Crozier Road, Chemainus B.C. (the "Property")

The Property was acquired a number of years ago by Mount Brenton Golf Course Ltd. At the time of acquisition there was some thought about using part of the Property to further develop one of the golf holes. At or around that time, the Property was rezoned from R1 to C4, consistent with golf club use. Sometime later, it appears in 2002, a covenant was placed on the Property in favor of the Municipality of North Cowichan. The covenant prohibited the building of any structure on that part of the Property that was intended for golf course use. We believe this covenant was intended to limit golf course use of the Property to fairways and greens (as opposed to sheds, buildings, etc.). a copy of the Covenant is attached.

At the time of its acquisition, the property had on it, and still has on it, a residential house. Mount Brenton Golf Club Ltd. has maintained and operated this as a rental house since acquisition. Tenants currently occupy the house.

The property does not lie within the ALR.

There is no longer a plan to use the Property in further development of the golf course. The Board of Directors of Mount Brenton Ltd. has determined that the Property should be sold so that the golf course can simplify operations by removing the need to manage a rental property and reallocating the significant amount capital realized through the house sale in support of golf course operations. We feel that the C4 zoning and the covenant in favor of the Municipality will be a concern to potential residential buyers. As such we would like to seek a re-zoning of the Property to R1 and release of the covenant in an expeditious manner, and in a manner that is acceptable to the municipality.

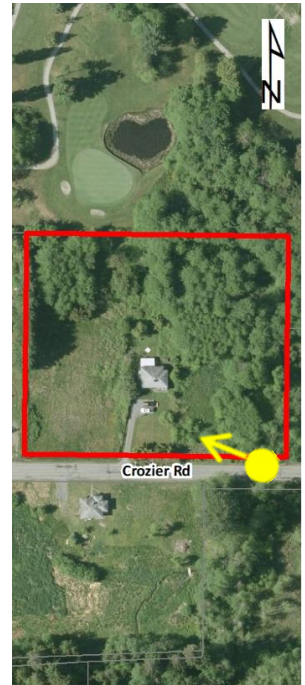
We are hopeful that the golf club's interest to allow the property to revert back to residential use will be consistent with the municipality's own interests.

Thank You  
Mount Brenton Golf Course Ltd.

A handwritten signature in black ink, appearing to read "ALAI KENDRA". The signature is stylized with large, sweeping loops and is positioned below the typed name "ALAI KENDRA".

ALAI KENDRA



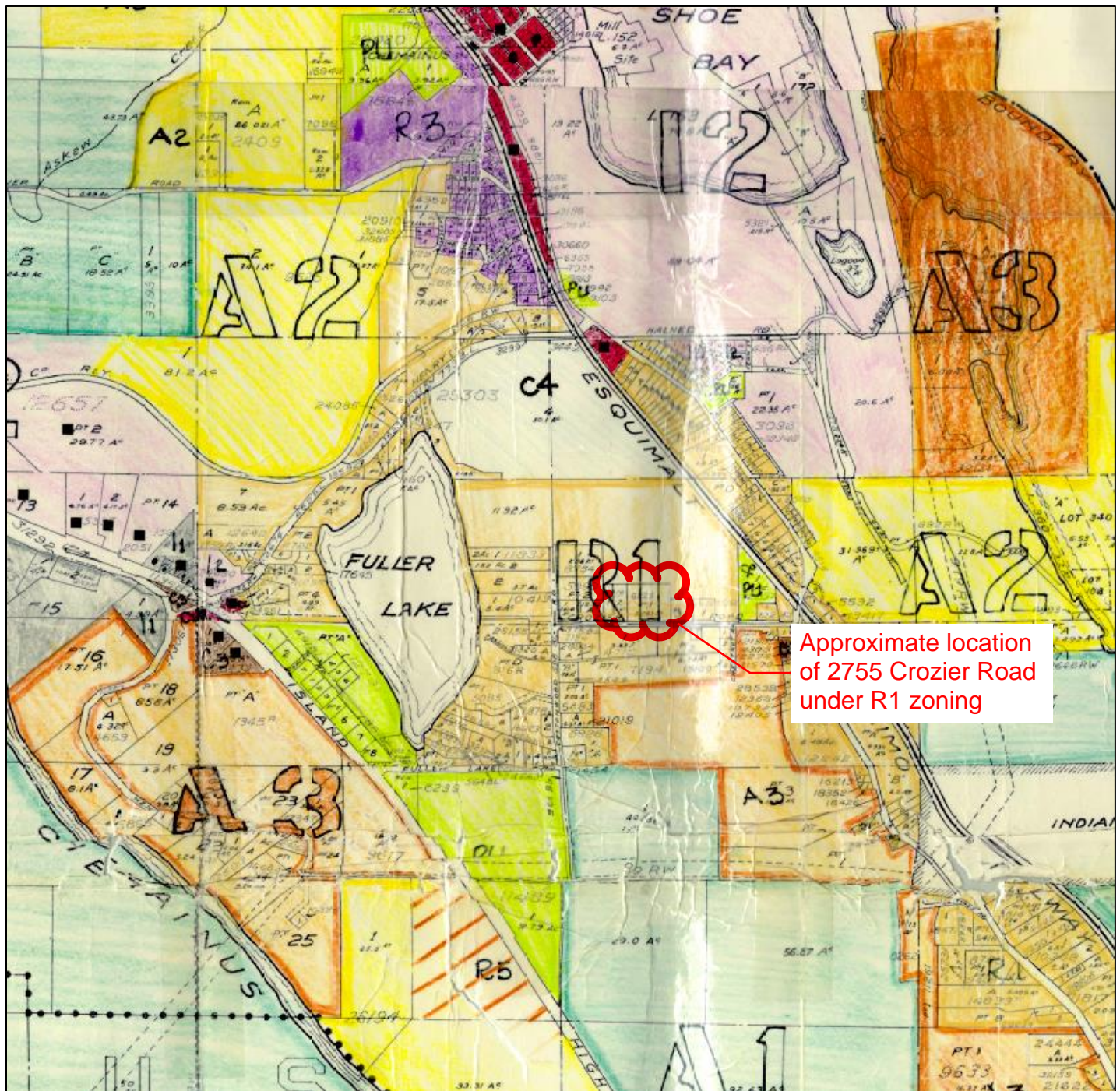






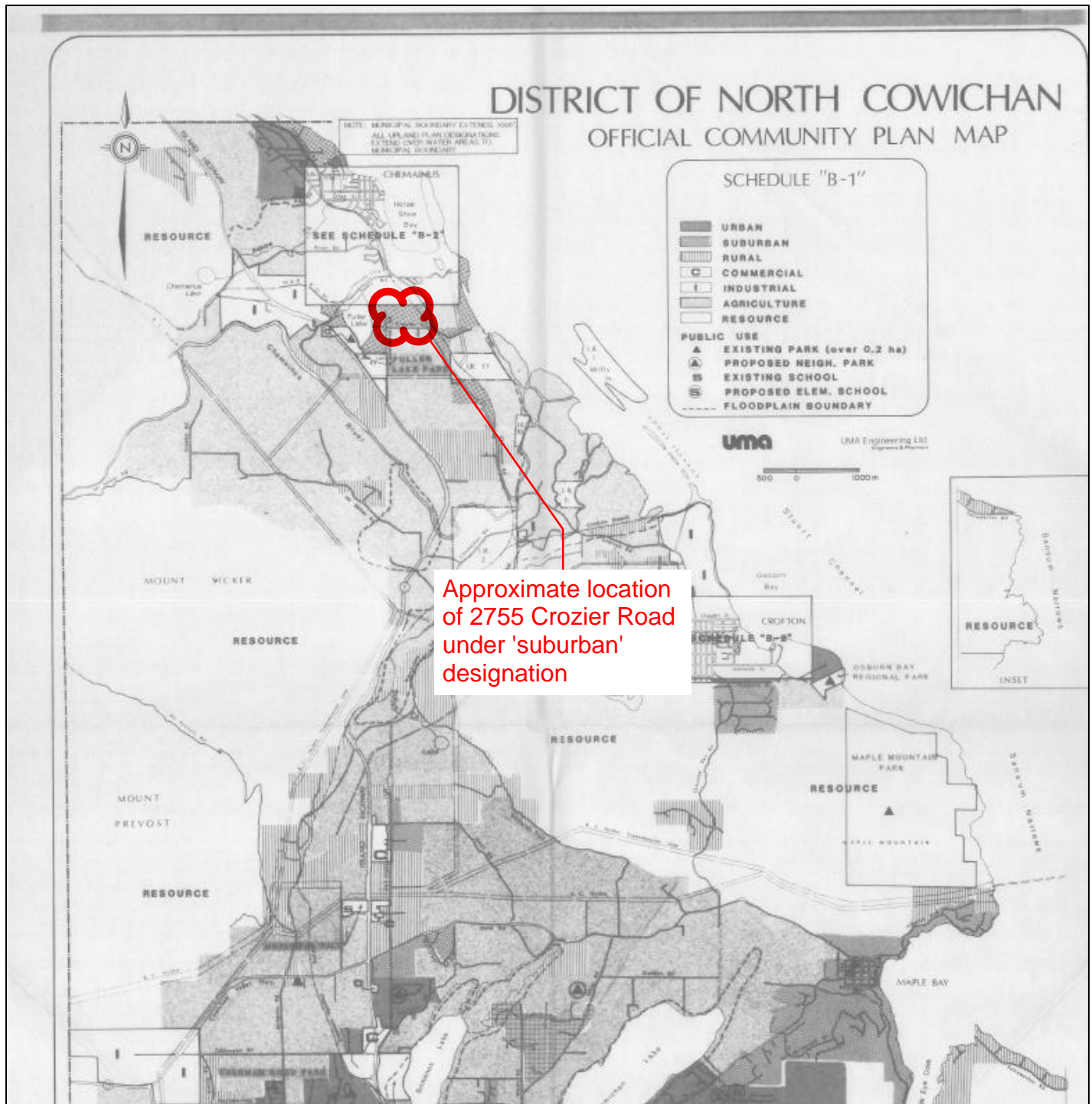


## Zoning Bylaw No. 1850, 1980 – Context Map for 2755 Crozier Road in 1980





Official Community Plan No. 2307, 1987 – Context Map for 2755 Crozier Road in 1987



**From:** Bernie Jones  
**Sent:** Tuesday, October 29, 2019 12:52 PM  
**To:** Caroline von Schilling  
**Subject:** 2755 Croizier Rd

**Categories:**

Caroline,

Thank you for notifying Chemainus Residents Association about the proposed rezoning at 2755 Crozier Rd. After reviewing the information on the Building North Cowichan web site and viewing the property CRA concludes that the rezoning to R1 makes sense. We therefore support the application with the condition that the stream which runs through the property be preserved.

Bernie Jones, Chair Land Use & Planning Committee

Chemainus Residents Association

--

Bernie Jones, Ph.D.



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The Corporation of the District of North Cowichan

**Bylaw No. 3774**

Zoning Amendment Bylaw (2755 Crozier Road), 2020

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

**1 Title**

This Bylaw may be cited as "Zoning Amendment Bylaw No. 3774 (2755 Crozier Road), 2020".

**2 Administration**

**Zoning Bylaw 1997, No. 2950 is amended as follows:**

- 2.1 ***Schedule "C" is amended by reclassifying from Commercial Recreational Zone (C4) to Residential Rural Zone (R1), 2755 Crozier Road (PID: 025-520-423), shown as the "Subject Property" and outlined in bold on the Schedule attached to and forming part of this bylaw.***

---

READ a first time on January 29, 2020  
READ a second time on January 29, 2020  
CONSIDERED at a Public Hearing on  
READ a third time on  
COVENANT registered on  
ADOPTED on

---

CORPORATE OFFICER

---

PRESIDING MEMBER

# Schedule

