

# **Municipality of North Cowichan**

## **Regular Council**

### **AGENDA**

Wednesday, October 16, 2019, 1:30 p.m.  
Municipal Hall - Council Chambers

**Pages**

**1. CALL TO ORDER**

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

**2. APPROVAL OF AGENDA**

Recommendation:

**That Council adopt the October 16, 2019 Regular Council agenda, as circulated [or as amended].**

**3. ADOPTION OF MINUTES**

**3.1 October 2, 2019 - Regular Council**

**5 - 11**

Recommendation:

**That Council adopt the minutes of the Regular Council meeting held October 2, 2019.**

**4. MAYOR'S REPORT**

**5. DELEGATIONS AND PRESENTATIONS**

**5.1 DELEGATION: Shelia Kitson, President - Cowichan Historical Society**

**12 - 14**

Purpose: Ms. Kitson to provide a brief history of the Cowichan Valley Museum and Archives (CVMA), including an update on the mandate and role in the community the Cowichan Historical Society is responsible for pertaining to the maintenance of the Duncan Train Station and current operations of the CVMA.

**6. PUBLIC INPUT**

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

**7. REPORTS**

**7.1 Chemainus Road Corridor Improvements Stage 1**

**15 - 16**

Purpose: To award the Chemainus Road Corridor Improvements Stage 1 contract for replacement and changes to underground utilities as the precursor to surface improvements to be completed under separate contract.

Recommendation:

**That Council award the Chemainus Road Corridor Improvements Stage 1 contract to Copcan Civil Ltd. for the sum of \$1,163,976 excluding GST.**

**7.2 Chemainus Road Corridor Upgrade Consideration for Bike Lanes and Parking 17 - 44**

Purpose: To seek Council direction on three options for the Chemainus Road Corridor Upgrade as suggested by the public engagement feedback from the community open house and adjacent property owner consultation.

Recommendation:

**That Council direct staff to pursue the currently designed Modal 3 on-street bike lanes and retain parallel parking on both sides of the road from Henry Road to Victoria St (option 1).**

**7.3 FireSmart Community Funding Application 45 - 46**

Purpose: To seek Council endorsement to apply for funding through the Community Resiliency Investment program that is providing funding to communities for FireSmart activities.

Recommendation:

**That staff be directed to submit a grant application for the FireSmart Community Funding through the Community Resiliency Investment program to seek funding to provide a debris disposal site for residents and hire a Local FireSmart Representative to be onsite to provide FireSmart information and answer questions.**

**7.4 Third Quarter Financial Report 47 - 74**

Purpose: To provide the General Fund Statement of Operation and a Capital update for the period ending September 30, 2019 and the Reserve Fund balances as of September 30, 2019.

Recommendation:

**That Council receive for information the October 16, 2019 Third Quarter Financial Report by the Manager of Budget and Infrastructure.**

**7.5 Proclamation Policy 75 - 87**

Purpose: To consider whether Council wishes to move forward with issuing proclamations in the future, or continue with its existing practise of not considering proclamations.

Recommendation:

**That Council select one of the following options:**

1. That Council reaffirm the practise of not issuing proclamations and adopt the Proclamation policy marked as Appendix 2 to the Corporate Officer's October 16, 2019 report; or
2. That Council support proclamation requests from the public, organizations, and groups and adopt the Proclamation Policy marked as Appendix 3 to the Corporate Officer's October 16, 2019 report.

## 8. BYLAWS

### 8.1 Rezoning Application No. ZB000093 for Bylaw 3763 (Retail Cannabis Sales - 8432 Trans-Canada Highway), 2019 (second reading)

88 - 114

Purpose: To provide Council with an update regarding the requirement of the applicant to host an Information Meeting as per Section 4.8 of the *Retail Cannabis Sales Policy* and consider giving second reading to Bylaw 3763 - "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" - a proposed site specific zoning amendment application to permit the use of Retail Cannabis Sales at 8432 Trans-Canada Highway to facilitate a cannabis retail store.

Recommendation:

**That Council give second reading, as amended (to remove reference to Drinkwater Road) to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" No. 3763 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway.**

Recommendation:

**That a Public Hearing be scheduled for Zoning Amendment Bylaw No. 3763 and that notification be issued in accordance with the requirements of the *Local Government Act*.**

## 9. NOTICE OF MOTIONS

### 9.1 Cannabis Production in the Agricultural Land Reserve

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

Recommendation:

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

## 10. NEW BUSINESS

## 11. QUESTION PERIOD

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

## 12. CLOSED SESSION

Recommendation:

**That Council close the October 16, 2019 Regular Council meeting at \_\_\_\_ p.m. to the public on the basis of the following section of the *Community Charter*.**

- 90(1)(k) - negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

## 13. RISE AND REPORT

14. ADJOURNMENT

Recommendation:

That Council adjourn the October 16, 2019 Regular Council meeting at \_\_\_\_ p.m.

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

**October 2, 2019, 1:30 p.m.  
Municipal Hall - Council Chambers**

**Members Present**

Mayor Al Siebring  
Councillor Rob Douglas (1:33 p.m.)  
Councillor Christopher Justice  
Councillor Tek Manhas  
Councillor Kate Marsh  
Councillor Rosalie Sawrie  
Councillor Debra Toporowski

**Staff Present**

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

**1. CALL TO ORDER**

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

**2. APPROVAL OF AGENDA**

It was moved and seconded:

**That Council adopt the October 2, 2019 Regular Council agenda, as amended, to include the following additional items for the Closed session:**

- **A matter (to be considered under Business – item 3.2) under Section 90 (2)(b) - the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both and a third party;**
- **Personnel updates (to be considered under Business – item 3.3 and 3.4) under Section 91(1) (c) of the *Community Charter*.**

**CARRIED**

**3. ADOPTION OF MINUTES**

**3.1 September 18, 2019 - Special Council**

It was moved and seconded:

**That Council adopt the minutes of the Special Council meeting held September 18, 2019.**

**CARRIED**

**3.2 September 18, 2019 - Regular Council**

It was moved and seconded:

**That Council adopt the minutes of the Regular Council meeting held September 18, 2019.**

**CARRIED**

Councillor Douglas entered the Council Chambers at 1:33 p.m.

**4. MAYOR'S REPORT**

The Mayor gave a verbal report on meetings and activities he recently attended. The Mayor and Council then commented on highlights of the Union of British Columbia (UBCM) conference they recently attended in Vancouver.

**5. DELEGATIONS AND PRESENTATIONS**

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

Ms. Thompson provided a PowerPoint overview of the Provincial Take Home Naloxone program including how the program was implemented, statistics, effectiveness, and how naloxone works.

Ms. Middlemiss discussed how to obtain a free kit and where to access naloxone nasal spray.

Ms. Thompson conveyed that more information regarding training and the naloxone program services could be found on their website: [www.towardtheheart.com](http://www.towardtheheart.com).

**6. PUBLIC INPUT**

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

**7. REPORTS**

**7.1 Housing Needs Grant Authorization**

It was moved and seconded:

**That Council authorize the Cowichan Valley Regional District to apply for, receive, and manage grant funding from the Union of BC Municipalities to prepare a regional housing needs report on behalf of the District of North Cowichan.**

**CARRIED**

**7.2 Genoa Bay Road Watermain Extension**

It was moved and seconded:

**That Council direct staff to work with the residents (from 6145 to 6009 Genoa Bay Road, south of Maple Bay Marina) to explain costs then create a petition that could be valid and sufficient per the *Local Government Act*.**

**CARRIED**

**8. BYLAWS**

**8.1 Bylaw 3734 - "Delegation of Authority Bylaw, 2019"**

It was moved and seconded:

**That Council adopt "Delegation of Authority Bylaw, No. 3734, 2019" – a bylaw to provide for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees.**

**CARRIED**

**8.2 Bylaw 3759 - "South End Water Local Area Service Enlargement Bylaw, 2019"**

It was moved and seconded:

**That Council adopt "South End Water Local Area Service Bylaw, No. 3759, 2019".**

**CARRIED**

**8.3 Bylaw 3762 - "Permissive Tax Exemption Amendment Bylaw, 2019"**

It was moved and seconded:

**That Council adopt "Permissive Tax Exemption Amendment Bylaw, No. 3762, 2019".**

**CARRIED**

**8.4 Bylaw 3764 - "Zoning Amendment Bylaw (Housekeeping Amendment No. 2), 2019"**

It was moved and seconded:

**That Council give third reading to "Zoning Amendment Bylaw (Housekeeping Amendment No. 2), 2019" No. 3764 a bylaw to re-establish siting setback regulations for heat pumps and air conditioning units.**

**CARRIED**

It was moved and seconded:

**That Council adopt "Zoning Amendment Bylaw (Houskeeping Amendment No. 2), 2019" - a bylaw to re-establish siting setback regulations for heat pumps and air conditioning units.**

**CARRIED**

9. NOTICE OF MOTIONS

9.1 Environmental Advisory Committee

It was moved and seconded:

**That Council reinstate its Environmental Advisory Committee;**

**And That the Committee recommence meetings in October and meet on a monthly basis.**

(Opposed: all members)

**DEFEATED**

It was noted that because Council would be meeting at the end of October to discuss Committees generally, consideration for establishing an Environmental Advisory Committee would be discussed at that time.

9.2 Quamichan Watershed and Lake Phosphorus Loading

It was moved and seconded:

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

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

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

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

It was moved and seconded:

**That the motion be amended by deleting the last paragraph and replacing it with the following:**

**Be it resolved that in anticipation of the rewriting of the OCP, the new Zoning bylaw and other relevant documents, Council direct staff to consider ways to reduce both the deposition of phosphorus into the watershed and the flow of phosphorus into the lake including, but not limited to, engineering standards and land use regulations and planning policies which have been used successfully in other jurisdictions.**

**CARRIED**

The vote was taken on the main motion, as amended.

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

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

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

**Be it resolved that in anticipation of the rewriting of the OCP, the new Zoning bylaw and other relevant documents, council direct staff to consider ways to reduce both the deposition of phosphorus into the watershed and the flow of phosphorus into the lake including, but not limited to, engineering standards and land use regulations and planning policies which have been used successfully in other jurisdictions.**

**CARRIED**

## **10. UNFINISHED AND POSTPONED BUSINESS**

### **10.1 Chemainus Valley Cultural Arts Society**

It was moved and seconded:

**That Council appoint Councillor Marsh as a liaison to the Chemainus Valley Cultural Arts Society Board.**

**CARRIED**

It was moved and seconded:

**That Council authorize the Mayor to write a letter of support, in principle, for the Chemainus Valley Cultural Arts Society's proposal to conduct a feasibility study to build a multi-purpose arts centre, with the proviso that it be identified that no funding options are available.**

**CARRIED**

It was moved and seconded:

**That Council authorize staff to participate in interviews during the Feasibility Study.**

**CARRIED**

### **10.2 Friends of the Cowichan Public Art Gallery Society**

It was moved and seconded:

**That Council authorize the Mayor to write a letter of support, in principle, for the Cowichan Valley Public Art Gallery Society's initiative to bring a purpose-built art gallery building to the Cowichan Valley to host on-going international, national and local art exhibitions, with the proviso that it be identified that no funding options are available.**

**CARRIED**

**11. NEW BUSINESS**

None.

**12. QUESTION PERIOD**

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

**13. CLOSED MEETING**

It was moved and seconded:

**That Council close the October 2, 2019 Regular Council meeting at 3:22 p.m. to the public on the basis of the following sections of the *Community Charter*:**

- **90(1)(a) - personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;**
- **90 (2)(b) - the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both and a third party; and**
- **90(1)(c) - labour relations or other employee relations.**

**CARRIED**

**14. RISE AND REPORT**

Council appointed the following individuals to be Community Ambassadors for the purposes of carrying out the terms of reference outlined in the Official Community Plan Engagement Strategy:

<b>Community</b>	<b>Ambassadors</b>
Bell McKinnon	David Darwin, Dave Jackson, and Matthew Huotari
Berkey's Corner	Andrew Wilson, John Scull, and Kevin Rodger
Crofton	Carol Donelly
Chemainus	Ken Brown, Tom Andrews, Christina Godbolt
Lakes-Jaynes-Timbercrest Area	Cindy Lise
Maple Bay	Sheila Kitson, Ann M. Murray, Wendy McPherson
Quamichan	Marilyn Palmer, Douglas Hume, Sarah Nelles
Rural	Nancy Dower, Carreen Unguran

Council appointed the following individuals to sit on the Official Community Plan Advisory Group for the purposes of carrying out the terms of reference outlined in the OCP Engagement Strategy:

Bernie Jones  
Cam Campbell  
Mona Kaiser  
Shannon Waters  
Sandra McPherson

Nick Neisingh  
Rupert Koyote  
Terri Mattin  
Caitlen Kenny  
Hajo Meijer  
Tim Openshaw  
Dave Messier  
Chris Crowther

**15. ADJOURNMENT**

It was moved and seconded:

**That Council adjourn the October 2, 2019 Regular Council meeting at 4:55 p.m.**

**CARRIED**

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Certified by Corporate Officer

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Signed by Mayor

October 16, 2019.

Presentation to Mayor & Council and Staff. Municipality of North Cowichan

Good afternoon Mayor and Council and members of staff.

My name is Sheila Kitson, I live at 5965 Genoa Bay Road.

I am here to-day as President of the Cowichan Historical Society, and will speak

In support of the Grant-in-Aid application 2019 which has been submitted by the Cowichan Historical Society having met the deadline of October 15.

The Cowichan Valley Museum & Archives is a regional museum & regional archives owned and operated by the Cowichan Historical Society (CHS). Our collection area is Paldi to the West, Westholme to the North, Cobble Hill to the South and Maple Bay to the East. The Archives extends to Goldstream with the addition of recent collections from Mill Bay and Bamfield

The Museum has at least ten (10) years membership in the following organisations (and continues in good standing) with the Canadian Museums Association, BC. Museums Association, Heritage BC. And the BC Historical Federation.

The Archives are accredited members with the Archives Association of BC. The CHS has been in good standing with the official registrar in Victoria as a non-profit society since 1974. The museum is located on Canada Avenue in the federally and provincially Heritage designated 107 year old building, the Duncan Train Station in downtown Duncan. The Archives are located on the third floor of City Hall

In June of this year the museum celebrated thirty (30) years in the Duncan building thanks to the support of the City of Duncan and the Island Corridor Foundation.

The CHS holds a sub-lease that expires in June 2037 on the building. Under this lease the CHS is responsible for the maintenance and upkeep of the building inside and out, plus the necessary insurance for the building and contents. The city does contribute some funds towards the building but the CHS has to provide

matching funds for capital projects, roof replacement for example. These monies go back into the community as where feasible local trades people are contracted to undertake the work.

The CHS employs two full time staff, a Curator /Manager plus a Museum assistant. The Curator /Manager is also responsible for the archives which is located in a separate building, but no less interesting in rooms below the clock tower of City Hall on the third floor., leased to CHS. by the City. The archives are staffed with trained volunteers, Wednesday to Friday 12.00 to 4.00 pm year round. Storage is a pressing challenge for the ever growing regional archival collection. For those wishing to do research the facility is available by contacting the Museum for an appointment.

The museum is open to all comers, during the summer months daily 10:00 am to 4:00 pm. winter hours Wednesday to Friday 11.00 to 4.00 Saturday 1.00 to 4.00. A team of approximately thirty (30) volunteers enable the museum to be open these hours, in the museum they are responsible for the reception desk, gift shop, and for providing tourists and residents with information not I emphasize just relating to the City but to the entire region of the Cowichan Valley and beyond.

I will take this opportunity to state and emphasize the museum even though it is located in Duncan is a regional museum, the same with the archives. The Cowichan Valley Museum & Archives are the trusted caretakers and keepers of Cowichan's history --we collect, preserve and present tangible history for example artifacts and archival material, and intangible history First Nations languages, oral traditions and knowledge. Included in the operation of the museum is a popular school program offered for students K-12. In both public, local private schools and to those who home school. These programs have been developed by the educational staff member and are reviewed in response to educators needs to reflect the goals of the new K- 12 curriculum. In addition the museum and archives are available for post graduate students for internships and research.

The City tasked the Museum with delivering "Totem Tours" these are conducted around the downtown commencing at the museum. Private tours of the museum by local groups are welcome, contact the museum for a time and date. When next

you are downtown take note of the historical outdoor photo exhibits mounted on the walls of various buildings. All the original photographs are from the Archives, enlarged, and mounted on special graffiti and weather proof material interpreting local history. A future display being planned is that of some of the local hotels built, but sadly no more along the E. & N railway line.

The operational funding for the museum and archives is dependent on successful grant applications from various funding bodies; donations large or small are gratefully accepted. CRA receipts are available for donations according to CRA rules. Membership in the Cowichan Historical Society is \$20.00 per year. The CHS hold a meeting every 3rd Thursday of the month at St. Peter's Quamichan. We invite guest speakers who give of their time to deliver varied and entertaining presentations. Everyone is welcome to attend, not just members.

This year the Grant -in Aid funding from the Municipality will contribute towards the operational funding of both the Museum and Archives.

The elected Board of the CHS together with the Curator /Manager has a Strategic Plan and are undertaking the preparation of a five (5) year plan to be reviewed annually.

Earlier this month our Curator Manager Kathryn Gagnon attended a Provincial conference in Prince George hosted by the BC Museums Association. The Cowichan Valley Museum was nominated for an Award of Excellence, one of only ten in the Province to be recognised and the smallest I might add. The Museum had been nominated in recognition of the work Kathryn has undertaken in changing the role of our museum and how it plays in this day and age of defining and celebrating local diversity


I would like to take this opportunity to extend an invitation to everyone to please come and visit the museum, even if you have been before come again and see for yourself what's new.

I thank you for this opportunity to speak publically to you Mr. Mayor, Council members and members of staff. Thank you.

# Report

Date October 4, 2019 File: 5400-65 CHE1

To Council

From David Conway, P.Eng., Director, Engineering | Approving Officer Endorsed: 

Subject Chemainus Road Corridor Improvements Stage 1 – Contract Reference No. 2019-30

## Purpose

To award the Chemainus Road Corridor Improvements Stage 1 contract for replacement and changes to underground utilities as the precursor to surface improvements to be completed under separate contract.

## Background

The Chemainus Road Corridor Improvements is a previously approved project for road improvements including underground main replacements and surface improvements on Chemainus Road between Henry Road and Victoria Street. Construction will be phased over 2 stages. This tender is Stage 1 which includes underground construction with some minor surface improvements to start in late October 2019 and to be completed in spring of 2020. Stage 2, under separate contract, will consist of the remainder of the surface improvements from Henry Road to Victoria Road which includes the roundabout at River Road which is expected to start in late winter of 2020 for completion in fall of 2020. Stage 1 generally consists of sewer, storm, water main replacements, and some partial sidewalk improvements. With approval from Council for this Stage 1 Tender, the contract can be awarded immediately and construction can commence soon after.

The Chemainus Road Corridor Improvements Stage 1 tender closed on September 27, 2019. The results of the tenderers are summarized below:

Copcan Civil Ltd.	\$1,163,976.00
Stone Pacific Contracting Ltd.	\$1,299,578.82
J. Hanna Construction Ltd.	\$1,868,440.00
Ramida Enterprizes Ltd.	\$1,930,337.61

All bids exclude GST.

## Discussion


Copcan Civil Ltd.'s tender bid is broken down into 4 components of storm, sewer, water main, and partial surface improvements, as are the municipal budgets. The tender results meet the Engineering Department's expectations for each of the storm, sewer, and water improvements categories showing costs below the original budget by 25% in all categories.

This buffer of 25% will allow for contingencies. The partial surface improvements category in this Tender is a small component of a much larger budget and scope that is expected to be completed in the fall of 2020. The Tendered price for the surface improvements is of reasonable value and is within the budget for that component of surface improvements.

#### Recommendation

**That Council award the Chemainus Road Corridor Improvements Stage 1 contract to Copcan Civil Ltd. for the sum of \$1,163,976 excluding GST.**

# Report

Date	October 08, 2019	File:
To	Council	
From	David Conway, Director of Engineering   Approving Officer	Endorsed: 
Subject	Chemainus Road Corridor Upgrade consideration for Bike Lanes and Parking	

## Purpose

To seek Council direction on three options for the Chemainus Road Corridor Upgrade as suggested by the public engagement feedback from the community open house and adjacent property owner consultation.

## Background

### The Chemainus Rd Corridor Upgrade

The Chemainus Rd Corridor Upgrade was a project identified in the Part 4.3 Streets and Roads Implementation Plan in the 2011 Chemainus Town Centre Revitalization Plan (Revitalization Plan). The 2019-2020 Capital Budget includes funding to complete the project and Staff revised the street design in order to fulfill policy requirements of the Official Community Plan, Revitalization Plan, Bike Network Implementation Guide, Parks and Trails Master Plan and the Climate Action and Energy Plan. The significant change to the plan was the addition of bike lanes on Chemainus Road in place of the Revitalization Plan recommended treed median.

The Staff proposed upgrade consists of a 720 m segment of Chemainus Road between Henry Rd and Victoria Street with the following components:

- Two travel lanes (3.35 m wide each)
- On-street parallel parking on both sides (2.5 m each)
- Landscaped boulevard on both sides
- Sidewalks on both sides (2.0 m west side, 1.5 m east side); and
- A Modal 3 bike route on each side of the road (1.5 m each) delineated by painted lines between parking and roadway.
- Replacement of the water, sewer, and storm drain servicing.
- Street furniture such as benches and street lighting for beautification and functionality.
- Roundabout proposed for Chemainus Rd and River Rd.

(See Schedule 1 Concept Cross-Section Road Design)

### Chemainus Rd Corridor Upgrade Open House and Follow Up Consultation

On August 13, 2019, the Engineering Department held a Community Open House with the adjacent Chemainus Road landowners and stakeholders that live and work between Henry Road to Victoria St.

The stakeholders group included representatives from the Chemainus Business Improvement Association (BIA), Chemainus Chamber of Commerce, Chemainus Theatre, Best Western Hotel and Chemainus Residents Association. Municipal Staff presented the proposed road design and changes noted above and held a question and answer period. (See Schedule 4 Open House Survey & Meeting Comments)

The majority of the Open House attendees expressed support of the road design and were in favour of the bike lanes, but a number of the adjacent business owners had some concerns, so Staff organized a second meeting with them on September 5, 2019. Eight adjacent property owners attended the meeting and unanimously stated that they were not in favour of the bike lanes and that they wanted them removed and replaced with additional angled parking on the eastside of Chemainus Road. (Schedule 5: Business Owner Meeting comments)

A summary of the number of the ideas that came up at the meetings were:

- There are not many bikes that utilize Chemainus Road, therefore bike lanes were not warranted especially when we already have The Great Trail multi-use path that runs parallel to Chemainus Rd.
- The bike lanes being proposed between Henry Rd and Victoria St are not useful because the bike paths are incomplete and stops at Victoria St where there is a narrowing of the road.
- Protected bike lanes would be preferred and they are safer than the on-street, unprotected bike lanes that are proposed.
- Bike lanes on Chemainus Road would be great.
- More parking stalls were desired for the Chemainus Theatre and businesses south of Victoria St.

## Discussion

In consideration of the adjacent land owners' comments, Staff reviewed bike lanes and additional parking. The research findings are discussed below.

## POLICY

### Official Community Plan (OCP) 2011

The OCP supports the implementation of bike lanes in our communities. Policy 2.5.6.4 (b) states *"When undertaking road improvements and upgrades [such as the Chemainus Rd Corridor Upgrade], the Municipality will incorporate cycling requirements into...road design. (c) When planning annual transportation improvements, the Municipality will consider projects identified in the Trails and Cycling Network Plan, and the Regional Multi-Use Trail Network Plan"*. The Bike Network Implementation Guide was approved by Council in 2018, which is an extension of the Trails and Cycling Network Plan (2001).

### Bike Network Implementation Guide (Bike Network) 2018

The Bike Network provides a vision for developing and enhancing cycling infrastructure within the Municipality. The Plan recommends an incomplete, on-street (Modal 3 standard) of bike lanes for Chemainus. Modal 3 bike lanes are adjacent to motor vehicle lanes and flow in the same direction as traffic. They are delineated with pavement markings and signage. The proposed bike lanes are incomplete because there are constrictions such as road width or angle parking in the area make it dangerous to locate bike lanes on both sides of the road north of Victoria St on Chemainus Road.

The Bike Network also details Modal 1 (separated bike lanes) and Modal 2 (protected bike lanes). A number of residents mentioned safety as being the biggest concern for cyclists. Modal 1 and 2 provide a greater safety measures than the Modal 3 bike lanes in all situations. Modal 1 or modal 2 bike lanes could be designated for Chemainus Road, if preferred. (See Schedule 6 Modal 1, 2 & 3 Photos).

### Park and Trails Master Plan (2016)

The Park and Trails Master Plan identified a cycling path for Chemainus Road in its Long Term Goals. The Goal states: *"To improve the Crofton to Chemainus connection to at least the Class/[Modal] 3 standard described in Trail Classification & Difficulty."* The Plan further states, *"This style of bike lane [Modal 3] is considered the least desirable to cyclists and should be developed only when conditions are unsuitable for Class[Modal] 1 and 2."* Therefore consideration could also be given to Modal 1 (separated bike lanes) and Modal 2 (protected bike lanes) for roads that have increased volume and/or speed.

### Climate Action & Energy Plan (CAEP) 2014

North Cowichan has adopted a greenhouse gas reduction target that includes a 33% reduction over 2007 GHG levels by 2025 and an 80% reduction by 2050. In order to reduce energy demand, the first strategy is to focus on creating land-use patterns that reduce the need for driving and support walking and cycling (pg. 26). The CAEP helped to inform the decision of Staff to include bike lanes in the Corridor Upgrade rather than landscaped medians.

### OFF-STREET PARKING ON CHEMAINUS ROAD

#### The Cost of Parking

- Parking is expensive to build, has expensive land costs and on-going maintenance costs.
- Additional parking imposes indirect, but real, cost by reinforcing auto dependence.
- Auto dependence should be avoided as it leads to sedentary lifestyles.
- Sprawl is attributed, in part, to large areas of parking.
- Empty parking lots can create a ghost town effect, which is uninviting to tourists.
- Additional parking will not encourage people to consider changing their transportation habits, such as carpooling or cycling instead of driving into town.

#### Traffic Speed and Traffic Calming

The posted speed limit on Chemainus Rd is 40 km/hr. The Special Speed Study Report (2017) showed that the 85<sup>th</sup> percentile is 49.7kmh (85% of drivers are travelling at or below that speed), and that the average speed is 43.1kmh.. OCP Policy 2.5.6.3. states: *"The Municipality will plan cycling routes...In areas where traffic volumes and/or speeds are higher, a separate bike lane or route may be warranted."* The current configuration of Chemainus Road lends itself to speed due to low volumes of traffic on a fairly straight and wide roadway. This will change with the addition of painted lanes, mid block crosswalks, a roundabout, street trees etc.

#### Parking Demand

The biggest concern from the Open House and follow up business owner meeting was the desire to have additional parking on the east side of Chemainus Road. The adjacent business owners recommended angle parking, which would help support their businesses. Staff understand that there is a fine balance between adequate supply of parking and an over supply of parking, therefore careful consideration should be given to any additional number of parking spaces.

#### Money-in-lieu of Providing Off-street Parking Spaces (Chemainus) Bylaw No. 2838

For 24 years, North Cowichan has had a Money-in-Lieu of Parking (Chemainus) Bylaw in place that permits businesses to provide money-in lieu of parking. According to the Fees Bylaw, a business owner can forego providing parking space at the cost of \$8,000 per lot. The Bylaw states that a reserve fund *"shall be used only for providing new and existing off-street parking spaces"*. Please note the proposed Corridor upgrade section of Chemainus Road has been identified to be inside the catchment area for this bylaw. Director of Finance has indicated that there is \$66,000 that could be used for additional off-street parking in Chemainus due to this bylaw.

#### Parking Supply Rates

The Chemainus Parking Management Strategy (2012) determined the parking supply for Chemainus was adequate and did not need to be increased. Chemainus parking supply was calculated with an estimated floor area of 21,790 m<sup>2</sup> with 627 parking spaces equaling 1 parking space per 34.8 m<sup>2</sup> floor area. Chemainus compares favourably with other communities and increasing parking along this stretch would have negligible overall impact.

**TABLE 1: Town Centre Parking Supply Rates in other Communities**

Community	Designation	Required Supply Rate
Chemainus	Commercial	1 parking space per 33.5 m <sup>2</sup>
Langford	Neighbourhood Mixed Use	1 parking space per 25 m <sup>2</sup>
Parksville	Offices above First Storey	1 parking space per 40 m <sup>2</sup>
Revelstoke	Retail stores, services	1 parking space per 50 m <sup>2</sup>
Whistler	Commercial	1 parking space per 40 m <sup>2</sup>

SOURCE: Chemainus Parking Management Study (2012) Schedule 10

The Parking Study also indicated at peak hours the parking demand rate is 1 parking space per 62.1 m<sup>2</sup> on Saturdays, which is high, but it may encourage residents to consider alternative forms of transportation during those times, ie. ride share, cycling or walking into the downtown area.

#### Traffic Volumes

In 2014, Chemainus Road had the 8<sup>th</sup> highest in traffic volume in North Cowichan. OCP Policy 2.5.6.3 states, *"The Municipality will plan cycling routes. a) Except in areas with the highest traffic volume, the Municipality will design roads to be shared by automobiles, bicycles and pedestrians. In areas where traffic volumes and/or speeds are higher, a separate bike lane or route may be warranted."*

#### BIKE LANES ON CHEMAINUS ROAD

#### Complete Separated Bike Lane on the East side of Chemainus Rd

On October 2018, Urban Systems was invited to provide a Peer Review of the Chemainus Road Corridor Concept Design. The Transportation Planner suggested Modal 1 separated bike path and a pedestrian sidewalk on the east side of Chemainus Road with parallel parking as a preference. The separated bike lane and sidewalk provide the safest pedestrian and cycling experience. (Schedule 7 Urban Systems Peer Review)

#### Rationale for replacing the Treed median with Bike Lanes

Although, traffic calming and beautification are desirable, Engineering staff considered bike lanes to be more beneficial in order to create healthier communities and help reduce automobile usage throughout North Cowichan (OCP, Policy 2.5.6.1).

A treed median on that segment of Chemainus Rd would also make it difficult to access the businesses and homes on the west side of Chemainus Road, as a median would make it impossible to turn left. The Revitalization Plan originally planned the treed median in tandem with roundabouts to enable u-turns, so that the ingress and egress is always a right turn.

#### The Great Trail

Eight Chemainus Road business owner/residents identified that Chemainus Road already has a bike lane, The Great Trail, which is part of a larger Trans Canada Trail across the Southern Vancouver Island and is managed by the Municipality and CVRD. The Great Trail runs parallel to Chemainus Road next to the E&N railways tracks and has Modal 1 separated trail capability, which allows two-way travel separated from the roadway.

The Great Trail is a Modal 1 bike lane, which is the safest of the four types of trails identified in the Bike Network, as it eliminates threat of vehicle-bicycle collision, as it dedicates and protects space for all non-motorized road users. Part 3.3 of the Revitalization Plan considers The Great Trail as a cycling route and states, *"Cyclists are accommodated on the existing active transportation route which is parallel to and immediately west of Chemainus Road [The Great Trail]. Where limited opportunities of exist of cycling facilities, off-street separated facilities such as the active transportation route...as they attract a much broader cross-section of the population than bicycle lanes or other on-street bicycle facilities."*

The Bike Network considered The Great Trail as secondary trail to the bike lanes to the main bike lanes on the roadway, therefore, the Chemainus Rd Corridor Plan incorporated Bike Network Plan recommended Modal 3 bike lanes. Two issues with the Great Trail versus bike lanes on the roadway, is that the Great Trail it unlit and it is surfaced with cart path (gravel) material which is a deterrent for some users.

#### **Options**

1. **[RECOMMENDED]** That Council direct staff to pursue the currently designed Modal 3 on-street bike lanes and retain parallel parking on both sides of the road from Henry Road to Victoria St. (See Schedule 1)

#### *Advantages*

- *Painted bike lanes are inexpensive and are included in the existing Capital Budget for this project.*
- *Adherence to the Bike Network Implementation Plan, recommendation for Modal 3 bike lanes for Chemainus Road.*
- *The majority of the attendees at the Open House were in favour of the proposed bike lanes.*
- *Parallel parking would result in the same number of parking stalls what is currently being provided on Chemainus Road. There would be no reduction in parking stalls.*

#### *Disadvantages*

- *Modal 3 bike lanes are less safe than Modal 1 and 2 bike lanes.*
- *Eight of the Chemainus Rd businesses and owners on Chemainus Rd did not like the proposed bike lanes and were in favour of utilization of the Great Trail separated bike lane and angled parking.*
- *Bike lanes extending past Victoria St would be problematic due to restricted road width and safety hazard of locating a bike lane behind 90 degree parking on the west side of Chemainus Rd between Mill and Cypress St.*
- *With the potential land acquisition for the bike lanes, the road width for Modal 1 could be achievable. The Parks and Trails Master Plan states [Modal 3] is considered the least desirable to cyclists and should be developed only when conditions are unsuitable for Class[/Modal] 1 and 2."*

2. That Council direct staff to pursue Modal 1 separated bike lanes on the east side of Chemainus Road with parallel parking on both sides of the road from Henry Rd to Victoria St. (See Schedule 8, Option 2)

#### *Advantage*

- *Three residents at the Open House requested protected bike instead of on-street bike lanes.*
- *8 residents at the Adjacent Business Meeting recommended that additional angle parking be built.*
- *This option was the preferred bike lane design by Urban Systems in their Peer Review of the Chemainus Road Concept Design.*
- *Modal 1 Off-street separated path is the safest of all bike lanes types.*
- *With the potential land acquisition for the bike lanes, the road width for Modal 1 could be achievable. The Parks and Trails Master Plan states [Modal 3] is considered the least desirable to cyclists and should be developed only when conditions are unsuitable for Class[/Modal] 1 and 2."*
- *Parallel parking would result in the same number of parking stalls what is currently being provided on Chemainus Road. There would be no reduction in parking stalls.*

#### *Disadvantage*

- *More expensive to build than the existing proposed Modal 3 bike lanes.*
- *Additional parking is not warranted in the Chemainus downtown core, as the current ratio is already 1 parking stall per 34.8 m<sup>2</sup> of commercial floor space.*

3. That Council direct staff to pursue Modal 1 separated bike lanes on the east side of Chemainus Road from Henry Rd to Victoria St with 48 angled parking lots between River Rd and Victoria St. (See Schedule 9, Option 3 Angled Parking)

*Advantage*

- *This option was the preferred bike lane design by Urban Systems in their Peer Review of the Chemainus Road Concept Design.*
- *Modal 1 Off-street separated path is the safest of all bike lanes types.*
- *With the potential land acquisition for the bike lanes, the road width for Modal 1 would be achievable. The Parks and Trails Master Plan states [Modal 3] is considered the least desirable to cyclists and should be developed only when conditions are unsuitable for Class[/Modal] 1 and 2."*
- *A peak times in the week (Auction, Theatre Event, Market etc) parking demand can increase and parking can be difficult to find.*

*Disadvantage*

- *More expensive to build than the existing proposed Modal 3 bike lanes.*
- *According to the Chemainus Parking Study, current parking is adequate for the businesses and therefore additional parking would not be warranted.*

## Implications

### Financial Implications

- The project is currently budgeted for the work as designed. Changes will raise the project costs.

### Personnel Implications

- Some consultation has been done but there could be a desire to go back to the community with the decision noting the consideration of the feedback.
- Staff are near ready to complete land negotiations tender the roadwork for late winter construction start.

### Environmental Implications

- Bike lanes would improve the reduction of greenhouse gases, while additional parking would increase auto-dependency and pollution.

### Social Implications

- Residents and Business Owner comments are being considered in this report, but not to universal agreement.

### Communication

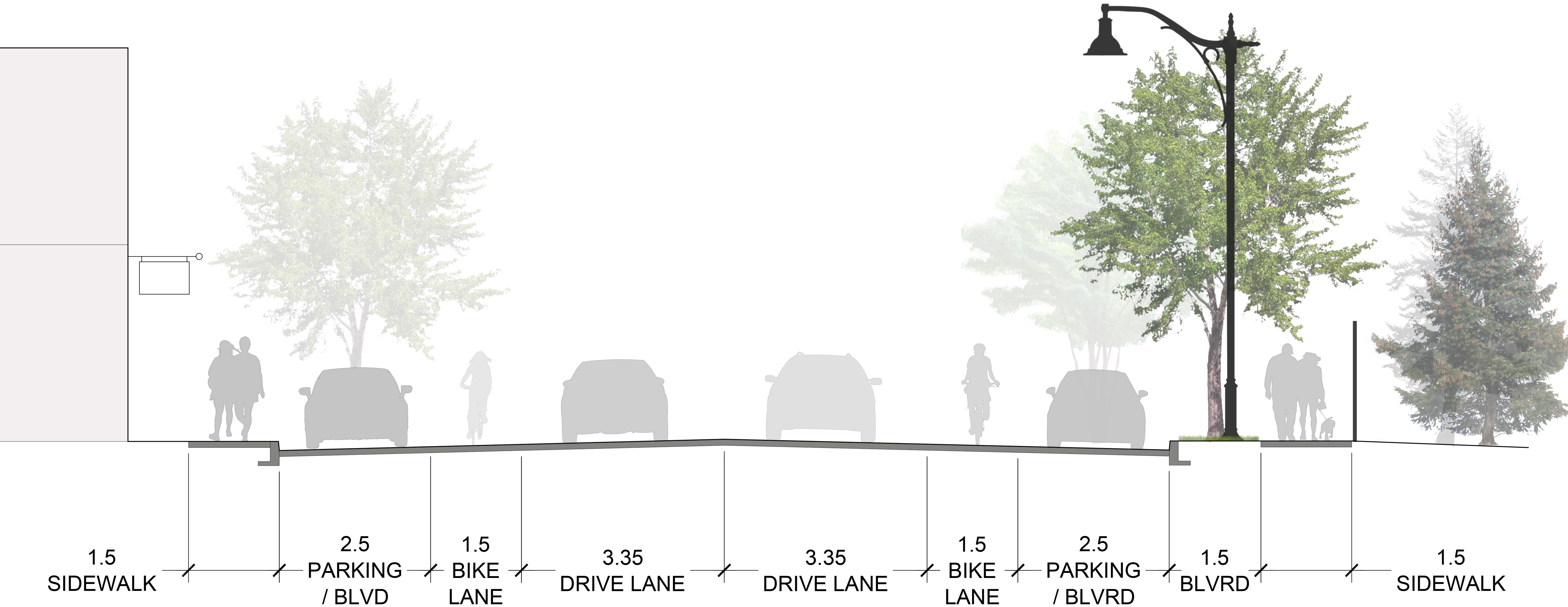
- Additional public information sessions may be required for the business and residential owners adjacent to Chemainus Rd and any interested stakeholders with Council's approved road design.

## Recommendation

**That Council direct staff to pursue the currently designed Modal 3 on-street bike lanes and retain parallel parking on both sides of the road from Henry Road to Victoria St (option 1).**

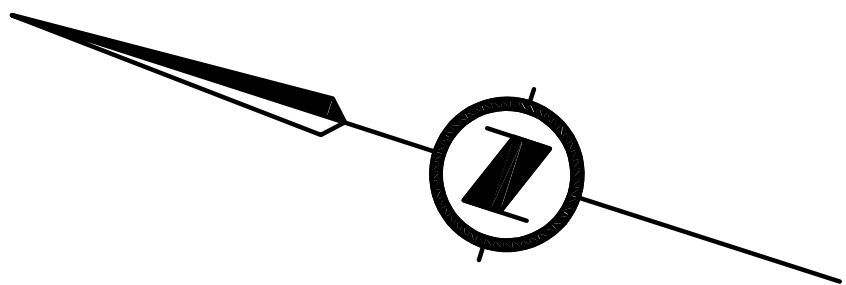
Attachment(s):

1. Schedule 1: Conceptual Road Cross Section Design, Option 1
2. Schedule 2: Road Design (River Rd to Victoria St) Part 1
3. Schedule 3: Road Design (Henry Rd to River Rd) Part 2
4. Schedule 4: Open House Survey & Meeting Comments
5. Schedule 5: Adjacent Business Owner Meeting Comments
6. Schedule 6: Bike Network I Guide: Modal 1, 2, & 3 Photos
7. Schedule 7: Urban Systems Peer Review
8. Schedule 8: Option 2, Modal 1 and parallel parking
9. Schedule 9: Option 3, Modal 1 and angled parking



CROSS SECTION LOOKING NORTH

**PRELIMINARY**  
NOT FOR CONSTRUCTION

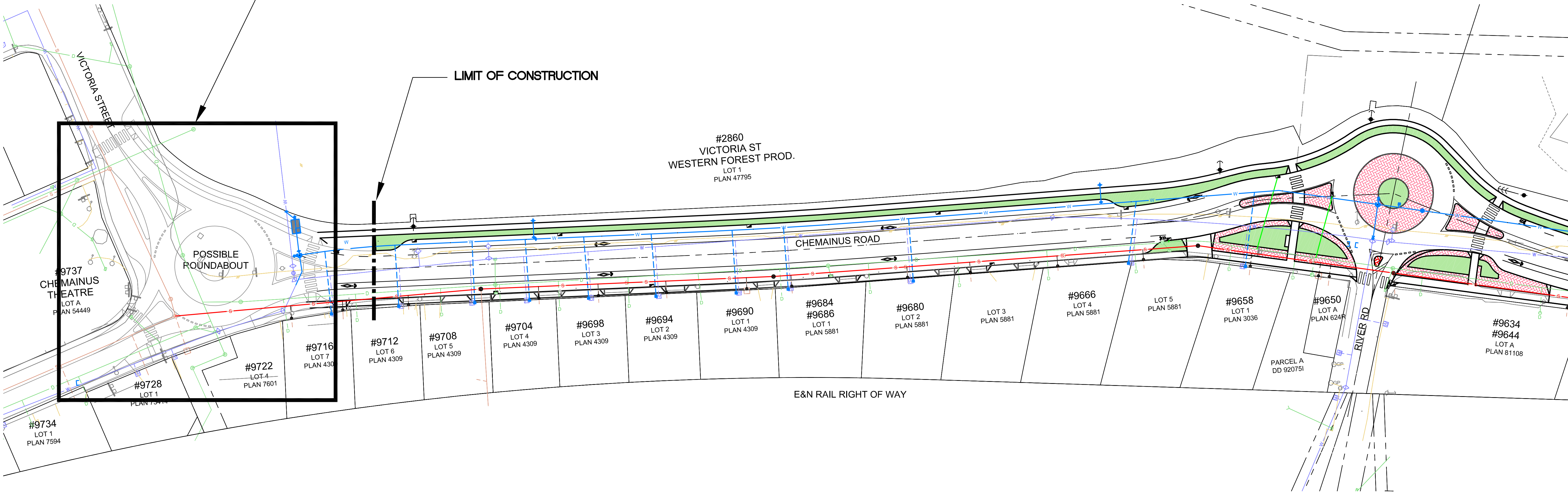


FUTURE PHASE  
POSSIBLE ROUNDABOUT

LIMIT OF CONSTRUCTION

#2860  
VICTORIA ST  
WESTERN FOREST PROD.  
LOT 1  
PLAN 47795

E&N RAIL RIGHT OF WAY



Project

CHEMAINUS ROAD

Description

CORRIDOR UPGRADES

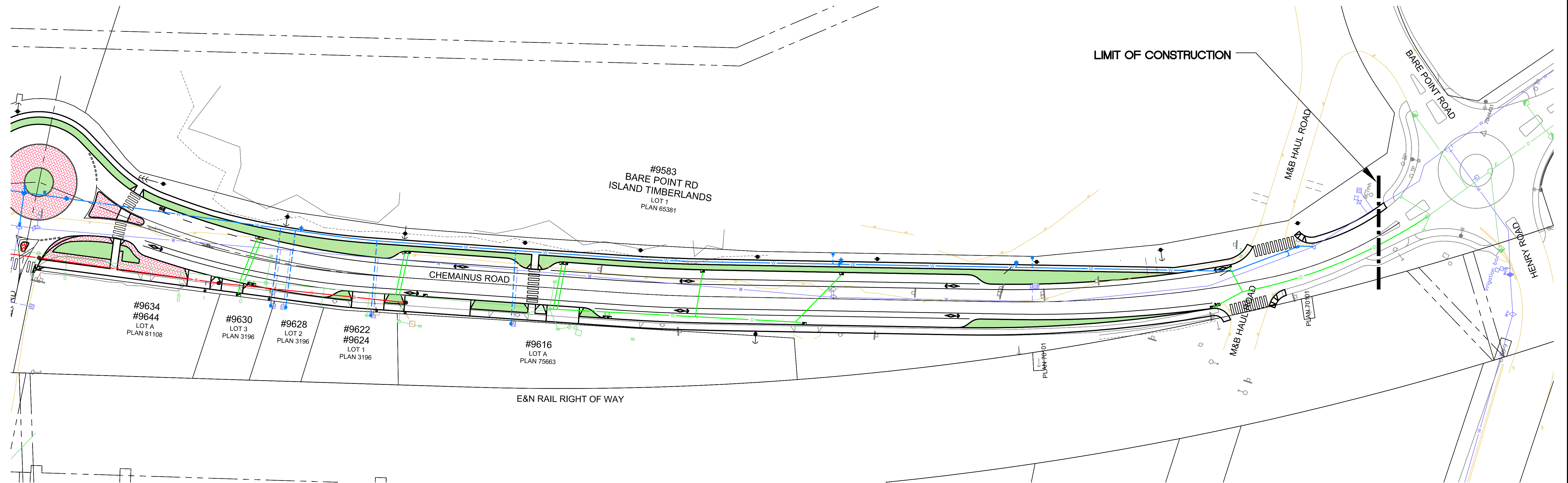
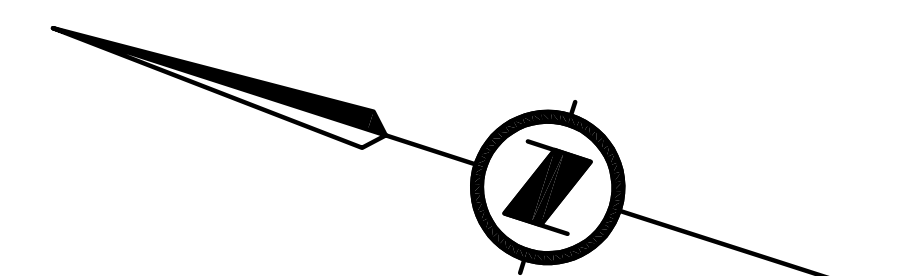
Date: JULY 24, 2019

Scale: NTS

NC # ref: 2019-002

Figure 1

PRELIMINARY  
NOT FOR CONSTRUCTION



**SUMMARY**  
**Survey and Open House**  
**Chemainus Road Corridor Upgrade**  
**August 13, 2019**

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**Quick facts:**

- 58 Chemainus residents attended the meeting and 48 signed the Sign-in Sheet
- 15 surveys completed, therefore 25% of the 58 attendees completed the survey.
- 24 questions at Q&A Open House, therefore 41% of the 58 attendees asked questions.
- 90% of attendees stated that they are in favour of sidewalk and boulevard improvements to Chemainus Road.
- 96% of attendees stated that they were in favour of the beautification and landscaping.
- The majority of the survey and open house respondents thought that the best aspects of the plan will be the beautification and bike lanes.
- 64% of the surveys indicated that they wanted monthly email updates about construction progress and 28% wanted to read about it in the Chemainus Courier.
- The biggest overall concerns of the plan was potential loss of business and alternative parking during construction.
- The biggest design concerns was the loss of median, desire for underground utilities, and they did not want bike lanes.
- OUTSIDE PROJECT SCOPE: Improvement wanted for Henry Rd and Cedar St Intersections with Chemainus Rd for pedestrian safety reasons.

**Detailed Feedback in Themes:** (X# means the number of people)

**1. *Do you have any questions or concerns about the Chemainus Road Corridor upgrade?***

- **LEGIBLE WAYFINDING ROAD SIGNAGE:** Major concern is to have adequate road signage that motorists can read easily. The latest signage (wayfinding) on Chemainus Road is totally inadequate for road traffic and should be replaced.
- **NO CONCERNS:** No concerns about the upgrade plan. X2
- **WANT UNDERGROUND UTILITIES:** Put pressure on Telus for underground wiring. no burying of electrical/telus and shaw X2
- **WANT CENTRE MEDIAN:** Disappointed – no centre median X2
- **WANT IRONWOOD TREES** – good for shaping, lighting, durable holds up in storm and wind
- **WHY IS THE PLAN NOT FINALIZED:** Plan is not finalized and it is only one month before construction? This should have been done earlier and final in place X2
- **DO NOT LIKE THE BIKE LANES:** We have a new bike path on the railroad – why two more bike lanes on Chemainus road? X2
- **DO NOT WANT THE ROUNDABOUTS:** Do we really need the roundabouts?
- **CONSTRUCTION IS A CONCERN:** Construction detours are a concern. X5

Outside of project scope:

- **HENRY RD PEDESTRIAN CROSSING IMPROVEMENTS:** Henry Rd pedestrian crossing need to be addressed. Yes, I would like see the pedestrian safety issues addressed. Specifically the pedestrian crossing at Henry Road from golf parking area for both golfers and path walkers. Current situation is dangerous. Not currently part of the plan? X4
- **CEDAR AND CHEMAINUS RD CROSSING IMPROVEMENTS:** Chemainus and Cedar crossings need to be addressed X2
- **VICTORIA ST ROUNDABOUT:** Would like a roundabout at Victoria St as soon as possible. Very dangerous intersection for pedestrians and vehicles. Better lighting at this roundabout because it is very dark at night or in the winter. Flashing lights at pedestrian crossings.

## **2. What do you like about the plan?**

- **THE PLAN GENERALLY LOOKS GOOD:** Like the general, the layout and the principle behind it. Great, hope it all works out as planned and scheduled. It looks good. Nice to see it finally happening. Matching downtown. X5
- **LANDSCAPING:** Trees, landscaping, bike lanes and lighting, Landscaping, traffic flow and safety. A brighter introduction to Chemainus!
- I like the street art, lighting, and should keep art local as there are many artists here in Chemainus.
- **TREES:** Trees improved sidewalks, improved safety for River Road exit.
- **BIKE LANES:** X2 Consideration for all modes of transportation with good accessibility.

## **3. What would help you and your property or business during the construction phase (select all that apply)?**

- Monthly email updates about construction progress x11
- Monthly hard-copy update letters about construction progress
- Regular updates via Chemainus Courier x2
- Reserve alternative parking locations nearby

## **4. What ONE thing is most important to you about how this road is redeveloped?**

- **PEDESTRIAN & CYCLIST ENVIRO:** Pedestrian and cyclist environment is the most important aspect. Add different bike merge lanes close to roundabouts, so that bikes are safer when entering the roundabout and cars do not dominate. X3
- The current standard road paint for bike lanes entering the roundabout create a squeeze point due to the motor vehicle attempting to "beat" the cyclist to that point. This initial narrowing of the road where motor vehicle and cyclists must converge is an issue because all MNC roundabouts use this same template, which prioritizes pedestrians and motor vehicles over cyclists. This exact reason was why I was hit by a motor vehicle last year and why I requested a shift in the road markings to be wider than 1.5 m at the roundabout approach, so that cars are aware that the bike traffic should merge in front of the car traffic. I have spoken with the engineering department about this issue already to no result.

- I am very happy that cyclist's safety is being incorporated into the design of the realignment. As I haven't yet seen the proposed design for the realignment though, I am not able to comment on the quality of the design with respect to cycling. From what I understand from some of the reports in media, there will be a separate bike lane, but parking to the right of the bike lane. I've found these designs to be somewhat problematic for both cyclists and motor vehicle drivers. An alternate design that may work very well in this situation would be one where motorists and cyclists form a single file and there is no designated cycling lane. I would draw your attention to 5th Street in Sidney, BC between Beacon Ave and Ocean Ave. This design works well for all levels of cyclists, but does require a lower speed limit (30 km/hr). A lower speed limit would benefit pedestrians in the area as well, including the stretch of Chemainus Rd between Victoria St and Fir St.
- **IMPROVE TRAFFIC FLOW and SAFETY:** Improving traffic flow, Safety for River Rd/Chemainus Rd intersection, Improving safety by traffic calming and Good flow from River Road in a safe manner
- **LOSS OF BUSINESS:** Loss of revenue if project drags on or does not look somewhat okay during construction, word will get out and visitors will decide not to come to Chemainus. Do not disrupt traffic during June 15 – Sept 15 when we are in high traffic season X3
- **AESTHETICALLY PLEASING:** Overall appeal with the design – pleasing and welcoming.

## 5. Do you have any other comments?

- **ALTERNATIVE DETOUR ROUTE:** Can temporary access be had for River Rd residents to follow Front St. to the Western Forest Products Rd?
- **GREAT JOB! THANK YOU!** X5
- **TIMING OF OPEN HOUSE:** Hold meeting in evening after 7:00 pm to allow business people to close businesses
- **MISSING COMPONENTS FROM PLAN:** No median? What is hold up at Victoria Rd roundabout? How about bikes being directed to existing Is there stormwater main now? Bike path to retain the centre median? Already an excellent bike path.
- **TIMING OF CONSTRUCTION:** Why start project without approved finalized plan?

## Questions from the Community Open House Q&A:

- **DETOUR ROUTES:** Can Front St be a detour? Could you have a second detour near the railway track?
  - Temporary pedestrian trail from motel to forestry lane
- **UNDERGROUND UTILITIES:** Will the power lines be buried
  - Would prefer underground utilities X3
- **BIKE LANES:** Bike lane continuance
  - Suggest bike lane between parking and sidewalk and protective bollards X2
  - Bike lanes in the median area?
  - Bike lanes on outside of parking is more dangerous, as cars can more easily clip them.
  - Why do we have bike lanes when you can bike on Canada Trail (gravel)?

- Multimodal bike lane instead of pedestrian path
- **CONSTRUCTION ROADS:** Will winter roads be graveled, Is the lane width narrow?
  - Concerned with location of flaggers to be located and congestion eliminated
- **FINALIZED ROADS:** Concern that traffic increase and speed
- **TEMPORARY PARKING:** Alternative parking for businesses X2
- **FINALIZED PARKING:** Will parking change?
  - Widen the handi-capped parking stalls
  - Traffic counts, volume on Victoria St, secondary count when theatre is open?
  - Concern with parking for theatre X2
  - Charging Stations?
- **LAND ACQUISITION:** Is there a chance that the land will not be acquired?
- **LANDSCAPING:** Concern with cedar and chainlink fence removal. What will be the replacement?
  - Questions about tree lighting
  - Put in Ironwood trees
- **TRAFFIC MEDIAN:** Concerned that traffic median is being removed X4
- **BUSINESS INTERRUPTION:** Concerned with hiding of business signs during construction
  - Concerned with lost wages will there be compensation?
- **PROJECT TIMING/SCOPE:** Estimated timeline?
  - What will the cost of the project be?
  - Supplemental parking please X4
  - Shouldn't we have been consulted sooner?
  - Duration of project? 1 year?
  - Has the project budget changed?
  - Have the First Nations been considered or consulted?
- **OUTSIDE OF SCOPE:** Traffic signal at River Rd and TCH,
  - Concern for pedestrian crossing at Henry Rd X3,
  - Desire lines to golf course to be considered
  - Increasing number of residents on River Rd
  - Concern at Cedar and Chemainus Rd intersection and Elm St and Trans Canada Hwy – hill is difficult to see trail. Suggest flashing crosswalk, larger sign as it is hidden and put in an enhanced intersection. It is also dark so putting in a street lighting would be best.
  - Pedestrian roundabout need to have a technical review because they seem unsafe

### **Comments from outside of Chemainus via email**

Andrew Wilson – 2943 Sherman Rd, Duncan BC (Masters Student in Planning at VIU)

### **Themes: Sidewalks, Bike Lanes, roadway signs, sharrows, transit island and crosswalks**

I'd like to see a complete street redesign including buffered sidewalks and protected bike lanes similar to what was proposed for Canada Ave. Other suggestions include transit islands connected by raised speed hump crosswalks across bike lanes, increased roundabout width to include a separated bike path, not shared roadway signs and paint sharrows and car parking lanes between bike lanes and car lanes, not outside bike lanes.

## **SUMMARY**

### **Meeting at the Silvermine on Chemainus**

#### **Chemainus Road Corridor Upgrade**

**September 5, 2019 5-7pm**

#### **Quick facts:**

- 8 Chemainus Road business owners and/or land owners attended the meeting at the Silvermine with 2 Municipal staff members.
- They were not in favour of bike lanes.
- They wanted more parking on the east side of Chemainus Rd.
- They do not like the outdoor sitting area on the street outside of the Green Lantern Pub.
- They do not like the proposed chain-link and fabric fence on the east side, as they believe it would be an eyesore.
- They wanted to see more art installations and/or corrugated metal and wood posts, possibly in on the eastern fence.
- They want someone at the Construction meeting that lives or works on Chemainus Road.

<b>Bike Lanes</b>	<ul style="list-style-type: none"> <li>• The bike lanes cannot continue past the theatre to Elm St. so the proposed bike lanes are a waste of land. X2</li> <li>• Currently the road is not used for</li> </ul>
<b>Eastside Parking</b>	<ul style="list-style-type: none"> <li>• Prefer to have parking on the east side of the road.</li> <li>• Would prefer angled parking on the East side of Chemainus Rd</li> </ul>
<b>Outdoor street furniture</b>	<ul style="list-style-type: none"> <li>• Outdoor seating is a concern outside of the Green Lantern. We do not want patrons of the Pub to loiter outside. X2</li> <li>• No outdoor alcohol permit</li> <li>• I would be okay with the planter with a built in bench but not table and chairs near the Pub.</li> </ul>
<b>Eastern Fence</b>	<ul style="list-style-type: none"> <li>• Wave-like concrete, noise barrier fence to reduce the sound the mill and to improve aesthetics.</li> <li>• Put art on the fence.</li> <li>• We love our area and take pride in our area and we want a fence that is aesthetically pleasing.</li> <li>• Do not like the idea of the chainlink and fabric fence.</li> </ul>

	<ul style="list-style-type: none"> <li>Suggested corrugated fence with holes in it (wind) and wooden beams.</li> </ul>
<b>Construction Zone Owner Representative</b>	<ul style="list-style-type: none"> <li>They want someone at the Construction meeting that lives or works on Chemainus Road.</li> <li>More information is desired regarding access to the homes</li> <li>The time of day when they need to communicate with construction crew</li> <li>Can the accurate timeline of the construction be provided to the Chemainus Rd owners and businesses?</li> <li>Can you please provide traffic counts to the Business owners on Chemainus Rd? (Bond)</li> </ul>
<b>Crosswalks</b>	<ul style="list-style-type: none"> <li>Mid-way crosswalk between Victoria St and River Rd.</li> <li>Mid-way crosswalk between Golf Course and Golf Parking Lot</li> </ul>
<b>Desire Lines</b>	<ul style="list-style-type: none"> <li>Existing desire lines aka man-made pathways could be formalized with an official path to make them more safe. Ie. Crossing parking lot to the golf course mid-road. Crosswalk is too far away.</li> </ul>
<b>Dangerous Intersection</b>	<ul style="list-style-type: none"> <li>Chemainus Rd at Victoria St and Mill St are very dangerous intersections.</li> <li>The approach on Mill St is very steep and hard to see down Chemainus Rd.</li> </ul>

#### **NEXT STEPS:**

- Dave to speak with CAO and discuss matters with engineers and contracted Construction team (end of October).
- Edits to the streetscape and arrange another meeting with Chemainus Road owners/businesses regarding the final proposed streetscape (early November).

**Bike Network Implementation Guide 2018**

**Modal 1 Off-Road Separated 2-Way Bike Lane (travel path width - 3 m)**



**Modal 2 On-Road Protected One-way Bike Lane (travel path width - 3.6 m)**



### Modal 3 On-Road Unprotected One-Way Bike Lane (travel land width - 1.5 m)



# MEMORANDUM

Date: October 31, 2018  
 To: Mairi Bosomworth, Community Planner, Municipality of North Cowichan  
 From: Dan Casey, Sr Transportation Planner, Urban Systems  
 File: 3397.0006.01  
 Subject: Peer Review of Chemainus Road Concept Design

Thank you for inviting Urban Systems to complete a peer review of the Municipality of North Cowichan's concept design for Chemainus Road. The intent of the peer review is to indicate our level of support for the proposed concept design and to provide comments / recommendations to assist the Municipality in realizing a suitable design concept.

## 1. Background

The project is focused on the approximately 720m segment of Chemainus Road between Henry Road and Victoria Street. The Chemainus Road cross section proposed by staff is generally a 20.15m cross section that includes the following components:

- Two travel lanes (3.35m each);
- On-street parking on both sides (2.5m each);
- Landscaped boulevard on both sides (0.9m each);
- Sidewalks on both sides (2.0m west side, 1.65m east side); and
- A bi-directional bikeway on the east side (3.0m).

A roundabout is proposed at Chemainus Road / River Road. A second roundabout is contemplated at Chemainus Road / Victoria Street.

The intent of the bi-directional bikeway on the east side is to provide cyclists with separation from the roadway and to minimize crossings of the bikeway by locating it on the east side of Chemainus Road where there are no existing driveway crossings.

The Municipality's identified concept plan has been appended to this memorandum for reference.

## 2. Chemainus Road Cross Section

### 2.1 Cycling Facility

The staff concept design includes a bi-directional bikeway and sidewalk on the east side of Chemainus Road. The following is rationale as to why separated facilities are unnecessary on this corridor:

# MEMORANDUM

Date: October 31, 2018  
 File: 3397.0006.01  
 Subject: Peer Review of Chemainus Road Concept Design  
 Page: 2 of 5

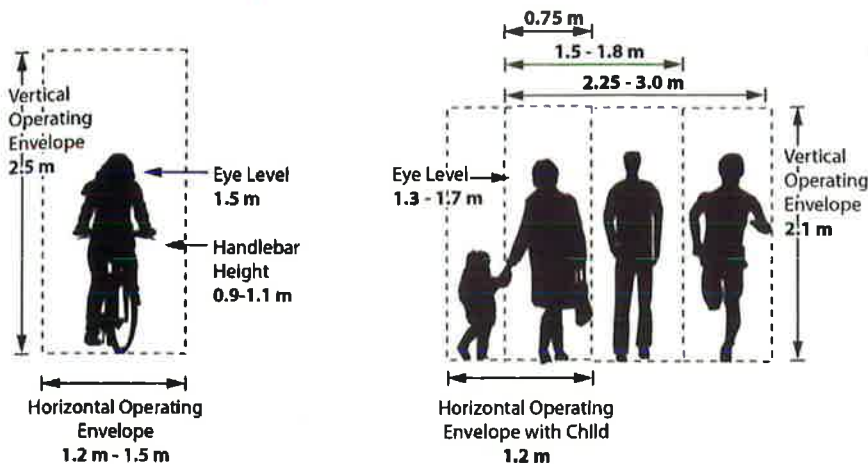
- The Transportation Association of Canada (TAC) clarifies that pedestrian and bicycle facilities should be separated where it is anticipated that over 100 users per hour will utilize the facility (measured over the course of a day)<sup>1</sup>. It is not anticipated that combined pedestrian and cyclist volumes will exceed 100 per hour.
- The City of Toronto clarifies that separated facilities are needed only where a high volume of pedestrian-cyclist conflicts are anticipated and/or there is a specific attraction on one side of the corridor<sup>2</sup>. Neither of these conditions will be present on Chemainus Road.
- Chemainus Road parallels the Cowichan Valley Trail. It is anticipated that the majority of cyclist trips through Chemainus will be made via the Cowichan Valley Trail and not on Chemainus, reducing the volume of cyclists that may otherwise use this corridor.

Given the above, the preferred facility type is a multi-use pathway on the east side of Chemainus Road to accommodate both pedestrians and cyclists. The desired width for the multi-use pathway is 3.6m<sup>3</sup>. This allows adequate space for a cyclist to comfortably pass two pedestrians walking abreast or two cyclists to comfortably pass one another in opposing directions. The multi-use pathway is 1.05m less than the combined bikeway and sidewalk width.

←  
no  
side walk

The bicycle and pedestrian design envelopes recommended by the Transportation Association of Canada (TAC) are included in **Figure 1** as reference.

**FIGURE 1. BICYCLE (LEFT) AND PEDESTRIAN (RIGHT) DESIGN ENVELOPES<sup>4</sup>**



<sup>1</sup> Transportation Association of Canada (TAC), Geometric Design Guide for Canadian Roads, Chapter 5 – Bicycle Integrated Design, June 2017, Section 5.3.1.4.

<sup>2</sup> Toronto Multi-Use Trail Design Guidelines, City of Toronto, September 2015  
 Available online at: [www.toronto.ca/wp-content/uploads/2017/11/96a5-TORONTO\\_TRAIL\\_DESIGN\\_GUIDELINES.pdf](http://www.toronto.ca/wp-content/uploads/2017/11/96a5-TORONTO_TRAIL_DESIGN_GUIDELINES.pdf)

<sup>3</sup> Ibid.

<sup>4</sup> Transportation Association of Canada (TAC), Geometric Design Guide for Canadian Roads, June 2017

## MEMORANDUM

Date: October 31, 2018  
File: 3397.0006.01  
Subject: Peer Review of Chemainus Road Concept Design  
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### 2.2 Landscaped Boulevard

The staff concept design includes a landscape strip of 0.9m on either side of Chemainus Road. This width should be increased to 1.2m (minimum) or 1.5m (preferred) to provide sufficient width to support street trees. Further, a 1.5m width will allow driveway letdowns on the west side of Chemainus Road to occur inline with the boulevard rather than inline with the sidewalk, eliminating cross-grade in the sidewalk to achieve driveway ramps.

Walking surfaces should be provided through the landscape strip to allow for pedestrians to pass between on-street parking and the sidewalk / multi-use pathway.

### 3. Chemainus Road / Victoria Street Intersection

The staff concept design includes the basic outline of a roundabout at the Chemainus Road / Victoria Street intersection but does not seem to include this intersection as part of the scope of the work being undertaken on Chemainus Road. The ultimate traffic control configuration of this intersection needs to be resolved prior to completing improvements on Chemainus Road to ensure compatibility. The steps to doing so are as follows:

1. A study should be completed to determine if the existing traffic control (stop control on Victoria Street) is sufficient or if the intersection conditions warrant an alternate traffic control measure (i.e. traffic control, roundabout, etc).
2. Once the preferred intersection traffic control has been determined, a concept design should be developed that reflects the preferred intersection traffic control and demonstrates how the works on Chemainus Road will be transitioned to the north and east intersection legs. The design should specifically consider the following:
  - a. Transitioning the multi-use pathway between the north and south intersection legs, with consideration for any possible future works on Chemainus Road north of Victoria Street;
  - b. Transitioning the multi-use pathway onto Victoria Street, with consideration of possible impacts to existing angled parking; and
  - c. Additional property required to accommodate a roundabout (if a roundabout is the preferred configuration) and/or cyclist staging / transition areas at crossings of the multi-use pathway.

If the Municipality has confirmed that a roundabout will be installed at Chemainus Road / Victoria Street, the concept design for Chemainus Road should be expanded to include the intersection. A logical and safe transition of the multi-use pathway to the north and east intersection legs is important.

## MEMORANDUM

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### 4. Other Comments

The following are other, general comments on the staff concept design for the Municipality's consideration.

#### Mid-Block Crosswalks

The concept design identifies with pedestrian-activated amber flashing beacons mid-block between Henry Road and River Road, and between River Road and Victoria Street. It is unlikely that these locations meet the criteria identified in the Transportation Association of Canada's *Pedestrian Crossing Control Guide* for installation of a crosswalk. Basic criteria should include:

- 1,500 vehicles per day
- Demand for 10-15 pedestrian crossings per hour; and
- At least 100 to 200m spacing from crossing opportunities.

If these locations are deemed suitable, the most basic crosswalk treatment would be recommended – side-mounted signs and zebra crosswalk marking.

Mid-block crossing could be considered in future as the mill site redevelops and pedestrian volumes increase on the east side of Chemainus Road.

#### Chemainus Road / M&B Haul Road

The proposed crossing treatment at this location is appropriate and compatible with the recommended multi-use pathway facility.

Further consideration may be given to connections between the Chemainus Road multi-use pathway and the Cowichan Valley Trail via the crossing of Chemainus Road.

#### Driveways

There are 16 driveways on the west side of Chemainus Road, many of which are wider than the Municipality's standard driveway width. Each driveway reduces the area available for landscape and introduces a cross-grade in the sidewalk that proves challenging to certain pedestrians, particularly with a mobility aid. To reduce the negative impact of driveways on the streetscape, consideration should be given to the following:

1. Limit each property to one (1) driveway accesses where possible;
2. Accommodate driveway letdowns in the 1.5m wide space created by the boulevard to limit cross slopes on the sidewalk;
3. Identify opportunities to consolidate driveways where adjacent properties may be serviced by a single access; and
4. Reducing driveway width to the Municipality's standard or to a width required to facilitate site-specific vehicle access.

MEMORANDUM

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**Chemainus Rd /  
River Rd  
Roundabout**

A pedestrian crossing should be added to the north leg of the roundabout.

**Stormwater  
Management**

The concept design includes significant landscape spaces adjacent the Chemainus Road / River Road roundabout and immediately north of Henry Road / M+B Haul Road (shown as green). Consideration may be given to stormwater management features (i.e., rain gardens) in these areas to reduce the volume of stormwater run-off contributed to the municipal system.

**5. Summary**

The following are the key recommendations of this review:

1. The Chemainus Road cross section should include a 3.6m multi-use pathway (east side) and 1.5m landscaped boulevards (both sides); and
2. The ultimate configuration of the Chemainus Road / Victoria Street intersection should be determined prior to finalizing the Chemainus Road design work, which will require analysis to determine the preferred traffic control (i.e., stop control, roundabout, signal) and conceptual design to ensure compatibility with other Chemainus Road improvements.

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We trust this memorandum provides the Municipality with sufficient direction to move forward with the design of Chemainus Road. Please contact the undersigned at [dcasey@urbansystems.ca](mailto:dcasey@urbansystems.ca) or 250 507 4177 with questions related to this review.

Sincerely,

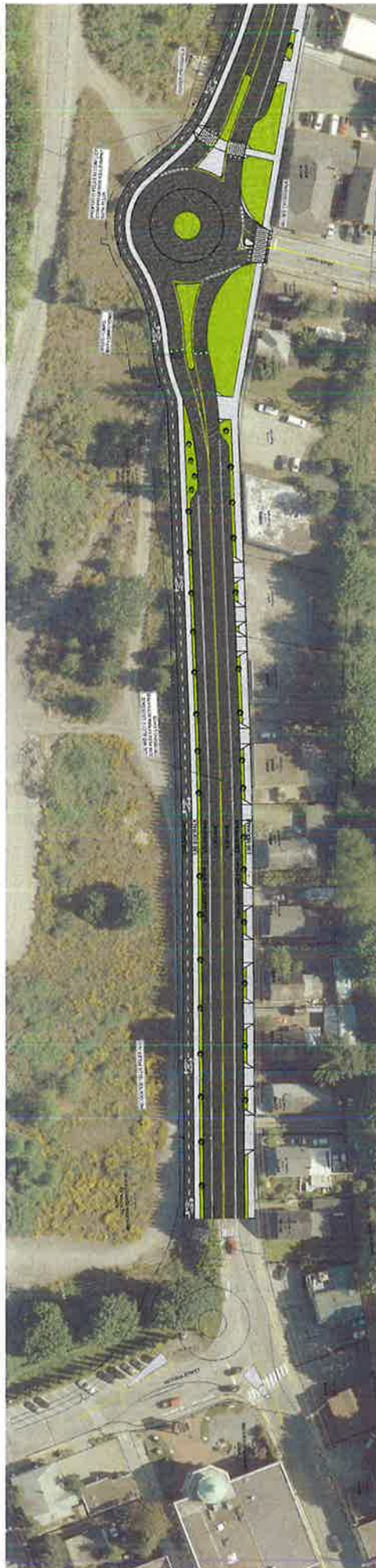
URBAN SYSTEMS LTD.

A handwritten signature in black ink, appearing to read "Dan Casey", with a stylized flourish at the end.

**Dan Casey, MCIP RPP**  
Sr Transportation Planner

cc: Matt Sallee, P.Eng, Transportation Design Engineer, Urban Systems

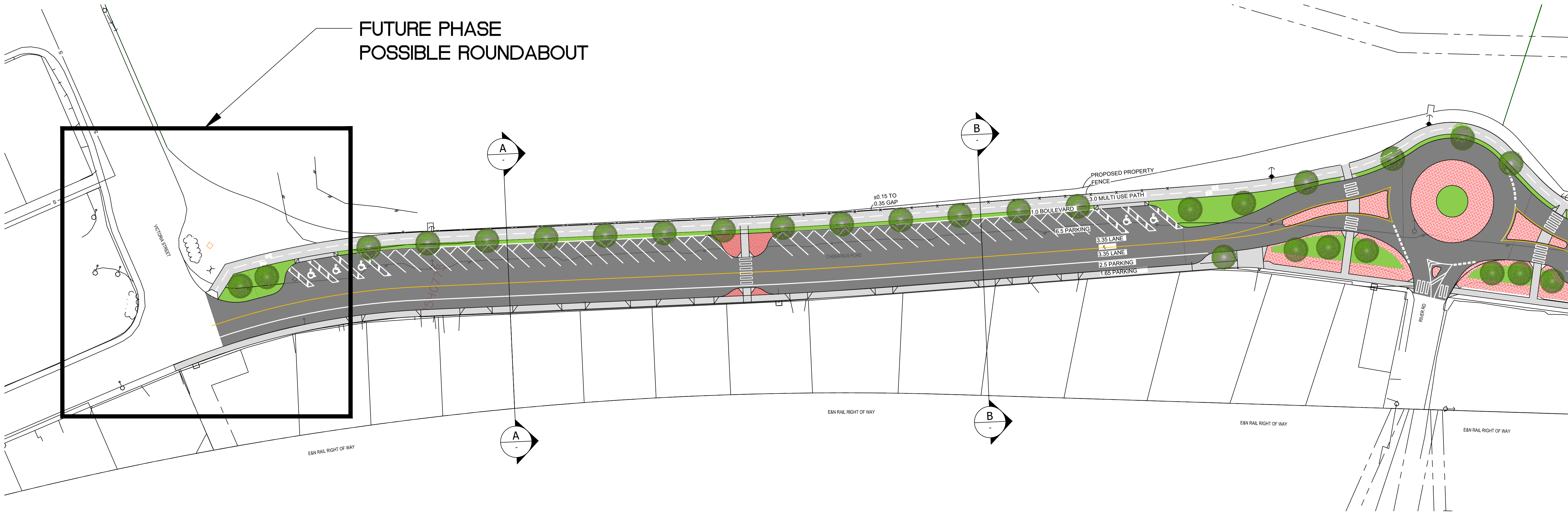
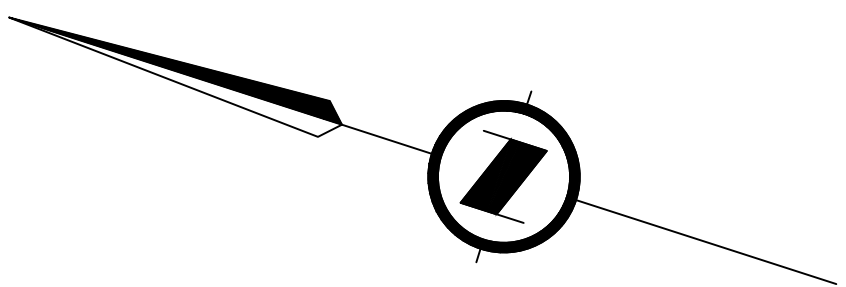
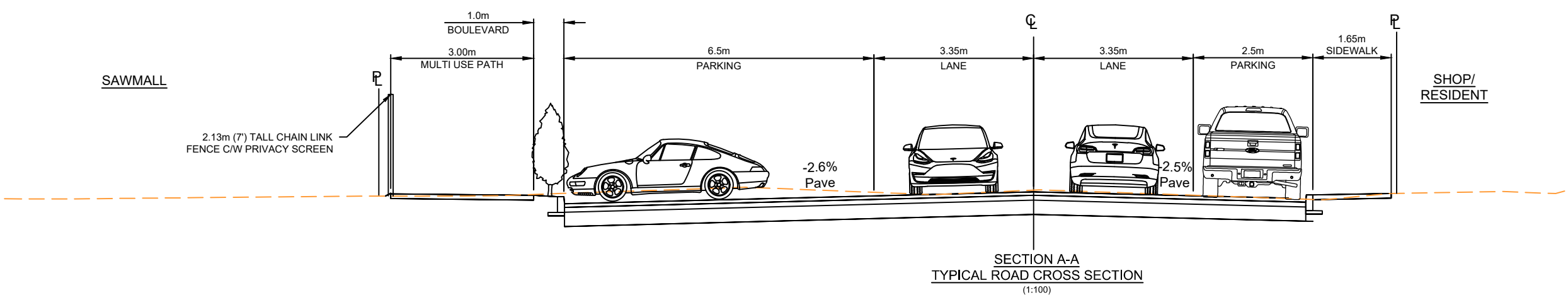
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PARKING STALL	
EXISTING STALL	NUMBER
EAST SIDE	±28
TOTAL	28
PROPOSED STALL	
EAST SIDE	43
EAST SIDE HC	5
TOTAL	48



# Report

Date           October 16, 2019  
To             Council  
From          Shaun Mason, Municipal Forester  
Subject       FireSmart Community Funding Application

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File:

Endorsed:



## Purpose

To seek Council endorsement to apply for funding through the Community Resiliency Investment program that is providing funding to communities for FireSmart activities.

## Background

The Community Resiliency Investment (CRI) program is a provincial program intended to reduce the risk and impact of wildfire to communities in BC through community funding, supports and priority fuel management activities on provincial Crown land.

The Union of BC Municipalities, First Nations' Emergency Services Society and the Forest Enhancement Society of BC are working with the Ministry of Forests, Lands, Natural Resource Operations & Rural Development, represented by the BC Wildfire Service, to administer the FireSmart Community Funding & Supports portion of the program for local government and First Nation applicants.

North Cowichan received granting funding in 2019 to update the outdated Community Wildfire Protection Plan (CWPP). The proposed project provides an interim step towards promoting fire resiliency within the community while the CWPP is being updated.

## Discussion

In December of 2018, a storm with high winds caused various levels of damage within North Cowichan and surrounding areas. One of the many impacts was high levels of woody debris deposited on resident's properties, raising public concern about wildfire risk. The purpose of the grant application is to seek funding to provide an opportunity for the residents of North Cowichan to properly dispose of their woody debris. This project would offer a place to drop off their woody debris to be chipped by a professional tree service provider and disposed of properly. This mitigates the potential of the debris being burnt, reducing potential issues with smoke emissions. The proposal is to offer four different days in the spring of 2020 where residents can drop off their debris for disposal.

To promote FireSmart Principles, the grant funding application will also include having a certified Local FireSmart Representative (LFR) present at the debris drop off site to provide FireSmart information and answer any questions people may have.

## Options

Option 1 (preferred): Apply for the FireSmart Community Funding through the CRI program to seek funding to provide a debris disposal site for residents and hire a LFR to be onsite to provide FireSmart information and answer questions.

Option 2: Do not apply for funding through the CRI for FireSmart activities at this time.

## Implications

Staff time: Staff time will be required to coordinate, implement, advertise and promote the project. No issues are anticipated with staff time should the grant funding be received.

Financial: There will be minor cost incurred to advertise and promote the project. Should partial or no funding be received, staff will report back to Council for further direction.

## Recommendation

**That staff be directed to submit a grant application for the FireSmart Community Funding through the Community Resiliency Investment program to seek funding to provide a debris disposal site for residents and hire a Local FireSmart Representative to be onsite to provide FireSmart information and answer questions.**

# Report

Date October 16, 2019

File:

To Council

From Jamie Goodman, Manager, Budget and Infrastructure

Endorsed:



Subject Third Quarter Financial Report

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## Purpose

The purpose of this report is to provide the General Fund Statement of Operation and a Capital update for the period ending September 30, 2019 and the Reserve Fund balances as of September 30, 2019.

## Background

The third quarter report is usually a good indication of Operating results and captures enough of the construction season to get an indication of where the capital projects are at and the timing of estimated completion dates.

## Discussion

### Operating – Revenues:

- Taxation is in line with the budget taxation revenues for 2019.
- Forestry revenues are up this year compared to September 2018 as there was a shut down in the forest for an extended period of time in 2018 due to extreme dry weather. 2019 Revenue is in line with the 2019 budget.
- Cowichan Aquatic Centre revenues are up approximately \$478,000 compared to 2018. This is due to the timing of the partner contributions collected to date in the amount of \$430,000 compared to \$0 at this time in 2018.
- Building permit and engineering fees continued to increase compared to prior years as housing starts continue to rise, however development fees are down as major development projects have been completed and less new ones have started.
- Interest income is up due to slightly larger balances in the investment accounts on average.
- Grant revenues are up significantly due to an extra one time Gas Tax payment in the amount of \$1.3 million.

### Operating – Expenses:

- General administration is in line with the 2019 budget.
- Common services is up due to increased legal fees and engagement in professional consultants for the organizational strategic plan the asset management plan for the District's linear assets which is close to completion.

- Road transportation is up due in most part to increase of snow removal costs, \$488k to September 2019 compared to \$148k to the same period last year and repairs to the roads related to the winter conditions.
- Forestry expenses are due to increase of blow down harvesting and no shut down in the summer due to weather conditions.
- Garbage expenses are up due to an increase in recycling contract.
- There was a decrease in interest expenses due to lower interest rates from refinancing the debt related to the Cowichan Aquatic Centre.

#### Capital:

To date 16% (\$5,733,204) of the capital budget has been committed compared to 38% (\$7,440,215) at the same time in 2018. The single largest budgeted item in the new RCMP building which has been delayed by the province while they studied the "Hub model" to ensure the best alignment of services in the new detachment. Some significant utility projects discussed below have been deferred to next year as well.

- Municipal Owned Property – Projects deferred, on hold or cancelled due to re-prioritizing projects upon completion of building assessments.
- Police and Other – New RCMP detachment progress was delayed awaiting final decision on the Hub Model which has now been determined. Initial consultant contracts have been awarded.
- Transportation – Adelaide sidewalk has been delayed due to lack of resources available to pursue significant land acquisition required. The budget for this project will need to be updated once land costs are known. Canada Avenue complete streets design will carry over into 2020 in order to continue working with the City of Duncan and due to loss of engineering staff earlier this year. Chemainus Rd. improvements and roundabout is deferred to 2020 to complete land acquisitions. Murchie Road is delayed pending outcome of possible archaeological discoveries. Genoa Bay Road work is continuing but slowed due to archaeological requirements after discovery of many middens in the roadway. Cost overruns can be expected.
- Recreation – Fuller Lake Arena compressor upgrade is complete and on budget. The South End skate park expansion is complete. The Cowichan Aquatic Centre retrofit construction was deferred to spring 2020.
- Water – Banon Creek reservoir works have been completed. Crofton alternate water supply and pump station is complete and operational. Cast iron pipe replacement along Beaumont Ave has been delayed due to an archeological study. The South End Hyperscon trunk main replacement has been deferred to complete design work.
- Sewer – Elliot St. pump station upgrade is complete and operational. Chemainus Rd sewer replacement construction has been tendered. Oak St. Alley sewer replacement is in design stage. The Maple Bay Rd. pump station at Churchill Rd has been deferred to complete land acquisition.

#### Recommendation

**That Council receive for information the October 16, 2019 3rd Quarter Financial Report by the Manager of Budget and Infrastructure.**

Attachment(s): 2019 Q3 Report  
2019 Q3 Capital Presentation

# QUARTERLY BUDGET SUMMARY

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September 30, 2019

Municipality of North Cowichan  
General Operating Fund  
Unaudited Statement of Operations

	<b>Q3 YTD 2019</b>	<b>2019 Budget</b>	<b>% Budget</b>	<b>Q3 YTD 2018</b>
<b>Revenue</b>				
Taxation	31,848,163	31,866,689	100%	30,490,731
Sales of service	5,162,437	6,953,231	74%	3,996,630
Other revenue from own sources	1,303,327	1,233,513	106%	1,472,002
Return on investments	464,549	400,000	116%	319,407
Provincial and other government grants	2,334,318	1,730,070	135%	796,801
	<u>41,112,794</u>	<u>42,183,503</u>	<u>97%</u>	<u>37,075,570</u>
<b>Expenses</b>				
General Government Services	4,512,936	5,926,444	76%	3,611,750
Protective services	5,522,646	9,800,035	56%	5,312,235
Transportation services	4,088,857	5,853,735	70%	3,494,091
Environmental health services	1,972,044	3,083,419	64%	1,694,910
Environmental development services	917,646	1,135,218	81%	1,037,404
Recreation, Cultural and Misc Services	6,457,154	9,072,955	71%	6,332,404
Interest	569,754	885,125	64%	1,130,461
Amortization	-	7,260,000	0%	-
	<u>24,041,037</u>	<u>43,016,931</u>	<u>56%</u>	<u>22,613,254</u>
<b>Annual Surplus (Deficit)</b>	<b>17,071,757</b>	<b>(833,428)</b>		<b>14,462,316</b>
Add back: Unfunded Amortization	-	7,260,000	0%	-
Principal Payments on Debt	(397,601)	(907,453)	44%	(900,620)
Transfer from/(to) Appropriated Surplus	0	6,119,045	0%	0
Transfer from/(to) Reserve Funds	(1,327,987)	(1,043,559)	127%	0
	<u>15,346,169</u>	<u>10,594,605</u>		<u>13,561,696</u>
Transfer to Capital	(2,595,665)	(10,594,605)	24%	(2,041,696)
	<u><b>12,750,504</b></u>	<u><b>-</b></u>		<u><b>11,520,000</b></u>

Municipality of North Cowichan  
General Operating Fund  
Revenue Details

	Q3 YTD 2019	2019 Budget	% Budget	Q3 YTD 2018
<b>TAXATION</b>				
General Purposes	30,011,983	30,020,821	100%	28,742,997
Utility Taxes 1%	1,065,554	1,065,500	100%	985,116
Special Assessments	202,288	199,648	101%	199,709
Grant-in-lieu Federal	4,300	3,720	116%	4,031
Grant-in-lieu Provincial	237,116	247,000	96%	247,070
Tax Penalties/Interest	326,922	330,000	99%	311,806
	<b>31,848,163</b>	<b>31,866,689</b>	<b>100%</b>	<b>30,490,731</b>
<b>GENERAL SALES OF SERVICE</b>				
General Government Revenue	96,755	121,500	80%	102,465
Protective Serv Rev	134,812	247,336	55%	129,681
Fire Protection	201,015	195,338	103%	184,823
Fire Protection-Misc	1,423	4,000	36%	1,624
Transportation Serv Rev	187,146	275,941	68%	236,962
Garbage	1,170,330	1,263,840	93%	1,085,413
Cemetery Revenue	116,354	124,740	93%	86,378
Forestry Revenue	1,149,707	1,382,660	83%	479,794
Fuller Lake Arena	142,620	300,520	47%	161,982
Community Recreation	34,853	49,460	70%	52,333
Crofton Pool	11,030	7,840	141%	11,598
Wharf Revenue	187,620	232,020	81%	188,787
Public Works Equipment	-	611,680	0%	-
Cowichan Aquatic Centre	1,675,261	2,020,895	83%	1,196,570
Miscellaneous Revenue	53,510	115,461	46%	78,219
	<b>5,162,437</b>	<b>6,953,231</b>	<b>74%</b>	<b>3,996,630</b>
<b>OTHER REVENUE FROM OWN SOURCE</b>				
Bus Licence	153,370	150,000	102%	147,625
Com Vehicle Licence	7,285	7,000	104%	7,131
Building Permit Fees	599,230	428,420	140%	427,085
Development Fees	76,950	88,789	87%	460,032
Engineering Fees	209,575	169,500	124%	169,065
Dog Licences	96,090	100,000	96%	96,230
Fines	5,920	4,500	132%	3,952
Rentals	152,183	285,304	53%	160,881
Insurance Proceeds	2,725	-	N/A	-
	<b>1,303,327</b>	<b>1,233,513</b>	<b>106%</b>	<b>1,472,002</b>
<b>RETURN ON INVESTMENT</b>				
Interest	<b>464,549</b>	<b>400,000</b>	<b>116%</b>	<b>319,407</b>
<b>PROVINCIAL AND OTHER GOV'T GRANTS</b>	<b>2,334,318</b>	<b>1,730,070</b>	<b>135%</b>	<b>796,801</b>
<b>TOTAL REVENUE</b>	<b>41,112,794</b>	<b>42,183,503</b>	<b>97%</b>	<b>37,075,570</b>

Municipality of North Cowichan  
General Operating Fund  
Expense Details

	Q3 YTD 2019	2019 Budget	% Budget	Q3 YTD 2018
<b>Expenses</b>				
<b>GENERAL GOVERNMENT SERVICES</b>				
Legislative Services	257,378	322,068	80%	195,120
General Administration	3,601,028	4,996,028	72%	3,014,476
Common Services	804,631	999,958	80%	496,635
Other General Government	(150,102)	(391,610)	38%	(94,481)
	<b>4,512,936</b>	<b>5,926,444</b>	<b>76%</b>	<b>3,611,750</b>
<b>PROTECTIVE SERVICES</b>				
Police	3,704,376	7,491,840	49%	3,739,550
Fire	1,345,154	1,608,449	84%	1,014,076
Other	473,116	699,746	68%	558,610
	<b>5,522,646</b>	<b>9,800,035</b>	<b>56%</b>	<b>5,312,235</b>
<b>TRANSPORTATION SERVICES</b>				
Administration	1,284,635	1,914,496	67%	979,854
Road Transport	2,804,223	3,939,239	71%	2,514,236
	<b>4,088,857</b>	<b>5,853,735</b>	<b>70%</b>	<b>3,494,091</b>
<b>ENVIRONMENTAL HEALTH SERVICES</b>				
Cemetery	128,292	149,420	86%	92,815
Forestry	877,066	1,524,751	58%	721,576
Garbage	966,686	1,409,248	69%	880,519
	<b>1,972,044</b>	<b>3,083,419</b>	<b>64%</b>	<b>1,694,910</b>
<b>ENVIRONMENTAL DEVELOPMENT SERVICES</b>				
Economic Development	112,670	113,380	99%	109,796
Planning	804,976	1,021,838	79%	927,608
	<b>917,646</b>	<b>1,135,218</b>	<b>81%</b>	<b>1,037,404</b>
<b>RECREATION, CULTURAL AND MISC SERVICES</b>				
Administration	104,599	208,129	50%	87,865
Arena	680,994	994,800	68%	663,027
Chemainus Parks And Playgrounds	321,849	461,198	70%	298,413
Crofton Parks And Playgrounds	140,020	207,287	68%	133,113
Grants In Aid	217,903	220,630	99%	250,840
Parks General	155,258	179,050	87%	124,494
Regional Library	1,113,843	1,485,123	75%	1,068,807
South End Parks And Playgrounds	805,124	1,275,545	63%	904,571
Swimming Pools	2,796,536	3,867,013	72%	2,678,324
Wharves	121,027	174,180	69%	122,949
	<b>6,457,154</b>	<b>9,072,955</b>	<b>71%</b>	<b>6,332,404</b>
<b>INTEREST</b>	<b>569,754</b>	<b>885,125</b>	<b>64%</b>	<b>1,130,461</b>
<b>AMORTIZATION</b>	<b>-</b>	<b>7,260,000</b>	<b>0%</b>	<b>-</b>
<b>TOTAL EXPENSE</b>	<b>24,041,037</b>	<b>43,016,931</b>	<b>56%</b>	<b>22,613,254</b>

Municipality of North Cowichan  
DCC Reserve Balances

Q3 YTD	Opening Balance	Budget Expenditures	Budget Contributions	Budgeted Closing Balance	Q3 YTD
2018	Jan 1, 2019	2019	2019	Dec 31, 2019	2019
DCC Parks	625,196			625,196	769,845
DCC Roads	1,035,379	(43,000)		992,379	1,418,402
DCC Chemainus Roads	219,226			219,226	223,268
DCC Chemainus Water	451,142	(58,700)		392,442	463,147
DCC Chemainus Sewer	235,795	(15,248)		220,547	241,696
DCC Crofton Water	120,853			120,853	130,515
DCC Crofton Sewer	65,269			65,269	72,879
DCC South End Drainage	283,086			283,086	346,173
DCC South End Water	1,734,758	(88,495)		1,646,263	2,008,740
DCC South End Sewer	5,397,574	(79,600)		5,317,974	5,778,081
	<b>10,168,278</b>	<b>(285,043)</b>	<b>-</b>	<b>9,883,235</b>	<b>11,452,746</b>

Municipality of North Cowichan  
Reserve Balances

Q3 YTD	Opening	Budget	Budget	Budgeted	
	Balance	Expenditures	Contributions	Closing	Q3 YTD
2019	Jan 1, 2019	2019	2019	Dec 31, 2019	2019
Fire Trucks	817,908	(340,000)	400,000	877,908	828,776
Garbage Trucks	840,648			840,648	851,817
Office Vehicles	277,932	(70,000)	73,940	281,872	208,163
Chemainus Off-Street Parking	155,419	(50,000)		105,419	166,388
Machinery & Equipment	1,093,557	(1,045,000)		48,557	788,521
Parks Land Acquisition	442,143			442,143	491,540
Park Land Development	216,215			216,215	220,201
Maple Bay Sewer	89,753			89,753	91,408
Self Insurance	120,868			120,868	123,097
Land Sales	4,146,465	(592,900)		3,553,565	4,206,210
Affordable Housing	39,497			39,497	42,725
Cowichan Aquatic Centre	328,609		116,250	444,859	334,668
Evans Park	167,483			167,483	170,570
Fuller Lake Arena	70,904			70,904	72,211
Harbours Chemainus	400,544			400,544	407,929
Mural Protection	28,931			28,931	29,465
Energy Use/Emissions Reduction	398,758	(216,000)	156,670	339,428	406,110
Gas Tax	104,901			104,901	1,435,286
Quamichan Lake Reserve	0		50,000	50,000	2,500
Local Area Service	1,391,994			1,391,994	1,442,326
Forestry	2,012,439	(140,000)		1,872,439	2,049,546
Cemetery	386,200			386,200	402,062
Agricultural	226,779		30,000	256,779	233,976
Gravel Pits	490,996			490,996	500,049
Infrastructure Replacement Reserve	761,380		250,000	1,011,380	775,419
	<b>15,010,323</b>	<b>(2,453,900)</b>	<b>1,076,860</b>	<b>13,633,283</b>	<b>16,280,963</b>

# CAPITAL UPDATE

## SEPTEMBER 2019 YTD

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# General Government Services

Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Office Equip Main Floor	14,426	20,000	72%	Ongoing throughout the year
Office Vehicles	73,115	95,000	77%	Bylaw vehicles purchased and equipped
Cost of Sale of Lots	15,331	-	N/A	
<b>Total General Government</b>	<b>102,873</b>	<b>135,000</b>	<b>76%</b>	



# Municipal Owned Property



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Replace Muni Hall HVAC	-	200,000	0%	On hold
Building Maintainance	39,879	198,330	20%	
Crofton Fire Hall Genertor	-	30,000	0%	On hold
South End Fire Hall Re-Roof	-	130,000	0%	Deferred to 2020
Public Works Building Re-Roof	-	77,300	0%	Cancelled, patch repairs made instead
Repaint Sprott Rd Salt Shed	-	10,000	0%	Deferred to 2020
Paint and Seal Exterior Brick Wall Crot F/H	-	15,000	0%	Done
Update Controls - Chem Tr-Service HVAC	-	15,000	0%	Deferred to 2020
Evans Park Sewer Connection	-	20,000	0%	Done, charged in operating

# Municipal Owned Property



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Crofton Seniors Centre Mold Abatement	27,144	30,000	90%	Done
Crofton Seniors Centre HVAC	8,000	30,000	27%	In design
Muni Hall & P/W Energy Projects	-	226,000	0%	Parking lot and outside building lighting in progress. Public works building energy
<b>Total Municipal Owned Property</b>	<b>106,840</b>	<b>981,630</b>	<b>11%</b>	

# Information Services



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Enterprise Software	20,105	20,000	101%	In progress, anticipated completion by year end. Storage replacement (\$180K) in procurement with anticipated completion by year end, two smaller replacements planned start prior to year end.
Server Upgrade	8,133	245,000	3%	In progress, project will extend into 2020.
Document Mgmt	38,825	54,800	71%	In progress, anticipated completion by year end.
Network Equipment Repl	21,558	41,500	52%	Substantially complete
Telephone System Replacement	167,457	170,000	99%	
<b>Total Information Services</b>	<b>256,078</b>	<b>531,300</b>	<b>48%</b>	

# Community Development



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Chemainus Dog Park	-	75,000	0%	On hold
Chemainus Boardwalk	4,446	50,000	9%	
Parking Lot Old Chem FH	-	150,000	0%	
Sportsplex Field House	-	1,456,000	0%	Grant approval announced in September. Design work to commence
<b>Total Community Development</b>	<b>4,446</b>	<b>1,731,000</b>	<b>0%</b>	

# Police and Other



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
New RCMP Building	478,596	11,000,000	4%	Delayed due to "Hub Model" review. Design and project consultants contracts awarded, Design in progress.
<b>Total Police and Other</b>	<b>478,596</b>	<b>11,000,000</b>	<b>4%</b>	

# Fire Halls



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Chem F/H Equip BI3024	-	28,000	0%	On going throughout the year.
Crof F/H Equip BI3024	-	30,000	0%	On going throughout the year.
MB F/H Equip BI3024	-	20,900	0%	On going throughout the year.
SE F/H Equip BI3024	5,350	30,000	18%	On going throughout the year.
Fire Vehicle Replacemt	60,873	340,000	18%	Trucks to be ordered in October, expected delivery date by the end of the year
<b>Total Fire Halls</b>	<b>66,223</b>	<b>448,900</b>	<b>15%</b>	

# Transportation



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Crosswalk Lighting - Tansor School at Cow Lk Rd	9,037	18,600	49%	To be completed by year end.
Crosswalk Lighting - Q of A School on Maple Bay Rd	65,825	40,600	162%	Completed. \$2500 to be paid from CVRD
Engineering Dept Capital	-	10,000	0%	
Street Light Replacement	-	16,000	0%	Delayed
TCH Multi-Use Trail	63,055	350,000	18%	Requires tendering due to permitting requirements
Adelaide S/W Southside	-	310,000	0%	Deferred to 2020
Queen St Traffic Calming	53,311	53,500	100%	Completed.
Adelaide S/W North Side	17,608	40,000	44%	Completed
Seine Rd Overlay	168,887	150,000	113%	Completed

# Transportation Continued



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Westholme Rd Imprvmt Ph.1	-	50,000	0%	In house design, next step is to obtain property costs.
MB Rd Bike Lane Revision	10,235	50,000	20%	80% complete. Signage to be installed
Canada Ave S Bike Lane	-	400,000	0%	Deferred to 2020
Chem/River Rd Roundabout	21,725	260,000	8%	Deferred to 2020
Canada Ave Settlement Repair	13,429	412,500	3%	Project scope change to come
Murchie Rd Construction	207,912	552,000	38%	Project tendered, awaiting archaeology clearance to proceed
Genoa Bay Rd@MB Marina	197,331	333,000	59%	Watermain underway, rehab to follow. Completion expected in 4th quarter
Cowichan Lk Rd Widening	658,040	710,000	93%	90% complete, will be completed by end of year
Chem Rd R/W & Telus Poles	14,500	247,500	6%	Design and costing underway carry fwd

# Transportation Continued



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Chemainus/River Rd Rndabt Const	10,163	854,000	1%	Design 85% complete. Construction delayed to 2020.
Chem/River/Henry Rd Imprvmts	8,859	1,140,000	1%	Design 85% complete. Construction delayed to 2020.
Lakes Rd Bridge Repair	-	75,000	0%	Commission design 4th quarter
TCH/River Rd Traffic Signal	-	-	N/A	project cancelled by MOTI
Crofton Town Centre Ph.3	9,870	40,000	25%	Commission design 4th quarter
Chisholm Trail Overlay	84,316	84,500	100%	Complete
Drumond Drive Overlay	35,765	35,800	100%	Complete

# Transportation Continued



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Genoa Bay Rd Drainage	27,197	-	N/A	
2444 Seine to Creek	167,918	120,000	140%	Completion delayed to 2020
Van Koy Drainage	10,389	50,000	21%	50% complete. Remaining money to be expensed to survey and land owner. Construction is done
Cowichan Lk Rd Drainage	30,000	30,000	100%	Complete
Chemainus Rd Drainage		221,500		Construction to commence in October 2019
Mach&Equip P/W	510,751	1,045,000	49%	Equipment ordered through out the year.
Canada Ave Floodwall	-	30,000	0%	Not started
Canada Ave PS Landscaping	-	75,000	0%	Not started
<b>Total Transportation</b>	<b>2,396,123</b>	<b>7,804,500</b>	<b>31%</b>	

# Recreation



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
FL Arena Compressor Upgrade	502,046	510,000	98%	99% complete. Awaiting final outstanding items to be rectified.
FL Arena Security System	-	30,000	0%	Being tendered in October
FLA Autoscrubber	7,388	10,000	74%	Purchased
Crofton Washroom Upgrade	10,875	-	N/A	
Art Mann Park Playground Replacement	8,009	-	N/A	
Skate Park Expansion	216,482	209,475	103%	Completed
Fuller Lk Pk Playgrng Repl	2,125	78,000	3%	Deferred for concept planning
Cross Trail	37,351	100,000	37%	In progress

# Recreation Continued



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Environmental Assessment	10,376	9,600	108%	To be completed end of October
Wayfinding Part 2	56,019	40,000	140%	In progress
Crofton Seawalk	-	25,000	0%	Electrical work to be done 4th quarter.
Harmony Estates Plygrd	60,375	50,000	121%	Completed
Fuller Lk Pickle Ball	26,476	24,000	110%	Completed
Evans Pk Parking Lot Pave	64,484	60,000	107%	Completed
Daniel St Stairs Replacement	13,726	25,000	55%	Completed
Kin Beach Gazebo	-	25,000	0%	In initial steps of commencing with Chemainus Rotary
Humbird St Park	30,994	20,000	155%	99% complete

# Recreation Continued



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Fairview Way Plgrnd Rpl	-	50,000	0%	Planned for fall neighbourhood discussion. Install in 2020
Cemetery Irrigation	35,717	22,500	159%	Completed
Sound Baffle Replacement	27,253	35,000	78%	Completed
Aquatic Centre Fitness Equipment	17,999	22,500	80%	Completed
Security System Upgr	67	49,000	0%	Being tendered in October
Facility Retrofit Const	127,511	2,777,000	5%	Construction drawings submitted for building permit. In process of hiring project manager / construction manager
Sound System	104,566	150,000	70%	99% completed
<b>Total Recreation</b>	<b>1,359,839</b>	<b>4,322,075</b>	<b>31%</b>	

# Water Capital



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Banon Creek Discharge Install	22,527	50,000	45%	All work complete
Banon Creek Reservoir Dredging	171,093	100,000	171%	Complete
Smiley Rd Watermain	9,500	80,000	12%	Design on going
Chemainus Rd to River	3,375	700,000	0%	Construction tendered, completion in 2020
Crofton Alternate Water Supply	169,225	287,430	59%	Project commissioned
Crofton Rd/Chaplin Rd	14,973	100,000	15%	Deferred to 2020.
Genoa Bay Rd AC Replacement	165,371	254,000	65%	Complete by Dec 31
TCH Trunk Main Beverly St to Drinkwater	822	-	N/A	Shelf ready

# Water Capital Continued



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
North Rd Pump Station	24,812	58,500	42%	Roll forward 95% complete
Agira Pump Station (Design)	-	80,000	0%	Deferred to 2020.
South End Hyperscon Trunk Main	-	2,932,500	0%	Deferred.
Boys Rd Chlorination System Upgrade	47,459	100,000	47%	Complete by Dec 31/19
Drummond Dr Water Main	55,951	-	N/A	Complete
Beaumont Rd Waterm Main	7,203	300,000	2%	Delay due to archeological study
<b>Total Water Capital</b>	<b>692,310</b>	<b>5,042,430</b>	<b>14%</b>	

# Sewer Capital



Project	Committed September 2019 YTD	2019 Budget	% Budget	Status of Project
Elliot St Pump Station Upgrade	92,681	125,000	74%	Complete
Chemainus Rd to Victoria Rd Sewer Replacement	-	385,000	0%	Construction tendered.
Oak St Alley Sewer Main	-	146,000	0%	Designing
Miscellaneous pipe replacement	-	100,000	0%	
Arthur York Manhole	4,509	100,000	5%	Complete by Dec 31/19
Hawkes Boulevard Generator	15,103	20,000	76%	Complete
Portable Genset	143,156	150,000	95%	Complete
Maple Bay Rd at Churchill Pump Station	-	1,400,000	0%	Deferred to 2020.
JUB Capital	-	1,000,000	0%	North Cowichan share of JUB outfall relocation.
<b>Total Sewer Capital</b>	<b>383,860</b>	<b>3,426,000</b>	<b>11%</b>	

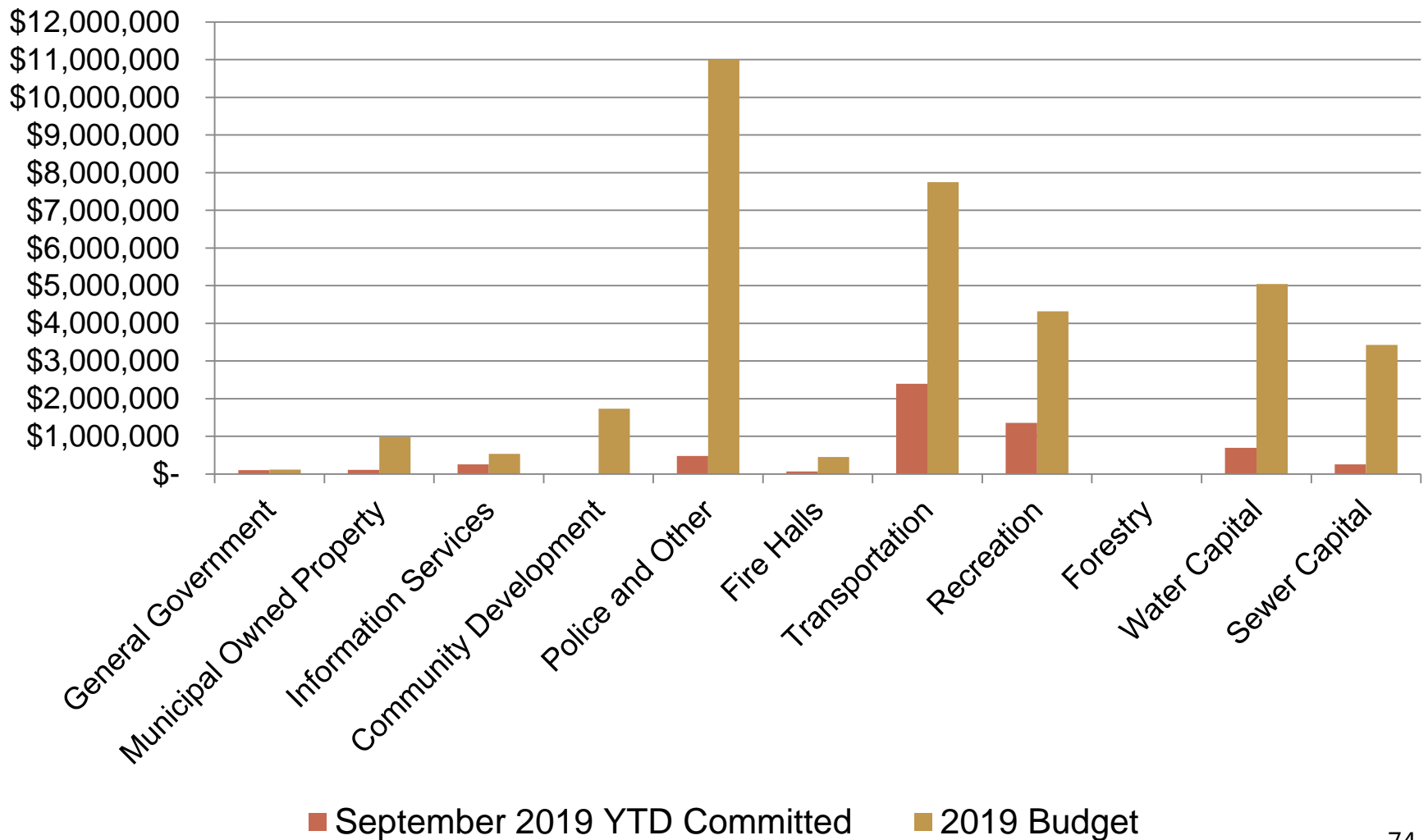
# Total Capital Projects

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Project	Committed September 2019 YTD	2019 Budget	% Budget
Total Capital Projects	5,718,775	35,402,835	16%



# Total Capital Projects



# Report

Date October 16, 2019

File: 0340-20

To Council

From Karen Robertson, Corporate Officer

Endorsed:



Subject Proclamation Policy Consideration

## Purpose

To consider whether Council wishes to move forward with issuing proclamations in the future, or continue with its existing practise of not considering proclamations.

## Background

At the June 5, 2019 Council meeting, Council passed the following resolution:

*Whereas North Cowichan's proclamation policy is over 20 years old, and contains no rationale for not issuing proclamations;*

*And Whereas proclamations can help community groups draw attention to important events and causes;*

*And Whereas many other communities both large (Victoria and Vancouver) and small (Duncan and Campbell River) support proclamation request and issue proclamations;*

*Therefore be it Resolved that staff be directed to prepare a report and recommendation, and updated policy related to receiving proclamation requests and issuing proclamations.*

## Discussion

On June 17, 1998, Council adopted a policy that stated "neither Council, nor the Mayor, issue proclamations on request. Council's decision at the time was based on an excerpt from the Times-Colonist dated May 20, 1998, regarding the difficulty the City of London, Ontario, and its Mayor, encountered before the Ontario Human Rights Commission as a result of refusing to issue a proclamation. The refusal was based upon policy that the Mayor would not make proclamations on sex related projects. The London City Council and its Mayor were fined \$10,000 and ordered to make a proclamation if so required.

Subsequent to this decision, the BC Human Rights Tribunal (BCHRT) heard a case *Okanagan Rainbow Coalition v. Kelowna (City)* 2000 BCHRT21 wherein Kelowna and its Mayor were found to have discriminated against the Okanagan Rainbow Coalition by refusing to issue a proclamation as worded by the applicant. The Mayor was willing to proclaim a "Gay and Lesbian Day" but refused to add the words "pride" to the proclamation. The ruling determined that, where municipal proclamations are a "service" customarily available to the public, the Mayor may not discriminate in their issuance. The decision also outlined that, although certain criteria such as having a local presence, and having no overt commercial aspect, may be specified in the administrative process, the Mayor cannot treat individual proclamations differently based on personal views.

The ruling went on to clarify that proclamations are not an expression of the Mayor's opinion, but are the exercise of the Mayor's public function. The effect of the order was that the Mayor was required to treat requests for proclamations from the Coalition in the same way he treated requests from all other groups.

In the case of *Hughson v. Town of Oliver*, 2000 BCHRT24, the complainant requested Proclamation of Okanagan Lesbian and Gay Pride Week. It was turned down by Council, and thereafter the Town of Oliver discontinued all proclamations. The Complainant noted that the Town of Oliver discriminated against the Complainant even more by discontinuing all proclamations because the Complainant had filed the human rights complaint.

### Analysis

In consultation with other Corporate Officers, staff found that the BCHRT ruling has been interpreted to mean that either a municipality must offer declarations (by Council) and proclamations (by the Mayor) as a service, accepting the applications verbatim as they are submitted, or not at all. Moreover, the ruling highlights that proclamations are not viewed as an endorsement of any particular event or organization, as evidenced by the City of Victoria's proclamation of International Blasphemy Rights Day on September 30, 2016.

Since the Okanagan case, many municipalities have chosen to abolish proclamation requests some of which include: Regional District of North Okanagan, Sunshine Coast Regional District, the District of Kitimat, District of Hope, District of Coldstream, District of Tofino, Town of Comox, and Village of Cumberland. Comments from staff surveyed by a fellow Corporate Officer from the above cited:

- Takes too much staff time.
- The Province already recognizes them.
- It does not fall under the mandate of "what a municipality should be doing."
- We lend support to community causes, organizations and event by means other than proclamations.

Other communities such as Pemberton, Fort Nelson, Dawson Creek, Victoria, Nanaimo, Campbell River and Duncan do issue proclamations and cite the following rationale for support:

- We recognize all for the inclusion of all.
- It adds to the economy, especially when it is partnered with a recognized event (i.e. Breast Cancer Awareness month, and the walk is held in their respective jurisdiction).
- We have the staff resources so it is not much trouble to do them.

Many of the communities that do support proclamations have a strong local perspective and have administrative criteria statements such as:

- Proclamations fulfill a request, rather than take a position.
- Proclamation requests which are defamatory, hateful, racist, discriminatory, homophobic, sexist, disrespectful, commercial on contrary to policy or bylaw will not be considered.
- Requirement for a local presence of the organization or having no overt commercial aspect.

## Options

Case law and general practise dictates that the issuance of proclamations is an all or nothing policy, notwithstanding the administrative constraints surrounding the application process. In reviewing other jurisdictions, typically 2 -3 proclamation requests are received each month.

### Option 1:

Should Council wish to reaffirm the practise of not issuing proclamations, staff request that Council endorse the updated policy attached as Appendix 2 to this report. Of note, the Province of BC regularly and actively proclaims province-wide dates or events. The Province has dedicated staff resources to create proclamations and manage requests that come in to them. If the Province is already claiming something provincial-wide, it is not required to be proclaimed again within a separate jurisdiction, unless a local representative requests it. Attached as Appendix 1 is a list of the proclamations made by the Province in 2018.

### Option 2:

Should Council wish to consider issuing proclamations moving forward, it is recommended that Council adopt the policy attached as Appendix 3 to this report. The focus, as with many other jurisdictions that support proclamations, is on locally based activities and have specific administrative criteria statements included such as those identified in the Analysis section of the report.

## Implications

Additional staff time by Legislative Services will be required to process Proclamation requests.

## Recommendation

**That Council select one of the following options:**

- 1. That Council reaffirm the practise of not issuing proclamations and adopt the Proclamation policy marked as Appendix 2 to the Corporate Officer's October 16, 2019 report; or**
- 2. That Council support proclamation requests from the public, organizations, and groups and adopt the Proclamation Policy marked as Appendix 3 to the Corporate Officer's October 16, 2019 report.**

Attachment(s):   Appendix 1 – Provincial Proclamations for 2018  
                           Appendix 2 – Proclamation Policy (to reaffirm the practise of not supporting proclamation requests)  
                           Appendix 3 – Proclamation Policy (to support proclamation requests)

## Appendix 1

### Provincial Proclamations 2018

#### *January*

- [Alzheimer's Awareness Month](#) — January 2018
- [Health Services Providers Month](#) — January 2018
- [Family Literacy Week](#) — January 21 to 28, 2018
- [Mineral Exploration Week](#) — January 21 to 27, 2018
- [Red Tape Awareness Week](#) — January 22 to 26, 2018
- [French Immersion Celebration Week](#) — January 28 to February 3, 2018

#### *February*

- [Black History Month](#) — February 2018
- [Heart Month](#) — February 2018
- [Toastmasters Month](#) — February 2018
- [Eating Disorder Awareness Week](#) — February 1 to 7, 2018
- [White Cane Week](#) — February 4 to 10, 2018
- [Resident Awareness Week](#) — February 5 to 9, 2018
- [Real Acts of Caring Week](#) — February 11 to 17, 2018
- [Moose Hide Campaign Day](#) — February 15, 2018
- [BC Seniors Care Providers Day](#) — February 19, 2018
- [Chamber of Commerce Week](#) — February 19 to 23, 2018
- [Heritage Week](#) — February 19 to 25, 2018
- [International Mother Language Day](#) — February 21, 2018
- [BC Colleges Day](#) — February 27, 2018
- [Bullying Awareness Day \(Pink Shirt Day\)](#) — February 28, 2018
- [International Rare Disease Day](#) — February 28, 2018

#### *March*

- [Children's Wish Month](#) — March 2018
- [Community Social Services Awareness Month](#) — March 2018
- [Youth Science Month](#) — March 2018
- [Search and Rescue Volunteer Memorial Day](#) — March 2, 2018
- [Stop the Sexual Exploitation of Children and Youth Awareness Week](#) — March 5 to 11, 2018
- [Cowboy Heritage Week](#) — March 11 to 18, 2018
- [Social Work Week](#) — March 11 to 17, 2018
- [Technology Skills Appreciation Week](#) — March 12 to 16, 2018

- [Dietitians Day](#) — March 14, 2018
- [Community-based Trainers Week](#) — March 18 to 24, 2018
- [Day of Nowruz](#) — March 20, 2018
- [Journée de la francophonie](#) — March 20, 2018
- [International Day for the Elimination of Racial Discrimination](#) — March 21, 2018
- [World Down Syndrome Day](#) — March 21, 2018
- [Purple Day for Epilepsy Awareness](#) — March 26, 2018

## *April*

- [Autism Awareness Month](#) — April 2018
- [BC Wine Month](#) — April 2018
- [Canadian Cancer Society's Daffodil Month](#) — April 2018
- [Construction and Skilled Trades Month](#) — April 2018
- [Parkinson's Awareness Month](#) — April 2018
- [Safe Digging Month](#) — April 2018
- [Sikh Heritage Month](#) — April 2018
- [World Autism Awareness Day](#) — April 2, 2018
- [Canadian Oncology Nursing Day](#) — April 3, 2018
- [Child Abuse Prevention Day](#) — April 6, 2018
- [Emergency Service Dispatchers' and 9-1-1 Awareness Week](#) — April 8 to 14, 2018
- [Make a Will Week](#) — April 8, to 14, 2018
- [Child Sexual Abuse Prevention Week](#) — April 9 to 15, 2018
- [Automated External Defibrillator Awareness Day](#) — April 12, 2018
- [Medical Office Assistants' Week](#) — April 15 to 21, 2018
- [Prevention Of Violence Against Women Week](#) — April 15 to 21, 2018
- [Law Week](#) — April 16 to 22, 2018
- [Talk with Our Kids About Money Day](#) — April 18, 2018
- [Animal Abuse Prevention Day](#) — April 23, 2018
- [BC Book Day](#) — April 23, 2018
- [Creative Industries Week](#) — April 23 to 30, 2018
- [Education Week](#) — April 23 to 27, 2018
- [St. George Day](#) — April 23, 2018
- [Human Values Day](#) — April 24, 2018
- [World Meningitis Day](#) — April 24, 2018
- [Black Settler Heritage Day](#) — April 25, 2018
- [Red Hat Society Day](#) — April 25, 2018
- [Neighbourhood House Week](#) — April 29 to May 5, 2018

## May

- [Asian Heritage Month](#) — May 2018
- [Child Care Month](#) — May 2018
- [International Internal Audit Awareness Month](#) — May 2018
- [Invasive Species Action Month](#) — May 2018
- [Mining Month](#) — May 2018
- [Motorcycle Safety Awareness Month](#) — May 2018
- [Multiple Sclerosis Awareness Month](#) — May 2018
- [Sleep Apnea Awareness Month](#) — May 2018
- [International Workers Day](#) — May 1, 2018
- [British Columbia Midwives' Day](#) — May 5, 2018
- [North American Occupational Safety and Health Week](#) — May 6 to 12, 2018
- [British Columbia Economic Development Week](#) — May 7 to 12, 2018
- [Child and Youth Mental Health Day](#) — May 7, 2018
- [Family Caregiver Week](#) — May 7 to 13, 2018
- [Mental Health Week](#) — May 7 to 13, 2018
- [Music Monday](#) — May 7, 2018
- [Nursing Week](#) — May 7 to 13, 2018
- [Youth Justice Week](#) — May 7 to 13, 2018
- [Healthcare Auxiliary Day](#) — May 10, 2018
- [World Lupus Day](#) — May 10, 2018
- [BC Museums Week](#) — May 13 to 20, 2018
- [Tzu Chi Day](#) — May 13, 2018
- [BC Boating Week](#) — May 14 to 21, 2018
- [BC Beef Day](#) — May 16, 2018
- [International Celiac Disease Awareness Day](#) — May 16, 2018
- [Child Care Provider Appreciation Day](#) — May 17, 2018
- [International Day against Homophobia, Transphobia and Biphobia](#) — May 17, 2018
- [Family Doctor Day](#) — May 19, 2018
- [Armenian Heritage 50<sup>th</sup> Anniversary Day](#) — May 20, 2018
- [Cycling4Diversity Week](#) — May 20 to 26, 2018
- [Local Government Awareness Week](#) — May 20 to 26, 2018
- [National Public Works Week](#) — May 20 to 26, 2018
- [RVing and Camping Week](#) — May 22 to 27, 2018
- [AccessAbility Week](#) — May 27 to June 2, 2018
- [Bereavement Day](#) — May 27, 2018
- [Tourism Week](#) — May 27 to June 2, 2018
- [Victims and Survivors of Crime Week](#) — May 27 to June 2, 2018

- [BC Jade Day](#) — May 28, 2018
- [Rick Hansen Day](#) — May 28, 2018
- [Day of the Honeybee](#) — May 29, 2018

## *June*

- [BC ALS Awareness Month](#) — June 2018
- [BC Seafood Month](#) — June 2018
- [Italian Heritage Month](#) — June 2018
- [Myasthenia Gravis Awareness Month](#) — June 2018
- [Orca Awareness Month](#) — June 2018
- [Smoke-Free Multi-Unit Housing Month](#) — June 2018
- [Intergenerational Day](#) — June 1, 2018
- [BC Child and Youth in Care Week](#) — June 4 to 10, 2018
- [Clean Air Day](#) — June 6, 2018
- ['What Matters to You?' Day](#) — June 6, 2018
- [Planning Institute of British Columbia 60<sup>th</sup> Anniversary Day](#) — June 9, 2018
- [Men's Health Awareness Week](#) — June 11 to 17, 2018
- [120<sup>th</sup> Philippine Independence Day 2018](#) — June 12, 2018
- [World Elder Abuse Awareness Day](#) — June 15, 2018
- [St. John Ambulance Week](#) — June 18 to 24, 2018
- [Legion Week](#) — June 22 to 28, 2018
- [Cosmetology Professionals Week](#) — June 24 to 30, 2018
- [Latin American Week](#) — June 27 to July 8, 2018

## *July*

- [Automotive Heritage Month](#) — July 2018
- [Collector Car Appreciation Month](#) — July 2018
- [All Canadian Simultaneous Drumming Celebration Day](#) — July 1, 2018
- [GIST Awareness Day](#) — July 13, 2018
- [International Collector Car Appericiation Day](#) — July 13, 2018
- [Collector Car Appreciation Day](#) — July 14, 2018
- [National Drowning Prevention Week](#) — July 15 to 21, 2018
- [Global Day of Inclusion](#) — July 21, 2018
- [Commemoration of the 65<sup>th</sup> Anniversary of the Korean War Armistice](#) — July 27, 2018
- [Ginger Goodwin Day](#) — July 27, 2018

## *August*

- [Bodhi Meditation Day](#) — August 3, 2018
- [Traditional Chinese Medicine Acupuncture Day](#) — August 5, 2018
- [George Ryga Week](#) — August 29 to September 2, 2018

## *September*

- [Big Brothers Big Sisters Month](#) — September 2018
- [Childhood Cancer Awareness Month](#) — September 2018
- [Community Foundations Month](#) — September 2018
- [Disability Employment Month](#) — September 2018
- [Fetal Alcohol Spectrum Disorder Prevention and Support Month](#) — September 2018
- [Addiction Recovery Week](#) — September 2 to 8, 2018
- [KidSport BC Week](#) — September 8 to 15, 2018
- [Fetal Alcohol Spectrum Disorder Prevention and Support Day](#) — September 9, 2018
- [World Sepsis Day](#) — September 13, 2018
- [Square and Round Dance Awareness Week](#) — September 16 to 22, 2018
- [Pulmonary Fibrosis Awareness Day](#) — September 19, 2018
- [British Columbia Coaches Week](#) — September 22 to 30, 2018
- [International Day of Sign Languages](#) — September 23, 2018
- [International Week of the Deaf](#) — September 24 to 30, 2018
- [BC Culture Days](#) — September 28, 29 and 30, 2018
- [Orange Shirt Day](#) — September 30, 2018

## *October*

- [Community Inclusion Month](#) — October 2018
- [Foster Family Month](#) — October 2018
- [Library Month](#) — October 2018
- [Occupational Therapy Month](#) — October 2018
- [Registered Disability Savings Plan Awareness Month](#) — October 2018
- [Registered Veterinary Technologist Month](#) — October 2018
- [25<sup>th</sup> Anniversary Celebration of Michael Smith's Nobel Prize Day](#) — October 1, 2018
- [Breastfeeding Week](#) — October 1 to 7, 2018
- [International Day of Older Persons](#) — October 1, 2018
- [National Family Week](#) — October 1 to 7, 2018
- [Wrongful Conviction Awareness Day](#) — October 2, 2018
- [World Teachers' Day](#) — October 5, 2018
- [Homelessness Action Week](#) — October 7 to 13, 2018
- [Natural Gas Week](#) — October 7 to 13, 2018

- [Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections \(PANDAS\) Awareness Day](#) — October 9, 2018
- [DIVERSEcity Community Resources Society's 40<sup>th</sup> Anniversary](#) — October 10, 2018
- [Every Girl Matters Day](#) — October 11, 2018
- [Healthcare Security and Safety Week](#) — October 14 to 20, 2018
- [Punjabi Literature Week](#) — October 14 to 20, 2018
- [Small Business Week](#) — October 14 to 20, 2018
- [Manufacturing Week](#) — October 15 to 19, 2018
- [Waste Reduction Week](#) — October 15 to 21, 2018
- [Health Care Assistant Day](#) — October 18, 2018
- [ShakeOutBC Day](#) — October 18, 2018
- [School Library Day](#) — October 22, 2018
- [National UNICEF Day](#) — October 31, 2018

## *November*

- [Adoption Awareness Month](#) — November 2018
- [Indigenous Disability Awareness Month](#) — November 2018
- [Month to Commemorate the 100<sup>th</sup> Anniversary of the End of the First World War](#) — November 2018
- [Acromegaly Awareness Day](#) — November 1, 2018
- [Crime Prevention Week](#) — November 1 to 7, 2018
- [Down Syndrome Awareness Week](#) — November 1 to 7, 2018
- [Women and Girls in Science, Technology, Engineering, Art and Design, and Math \(STEAM\) Week](#) — November 1 to 7, 2018
- [Conflict Resolution Week](#) — November 3 to 10, 2018
- [Apprenticeship Recognition Week](#) — November 4 to 10, 2018
- [Seniors' Fall Prevention Awareness Week](#) — November 5 to 11, 2018
- [Veterans' Week](#) — November 5 to 11, 2018
- [BC Agriculture Day](#) — November 6, 2018
- [World Town Planning Day](#) — November 8, 2018
- [Pacific Autism Family Centre Week](#) — November 9 to 16, 2018
- [World Pancreatic Cancer Day](#) — November 15, 2018
- [Children's Grief Awareness Day](#) — November 15, 2018
- [Children's Grief Awareness Day](#) — November 16, 2018
- [Louis Riel Day](#) — November 16, 2018
- [Multiculturalism Week](#) — November 18 to 24, 2018
- [Restorative Justice Week](#) — November 18 to 25, 2018
- [Child and Youth Day](#) — November 20, 2018
- [Holodomor Memorial Day](#) — November 24, 2018

- [Giving Tuesday](#) — November 27, 2018
- [BC Farmers' Institutes Day](#) — November 30, 2018
- [St. Andrew's Day](#) — November 30, 2018

## *December*

- [BC Buy Local Week](#) — December 3 to 9, 2018
- [Day of Remembrance and Action on Violence Against Women](#) — December 6, 2018
- [Human Rights Day](#) — December 10, 2018

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## PROCLAMATIONS

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### 1. PURPOSE

To set out the District of North Cowichan's policy on the issuance of Proclamations.

### 2. SCOPE

This policy applies to all requests from the public, organizations, or other groups for a proclamation for a municipal day of recognition under Section 157 of the *Community Charter* from the District of North Cowichan Council or Mayor.

### 3. POLICY

The District of North Cowichan Mayor and Council will not issue proclamations for municipal days of recognition.

## RELATED POLICIES & PROCEDURES

This policy repeals the Proclamation on Request Policy which was adopted on June 17, 1998.

## APPROVAL HISTORY

WRITTEN BY:	APPROVED BY:	DATE: October 16, 2019
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**PROCLAMATIONS**

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To set out the District of North Cowichan's policy on the issuance of Proclamations.

**2. SCOPE**

This policy applies to all requests from the public, organizations, or other groups for a proclamation for a municipal day of recognition under Section 157 of the *Community Charter* from the District of North Cowichan Council or Mayor.

**3. POLICY**

A Proclamation is an official announcement that is supported by Council and signed by the Mayor intended to bring awareness and education for:

- Charitable fundraising campaigns;
- Arts and cultural celebrations or awareness;
- Multicultural awareness;
- Health and public service initiatives;
- Honours, remembrances or major celebrations;
- Special anniversaries for non-profit organizations that benefit communities; or
- Someone who's made a major community contribution.

Proclamations issued are established as fulfilling a request and do not represent an endorsement of the content of the Proclamation.

Council will not consider requests that:

- Are politically or religiously motivated;
- Are for campaigns, events, and activities that are contrary to the District of North Cowichan bylaws or policies;
- Are not directly related to the District of North Cowichan;
- Are for profit-making purposes; or
- Espouse discrimination, hatred, violence, racism or advocate against human rights and freedoms under existing Canadian laws.

**4. PROCEDURE**

Requests for proclamations must be received, in writing, at least 15 business days prior to the start of a proclamation date. Specifics regarding the process for submitting written requests can be obtained through the Legislative Services department.

## RELATED POLICIES & PROCEDURES

The “Proclamation on Request” policy adopted on June 17, 1998 is repealed.

## APPROVAL HISTORY

WRITTEN BY:	APPROVED BY:	DATE: October 16, 2019
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The Corporation of the District of North Cowichan  
**Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-  
Canada Highway), 2019**

Bylaw 3763

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

**1      *Zoning Bylaw 1997, No. 2950, is amended by adding the following text as a new subsection after 40.6:***

**"40.7** Despite section 40.5, one cannabis retail store is permitted at 8432 Trans-Canada Highway (PID: 001-305-310)."

---

READ a first time on September 4, 2019  
Information Meeting held on October 3, 2019  
READ a second time as amended on  
CONSIDERED at a Public Hearing on  
READ a third time on  
APPROVED BY the Ministry of Transportation and Infrastructure on  
ADOPTED on


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CORPORATE OFFICER

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PRESIDING MEMBER

# Report

Date	October 16, 2019	Prospero No. ZB000093
To	Council	Folio No. 12393-000
From	Caroline von Schilling, Development Planner	File No. 3360-20 18.19
Subject	Zoning Bylaw Amendment Application No. ZB000093 (8432 Trans-Canada Hwy) – Cannabis Retail Sales Second Reading	
		Endorsed: 

## Purpose

To provide Council with an update regarding the requirement of the applicant of ZB000093 (8432 Trans-Canada Highway) to host an Information Meeting as per Section 4.8 of the *Retail Cannabis Sales Policy*:

Section "4.8 All applicants are required to arrange and conduct an Information Meeting to provide residents and property owners within 60 m of the subject property with information about their application. A summary of the feedback received at the meeting will be incorporated as part of the staff report to Council".

## Discussion

On September 4, 2019 Council gave First Reading to Zoning Bylaw Amendment No. ZB000093 (8432 Trans-Canada Highway). The applicant was directed to conduct an Information Meeting prior to Council's consideration of Second Reading. Additionally, the applicant was directed to advise Halalt First Nation and Lyackson First Nation of the Information Meeting.

Staff wish to advise Council that the applicant arranged and conducted an Information Meeting on October 3, 2019 at the Red Rooster Restaurant at 8432 Trans-Canada Highway from 5:30 – 8:00 pm. The applicant stated they notified properties within a 60m radius of the Subject Property, as well as Halalt First Nation and Lyackson First Nation, of the Information Meeting. The applicant's summary of the Information Meeting is attached (see Attachment 1). Staff believe that the *Retail Cannabis Sales Policy* and Council's requirements have been satisfied.

Note: Second Reading to Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019, No. 3763 is amended to correct the address from 8432 Trans Canada Highway Drinkwater Road to *8432 Trans-Canada Highway*, i.e., removing the words 'Drinkwater Road'.

## Staff Recommendation

**That Council give second reading, as amended (to remove reference to Drinkwater Road) to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" No. 3763; and**

**That staff be directed to schedule a Public Hearing and issue notice in accordance with the requirements of the *Local Government Act*.**

Attachment: Applicant's Summary of the Information Meeting (email)

**From:** Patrick Nadeau <pjwnadeau@gmail.com>  
**Sent:** Friday, October 4, 2019 9:04 AM  
**To:** Caroline von Schilling  
**Subject:** Father Natures Meeting

Good morning Caroline. We had our meeting last night from 5:30-8pm

We had 10,people come to the meeting. The meeting was held at 8432C Trans Canada highway, at the Red Rooster Diner.

Unfortunately all the people we sent invitations to, did not show up, nor did any representatives from the Halalt or Lyackson bands attend.

What I was not aware of was the invitation I sent to the people in Mount sicker, was posted on their Facebook, and web page, which went out to all the people in our area. They have their own community billboard on the net.

So the people that did show up, were locals, but directly 60m from us. That surprised me.

Attending...

10 names

The meeting went very well. There were some concerns and some suggestions.

Concerns from [Name(s)] regarding the safety of the shop, because there has been a lot of break-ins in the area. I assured them that the standards for safety set out by the Province, has made it certain that We will not be an easy target. On our application with you, it lays out all the safety features, IE cameras, monitoring, and lighting.

They Suggested a few more Cameras on the back of the building facing Mount Sicker road, in case there is trouble, it will be easier for the RCMP to get a better visual on the traffic coming and going. We agreed and will be putting in 2 additional cameras at that location.

[Name(s)] wanted to know what our hours of operation will be, they don't want a lot traffic after midnight in their area.

We have applied for maximum hours of operation with the Province. They have set out hours like the Liquor stores. 9am-11pm, but we have chosen to limit our hours from 9am-9pm, and maybe 10pm in the summer. They were very happy to hear that.

[Name(s)] wanted some history on me, because they did not want some monopolizing corporation to come in and send the money elsewhere.

They were also enquired on staffing and will I be hiring locally.

I have told them that I am local, I will be hiring locally, and the money will, stay in the Cowichan Valley.

I also told them that all staff including myself have to go through a serious security screening before they can work in this industry. I am grateful for that, and so were they.

besides that, there was a lot of positive comments. Fortunately I have been at the Red Rooster for 5 years now, and they were happy to see a familiar face opening this business instead of someone they did not know.

I was asked if they had to register or get prescriptions from their doctors to purchase at the store. I let them know, that we will all be recreational Cannabis stores set out by the province, we are not allowed to be considered an apothecary or anything to do with the medicinal side.

The meeting lasted 2.5 hours, and everyone including myself left the meeting in a very positive way.

It went far better than I anticipated. Nothing negative, just great conversation, and helping to educate them on the rules and regulations set forth by the Provincial Government. We could have talked all night.

I hope this is what you wanted.

Thank you Caroline, I await your reply.

Patrick Nadeau



Virus-free. [www.avg.com](http://www.avg.com)

# Report

Date	September 4, 2019	Prospero No. ZB000102
To	Council	Folio No. 05463-050
From	Caroline von Schilling, Development Planner	File No. 3360-20 18.28
Subject	Zoning Bylaw Amendment Application No. ZB000093 (8432 Trans-Canada Highway) – Cannabis Retail Sales	Endorsed: 

## Purpose

The purpose of this report is to provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit the use of Retail Cannabis Sales at 8432 Trans Canada Highway to facilitate a cannabis retail store.

## Background

The 0.49 ha (1.21 ac) subject property is located at the corner of Mount Sicker Road and the Trans-Canada Hwy. (see ATTACHMENTS 1 & 2). The property is designated Highway Service Commercial in the Official Community Plan (OCP), is zoned Commercial Service (C3) in the zoning bylaw (ATTACHMENT 3). The Subject Property is located within the Agriculture Land Reserve (ALR). Proximity of the proposed location of the proposed cannabis retail sales store to parks, schools, and recreation areas is identified in ATTACHMENT 4.

## Land Use Context

**North:** Commercial; Agricultural and rural properties beyond  
**South:** Agricultural and rural properties  
**East:** Agricultural and rural properties; Halalt First Nation beyond  
**West:** Agricultural and rural properties

## Proposal

The applicant is proposing to amend the Zoning Bylaw to permit a cannabis retail store at 8432 Trans-Canada Highway (ATTACHMENT 5 & 6) within the Commercial Service (C3) Zone (ATTACHMENT 7).

## Discussion

In October, 2018, the Federal government legalized non-medical Cannabis regulated by Bill C-45 the *Cannabis Act*. This federal legislation created a number of responsibilities for all levels of government regarding cannabis use, possession, production, and sales. The Province of BC has since adopted the *Cannabis Control and Licensing Act* and the *Cannabis Distribution Act*, as well as a series of regulations, to regulate private cannabis retail stores.

The Province has been clear that local governments can choose to prohibit cannabis stores or cap the number permitted in the community, or establish criteria for permitting cannabis retail stores. On January 16, 2019, Council considered and adopted the Retail Cannabis Sales Policy in order to establish criteria to guide Council in its consideration of land use amendment applications for site-specific cannabis retail sales. It was revised on July 17, 2019 (see ATTACHMENT 8).

Policy considerations regarding this application are:

#### Official Community Plan

Provide clear policies guiding the location and operation of commercial enterprises

**Policy 2.4.5.2** *The Municipality encourages a range of commercial facilities from local to regional in scope.*

**Policy 2.4.5.12** *The Municipality will take the following into consideration for zoning to permit highway service commercial development:*

- Land use along the Trans-Canada Highway will be governed by highway service commercial zone and policy. [see also 2.5.6.10 & Map 11]
- Commercial land along the highway should be protected for highway commercial uses ...

**Policy 2.5.6.10** *The Municipality supports the maintenance of the existing service and transportation corridors in North Cowichan.*

Achieve results consistent with the goals, principles and policies of the OCP

**Policy 3.2.2.2** *The Municipality will work together with neighbouring First Nations on matters of shared concern, including traffic, water and servicing.*

- (a) The Municipality will continue to work together with First Nations to integrate standards and share service delivery equitably*

The OCP designates the Subject Property within the Westholme Highway Service Commercial area (Map 9), which services the surrounding rural/regional area as well as the neighbourhood jurisdiction of Halalt First Nation. The OCP further designates the Subject Property within the Trans Canada Highway Corridor Rural Designation, which identifies this section of the Trans Canada Corridor for rural land uses.

The proposal is generally consistent with the policies of the OCP. The Municipality should work together with neighbouring jurisdiction of Halalt First Nation on matters of shared concern (OCP Policy 3.2.2.2).

#### Retail Cannabis Sales Policy

##### **Policy 4.1 Location**

*Retail cannabis use must be located on, or in close proximity to, a provincial highway ...; and in commercial areas ...*

This application proposal is located in close proximity to the Trans-Canada Highway, and in an established commercial area.

**Policy 4.2** *Only one retail cannabis sales storefront will be allowed per parcel.*

No other active application has been approved for this parcel at this time.

**Policy 4.5 Community Impact**

*Council will consider the impact of retail cannabis sale in proximity to libraries, public recreation centres, public community centres, parks, places of worship and family-oriented facilities.*

The proposal is located within approximately 500m from Chemainus Community Park and the historic Westholme School, and approximately 800m from Halalt First Nation, e.g., day care, library, and community centre.

The location is separated from Chemainus Community Park by a bridge crossing the Chemainus River. The location is separated from historic Westholme School and Halalt First Nation by an arterial highway.

**Policy 4.9 Application Process**

*The municipality will refer all retail cannabis sales applications to School District #79, North Cowichan RCMP, and jurisdictional neighbours for up to 30 days to ensure that their comments are considered in Council's decision.*

Referrals were sent to School District #79, North Cowichan RCMP, and the jurisdictional neighbours of Halalt First Nation, Cowichan Tribes, City of Duncan, and the Cowichan Valley Regional District, to notify them and invite comment or concern about the proposal.

All jurisdictions and agencies provided comment. In summary, no concerns over proximity were raised by SD79. No concerns were raised by the City of Duncan nor the Cowichan Valley Regional District. Cowichan Tribes wished to defer to Halalt First Nation. The RCMP did not raise concerns.

Concerns over the proximity of the cannabis retail sales store proposal were raised by Halalt First Nation (ATTACHMENT 9).

**Development Permit Areas**

This area is subject to Development Permit Area-1 (General) should new construction or significant exterior upgrades to the store be required.

**Zoning Bylaw**

Retail use is permitted in the existing Commercial Service (C3) Zone. Cannabis retail use is not permitted without a zoning amendment.

**Ministry of Transportation and Infrastructure**

The subject property is within 800 m of a Controlled Access Highway (Trans-Canada Highway) requiring Ministry of Transportation and Infrastructure (MOTI) approval of this proposed zoning amendment bylaw prior to bylaw adoption. The application was referred to the MOTI on August 19, 2019; no concerns were raised.

## Analysis & Conclusion

Official Community Plan (OCP) support for the proposal (Commercial Section 2.4.5) is based on, the proposal:

- Encourages a range of commercial facilities, and
- Is consistent with the policy direction of Highway Service Commercial designation, i.e., commercial proximity to an arterial highway.

Further, Cannabis Retail Sales Policy support for the proposal (Location Policy 4.1 & Community Impact Policy 4.5) is based on, the proposal is:

- Located near an arterial highway, and within an established commercial area, and
- Unlikely to negatively impact use of Chemainus River Community Park on the north side of the Chemainus River and the periodic use of historic Westholme School.

However, Cannabis Retail Sales Policy (Community Impact Policy 4.5) is not supportive of the proposal because the proposal:

- Could negatively impact Halalt First Nation, e.g., day care, library, community centre.

In conclusion, this zoning amendment application to a permit a cannabis retail sales store does not contradict the intent of the Official Community Plan, including the Highway Service Commercial and Trans Canada Corridor Rural designations, nor, on the balance, the Cannabis Retail Sales Policy. Therefore, staff, provides a positive recommendation to this application.

Yet, the Westholme Highway Service Commercial area services local area community residents, including Halalt First Nations community residents. As such, this area functions as a rural neighbourhood commercial node as well as a highway service commercial node. In order to determine if retail cannabis sales is an appropriate use in this context, the local community should be consulted.

## Communications and Engagement

The applicant is required to arrange and conduct an Information Meeting to provide residents and property owners within a 60 m of the subject property with information about their application (Section 4.8, Cannabis Retail Sales Policy) prior to Public Hearing. A summary of the feedback received at the meeting will be incorporated as part of the staff presentation to Council. An Information Meeting for this application has not yet occurred, but would be required prior to a Public Hearing.

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 to provide input to 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 10):

### Option 1 – Staff Recommended

1. That Council give first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans Canada Highway), 2019" No. 3763 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway;
2. That the Applicant be directed to conduct an Information Meeting prior to a Public Hearing; and,
3. That a Public Hearing be scheduled as required by the *Local Government Act*.

### Option 2 – Alternate Recommendation:

That Council deny first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans Canada Highway), 2019" No. 3763.

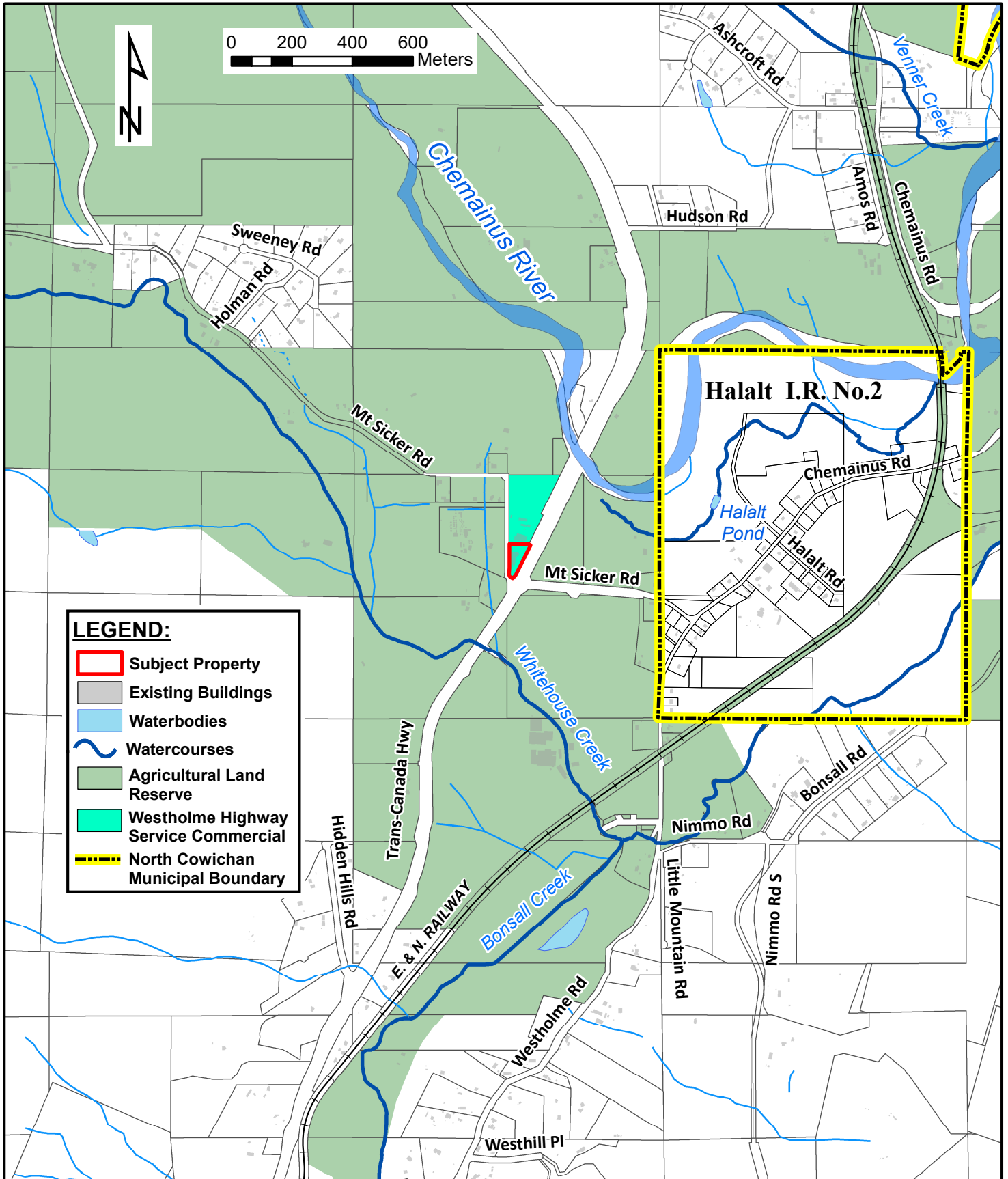
Should Council choose to deny this zoning amendment application the applicant would be required to conform to the permitted uses of the Commercial Service (C3) Zone.

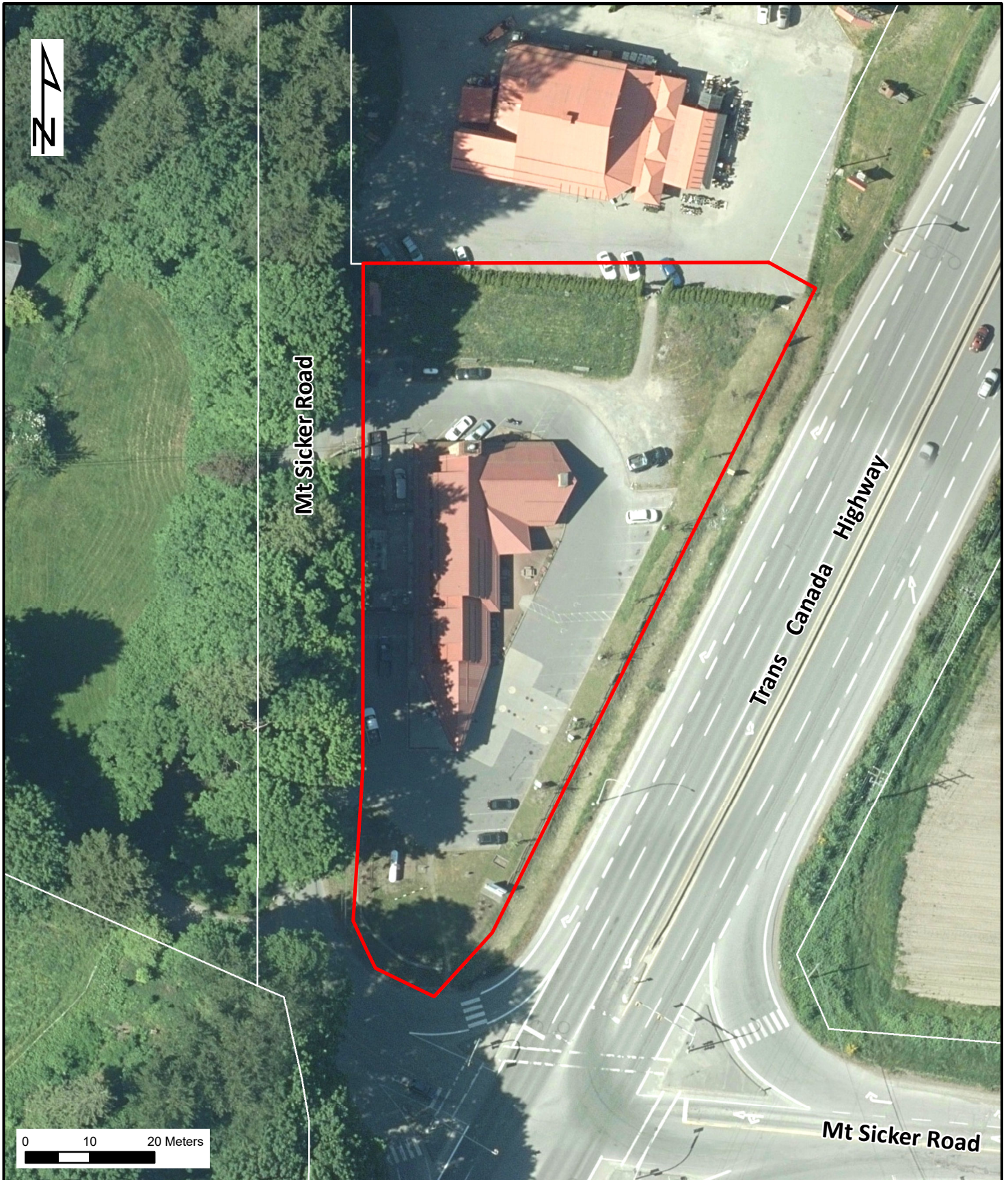
## Recommendation

- 1. That Council give first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans Canada Highway), 2019" No. 3763 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway;**
- 2. That the Applicant be directed to conduct an Information Meeting prior to a Public Hearing; and,**
- 3. That a Public Hearing be scheduled as required by the *Local Government Act*.**

## Attachments:

1. Location Map
2. Air Photo
3. Zoning Map
4. Cannabis Policy Map
5. Letter of Rationale
6. Site Photos
7. Commercial Service (C3) Zone
8. Council Policy: Cannabis Retail Sales
9. Halalt First Nation Referral (Concerns)
10. Bylaw 3763





# ORTHOPHOTO MAP

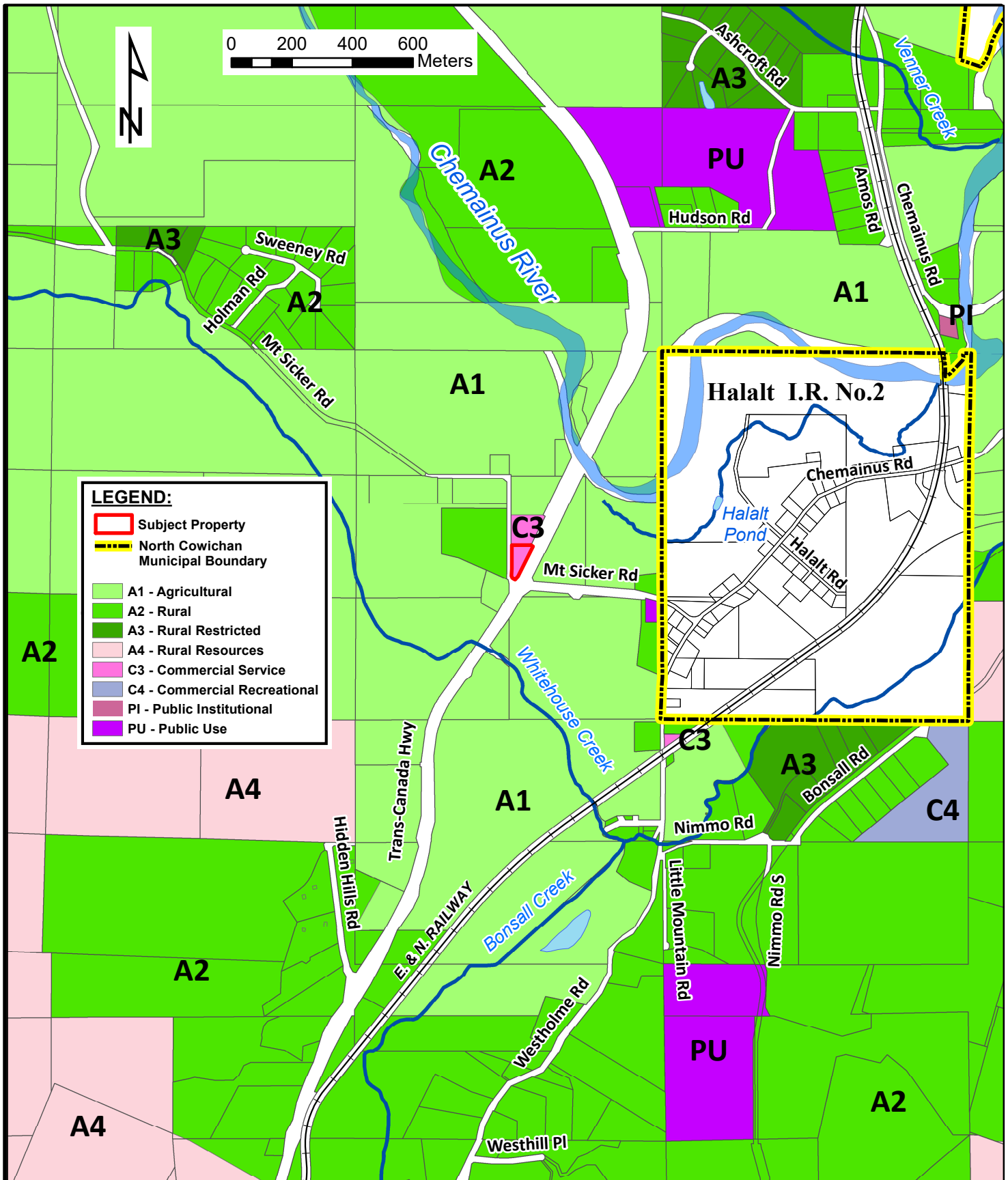
( Orthophoto is from 2017 aerial photography)

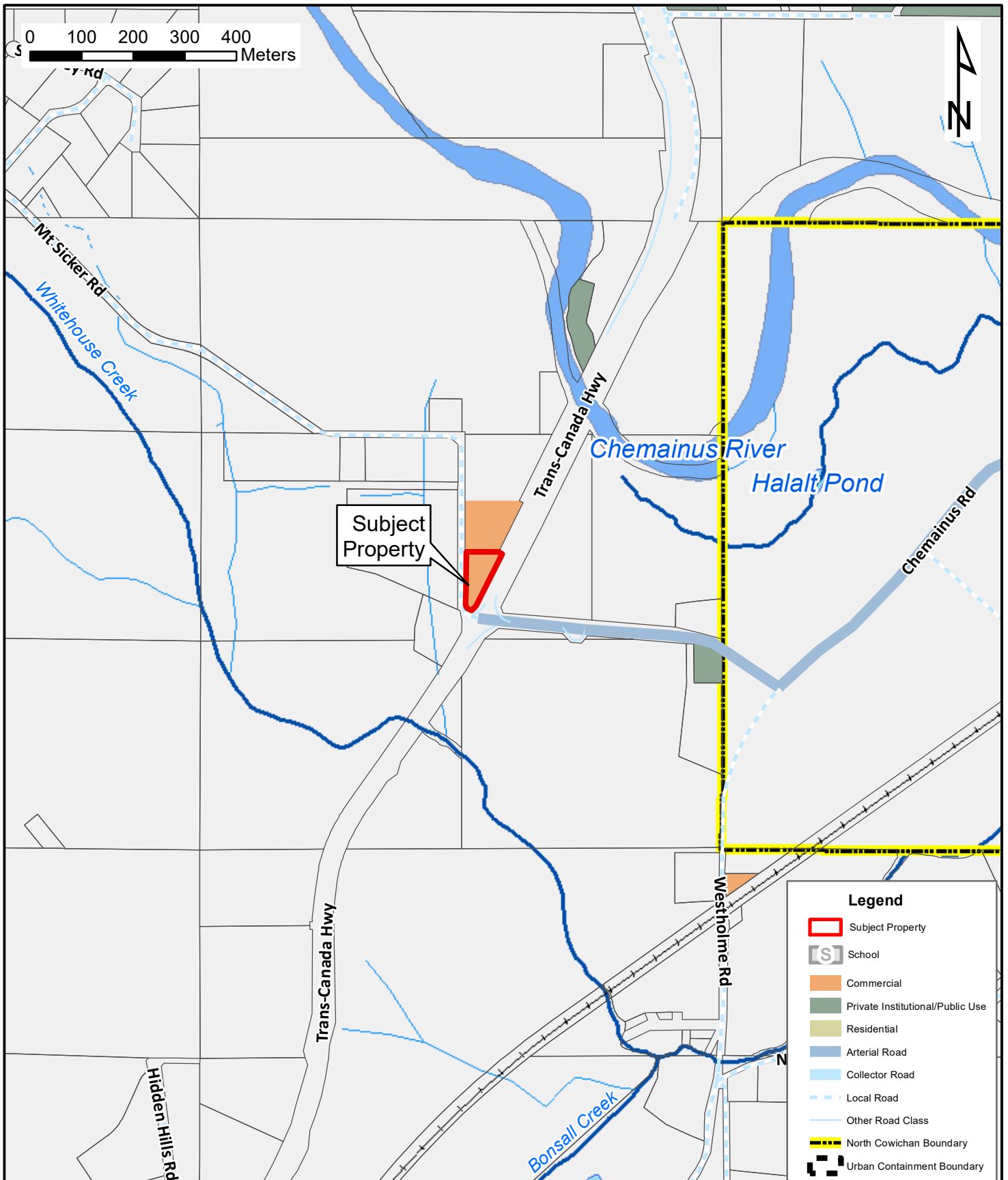
8432 Trans-Canada Highway

DATE: September 14, 2018

TYPE: Zoning Amendment

FILE#: ZB000093







# **Father Nature's Gifts LTD**

## **Business Operating Manual**

**Policies, procedures  
and practices.**

**2018**

B.C. 1144949  
Gst 780498887 RT 0001  
PST 1107-5325

**SCANNED**

*Aug 27/18*

**Father Nature's Gifts LTD**  
**Operating manual**

***Our goal is to implement high standards.***

***We will give our customers the best and safest means for acquiring their Products. We will annually review our systems and develop ongoing methods to improve our standards.***

**I am fortunate enough to have been in the hospitality industry for over 30 years.**

**I have owned and managed restaurants, hotels, nightclubs and bars.**

**I spent 8 years being the General Manager of the Phoenix station Motor Inn in the Cowichan Valley. The Hotel included a Bar, a night club that served until 2:00am, a Liquor store, a dining room, full banquet facilities and a rooms division.**

**I am very clear on the regulations regarding , the Service, Consumption and off-sales of Alcohol. I was responsible for the training and testing of all staff before they were able to serve or sell Alcohol.**

**I was in touch weekly with the areas liquor inspector, { Rob Sabayan at the time} and in 8 years we never received a single violation for over-service, serving minors, or any other contraventions to the Liquor Control Act. I was very proud of that.**

**It was imperative to understand the serious consequences that could occur for not following the regulations.**

**I believe the experience that I have gained in that industry will be incredibly beneficial in the transition to a retail Cannabis store. Rules and regulations will be very similar to Alcohol service and understanding what to look for in impaired people, and knowing the laws regarding service to minors.**

**No one under the age of 19 shall be allowed on the premises.**

**ID will be required.**

**Before a customer will be allowed to purchase product they will have to have 2 pieces of identification on their personal. One will be a primary ID. Drivers license, Passport, Military card, Status card, etc. it will have to have a photo and be government issued.**

**They will also require a second piece of Id with their name and signature on it to help verify the primary ID. IE bank card, credit card, Sin card ETC.**

## **Complaints:**

**Any complaints about our business that any customer has will be handled on an individual basis. We will definitely do everything to solve any problem.**

**This will include having a policy in place to deal with any complaints**

**As we grow we will continue to educate our customers on the potential health risks and side effects of Cannabis. We will include suggested doses depending upon the customers usage and tolerances. Only suggestions, not rules.**

**In the future we will be offering some educational content such as strains, ingestion options, potency and possible side effects. Who to call and what to do if there are any complications with adverse side effects, or negative symptoms**

**All special considerations customers can book one on one time to help with their individual needs.**

**We will have our hours of operation posted on the door and our web sites, so that customers are aware of our opening and closures.**

**Our operation will be lit up well and with Cameras to help ensure the safety of our customers coming and going.**

**Our establishment is also Wheel chair accessible.**

**As we build our stocks and suppliers, we will be able to ensure that we will have a good selection of products available to the patients**

**We will also ensure that non cannabis products are approved for sale in Canada and that we will have the appropriate licensing to do so.**

**We prohibit the sales of tobacco, alcohol, or any scheduled substances other than marijuana and marijuana products.**

**Our staff will be fully trained in understanding all the products that we carry to ensure the right medicines go for the right symptoms.**

**Our staff will be trained to understand when to flag a customer for abuse. We will carry information on where to go and who to contact in case of abuse or addiction or customers that may require this kind of help.**

### **Quantity restrictions:**

**On our policy it will clearly state what our quantity restrictions are. We will be following Government regulations, of a maximum of 30 grams**

### **Policies regarding refusing service to a customer:**

**We have the right to refuse any customer that is abusive to staff, or other customers.**

**Anyone that is acting erratically or in a manner that seems to be unsafe.**

**customers with obvious mental health issues**

**Any customers that seems to be overly inebriated or high on other substances.**

**If this occurs, there will be a policy that will require all staff to fill out a refusal form, that will include details of their actions that required us to refuse that customer. We will implement a policy that will allow us to suspend or permanently suspend them.**

### **Product handling:**

**All product handlers will have their “ Food Safe “ certification and we will comply with all health safety and cleanliness standards and procedures.**

**All products will be in clean sanitized glass jars, and the back up product will be kept in a safe and clean environment to protect the quality of the product.**

**We will carry 2 certified digital scales to ensure that Patients are getting what they are paying for. A secondary scale will be kept in case of dispute.**

**We will ensure that all cannabis and cannabis products will be properly labelled with strains and strengths of products. When legislation changes we would like to include the names of the producers, so that customers are knowing where the products and sources comes from.**

### **Tracking and collecting sales records:**

**We will be having a legal cash register and running our business like a business, that will include all details such as sales tax collected and remitted, as well as source deductions from employees. We want to ensure that when legalization does occur, then we are in compliance with any rules and regulations put forth. We have our Certified General accountant handling all of these details**

### **Incident policy:**

**We will have an incident report and daily log book, that will be filled out after each incident. Their problem, and the resolution.**

**We will have a suggestion box in our store to give our customers a chance to share their opinions, and concerns in anonymity . This allows our business to grow and give our customers what they want, and address the concerns put forth.**

**Each job done in our business will have a job description available to that employee. Our hiring practices will be very strict and specific as to what our needs will be. We will be doing back ground checks if necessary. They will not be able to have had previous substance charges or problems as well, if we deem necessary to have that employee have a criminal record search.**

**All staff will be appropriately trained for their position before starting the job. They will need to continue to educate themselves for the better of the business. There will be annual staff evaluations. This helps them improve in the areas that are needed.**

**There will be regular staff meetings to bring up concerns and new ideas.**

**We will follow the regulations regarding employment standards of Canada.**

**We will get involved in some of the communities needs and take on a cause that will help locally. Give back to the community that gives to us.**

**Our store will be kept clean and healthy. All surfaces will be sanitized daily. Our store front is attached to other businesses so it is imperative that we keep it clean and looking professional.**

### **Safety and Security:**

**We have a full security system that includes 8 cameras in a 800 sq. ft operation.**

**Bars on Windows, steel door safe and window coverings, to not allow visibility inside the store from the outside.**

**We have a safety plan set forward with our staff and the owner of the building. Covered in this document is a plan of action in case of:**

**Robbery**

**Assault**

**Mental health problems**

**Medical emergencies**

**Natural disasters**

**We will have an online presence and through email and face book we will be able to communicate and continue to educate our customers, on new products and new treatments.**

**We intend on putting together a Monthly news letter for our customers, that keeps them advised as to what we are doing, new products and interesting ways to educate our patients on the risks and benefits of medical Marijuana.**

#### **Devices for cannabis administration:**

**We will carry a variety of devices such as Papers, Pipes, and Vape pens.**

#### **Strain information:**

**We will do everything we can to assure that there is information on each strain to our customers. The staff will be well trained and informed before a product can go on the shelf.**

**The staff and owners will go to meetings that include educational learning from various experts. Our goal is to be prepared for any questions our customers have. If we do not know, we will guarantee the patients that we will find the information for them.**

**We would like to set up an area in our store that carries information on Ancillary health care and other community services. These might be important to our customers that may have addiction problems, mental health issues or in a crisis situation.**

**No product will be used in the store or on the property. To do so will mean that person will no longer be allowed to purchase product from our store.**

**We will comply with rules and regulations put forth by North Cowichan , the Province and The federal Government.**

**In closing I would like to add that our Location is not near any schools, playgrounds, or day care centers.**

**Our Neighbors at the Russell Farm Market have also been incredibly supporting in our endeavour. I have been Managing the Red Rooster Restaurant for the last 3.5 years. I know our clientele very well, and have discussed with a lot of them about what we intend to do. I have had not one negative comment from anyone. The only concern is that we do not allow people to use products on the property. They do not want to see people hanging around. I have assured them that this will not happen and we will be very strict on enforcing this policy.**

**Thank you for your time and considerations.**







**Permitted Uses**

- 70** (1) The permitted uses for the C3 zone are as follows:
- All Uses Permitted in the C2 Zone
  - Accessory Custom Workshop
  - Automotive Repair Shop
  - Bed and Breakfast
  - Home-Based Business
  - Major Equipment Repair
  - Market Garden
  - Micro cannabis production facility
  - Mobile Food Service
  - Motor Vehicle Sales and Rentals
  - Single-family Dwelling (subject to the provision of the R3 zone)
  - Truck Depot
  - Warehousing [BL3037, BL3150, BL3657; BL3746]

**Minimum Lot Size**

- (2) The minimum permitted lot size for the C3 zone is 560 m<sup>2</sup> (6,028 sq. ft.).

**Minimum Frontage**

- (3) The minimum permitted frontage for the C3 zone is 15.0 m (49.21').

**Maximum Lot Coverage**

- (4) The maximum permitted lot coverage for the C3 zone is 50% of the lot area.

**Minimum Setbacks**

- (5) The minimum permitted setbacks for the C3 zone are as follows:
- (a) Principal Buildings
    - Yard, Front, 8.0 m (26.25')
    - Yard, Side (One only), 5.0 m (16.4')
  - (b) Accessory Buildings and Structures (Excluding Fences)
    - Yard, Front, 8.0 m (26.25')
    - Yard, Side (One only), 1.0 m (3.28')
  - (c) Where a lot line, side, of a lot abuts residentially-zoned land, the yard, side, shall be maintained on that side adjacent to such residentially zoned land.
  - (d) Despite the foregoing, where the lot line, rear, of a lot abuts residentially-zoned land the required yard, rear, shall be 8.0 m (26.25').

**Maximum Building Height**

- (6) The maximum permitted building heights for the C3 zone are as follows:
- (a) Principal Buildings, 12.0 m (39.37')
  - (b) Accessory Buildings, 5.0 m (16.4')

## COUNCIL POLICY: RETAIL CANNABIS SALES POLICY



Council Approval Date: January 16, 2019

Department: Development Services

Amended: July 17, 2019

### 1. PURPOSE

This policy outlines criteria that will be considered by North Cowichan Council as part of any Zoning Bylaw Amendment Application, Temporary Use Permit Application, or Liquor and Cannabis Regulation Branch referral for cannabis retail use.

This policy was established in response to the legalization of cannabis by the federal government. It is intended to address potentially adverse community impacts of retail cannabis sales, including inappropriate exposure of cannabis to minors and undesirable concentration of storefront cannabis retailers.

### 2. SCOPE

This policy is intended to guide Council when considering applications for rezoning or temporary use permit, as well as for provincial licensing referrals for retail cannabis sales. It is not intended to fetter Council's discretion when considering individual applications. Each application will be evaluated on its own merits.

### 3. DEFINITIONS

**"applicant"** means an applicant for an application that would allow for a retail cannabis sales at a particular location;

**"retail cannabis sales"** means premises where cannabis is sold or otherwise provided to a person who attends at the premises.

### 4. POLICY

#### Location

4.1 Retail cannabis use must be located on, or in close proximity to, a provincial highway, urban arterial road, or urban collector road; and in commercial areas, including areas zoned for retail use, or designated for commercial use in the Official Community Plan or Local Area Plan.

4.2 Only one retail cannabis sales storefront will be allowed per parcel.

4.3 *[Rescinded- July 17, 2019]*

#### 4.4 *[Rescinded – July 17, 2019]*

##### Community Impact

- 4.5 Council will consider the impact of retail cannabis sales in proximity to public or independent elementary, middle or secondary schools, playgrounds, libraries, public recreation centres, public community centres, parks, places of worship, family-oriented facilities, or areas where children and youth frequent.

##### Application Process

- 4.6 The Municipality will not accept applications for proposals that are not associated with an application that has been accepted by the Liquor and Cannabis Regulation Board (LCRB).
- 4.7 Should the Municipality accept an application and then that application is cancelled or withdrawn from consideration by the LCRB, the Municipality will terminate the application process by giving the applicant the opportunity to withdraw the application, and subsequently recommending that Council reject the application.
- 4.8 All applicants are required to arrange and conduct an Information Meeting to provide residents and property owners within 60 m of the subject property with information about their application. A summary of the feedback received at the meeting will be incorporated as part of the staff report to Council.
- 4.9 The Municipality will refer all retail cannabis sales applications to School District #79, North Cowichan RCMP, and jurisdictional neighbours for up to 30 days to ensure that their comments are considered in Council's decision.
- 4.10 All applications for retail cannabis sales under this Policy shall be forwarded to registered or selected Community Associations, for information and comments they may wish to provide.

## **5. ROLES & RESPONSIBILITIES**

Staff will include an analysis of each application's compliance with this Policy as part of the staff report to Council.



**HALALT FIRST  
NATION**

**A Coast Salish First Nation**

7973 Chemainus Road ~ Chemainus, BC V0R 1K5

Ph: 250-246-4736 Fax: 250-246-2330

August 8, 2019

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

*By Email: caroline.vonschilling@northcowichan.ca*

Dear Ms. von Schilling,

**Re: Cannabis Retail Sales Zoning Amendment Application Referral for 8432 Trans-Canada Hwy**

I write on behalf of Halalt First Nation in response to your email regarding the above noted referral.

Halalt First Nation does not support the proposed amendment to the property zoning which would permit a cannabis retail store at 8432 Trans Canada Highway. The site is the closest convenience, gas and market space to Halalt First Nation and we, including the elders of our community, strongly oppose the potential for easily accessible cannabis particularly by our younger community members and youth. We are very supportive of a drug and alcohol-free lifestyle and Canada's Indigenous population struggles with addictions to these and other substances; furthermore, the proximity of such a retail location would be of no benefit to the promotion of a healthy lifestyle for our community.

Respectfully,

*Signed on Behalf of  
Chief James Thomas*

*by: Caroline Gladstone, General Manager*

Chief James R. Thomas  
Halalt First Nation