

Municipality of North Cowichan

Special Council

AGENDA

Monday, January 20, 2020, 6:00 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 January 20, 2020 Special Council agenda, as circulated [or as amended].

3. ADOPTION OF MINUTES

8 - 23

Recommendation:

That Council adopt the following minutes:

1. **Special Council meeting held December 12, 2019;**
2. **Special Council meeting held December 18, 2019;**
3. **Committee of the Whole meeting held December 18, 2019;**
4. **Regular Council meeting held December 18, 2019; and**
5. **Special Council meeting held January 6, 2020.**

4. MAYOR'S REPORT

5. DELEGATIONS AND PRESENTATIONS

5.1 DELEGATION: Cowichan Works

Purpose: To hear from David Messier and Jennifer Woike, on behalf of Cowichan Works, a group comprised of business owners, landowners, realtors, developers, contractors, property managers, financial consultants and others who work locally and derive their income directly from the valley, opposed to Councillor Justice's notice of motion.

5.2 DELEGATION: Mr. Dave Jackson on Behalf of Bell McKinnon Residents and Land Owners

24 - 24

Purpose: To hear from Dave Jackson on behalf of Bell McKinnon Residents and Land Owners, opposed to Councillor Justice's notice of motion.

6. PUBLIC INPUT

Brief public input from registered speakers regarding items on this agenda.

7. BYLAWS

7.1 Bylaw 3761 - "Zoning Amendment Bylaw (Motorsport Circuit), 2019" 25 - 28

Purpose: To consider adopting "Zoning Amendment Bylaw (Motorsport Circuit), 2019", No. 3761.

Recommendation:

That Council adopt "Zoning Amendment Bylaw (Motorsport Circuit), No. 3761, 2019".

7.2 Bylaw 3769 - "Officers Amendment Bylaw, 2019" 29 - 29

Purpose: To consider adopting "Officers Amendment Bylaw, 2019", No. 3769.

Recommendation:

That Council adopt "Officers Amendment Bylaw, No. 3769, 2019"

7.3 Bylaw 3771 - "Delegation of Authority Amendment Bylaw, 2019" 30 - 30

Purpose: To consider adopting "Delegation of Authority Amendment Bylaw, 2019", No. 3771.

Recommendation:

That Council adopt "Delegation of Authority Amendment Bylaw, No. 3771, 2019".

7.4 Bylaw 3772 - "Fees Amendment Bylaw, 2019" 31 - 32

Purpose: To consider adopting "Fees Amendment Bylaw, 2019", No. 3772.

Recommendation:

That Council adopt "Fees Amendment Bylaw No. 3772, 2019".

8. REPORTS

8.1 Impacts of Councillor Justice's Notice of Motion 33 - 52

Purpose: To provide Council with information regarding Councillor Justice's December 4, 2019 Notice of Motion.

Recommendation:

For Information (no recommendation).

8.2 Off-Leash Dog Parks

53 - 75

Purpose: To provide Council with information and analysis regarding public input on off-leash dog areas at designated North Cowichan ocean park accesses between October 1 and June 15, as well as future recommendations.

Recommendation:

1. That Council direct staff to prepare a report on proposed amendments to the Fees Bylaw to increase dog licensing fees to offset additional capital, maintenance and enforcement costs for off-leash areas, as well as other proposed amendments.
2. That Council direct staff to prepare a report on proposed options to add, on a trial basis, Pender Street stairs, Crofton Beach Park foreshore, and Cook Street to Vista Grande foreshore as "designated off-leash dog areas" (effective January 1, 2021, and excluding June 16 to September 30) to the Animal Responsibility Bylaw.
3. That Council endorse an Animal Control campaign to encourage and improve compliance with dog licensing requirements.
4. That Council endorse:
 - a. signage at the foreshore areas where dogs are permitted,
 - b. signage to clarify the off-leash areas at Kinsmen Beach Park and Maple Bay Beach Park are limited to foreshore area only, and
 - c. educational initiatives to improve safety and expand the dog waste program at off-leash locations.

8.3 Integrated Climate Action Strategy

76 - 80

Purpose: To provide Council with a presentation and propose an Integrated Climate Action Plan (CAP) in response to the July 17, 2019, Council motion on climate change policy for North Cowichan.

Recommendation:

That Council direct staff to develop actions, policy options, and cost estimates based on the six strategies outlined in the Climate Action Plan and information from the Climate Action Energy Plan modelling update, to achieve an 80 percent reduction target by 2050.

8.4 Agricultural Land Reserve (ALR) Exclusion Application for 8682 Trans-Canada Highway

81 - 116

Purpose: To provide Council with information, analysis and recommendations regarding excluding land from the ALR at 8682 Trans-Canada Highway.

Recommendation:

1. That Council direct staff to issue notice and schedule a public hearing for the application to exclude 8682 Trans-Canada Highway from the Agricultural Land Reserve in accordance with Agricultural Land Commission requirements; and
2. That the application be referred to Halalt First Nations and be given 30 calendar days to respond.

8.5 2020 Resolution to the Association of Vancouver Island and Coastal Communities (AVICC)

8.5.1 De-Centralizing Forest Management on Vancouver Island and Coastal BC

117 - 119

Purpose: To consider Councillor Douglas' December 18, 2019 notice of motion.

Recommendation:

WHEREAS the forest sector in British Columbia is in crisis with thousands out of work and facing hardship; forestry companies closing mills, curtailing operations and redirecting investment outside of the province; and once thriving rural communities experiencing severe economic decline;

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

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities (AVICC) call on the Province of British Columbia to move to establish a de-centralized forest management model for the region of Vancouver Island, Sunshine Coast, Powell River, the North Coast and the Central Coast ("Vancouver Island and the Coast"), and, as a first step, appoint a Forester General for the region who will undertake the following actions:

- Consult with local communities, workers, businesses, First Nations and the broader public on current challenges with the forest sector;
- Carry out an analysis of the opportunities to increase employment and value-add, restrict raw log exports, improve environmental sustainability, and advance reconciliation with First Nations;
- Develop a regional land use plan for Vancouver Island and the Coast based on citizen input; and
- Recommend next steps for empowering Vancouver Island and the Coast in the management of forestry and related resources, including potentially establishing a Regional Standing Committee of the BC Legislature composed of the MLAs for Vancouver Island and the Coast.

9. NOTICE OF MOTIONS

10. UNFINISHED AND POSTPONED BUSINESS

10.1 Pausing Consideration of Development Applications in Some Parts of North Cowichan During the OCP Process While the Urban Containment Boundary is Being Reconsidered

120 - 122

Purpose: To consider Councillor Justice's Notice of Motion tabled at the December 4, 2019 Council meeting.

Recommendation:

WHEREAS the current Official Community Plan (OCP) of the Municipality of North Cowichan (North Cowichan) identifies the reduction of suburban development sprawl, the preservation of rural character, smart growth, and mitigating and adapting to climate change as major policy objectives;

AND WHEREAS North Cowichan Council has recently acknowledged that we are facing a climate emergency requiring immediate action;

AND WHEREAS North Cowichan's Climate Action and Energy Plan acknowledges the relationship between suburban development sprawl, increased demands for energy, and increased greenhouse gas (GHG) emissions, and also acknowledges the need to develop compact communities that can adapt to a changing climate;

AND WHEREAS North Cowichan is currently reviewing its OCP, which review will include the consideration of: i) stronger policies related to climate change; ii) amendments to the Urban Containment Boundary (UCB) to reduce suburban development sprawl and automobile dependency; and iii) denser development around North Cowichan's existing commercial cores to create complete and resilient communities;

AND WHEREAS the development of lands (Lands) which are: i) greenfield; ii) characteristic of leapfrog development; or iii) are not within reasonable (generally accepted) walking distance from the core services of either Crofton, Chemainus, or the Duncan to Berkey's Corner area of the South End of North Cowichan (some of which are located within the UCB) would be inconsistent with the above current and possible policies;

AND WHEREAS the removal of some of the Lands from within the UCB will be considered as part of the review of the OCP;

AND WHEREAS some of the Lands currently within the UCB, in areas such as the Quamichan watershed and similar areas*, are facing development pressure, which will likely increase during the anticipated two year OCP review process;

AND WHEREAS it is anticipated that a significant amount of North Cowichan planning staff resources will be required to review development applications in relation to the Lands, which may be removed from within the UCB at a future date as a result of the review of the OCP;

AND WHEREAS North Cowichan Council believes it is not prudent to expend North Cowichan planning staff resources to review development applications in relation to the Lands while the review of the OCP is being undertaken;

THEREFORE BE IT RESOLVED that Council is of the view that the approval of

further growth or change in those areas of North Cowichan represented by the Lands is not in the public interest, but believes that growth or change that fosters walkable, compact, and energy efficient communities, and strengthens existing cores, is in the public interest.

AND THEREFORE BE IT FURTHER RESOLVED that Council directs North Cowichan planning staff to advise the Approving Officer that Council is of the view that the approval of subdivision of any of the Lands is not in the public interest for the reasons set out above, and request that the Approving Officer reject all such subdivision applications as not being in the public interest.

AND THEREFORE BE IT FURTHER RESOLVED that Council believes that it is not a judicious use of North Cowichan planning staff resources to review applications for amendments to the OCP and/or Zoning Bylaw in relation to any of the Lands while the review of the OCP is underway.

AND THEREFORE BE IT FURTHER RESOLVED that Council directs North Cowichan planning staff to encourage applicants for amendments to the OCP and/or Zoning Bylaw in relation to any of the Lands to defer consideration of their applications until after North Cowichan has completed its review of the OCP, and that, where the applicants are not agreeable to deferring consideration of their applications until after North Cowichan has completed its review of the OCP, North Cowichan planning staff bring all such applications to Council at the earliest opportunity for consideration by Council and direction as to whether Council wishes to proceed with further steps in relation to the application, including a detailed staff review, or Council wishes to deny the application without further review.

* There are a number of large greenfield sites currently located within the Urban Containment Boundary (UCB) - including in lands surrounding the Maple Bay Corridor and Quamichan Lake, the western boundary of the Crofton growth centre, southern/western boundaries of the Chemainus growth centre, and other undeveloped areas of the South End.

11. NEW BUSINESS

12. QUESTION PERIOD

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

13. CLOSED SESSION

Recommendation:

That Council close the January 20, 2020 Special Council meeting to the public at ____ p.m. 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(1)(b) - personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity; and
- 90(1)(e) - the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

14. RISE AND REPORT

15. ADJOURNMENT

Recommendation:

That Council adjourn the January 20, 2020 Special Council meeting at ____ p.m.

Municipality of North Cowichan Special Council MINUTES

**December 12, 2019, 3:00 p.m.
Municipal Hall - Council Chambers**

Members Present	Mayor Al Siebring Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Councillor Rob Douglas Councillor Kate Marsh
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Sarah Nixon, General Manager, Corporate Services Rob Conway, Director of Planning and Building Nelda Richardson, Deputy Corporate Officer Alyssa Meiner, Acting Corporate Officer
Others Present	Mayor Michelle Staples Councillor Bob Brooke Councillor Garry Bruce Councillor Jenni Capps Councillor Carol Newington Peter de Verteuil, Chief Administrative Officer (CAO) Paige MacWilliam, Director of Corporate Service

1. CALL TO ORDER

There being a quorum present, Mayor Siebring called the meeting to order at 3:05 p.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council approve the December 12, 2019 Council agenda as circulated.

CARRIED

3. CLOSED SESSION

It was moved and seconded:

That Council close the December 12, 2019 Special Council meeting at 3:00 p.m. to the public on the basis of the following section of the *Community Charter*:

- **90(2)(b) - the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.**

CARRIED

4. ADJOURNMENT

It was moved and seconded:

That Council adjourn the December 12, 2019 Special Council meeting at 4:16 p.m.

CARRIED

Certified by Acting Corporate Officer

Signed by Mayor

Municipality of North Cowichan Special Council MINUTES

**December 18, 2019, 9:00 a.m.
Municipal Hall - Maple Bay Meeting Room**

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

Members Absent Councillor Kate Marsh

Staff Present Ted Swabey, Chief Administrative Officer (CAO)
 Mark Frame, General Manager, Financial and Protective Services
 Ernie Mansueti, General Manager, Community Services
 Sarah Nixon, General Manager, Corporate Services
 David Conway, Director of Engineering
 Rob Conway, Director of Planning and Building
 Clay Reitsma, Senior Manager Engineering
 Megan Jordan, Acting, Manager, Communications and Public Engagement
 Alyssa Meiner, Acting Corporate Officer
 Nelda Richardson, Deputy Corporate Officer

1. CALL TO ORDER

There being a quorum present, Mayor Siebring called the meeting to order at 9:00 a.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council approve the December 18, 2019 Special Council agenda as amended to add:

- 1. 4.1 (Closed) Personnel Issue, and**
- 2. 4.2 (Closed) BC Ferries update.**

CARRIED

3. NEW BUSINESS

None.

4. CLOSED SESSION

It was moved and seconded:

That Council close the December 18, 2019 Special Council meeting at 9:00 a.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(1)(c) - labour relations or other employee relations;**
- **90(1)(e) - the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and**
- **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 the council, could reasonably be expected to harm the interests of the municipality if they were held in public.**

CARRIED

5. RISE AND REPORT

Council rose and reported on the following resolutions:

It was moved and seconded:

That Council rename the Lakes-Jaynes-Timbercrest Community Ambassador Team to "South End Centre Ambassador Team" to include the Beverly/Alexander neighbourhood.

CARRIED

It was moved and seconded:

That Council appoint Victoria von Schilling as an ambassador to represent the South End Centre area.

CARRIED

It was moved and seconded:

That Council appoint Laura Funk and Marita Judson as Ambassador to represent the Crofton area.

CARRIED

6. ADJOURNMENT

It was moved and seconded:

That Council adjourn the December 18, 2019 Special Council meeting at 10:45 a.m.

CARRIED

Certified by Acting Corporate Officer

Signed by Mayor

Municipality of North Cowichan Committee of the Whole MINUTES

**December 18, 2019, 11:30 a.m.
Municipal Hall - Maple Bay Meeting Room**

Members Present	Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Mayor Al Siebring Councillor Kate Marsh
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Mark Frame, General Manager, Financial and Protective Services Ernie Mansueti, General Manager, Community Services Sarah Nixon, General Manager, Corporate Services David Conway, Director of Engineering Rob Conway, Director of Planning and Building Megan Jordan, Acting, Manager, Communications and Public Engagement Alyssa Meiner, Acting Corporate Officer Nelda Richardson, Deputy Corporate Officer Lane Killick, Chief Building Inspector Dave Preikshot, Acting Director of Engineering

1. CALL TO ORDER

In the absence of both the Mayor and Deputy Mayor, for compliance with section 8(4) of the Council Procedure Bylaw, the Committee moved and seconded the following:

That the Members present authorize Councillor Rob Douglas to Chair the meeting.

CARRIED

There being a quorum present, Councillor Douglas called the Committee of the Whole meeting to order at 11:30 a.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That the December 18, 2019 Committee of the Whole agenda be adopted as circulated.

CARRIED

3. PUBLIC INPUT

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

4. BUSINESS

4.1 BC Energy Step Code

The Committee received an introduction from the Director of Planning and Building on the BC Energy Step Code staff report and emphasized this is to help transition the local building industry to the Step Code. The Committee received an overview of the BC Energy Step Code from the Chief Building Inspector, and highlights included:

- The Province enacted the Step Code in 2017 as a voluntary program with the intent that all local governments engage by 2020.
- The Step Code provides one program with pre-set energy targets through energy modeling allowing for flexible design.
- The Province wants higher efficiency buildings, and the Step Code to be implemented through phased-in, incentivized programs, until mandatory in 2023.
- There are currently 23 local governments who have implemented the Step Code in the Province.
- Merits of the Step Code include:
 - healthier living conditions with improved ventilation,
 - support for the Province's long-term energy reduction plan, and
 - new business opportunities related to design, testing, construction methods, materials and equipment.
- When implemented, there is an initial cost of \$1000 per residential unit for energy audit with air leakage test.
- Regarding affordability for young families, the Committee heard that meeting step 2 could be as simple as adding insulation to an attic space.
- The Committee asked about cost-benefit analysis, and heard the Province has prepared a report on this and could be forwarded to Committee members.
- Implementation is currently voluntary, and North Cowichan has 2 years to phase in the program.
- In house development of administrative and technical training is proposed, as well public engagement related to the program.
- A budget allowance of \$25,000-\$30,000 is recommended to proceed.

The Committee asked questions of the Chief Building Inspector throughout the presentation. The Committee also heard from the General Manager of Financial and Protective Services that incentives could come out of the Climate Action Energy Plan Fund.

Councillor Toporowski left the meeting at 11:56 a.m.

The Committee heard staff recommends a phased implementation strategy that combines regulation, incentives, and industry engagement. This would allow for 1 year public engagement and soft start to implement the program before it is required by the Province. Staff also outlined the other options provided in the December 18, 2019 staff report.

The Committee discussed incentives, including a preference for external incentives, and rebates that may be available. Staff indicated that if the program is not mandatory, incentives would help encourage voluntary compliance. Committee members identified a preference for capping or limiting incentives and subsidies paid by North Cowichan, and asked for a no incentives option to be included in the staff report.

It was moved and seconded:

That the Committee of the Whole recommend that Council direct staff to prepare a phased implementation strategy for the BC Energy Step Code that combines regulation, incentives and industry engagement.

CARRIED

5. NEW BUSINESS

None.

6. QUESTION PERIOD

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

7. ADJOURNMENT

It was moved and seconded:

That the Committee of the Whole meeting be adjourned at 12:14 p.m.

CARRIED

Certified by Acting Corporate Officer

Signed by Mayor

Municipality of North Cowichan

Regular Council

MINUTES

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

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski (arrived at 2:02 p.m.)
Members Absent	Councillor Kate Marsh
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Mark Frame, General Manager, Financial and Protective Services Ernie Mansueti, General Manager, Community Services Sarah Nixon, General Manager, Corporate Services Dave Preikshot, Acting Director of Engineering Rob Conway, Director of Planning and Building Megan Jordan, Acting, Manager, Communications and Public Engagement Nelda Richardson, Deputy Corporate Officer Alyssa Meiner, Acting 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 December 18, 2019 Regular Council agenda, as amended to remove item 8.2 [notice of motion re: Environmental Protection Bylaws] and add the following:

- **9.1 Licence of Occupation, and**
- **9.2 Receipt of Legal Advice.**

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:

That Council adopt the following minutes:

- 1. Special Council meeting held December 4, 2019; and**
- 2. Regular Council meeting held December 4, 2019.**

CARRIED

4. MAYOR'S REPORT

The Mayor gave a verbal report on meetings and activities he recently attended, including today's announcement regarding a new Cowichan Secondary School.

5. PUBLIC INPUT

Council received brief public input from Bernie Jones, regarding agenda item 7.3.

6. BYLAWS

6.1 Bylaw 3768 - "Miscellaneous Bylaws Repeal Bylaw No. 3768, 2019"

It was moved and seconded:

That Council adopt "Miscellaneous Bylaws Repeal Bylaw No. 3768, 2019".

CARRIED

6.2 Bylaw 3769 - "Officers Amendment Bylaw, 2019"

It was moved and seconded:

That Council give three readings to "Officers Amendment Bylaw, No. 3769, 2019"

CARRIED

6.3 Bylaw 3771 - "Delegation of Authority Amendment Bylaw, 2019"

It was moved and seconded:

That Council give three readings to "Delegation of Authority Amendment Bylaw, No. 3771, 2019".

CARRIED

6.4 Bylaw 3772 - "Fees Amendment Bylaw, 2019"

It was moved and seconded:

That Council give three readings to "Fees Amendment Bylaw No. 3772, 2019".

CARRIED

7. REPORTS

7.1 Firearms Discharge Progress Update

It was moved and seconded:

That Council direct staff to defer public input on the proposed amendments to "Firearms Discharge Bylaw No. 3077, 2000" as per the November 21, 2018 staff report, until January 2021.

CARRIED

7.2 Fire Inspection Policy

Councillor Toporowski arrived at 2:02 p.m.

It was moved and seconded:

That Council direct staff to establish a regular system of fire and life safety inspections of hotels and public buildings in which the frequency and method are to follow the Fire Services Act by implementing the Fire Inspection Policy attached to the Manager of Fire and Bylaw Services December 18, 2019 report.

CARRIED

It was moved and seconded:

That Council defer the motion, to include a full-time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 budget, pending a staff report on cost-recovery and analysis of options.

CARRIED

7.3 Council Strategic Plan and Priority Projects Progress

It was moved and seconded:

That Council accept the Chief Administrative Officer's December 18, 2019 report for information.

CARRIED

7.4 Operational Strategic Plan

It was moved and seconded:

That Council accept the Chief Administrative Officer's December 18, 2019 report for information.

CARRIED

7.5 Council's Strategic Plan Public Engagement Results and 2020 Operationalization

It was moved and seconded:

That Council accept the Chief Administrative Officer's December 18, 2019 report for information.

CARRIED

7.6 School District Request for Input on Uses for Somenos Elementary Site

It was moved and seconded:

That Council direct staff to respond to the School District that North Cowichan does not wish to comment.

CARRIED

7.7 Fire Protection Service Agreements with Local First Nations

Councillor Toporowski declared a conflict of interest as she is a Cowichan Tribes First Nations Councillor and left the meeting at 3:00 p.m.

It was moved and seconded:

That Council authorize the Mayor and Corporate Officer to sign agreements to provide fire protection for Cowichan Tribes First Nation, Halalt First Nation, Penelakut First Nation, and Stz'uminus First Nation, generally in the form attached to the December 18, 2019 Regular Council meeting agenda.

CARRIED

8. NOTICE OF MOTION

Councillor Toporowski returned to the meeting at 3:01 p.m.

8.1 Proposed AVICC Resolution - Regional Forestry Pilot on Vancouver Island and the Coast

Notice was given by Councillor Douglas that he intends to move the following motion at the January 15, 2020 Regular Council meeting:

"*WHEREAS* the forest industry in British Columbia is in crisis with thousands out of work and facing hardship, forestry companies curtailing operations and re-directing investment outside of the province, and once thriving communities experiencing severe economic decline;

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

AND WHEREAS the region of Vancouver Island, Sunshine Coast, Powell River, the North Coast and the Central Coast ("Vancouver Island and the Coast") would be well-suited for a pilot for a de-centralized forestry management model because of its strong record of success in community-based forestry management;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities (AVICC) call on the Province of British Columbia to pilot a de-centralized forestry management model on Vancouver Island and the Coast AND undertake the following actions as a first step to more local control:

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

8.2 Environmental Protection Bylaws

Deferred to a future meeting.

9. NEW BUSINESS

9.1 Licence of Occupation

Council heard that the Genoa Reach project fronting on Genoa Bay Road near the Maple Bay Yacht Club has been the subject of development since the mid 2000's. Despite onsite stormwater management (detention), it was necessary to improve downstream drainage from the project site, across Genoa Bay Road, through the yacht club to an outfall at the shoreline. This required significant improvements to existing culvert piping on the yacht club property and the securing of a statutory right of way in favour of the municipality at the developer's expense.

Work near the shoreline involved activity around a recorded archaeological site which involved first nations and the province. This process manifested in the requirement to have a licence of occupation from the province for the shoreline work that had not been previously formalized.

It was moved and seconded:

That Council approve the Licence of Occupation with the Province and authorize the Mayor and Corporate Officer to sign.

CARRIED

9.2 Receipt of Legal Advice

It was moved and seconded:

That Council close the meeting to the public at 3:07 p.m. under the authority of section 90(1)(i) [receipt of legal advice] of the *Community Charter*.

CARRIED

10. RECESS COUNCIL MEETING

It was moved and seconded:

That Council recess the meeting at 3:25 p.m. and resume the open meeting at 6:00 p.m.

CARRIED

11. PUBLIC MEETING 6:00 P.M.

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski (arrived at 2:02 p.m.)
Members Absent	Councillor Kate Marsh
Staff Present	Rob Conway, Director of Planning and Building Nelda Richardson, Deputy Corporate Officer Alyssa Meiner, Acting Corporate Officer Caroline von Schilling, Development Planner

Council reconvened the meeting at 6:00 p.m.

11.1 Public Meeting - Development Variance Permit Application No. DVP00050 - 6323 Nevilane Drive

The Mayor introduced the public meeting procedure, and Council heard from the Acting Corporate Officer that no correspondence was received regarding the proposed Development Variance Permit.

Council heard from the Development Planner regarding the proposed Development Variance Permit (DVP) to reduce the minimum permitted setback for a heat pump from 4.5 m to 3.5 m in order to regularize a heat pump that was installed during construction at 6323 Nevilane Drive.

Council heard from the applicant, Carol Money (Director of Money Family Projects) that the heat pump is 74 decibels, only starts every 4 hours for 10 minutes in the winter, with no sound when not in operation, and it would be an extreme hardship if they were forced to move the heat pump.

Council heard from the Director of Planning and Building that proposed amendments to heat pumps have not yet been enacted, therefore the same 4.5 m setback has been in effect for many years.

Council then heard from Judith Clarke (6327 Nevilane Drive) that she is opposed to the DVP requested due to the constant noise produced by the heat pump next door, and non-compliance with the Zoning Bylaw. Council heard from Ms. Clarke that in the Cliffs area,

- heat pumps are typically located in the rear yard and patio,
- this is not a quiet heat pump and is cycling every 8.5-10 min (6x per hour),
- due to health issues, required to sleep during the daytime and can hear the heat pump through bedroom, and the sound of the heat pump should be borne by the heat pump owner.

The Mayor closed the public meeting at 6:28 p.m.

Council heard from the Director of Planning and Building that setbacks do not take into account the loudness of a particular heat pump unit. Council discussed that heat pumps are supported by the Climate Action Energy Plan and the proposed reduction of 1 m is not likely to make a significant difference in heat pump sound.

It was moved and seconded:

That Council authorize the issuance of a development variance permit to vary Section 35 (3) of Zoning Bylaw 2950, 1997 by reducing the required setback for a heat pump at 6323 Nevilane Drive from 4.5 metres to 3.5 metres.

(Opposed: Douglas; Justice)

CARRIED

12. QUESTION PERIOD

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

13. ADJOURNMENT

It was moved and seconded:

That Council adjourn the December 18, 2019 Regular Council meeting at 6:37 p.m.

CARRIED

Certified by Acting Corporate Officer

Signed by Mayor

Municipality of North Cowichan Special Council MINUTES

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

Members Present Mayor Al Siebring
 Councillor Rob Douglas
 Councillor Christopher Justice
 Councillor Tek Manhas
 Councillor Kate Marsh (via conference call)
 Councillor Rosalie Sawrie
 Councillor Debra Toporowski

Staff Present Ted Swabey, Chief Administrative Officer (CAO)
 Rob Conway, Director of Planning and Building
 Nelda Richardson, Deputy Corporate Officer
 Alyssa Meiner, Acting Corporate Officer
 Megan Jordan, Acting, Manager, Communications and Public Engagement

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council approve the January 6, 2020 Special Council agenda as circulated.

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:

That Council adopt the minutes of the Special Council meeting held December 9, 2019.

CARRIED

4. PUBLIC INPUT

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

- Dr. Isabel Rimmer, Cate MacNeill, and Jack MacNeill – concerned that go-kart racing would be a permitted use in the CD21 zone;
- Sean Hern (lawyer representing VIMC) – registering VIMC's objection and non-consent.

5. REPORTS

5.1 Zoning Amendment Bylaw No. 3761 - Consideration of Third Reading

The Mayor asked if Council had any questions of staff. In response to questions regarding go-kart use and go-kart racing on the site, Council heard from the Director of Planning and Building that the Phase I property is currently zoned C8 and I2 and go-kart racing is currently permitted in the C8 zone as that portion of the property had been rezoned by a previous Council to specifically allow go-kart racing. Council heard that the Vancouver Island Karting Association did use the motorsport site this summer.

Council also heard that a number of uses and clarifications are included in Bylaw 3761 to remove ambiguity, and "go-kart use" limits racing to go-karts.

6. BYLAWS

6.1 Bylaw 3761 - "Zoning Amendment Bylaw (Motorsport Circuit), 2019"

It was moved and seconded:

That Council give third reading to "Zoning Amendment Bylaw (Motorsport Circuit), No. 3761, 2019"

(Opposed: Manhas; Toporowski)

CARRIED

7. NEW BUSINESS

None.

8. QUESTION PERIOD

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

9. ADJOURNMENT

It was moved and seconded:

That Council adjourn the January 6, 2020 Special Council meeting at 6:25 p.m.

CARRIED

Certified by Acting Corporate Officer

Signed by Mayor

Dear Mayor and Council,

We support the Cowichan Works initiative and as residents and land owners on the Bell McKinnon Corridor, we are asking Council to reject the development moratorium on the grounds that it does not acknowledge the BMC's unique situation of having a recently approved award winning Local Area Plan and being the selected site for a new CDH.

- The BMC includes not only Bell McKinnon Road residents but also commercial and industrial lands along the Trans-Canada Highway.
- The BMC is the site of the new \$600 million CDH
- After extensive citizen engagement throughout the Cowichan Valley Regional District, North Cowichan recently completed a multi-year Local Area Plan for the BMC.
- The LAP was enthusiastically received by the past Mayor and Council and was unanimously adopted by Council including Councilors Douglas, Marsh and Mayor Siebring.
- The LAP won a Gold Award from the Planning Institute of BC and I am told the LAP received positive endorsement from the Cowichan Communities Coalition during this award selection process.
- The moratorium applies to all of the BMC but will not stop the development of the hospital lands.
- This means that although the hospital may proceed, the lands around the hospital will be blocked from development.
- The development of lands for ancillary purposes is an essential element of the LAP.
- The LAP was a requirement of the hospital land rezoning and when completed gave residents the confidence that if the hospital was built, our lands would also be allowed to develop in accordance with the LAP.
- The moratorium is in direct contradiction to what local residents were told during the LAP process and during the rezoning process for the hospital lands.
- If residents knew they would not be allowed to develop their lands we would not have supported the hospital rezoning.
- If Council allows this moratorium to proceed it may delay the province's final approval to fund the new CDH construction.



The Corporation of the District of North Cowichan
Zoning Amendment Bylaw (Motorsport Circuit), 2019
Bylaw 3761

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

1. ***This Bylaw may be cited as "Zoning Amendment Bylaw No. 3761, 2019".***
2. ***Section 12 of Zoning Bylaw 1997, No. 2950 is amended by adding the following definitions:***

"go-kart use" means the use of buildings, structures, or land for the maintenance, repair, operation and racing of go-karts.

"motor vehicle testing and driver training facility" means the use of land for a motorsport circuit and off-road circuit that hosts a variety of motor vehicle driving programs in different configurations with different groups, including but not limited to

- (a) motor vehicles driving the circuit to achieve and improve lap times;
- (b) motor vehicles practicing emergency braking, lane changes, cornering and other procedures including some at high speed;
- (c) multiple motor vehicles using the facility simultaneously including during club or manufacturer activities to achieve and improve their driving skills;
- (d) facilities and repair areas to change settings of motor vehicles, change tires, conduct minor maintenance and repairs, and set up motor vehicles;
- (e) club with restaurant, office, retail store, the sale of food and beverages, change rooms and ancillary amenities;
- (f) parking, off-street parking, covered parking, maintenance, warehouse and storage facilities.

"motor vehicle presentation centre" means the use of a building, structure or land for the display, storage and sales of motor vehicles, motor vehicle parts, accessories and merchandise, including ancillary offices and facilities.

"motion picture and television filming" means the filming and production of motion pictures or television shows or series.

3. ***Zoning Bylaw 1997, No 2950, is amended in section 43 [Zones] by adding***
"Motorsport Circuit Comprehensive Development Zone (CD21)".
4. ***Zoning Bylaw 1997, No 2950, is amended by adding the following section after 80.20:***

Motorsport Circuit Comprehensive Development Zone (CD21)

Permitted Uses

- 80.21** (1) The permitted uses in the CD21 zone are as follows:

- Accessory Building
- Accessory Fueling Installation
- Accessory Restaurant
- Accessory Use
- Assembly Hall
- Fitness Centre/Gymnasium
- Go-kart Use
- Motion Picture and Television Filming
- Motor Vehicle Autobody Repair
- Motor Vehicle Parts and Accessories Sales
- Motor Vehicle Presentation Centre
- Motor Vehicle Repairs
- Motor Vehicle Sales
- Motor Vehicle Storage Yard
- Motor Vehicle Testing and Driver Training Facility
- Recreation Area
- Warehouse

Minimum Lot Size

- (2) The minimum lot size for the CD21 zone is 2.5 ha.

Minimum Frontage

- (3) The minimum permitted frontage for the CD21 zone is 30 m (98.43').

Maximum Lot Coverage

- (4) The maximum permitted lot coverage for the CD21 zone is 50% of the lot area.

Maximum Floor Space Ratio of All Buildings and Structures

- (5) The maximum permitted floor space ratio for the CD21 zone is 0.5:1.

Minimum Setbacks

- (6) The minimum setbacks for all buildings are as follows:

Front yard - 6 m (19.7'); 18 m (59') from an arterial highway

Side yard - 3m (9.8')

Rear yard - 6m (19.7')

Maximum Building Height

- (7) The maximum building height for the CD21 zone is 15 m (49.2').

5. ***Schedule "C" of Zoning Bylaw 1997, No 2950 is amended by reclassifying, to Motorsport Circuit Comprehensive Development Zone (CD21), the lands shown as the "Subject Properties" (PIDs: 029-201-675 and 014-104-067), and outlined in bold on the Schedule attached to and forming part of this bylaw.***
-

READ a first time on August 21, 2019

READ a second time on August 21, 2019

CONSIDERED at a Public Hearing on October 1, 3 and 4, 2019

CONSIDERED at a Public Hearing on December 9, 2019

RESCINDED second reading on December 9, 2019

READ a second time, as amended on December 9, 2019

WAIVED Public Hearing on December 9, 2019

READ a third time on January 6, 2020

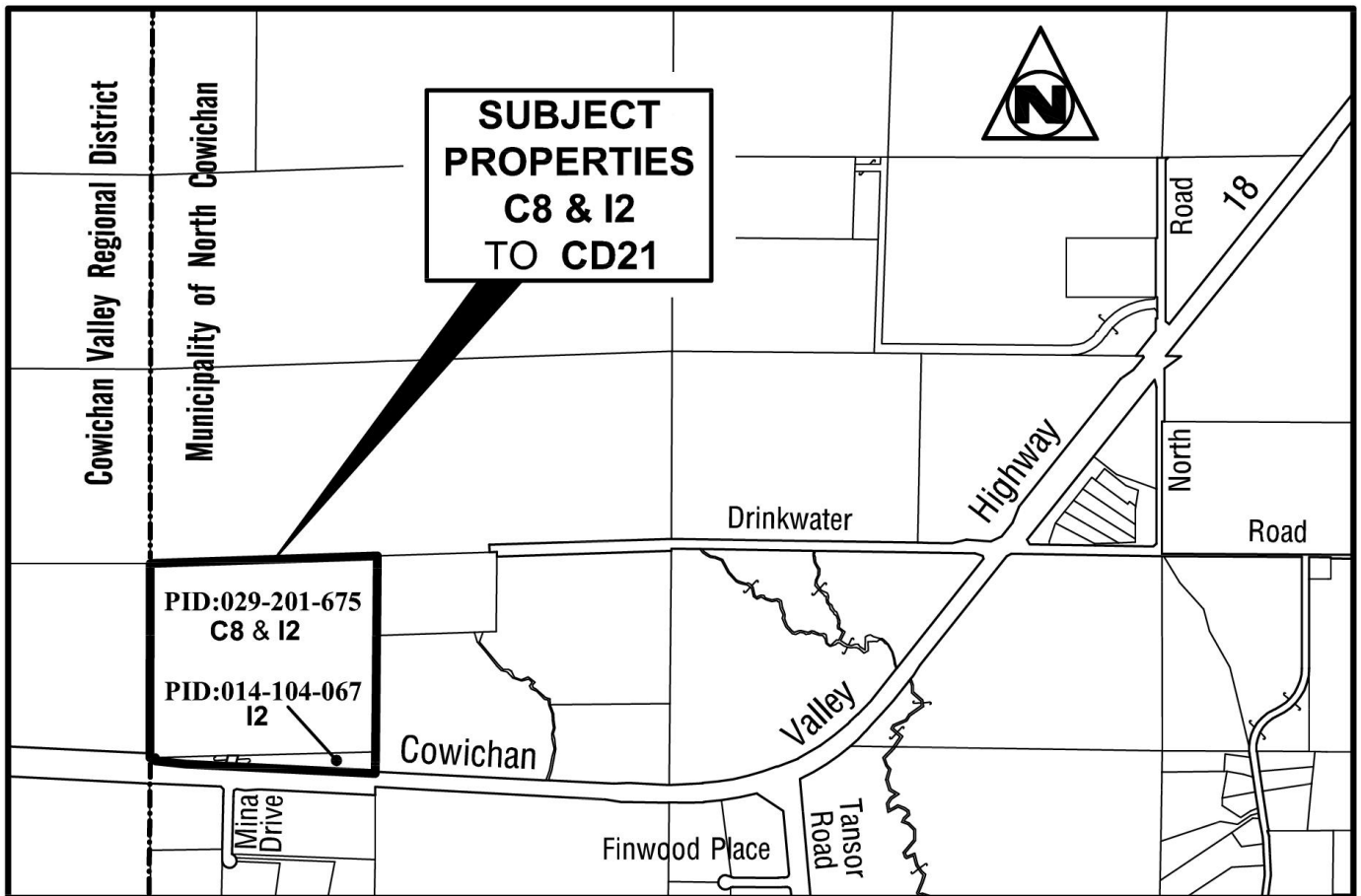
APPROVED by Ministry of Transportation and Infrastructure on January 8, 2020

ADOPTED on

ACTING CORPORATE OFFICER

PRESIDING MEMBER

Schedule





The Corporation of the District of North Cowichan
Officers Amendment Bylaw, 2019

Bylaw 3769

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

- 1 Sections 1 (b) and 3 of "Officers Bylaw", No. 3538, are amended by striking out "Director of Corporate Services" and substituting "Corporate Officer".**
- 2 Sections 1 (c) and 4 are amended by striking out "Director of Financial Services" and substituting "Financial Officer".**
- 3 Section 5 is repealed.**

READ a first time on December 18, 2019
READ a second time on December 18, 2019
READ a third time on December 18, 2019
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



The Corporation of the District of North Cowichan
Delegation of Authority Amendment Bylaw, 2019

Bylaw 3771

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

- 1 Section 1 [Interpretation] of "Delegation of Authority Bylaw" No. 3734" is amended by**
 - (a) striking out "Corporate Officer" in the definition of "Department Head" and substituting "Manager of Legislative Services";**
 - (b) adding "the Assistant Manager of Operations" and "the Manager of Recreation" to the definition of "Department Head";**
 - (c) adding "the Chief Treatment Plant Operator" to the definition of "Management Staff".**
- 2 Section 19 [encroachments within road rights of way] is amended by repealing "within road rights-of-way" and substituting "within road and other rights-of-way".**
- 3 Section 16 [registration of statutory rights-of-way and covenants] is amended by striking out "municipal".**
- 4 Section 20 [temporary municipal land and street use] is amended by**
 - (a) repealing paragraph (3) and substituting the following:**

"20 (3) Council delegates its powers to issue special event permits for temporary, non-exclusive uses of

 - (a) municipal land and road (including temporary private uses or occupation of municipal streets) to the Director of Engineering, and**
 - (b) municipal parks and recreational areas to the General Manager of Community Services or the Director of Parks and Recreation,**

subject to the permit being for a term not more than 72 hours."; and
 - (b) adding "General Manager, Community Services" after Chief Administrative Officer in paragraph (5).**

READ a first time on December 18, 2019
READ a second time on December 18, 2019
READ a third time on December 18, 2019
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



The Corporation of the District of North Cowichan

Fees Amendment Bylaw, 2019

Bylaw 3772

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

- 1 *The Schedule of "Fees Bylaw", No. 3603 is amended by repealing section 24.1 [Recreation Fees Managed Forest Land Use] and substituting the following:***

RECREATION FEES

MANAGED FOREST LAND USE

(Section 24.1)


Item	Column 1 Description	Column 2
1	Group Ride, per day (less than 15 persons) – Commercial, Private, School District, Local Non Profit Group	\$0
2	Group Ride, per day (15+ persons) – Commercial, Private, School District, Local Non Profit Group	\$0
3	Program, per day (less than 4 hours) – Commercial	\$0
4	Program, per day (less than 4 hours) – Private	\$0
5	Program, per day (less than 4 hours) – School District	\$0
6	Program, per day (less than 4 hours) – Local Non Profit Group	\$0
7	Program, per day (4+ hours) – Commercial	\$0
8	Program, per day (4+ hours) – Private	\$0
9	Program, per day (4+ hours) – School District	\$0
10	Program, per day (4+ hours) – Local Non Profit Groups	\$0
11	Race, Timed Activity or Event, per day – Commercial	\$0
12	Race, Timed Activity or Event, per day – Private	\$0
13	Race, Timed Activity or Event, per day – School District	\$0
14	Race, Timed Activity or Event, per day – Local Non Profit Group	\$0
15	Event Maintenance Deposit	Greater of \$100 or \$1 per participant

READ a first time on December 18, 2019
READ a second time on December 18, 2019
READ a third time on December 18, 2019
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date	January 15, 2020	File:
To	Council	
From	Rob Conway, Director of Planning and Building	Endorsed: 
Subject	Notice of Motion re: Pausing Consideration of Development Applications in Some Areas of North Cowichan During OCP Process While the Urban Containment Boundary is Being Reconsidered	

Purpose

To provide Council with information regarding Councillor Justice's December 4, 2019 Notice of Motion.

Background

At the December 4, 2019 Regular Council Meeting, Councillor Justice introduced his revised motion (from the April 17, 2019 meeting) for consideration by Council. The motion states:

WHEREAS the current Official Community Plan (OCP) of the Municipality of North Cowichan (North Cowichan) identifies the reduction of suburban development sprawl, the preservation of rural character, smart growth, and mitigating and adapting to climate change as major policy objectives;

AND WHEREAS North Cowichan Council has recently acknowledged that we are facing a climate emergency requiring immediate action;

AND WHEREAS North Cowichan's Climate Action and Energy Plan acknowledges the relationship between suburban development sprawl, increased demands for energy, and increased greenhouse gas (GHG) emissions, and also acknowledges the need to develop compact communities that can adapt to a changing climate;

AND WHEREAS North Cowichan is currently reviewing its OCP, which review will include the consideration of: i) stronger policies related to climate change; ii) amendments to the Urban Containment Boundary (UCB) to reduce suburban development sprawl and automobile dependency; and iii) denser development around North Cowichan's existing commercial cores to create complete and resilient communities;

AND WHEREAS the development of lands (Lands) which are: i) greenfield; ii) characteristic of leapfrog development; or iii) are not within reasonable (generally accepted) walking distance from the core services of either Crofton, Chemainus, or the Duncan to Berkey's Corner area of the South End of North Cowichan (some of which are located within the UCB) would be inconsistent with the above current and possible policies;

AND WHEREAS the removal of some of the Lands from within the UCB will be considered as part of the review of the OCP;

AND WHEREAS some of the Lands currently within the UCB, in areas such as the Quamichan watershed and similar areas*, are facing development pressure, which will likely increase during the anticipated two year OCP review process;

AND WHEREAS it is anticipated that a significant amount of North Cowichan planning staff resources will be required to review development applications in relation to the Lands, which may be removed from within the UCB at a future date as a result of the review of the OCP;

AND WHEREAS North Cowichan Council believes it is not prudent to expend North Cowichan planning staff resources to review development applications in relation to the Lands while the review of the OCP is being undertaken;

THEREFORE BE IT RESOLVED that Council is of the view that the approval of further growth or change in those areas of North Cowichan represented by the Lands is not in the public interest, but believes that growth or change that fosters walkable, compact, and energy efficient communities, and strengthens existing cores, is in the public interest.

AND THEREFORE BE IT FURTHER RESOLVED that Council directs North Cowichan planning staff to advise the Approving Officer that Council is of the view that the approval of subdivision of any of the Lands is not in the public interest for the reasons set out above, and request that the Approving Officer reject all such subdivision applications as not being in the public interest.

AND THEREFORE BE IT FURTHER RESOLVED that Council believes that it is not a judicious use of North Cowichan planning staff resources to review applications for amendments to the OCP and/or Zoning Bylaw in relation to any of the Lands while the review of the OCP is underway.

AND THEREFORE BE IT FURTHER RESOLVED that Council directs North Cowichan planning staff to encourage applicants for amendments to the OCP and/or Zoning Bylaw in relation to any of the Lands to defer consideration of their applications until after North Cowichan has completed its review of the OCP, and that, where the applicants are not agreeable to deferring consideration of their applications until after North Cowichan has completed its review of the OCP, North Cowichan planning staff bring all such applications to Council at the earliest opportunity for consideration by Council and direction as to whether Council wishes to proceed with further steps in relation to the application, including a detailed staff review, or Council wishes to deny the application without further review.

* There are a number of large greenfield sites currently located within the Urban Containment Boundary (UCB) - including in lands surrounding the Maple Bay Corridor and Quamichan Lake, the western boundary of the Crofton growth centre, southern/western boundaries of the Chemainus growth centre, and other undeveloped areas of the South End.

- * Councillor Justice has provided further elaboration to the intent and purpose of the proposed motion in a question and answer document that will be attached to the Council meeting agenda following the Notice of Motion.

Following Council's consideration of the Notice of Motion at the December 4, 2019 Council Meeting, the following resolution was passed:

"That Council table the main motion, pending a staff report on implications and potential consequences to be presented to Council at the January 15th meeting."

Discussion

Context and Overview:

The Notice of Motion cites the climate change emergency that was acknowledged by North Cowichan Council in 2019 and expresses a desire to build more compact, walkable, efficient and resilient communities by controlling suburban sprawl and by limiting growth to the existing core communities of Chemainus, Crofton and the South End. It acknowledges that an OCP review is underway that will consider stronger policies to address climate change and growth management strategies that focus new development to existing core communities, but directs immediate action in advance of the OCP review and update. The motion expresses concern about expending staff resources on development applications that facilitate growth outside of the core areas during the OCP review and directs that land use and subdivision applications outside of the core areas that do not comply with criteria cited in the motion (not green field development, characteristic of leapfrog development, or within reasonable walking distance of core commercial services) be denied on the basis that they are not in the public interest.

Council has requested a staff report on "implications and potential consequences" associated with the proposed motion. While this report attempts to identify some anticipated implications and consequences, it is not possible for staff to predict how land owners, land developers and the public might react to the motion, how the approving officer would respond to Council's directive, or how the local real estate market might respond to changes in residential land supply resulting from the motion. Furthermore, information staff have about the local real estate market is limited and it is uncertain how the motion would be applied and operationalized should it pass. The reader is therefore advised that information provided in this report, while based on professional opinion and analysis of available information, is speculative.

Site Adaptive Planning in Urban and Rural Interface:

In February, 2019, Council adopted the *Site Adaptive Planning in Urban and Rural Interface Policy* (Attachment 1). The policy established a higher level of site analysis and site planning for land use applications to better address environmental, natural hazard and community character issues. The policy was intended as an interim measure that would allow development to continue while the OCP review is underway while also requiring a higher level of control and oversight until new regulations associated with the updated OCP are in place. Much like the Policy, the proposed motion is an interim measure but it goes further than the Policy in that it seeks to discourage or prevent development from occurring in specified areas until the OCP project is concluded and existing or new growth boundaries are confirmed.

Rezoning Applications – Procedural Considerations:

Section 479 of the *Local Government Act* grants municipalities and regional districts the authority to regulate land use. The authority must be exercised by bylaw and in doing so may, among other things, regulate the use and density of lands and buildings and the shape, dimension and the maximum and minimum area of parcels that may be created by subdivision. Land use regulations are typically compiled in a “zoning bylaw”. The process and procedure for adopting or amending a zoning bylaw are set-out in the *Local Government Act*, and include requirements for public notification. A public hearing is a procedural requirement for adopting or amending a zoning bylaw, unless explicitly waived. Where a public hearing is conducted, it must be conducted in accordance with the common law principles of procedural fairness.

Local governments are required to consider requests to amend zoning, and land owners have a right to request changes to the zoning bylaw by submitting an application. Local governments have a duty to consider zoning bylaw amendment applications (i.e. rezoning applications) and cannot impose a “moratorium” on rezoning applications by refusing to consider them. However, local governments are not obliged to approve any particular rezoning application and can, as a matter of policy, choose to deny applications that do not comply with specified criteria or requirements. So, while Council cannot establish an outright moratorium on land use amendment applications by adopting the proposed motion, it could use the motion as a basis for consistently denying zoning amendment applications that do not comply with specified criteria. However, land owners would still have a right to submit rezoning applications and to have them considered by Council.

Subdivision Applications - Approval Authority and Public Interest:

The authority to regulate the subdivision of land and the land subdivision process itself is principally set out in the *Land Title Act* and the *Strata Property Act*. Applicable legislation requires most forms of subdivision to be reviewed and approved by an “approving officer”. In Municipalities the approving officer is appointed by Council, but is required by legislation to exercise the delegated authority to approve subdivision independent of Council. Council does not have any direct authority for the approval of subdivision applications, but does have influence over the subdivision process through land use and subdivision servicing regulations it establishes by bylaw.

The *Land Title Act* and the *Bare Land Strata Regulation* identify grounds on which an approving officer may deny an application for subdivision. These include:

- Injurious effect on the amenities of adjoining properties;
- Non-compliance with access and highway requirements including construction requirements; lack of adequate drainage;
- Flood, erosion, land slip or avalanche hazard;
- Adverse effect on the natural environment;
- Excessive cost to the government of providing public utilities or other works and services;
- Unsuitability of the subdivision to the configuration of the land or the intended use;
- Impracticability of future subdivision of the land in the plan or adjacent land;
- Unreasonable interference with farming operations;
- Unreasonable or unnecessary increase in accessibility of land in the agricultural land reserve.

In addition to the above, an approving officer may also refuse to approve a plan of subdivision if it is deemed to be “against the public interest”. The term “public interest” is not defined in applicable legislation and it is necessary for the approving officer to have formed the opinion based on available information that the subdivision application is against the public interest in order to deny it on that basis. An approving officer may use a variety of methods for determining “public interest”, including consultation with adjacent property owners and the public, reference to the Official Community Plan (OCP) and other planning documents or by obtaining input from Council or from other sources that may be considered to represent the public.

The proposed motion and the criteria for denying subdivision articulated in it could be considered by North Cowichan’s approving officer to be an expression of the public interest, and could provide a basis for the approving office to deny a subdivision application. However, the approving officer is not bound by the motion and is not necessarily obliged to deny any particular subdivision application should the motion be passed.

Council should also be aware that the Official Community Plan, recent local area plans, and the Zoning Bylaw are also indicators of the public interest, and the approving officer may give priority to those documents when determining public interest as they involved direct consultation with the public.

Areas Impacted by Proposed Motion

For the purpose of determining impacts of the proposed motion, the Municipality can be divided into three categories:

1. Lands outside of OCP defined Growth Centres and Urban Containment Boundaries (UCBs).
2. Lands within the Growth Centres/UCBs that do not comply with specified criteria (within reasonable walking distance of core, not greenfield or leap-frog development).
3. Lands within the Growth Centres/UCBs that comply with specified criteria.

The proposed motion will impact the first and second category of land, but not the third.

Category 1 Lands – Rural Lands:

Lands outside of designated Growth Centres/UCBs are generally described as “Rural” in the OCP. Land use policies in the OCP strongly discourage increased densities in rural areas, so the proposed motion is not expected to have any significant effect on rezoning and other land use applications in the rural areas since current policy already discourages such development. However, since the Municipality’s Zoning Bylaw has not been comprehensively reviewed since 1997, zoning designations in the rural areas do not necessarily align with OCP policies for rural lands. The proposed motion would impact rural lands in that it requests the approving officer to generally not approve subdivision in those areas even though the Zoning Bylaw permits it.

Category 2 Lands – Within Growth Centres/UCBs and not compliant with criteria:

The proposed motion is primarily targeted at land that is not within “reasonable walking distance” of the core service areas of Crofton, Chemainus and the South End (Duncan/Berkey’s Corner) and that is on “greenfield” land or “characteristic of leapfrog development”. While these criteria are not specific and do not allow the geographic impacts of the proposed motion to be defined with precision, an effort has been made to map the areas to which the motion is expected to apply. To do this, a 30 minute walking distance boundary was established from the Mixed Use/Commercial Core areas of Chemainus, Crofton and the South End, and the Berkey’s Corner Neighbourhood Commercial centre, as shown in the OCP. The same 30 minute walking boundary was also applied from the City of Duncan boundary, which can reasonably be considered to be a mixed use/commercial core area. The 30 minute walking radius is just an approximation for defining a walkability from core commercial services, but is a standard commonly used in community planning documents and in planning literature.

The maps provided in Attachments B-D overlay the 30 minute walking distance boundary from the core commercial areas with the urban containment boundaries of the Chemainus, Crofton and South End Growth Centres. The areas shaded purple on the maps are 1) within the urban containment boundary and 2) outside of the 30 minute walking distance boundary from the commercial cores. This area represent the Category 2 lands within the Growth Centres/UCBs that are expected to be impacted by the motion. The mapping does not attempt to identify parcels that are “greenfield” properties or that may qualify as “leap frog” development, but this omission is not considered significant because the urban containment boundary and 30 minute walking distance boundary generally screens-out such parcels.

With a few minor exceptions, the mapping analysis shows two main areas that would be impacted by the proposed motion (see Attachment D). One is the Maple Bay Road corridor within the UCB, approximately east of Stonehouse Way. The second is the Bell McKinnon Road corridor within the UCB, slightly north of Norcross Road. Both of these areas are beyond a 30 minute walking distance of the commercial and neighbourhood core areas identified in the proposed motion. The Maple Bay Road corridor area impacted by the motion covers approximately 351.5 hectares and contains approximately 1101 parcels. The impacted Bell McKinnon Road area is approximately 117 hectares in area with approximately 140 parcels.

Category 3 Lands – Within UCBs/Growth Centres and compliant with Criteria:

The majority of lands within the Growth Centres/UCBs that are within a 30 minute walking distance of specified commercial cores and neighbourhood commercial centres are considered Category 3 lands that are largely unaffected by the proposed motion. These areas are shaded in red on the maps in Attachment B-D. The majority of land within the Growth Centres, with the notable exception of the Maple Bay and Bell McKinnon corridor lands identified as Category 3 lands are not impacted by the proposed motion.

It should be noted that the OCP does identify a neighbourhood commercial centre at Kingsview Road and Donnay Drive, and the Bell McKinnon Road Neighbourhood Plan identifies a Core Village at Herd Road and Bell McKinnon Road. Those neighbourhood centres were not used in the analysis because they are not referenced in the proposed motion. If they were to be included, both the Maple Bay Road and Bell McKinnon Road areas would be considered walkable and would be re-classified as Category 3 lands.

Potential Impacts on Active Development Applications

Table 1 provides a summary of current subdivision and rezoning applications for the three categories. Categories 1 and 2 lands are potentially impacted by the motion whereas Category 3 lands are not:

	Category 1 Lands	Category 2 Lands	Category 3 Lands
Rezoning	4	3	5
Subdivision	6	3	13

Active Rezoning Applications:

If the proposed motion is passed, applicants with in-stream rezoning and land use applications for Category 1 and 2 lands would be contacted and advised of the motion. They would be given the option of either withdrawing the application or having staff bring it to Council for consideration and direction. Where an applicant elects to have the application considered by Council, staff would do minimal work on it until obtaining direction from Council. Staff would also advise anyone inquiring about rezoning of Category 1 and 2 lands of the motion.

Active Subdivision Applications:

The 6 active subdivision applications in the Category 1 area (Rural) and the 3 active subdivisions in the Category 2 area are at various stages in the subdivision review process. Some of the applications have just been recently received and are seeking preliminary layout approval whereas others are in the later stages of the subdivision process with the property owner having made significant investments in the construction of road, infrastructure and other requirements of subdivision. If the proposed motion is passed by Council as written and the approving officer chooses to accept that the subdivision of identified lands is not in the public interest, presumably all such applications would be denied, regardless of the stage at which the application is in the application process. Council may wish to consider if this is the intention of the motion or if it wishes to request the approving officer to deny just those applications received after the motion is passed.

Potential Impacts on Lands with Subdivision Potential

Category 1 Lands (Rural Areas):

There are numerous parcels within the Municipality that currently have the potential to be subdivided based on existing zoning. Zoning designations in many of the rural areas are not well aligned with OCP policy and establish a minimum parcel size that allows subdivision even though the OCP discourages increased residential density in rural areas. However, zoning is only one determinant of subdivision potential and it would be necessary for a subdivision applicant to prove-out the various requirements of subdivision before it could be determined if any particular parcel could be subdivided. It is therefore difficult to generalize about how many existing parcels within the rural areas would be impacted by the proposed motion. The Municipality has approved 8-12 subdivisions per year in rural areas in recent years, and that is an approximation of the number of land owners in the rural areas that would be impacted by the motion.

Category 2 Lands (Within UCB but non-compliant with criteria):

There may be significant impact to lands within the UCB that are not deemed to be within walking distance of a commercial core/neighbourhood commercial centre, or compliant with other criteria of the proposed motion. Some lands within these areas have been acquired with the expectation of development, and investments have been made in developing the land based on current Municipal policy, including the Climate Action and Energy Plan (CAEP) which identifies a goal of improving commercial services to such areas so that automobile dependency can be reduced.

Residential developments within Category 2 areas that would be impacted by the motion in the Maple Bay corridor area includes Stonehill Farm (300 lots/units) and Kingsview (1190 lots/units). The Category 2 lands in the Bell McKinnon Road area predominately retain the rural residential zoning that applied prior to Council's endorsement of the Bell McKinnon Local Area Plan in 2018 and would generally require rezoning before those lands can be developed in accordance with the Plan. The proposed motion would essentially table any rezoning or subdivision of the Bell McKinnon area north of Norcross Road until completion of the OCP. This could impact the new hospital in that other development projects would not be participating in the funding and construction of the extension of sewer and other required infrastructure. It may also impact the ability to further Council's strategic priority of developing specialty services in and around the new Cowichan District Hospital.

Potential Impacts on Residential Land Supply

Multi-family Residential Land

In recent years the Municipality has rezoned a number of sites for multi-family residential use. Many of these sites have not been developed, and the inventory of pre-zoned land for multi-family housing is estimated to be sufficient to accommodate between 400 and 600 additional dwelling units. This would likely meet the demand for multi-family housing over the next 5 years. The majority of multi-family sites are within the Growth Centres/UCBs and within walking distance of a commercial core. As there is an existing healthy supply of pre-zoned multi-family land and Category 3 land available that could be rezoned for multi-family use, the motion is expected to have no direct impact on the supply multi-family land for residential development.

Single Family Residential Lots:

Based on a cursory review of vacant residential parcels in the Municipality, there are roughly 150 residential lots available. If in-stream subdivision applications that are near completion are added, the total available residential lots increases to between 300 and 350. Given that in recent years an average of about 120 single family dwellings per year have been constructed within the Municipality, the available lot supply is considered sufficient to supply single family housing demand for the next 2 to 3 years. Much of the existing inventory of available single family lots (40-50%) is in Category 1 and 2 areas, as is much of the pre-zoned land for single family housing. If the proposed motion is passed the existing inventory of single family lots would be sufficient to supply the local market for single family housing in the short term, but the inventory would be quickly depleted if construction activity remains strong. As it can take 2-3 years to obtain approvals and develop single family lots, the proposed motion likely would have an impact on the supply of residential building lots in the mid-term (2-5 years). The anticipated reduction in supply of single family housing could be partially offset by the increased development of single family housing in Category 3 areas, but the land availability in those areas is more constrained and planning policy generally encourages higher densities near commercial cores and neighbourhood commercial centres.

Other Potential Implications:*Official Community Plan Review:*

One of Council's top priorities in its 2019-2022 Strategic Plan is to review and update the Official Community Plan. This project has commenced and the initial community engagement phase of the project is expected to occur this spring. Passing the motion could be viewed by some stakeholders as pre-supposing the outcome of the OCP review and could influence the tone of the community engagement process and the type of input received. This issue is more relevant to subdivision applications and the possible perception that zoning rights are being altered without due process. Deferring consideration of land use applications until after the OCP review is less likely to impact the OCP review process and may help to facilitate it as controversial land use applications can be polarizing and can shift the community's attention away from its longer-term vision and priorities.

Resourcing and Administration:

One of the stated intentions of the proposed motion is to free-up planning department resources so that they can be directed at the OCP review. The proposed motion could potentially result in additional capacity within the planning department if land use applications are temporarily deferred pending the outcome of the OCP review. However, the motion is expected to require additional staff resources to navigate the nuances and unforeseen issues associated with the motion and increased interaction with the public, particularly as it pertains to subdivision. The anticipated net impact of the proposed motion on available staff resources is not known.

Business Community Relationship and Economic Development:

Land developers, builders, funding agencies and others doing business with local governments often cite transparent and predictable regulations as one of their most important considerations when investing in a community. Requirements that are seen to be unpredictable and arbitrary can, over time, erode trust and discourage community investment. While it is not always possible for local governments to be completely transparent and predictable when establishing development regulation and approval processes, the potential impacts of decisions on the reputation of North Cowichan as a place for doing business should be considered.

Legal Challenge:

Planning staff are not qualified to provide legal advice to Council or others on the lawfulness of the proposed motion but we can confirm that, while unconventional, we do not believe the approach outlined in the proposed motion violates applicable legislation or is otherwise unlawful. Nevertheless, the proposed motion does have the potential to impact real or perceived land use rights and to result in economic losses. Property owners impacted by the motion may feel sufficiently aggrieved to pursue legal action should it be passed. While the Municipality may ultimately prevail in defending against such action, financial and staff resources would be consumed that would not be entirely recoverable.

Community and Regional Planning Considerations:

Growth management and the impacts of development on the landscape and environment should not only be considered in the local context, but also in the sub-regional and regional context. Policies and regulations intended to contain suburban sprawl and unmanaged growth can sometimes have unanticipated consequences if they result in growth pressures being pushed outwards towards areas where community services are remote and where land use regulations are more lax.

There is also a temporal aspect to growth management and community development to be considered, as communities are rarely developed immediately with a full range of services and community amenities. It can sometimes take many years before a community develops to a point where densities are sufficient to support the various features that contribute to a walkable and complete community. Such issues will be front-and-centre in the OCP review, but should also be considered by Council in its deliberations of the proposed motion and any other growth management policies and strategies Council may wish to implement.

Summary and Conclusions:

Anticipated implications and consequences of Councillor Justice's December 4, 2019 notice of motion include:

- The motion can be used as a signal to land use applicants, but Council still must consider all applications received, even if they do not comply with criteria of the motion.
- The approving officer may consider Council's motion when considering subdivision applications but is not bound by it.
- Areas primarily impacted are the Maple Bay corridor east of Stonehouse Way and the Bell McKinnon Road area north of Norcross Road. The subdivision potential of rural areas outside of the Growth Centres/UCBs are impacted but not land use potential.
- There are currently 3 in-stream land use applications and 9 in-stream subdivision applications expected to be impacted by the motion.

- The motion as written, applies to all land use and subdivision applications and does not provide any accommodation for active applications.
- The motion is expected to have minimal impact on land use applications in rural areas but would impact between 8 and 12 applications for subdivision of rural lands annually.
- Lands within the impacted areas of Growth Centres/UCBs (Category 2 lands) could be significantly impacted, as land owners in these areas have acquired land and made investments in developing those lands based on current Municipal planning policy.
- The supply of residential land for multi-family housing is not expected to be impacted by the motion. The supply of single family residential building lots is not expected to be impacted in the short-term, but is expected to be impacted in the mid-term (2-5 years).
- Passing the motion could have some influence on the OCP community engagement process.
- The motion as presently structured would allow some staff resources to be re-allocated from processing land use applications to the OCP review project. The motion as it pertains to subdivision is not expected to free-planning department resources for the OCP review and other Council priorities.
- The motion could impact the reputation of the Municipality as a place for investing and doing business.
- Legal challenges are likely if the motion is passed, which will require financial and staff resources to defend.
- The motion could have unintended consequences, such as pushing development to rural and suburban areas outside of the Municipality.

Recommendation

For Information (no recommendation).

Attachments (4)

Attachment A – Site Adaptive Planning in Urban and Rural Interface Policy

Attachment B – Chemainus Map (Map 1)

Attachment C – Crofton Map (Map 2)

Attachment D – South end Map (Map 3)

COUNCIL POLICY: SITE ADAPTIVE PLANNING IN URBAN RURAL INTERFACE



Council Approval Date: February 6, 2019

Department: Development Services

Amended:

1. PURPOSE

To identify the lands that are to be located within in the Urban-Rural Interface Area (as noted on Attachment 1 to this policy) which are likely to be viewed as candidates for future development; and further, to outline the review process to be undertaken on those lands to ensure that environmental and hazard values identified in the Official Community Plan, or other local character resulting from community consultation, is protected.

2. SCOPE

This policy applies to staff when reviewing the following land use applications for properties located within the Urban-Rural Interface area for Council's consideration:

- a) Zoning Bylaw Amendments;
- b) Official Community Plan Amendments;
- c) Temporary Use Permits; and
- d) Land Use Contract Amendments, including discharges.

3. DEFINITIONS

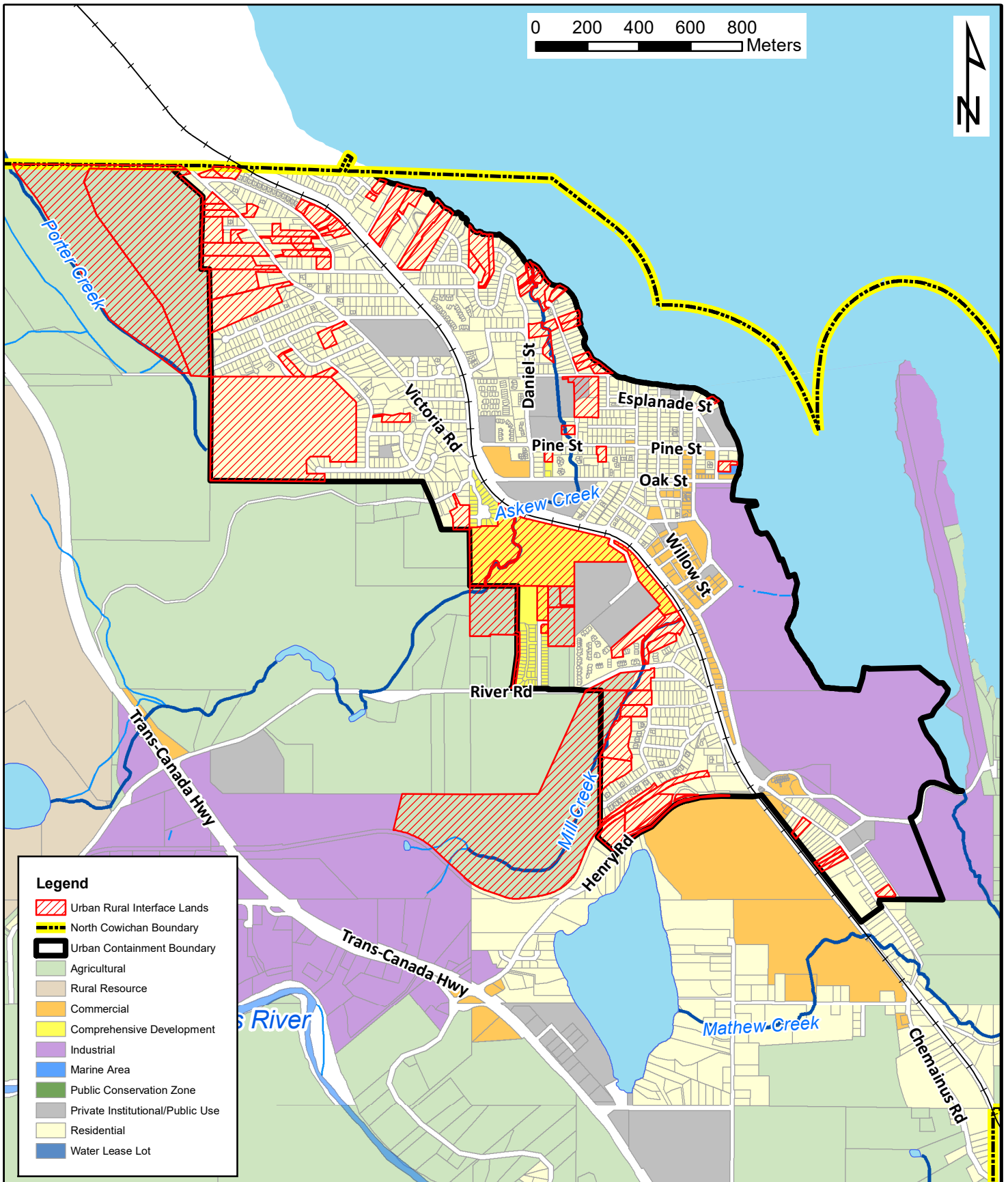
"Site adaptive planning" means using site, terrain, ecosystem, and cultural inventory analyses to determine the most appropriate form and placement of development for a property and designed in consideration of value for natural systems and cultural characteristics.

4. POLICY

Where a land use application is received that is identified within the Scope above, and is located in the Urban-Rural Interface Area (as identified on the Map noted as Attachment 1 to this policy) the following actions shall be undertaken:

- a) a demonstrative site adaptive planning analysis will be undertaken and provided as part of the application package.
- b) Council or staff may require that, following public consultation, the site adaptive planning analysis be revised to reflect identified community values related to local character, hazard or environmental features.

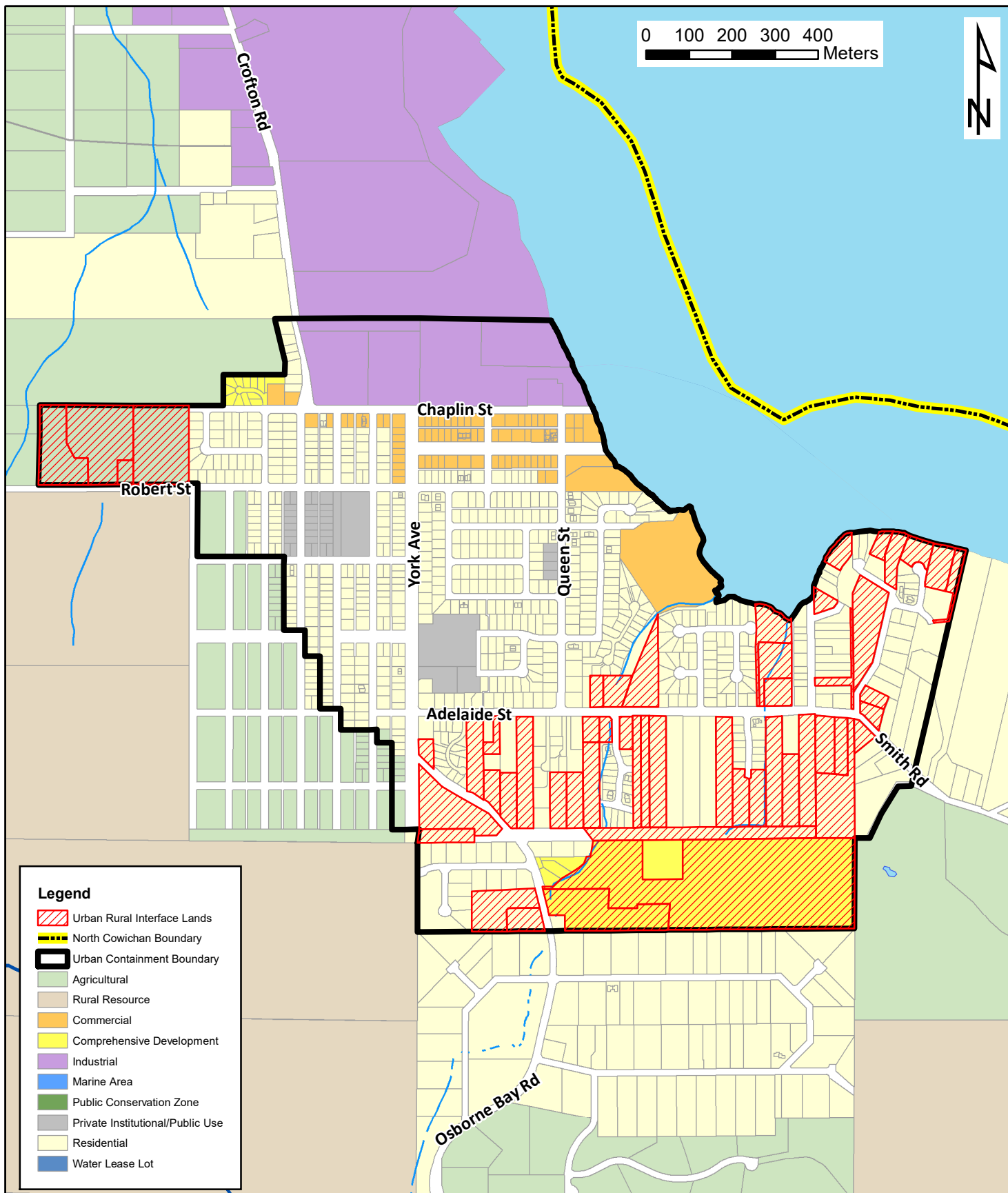
ATTACHMENT 1



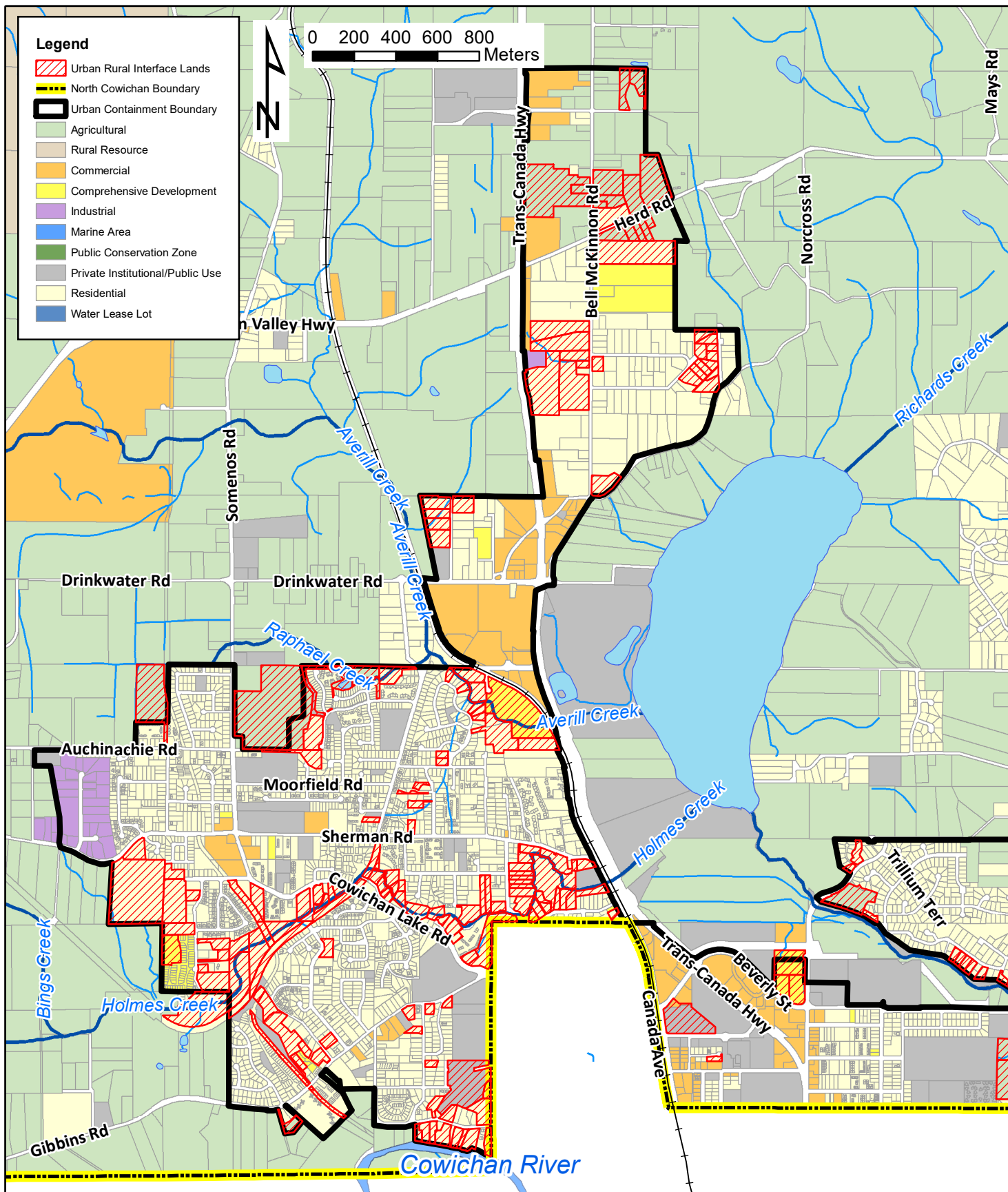
URBAN RURAL INTERFACE MAP


Chemainus - Properties greater than 1675 sqm, within the UCB, and intersecting DPA3/4 elements

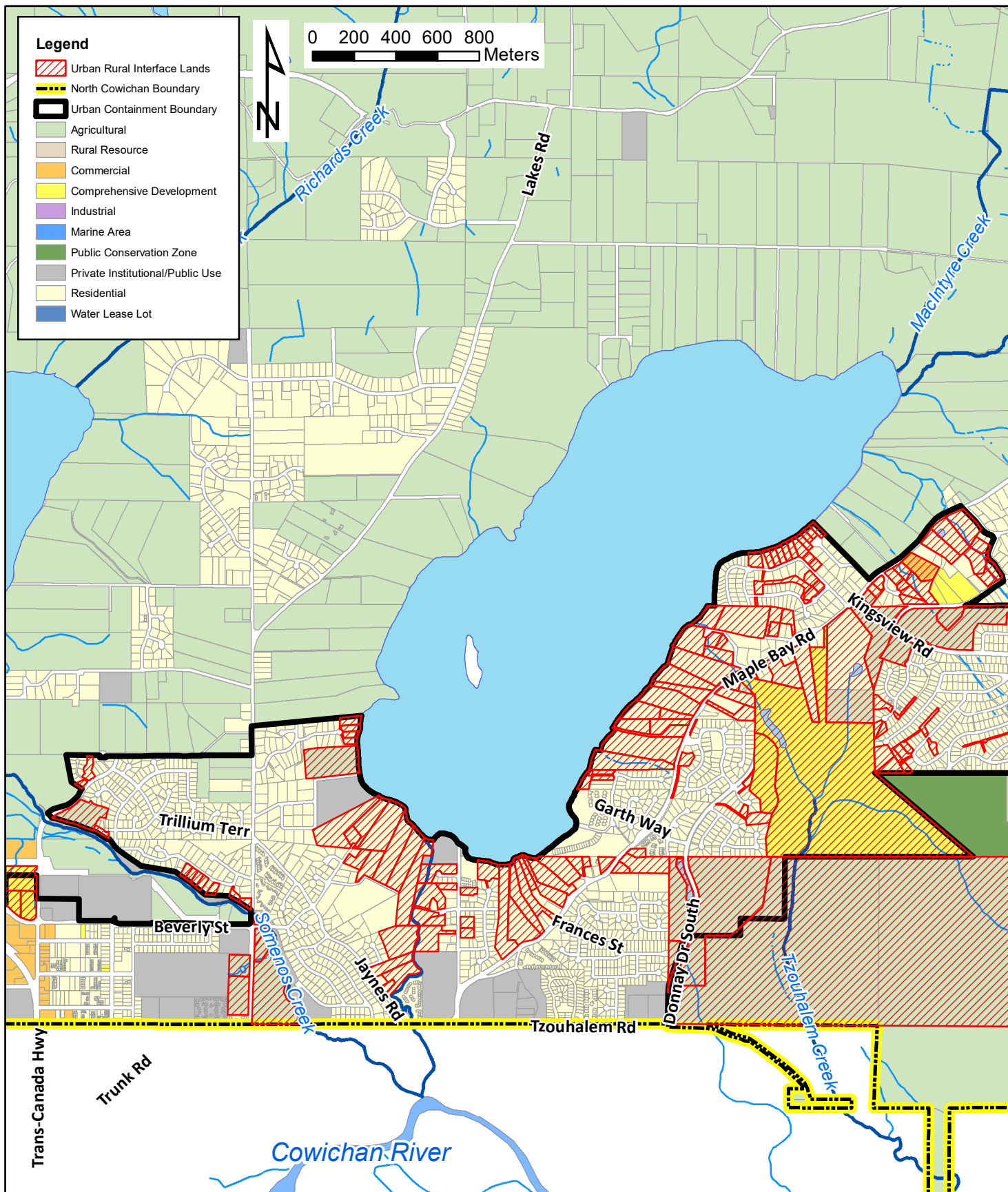
DATE:	December 11, 2018
TYPE:	Special Planning Project
FILE#:	SPP00040



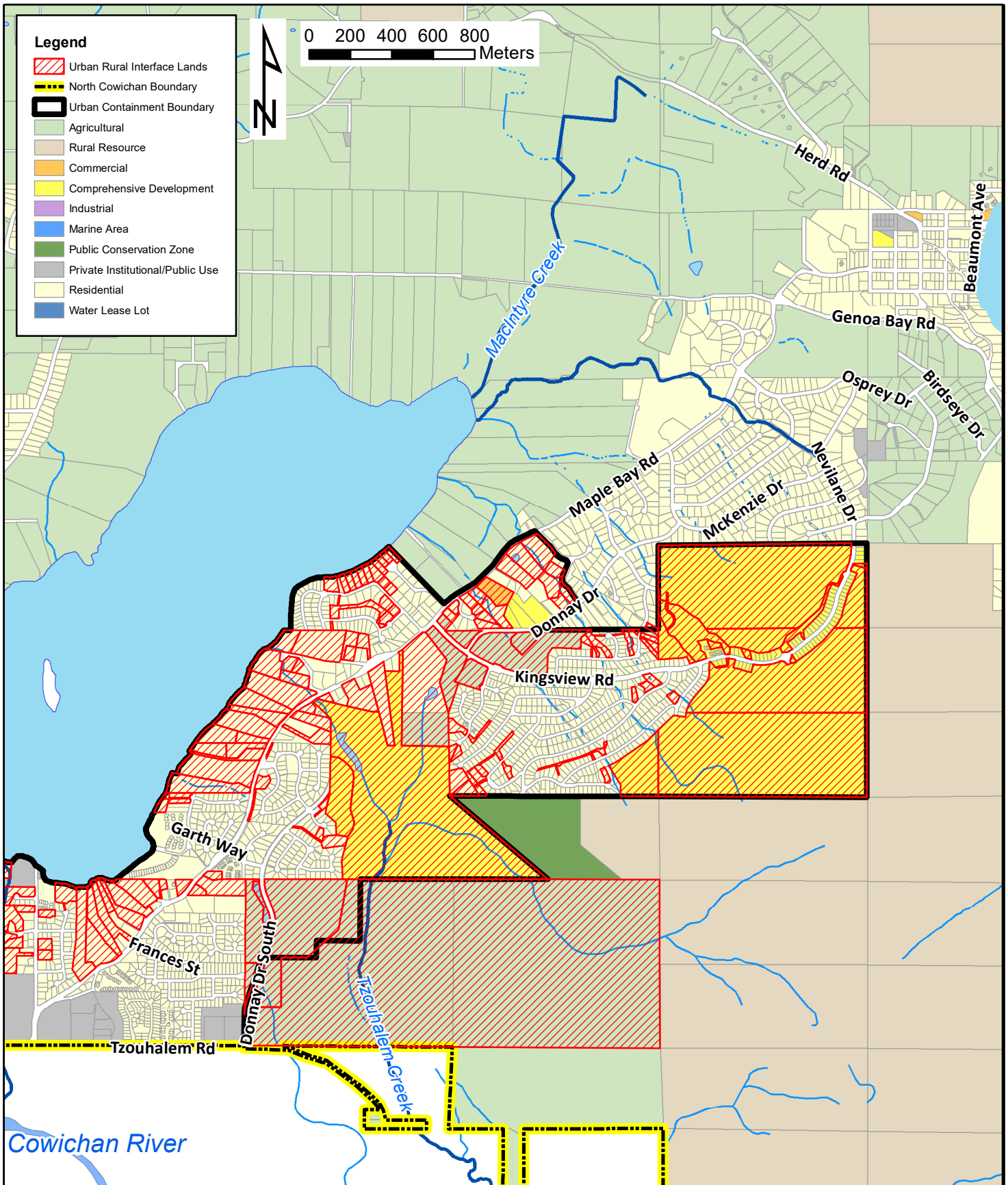
	URBAN RURAL INTERFACE MAP		DATE:	December 11, 2018
	Crofton - Properties greater than 1675 sqm, within the UCB, and intersecting DPA3/4 elements		TYPE:	Special Planning Project
			FILE#:	SPP00040




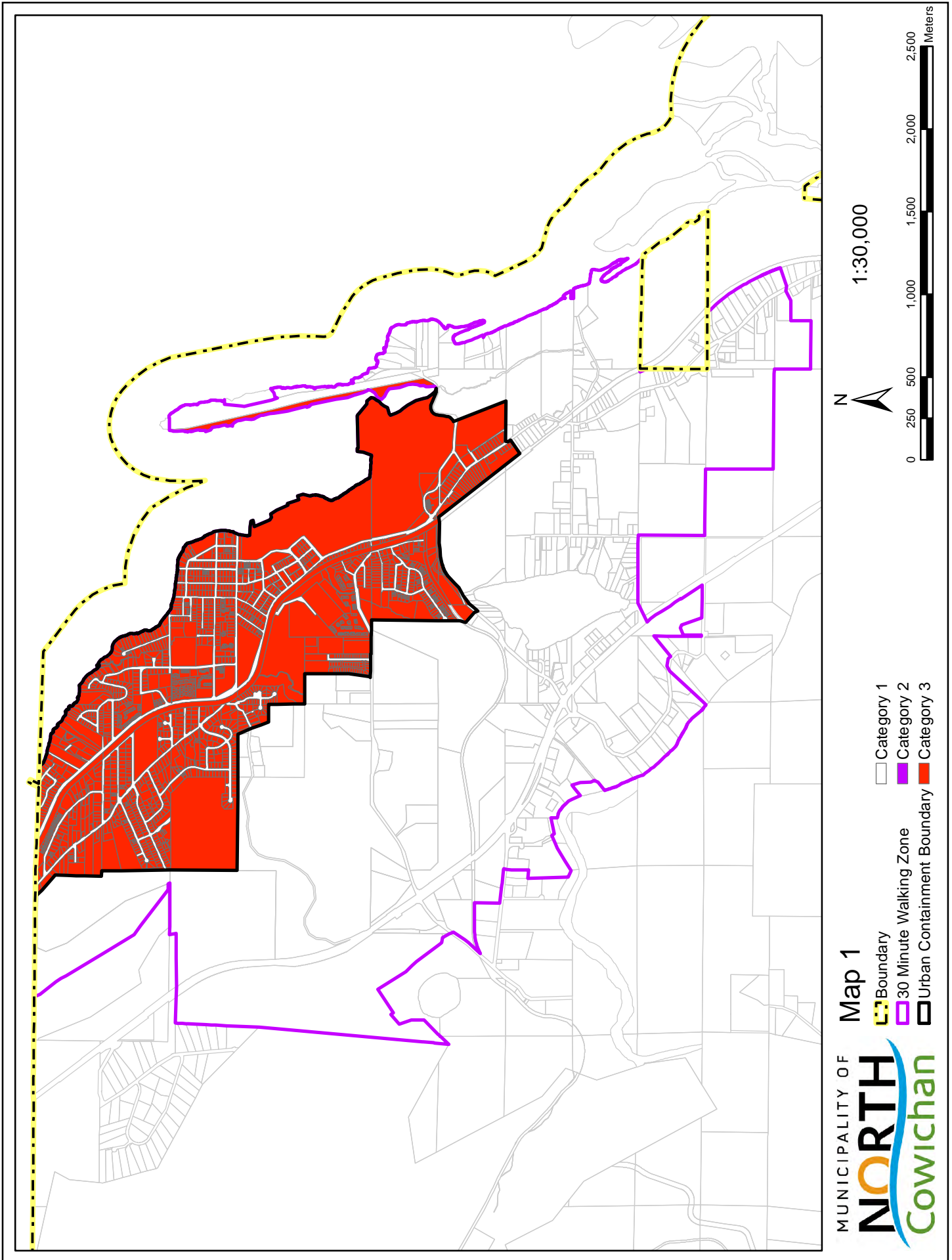
	URBAN RURAL INTERFACE MAP		DATE:	December 11, 2018
	South end 1 of 3		TYPE:	Special Planning Project
	Properties greater than 1675 sqm, within the UCB, and intersecting DPA3/4 elements		FILE#:	SPP00040

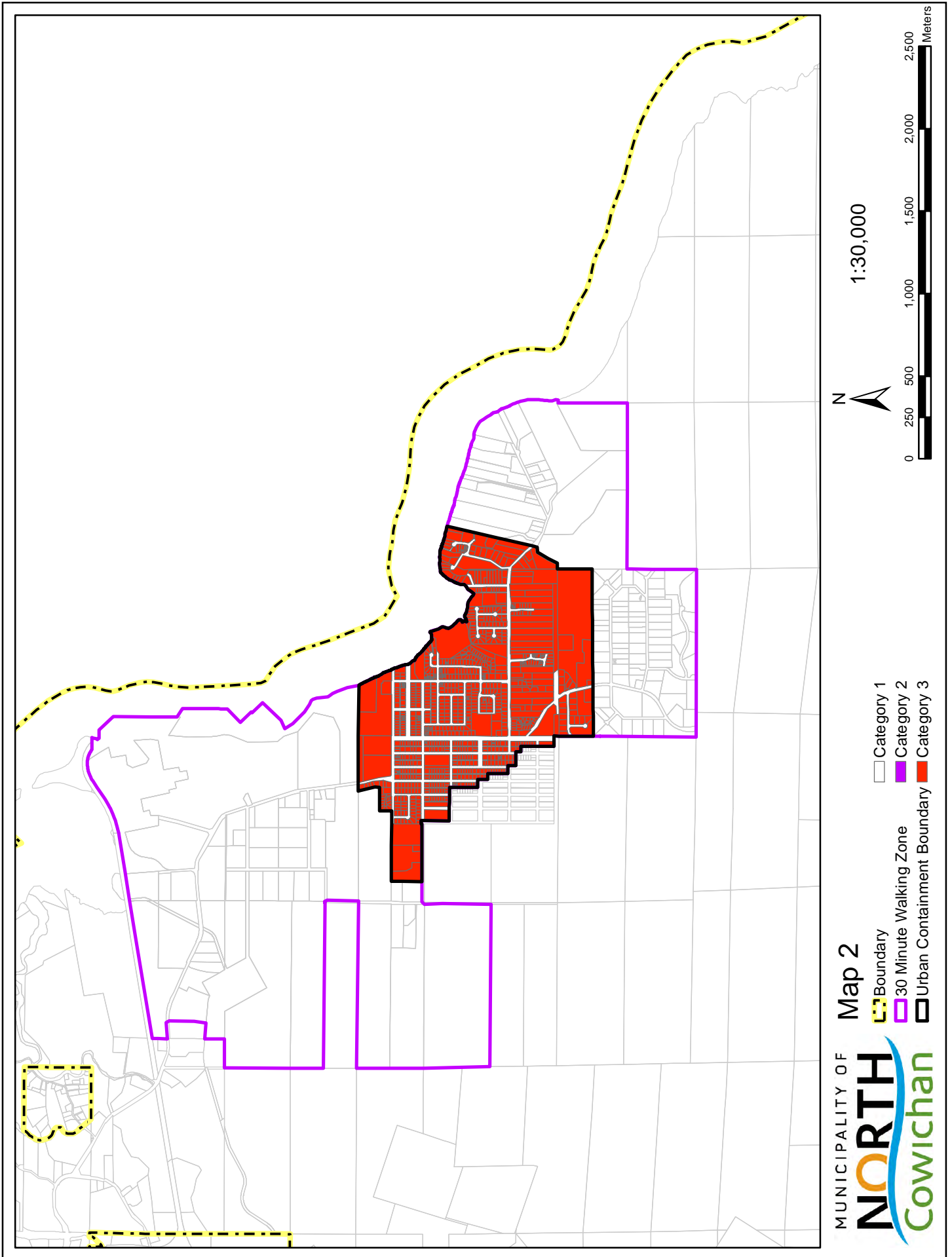


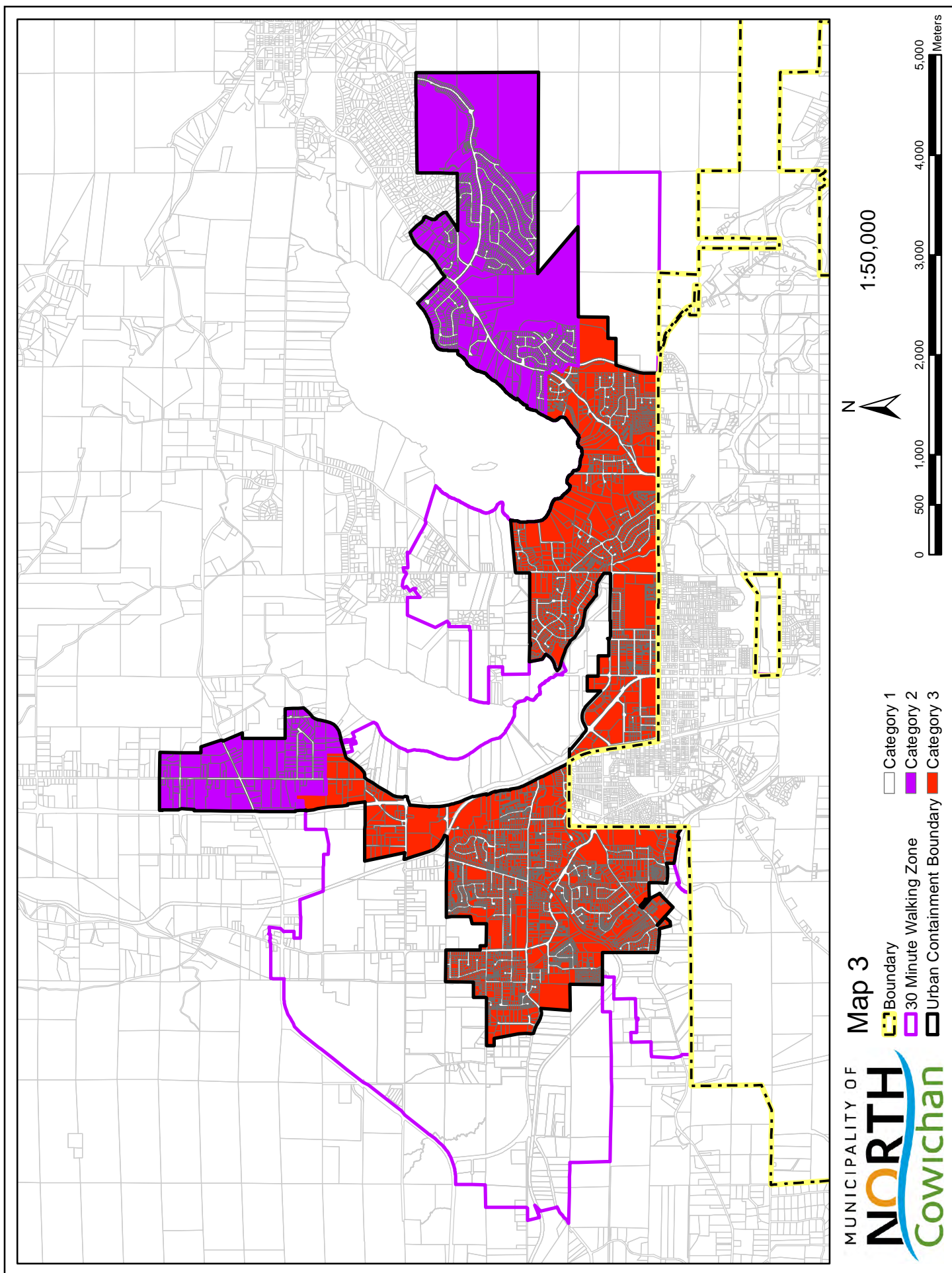
	URBAN RURAL INTERFACE MAP		DATE:	December 11, 2018
	South end 2 of 3		TYPE:	Special Planning Project
	Properties greater than 1675 sqm, within the UCB, and intersecting DPA3/4 elements		FILE#:	SPP00040




	URBAN RURAL INTERFACE MAP		DATE:	December 11, 2018
	South end 3 of 3 Properties greater than 1675 sqm, within the UCB, and intersecting DPA3/4 elements		TYPE:	Special Planning Project
			FILE#:	SPP00040







Report

Date	January 15, 2020	File: 6140-20/DOG
To	Council	
From	Ernie Mansueti, General Manager, Community Services	Endorsed: 
Subject	Off-Leash Beach Access for Dogs	

Purpose

To provide Council with information and analysis regarding public input on off-leash dog areas at designated North Cowichan ocean park accesses between October 1 and June 15, as well as future recommendations.

Background

Throughout the year, North Cowichan receives inquiries and feedback from residents and visitors regarding dogs in parks. Generally, the requests are for more public areas where they can take their dogs while others express various concerns about dogs in public areas. The desire for more dog access to oceanfront beaches has consistently been an ongoing request from the community, which included a letter that was received on February 18, 2018 requesting consideration to have Cook Street Park in Chemainus be designated as a seasonal off-leash park from October 1 to June 15.

On May 2, 2018, Council passed the following resolution:

"That Council direct staff to request public input regarding allowing dogs' off-leash at designated municipal ocean park accesses from October 1 to June 15".

Analysis

In August 2018, staff commenced a public engagement process that included a survey on PlaceSpeak (North Cowichan's online consultation platform), social media, and by hardcopy surveys that were delivered to households within a 10 minute walk to each of the 11 proposed off-leash locations. The consultation was also picked up by the various community newspapers and JuiceFM radio. A total of 227 people completed the survey.

The results of the survey are summarized below:

- 67% of respondents (152 individuals) live within a 10 minute walk from one of the proposed access locations.
- The majority of respondents that live within a 10 minute walk supported seasonal access at each of the 11 proposed access locations. The range of support was 59% to 70% at these 11 locations.

- The majority of respondents that live further than a 10 minute walk supported seasonal access at each of the 11 proposed access locations. The range of support was 67% to 75% at these 11 locations.
- The preferred seasonal date range for off-leash access included:
 - October 1 - June 15 (37%),
 - October 1 - April 15 (19%),
 - "Other" (28%). Of those that entered "other" 19 of the 28 respondents stated they didn't want any access which represents 17% of the total respondents.
 - October 1 - May 15 (16%)

The summarized results of the survey are:

Overall Support and Submissions

Categories	Total surveys	Seasonal Support (variance due to seasonal options)	
		Low	High
Overall Total	227 (100%)	(62%)	(72%)
Within 10 Minute Walk	152 (67%)	(59%)	(72%)
More than 10 Minute Walk	75 (33%)	(67%)	(75%)

Seasonal Date Ranges

Date Range		# Preferring
October 1 to June 15		(37%)
Oct 1 to April 1		(19%)
October 1 to May 15		(16%)
Other	"No Access" comment	(17%)
	No comment	(8%)

The primary concerns about off-leash areas that were identified through the survey were:

1. Potentially increasing summer month beach access for dogs;
2. Enforcement of bylaws;
3. Cleanliness (i.e. dog waste);
4. Safety;
5. Conflict between the dogs and users;
6. The size of the proposed park and/or access; and,
7. Preference for fenced dog parks rather than more oceanfront accesses.

Though the survey only sought out whether or not to increase beach accesses for dogs in the shoulder seasons; it was quite prevalent that a number of responders were concerned an increase could include the summer months. Comments were also received regarding the current dog infractions and lack of enforcement.

In 2019, North Cowichan issued 2813 dog licenses with a revenue of \$98,060, which is slightly lower than the District's 3-year average (2820 licences and \$99,000 in revenue). North Cowichan has 45 doggie doo stations within its parks and trails at a cost of \$8,000 per annum for bags.

On May 1, 2019, Council adopted "Animal Responsibility Bylaw No. 3740, 2019" (Bylaw 3740), which contains important provisions for animal welfare, control, licensing, and responsibilities for North Cowichan animal owners, enforcement and penalties.

Discussion

Many citizens value the opportunity to take their dogs to parks for exercise and social time; it fosters healthy activity and social well-being for both dogs and dog owners. Dog owners are some of the District's most frequent park and forestry users. Often the users visit during off-peak hours, providing valuable "eyes on the park" to deter crime, and can reduce unsanctioned off-leash activity in more sensitive sites. As many dog owners value the opportunity to exercise their pets' off-leash, North Cowichan, like many other local governments, provides designated 'off-leash areas'. The increased use results in greater competition for space and activities in our parks, public spaces, and forestry areas. However, irresponsible dog ownership can be a frequent cause for irritation and results in a number of complaints to the District's contractor for animal control, Coastal Animal Services, or directly to North Cowichan.

Other communities that have gone through a similar consultation process found that there tends to be overall community support for dogs in parks and those who reside in close proximity to proposed off-leash locations often raise concerns. In addition, creating more access for dogs generates high public interest, and robust and often polarized opinions. In North Cowichan, this was very much the case, as the survey on this topic had the highest response rate to date on any CVRD or North Cowichan consultation. While the tone of the respondents can make locating new dog accesses more difficult the number of licensed dogs within North Cowichan is substantial. Dog owners continue to be one of the largest single user groups of our off-leash park and forestry reserves.

Bylaw 3740 currently permits dogs to be off-leash in the following areas:

1. Chemainus Lake Park;
2. Herd Road Off-leash Park;
3. Osborne Bay Park;
4. Somenos Dog Park;
5. Fuller Lake Park (boat launch area where designated by signs);
6. Chemainus Ball Park (September 1 to March 15);
7. Kinsmen Beach Park foreshore, excluding other areas of Kinsmen Beach Park (October 1 to June 15);
8. Maple Bay Beach foreshore, excluding other areas of Maple Bay Beach (October 1 to June 15);
9. Wul'aam' (Echo) Park; and,
10. Within the Municipal Forest Reserve.

In addition, the ocean foreshore areas (the area between the low water level and the natural boundary) can be confusing to users and waterfront property owners. At times, waterfront homeowners believe or want others to believe that they own the foreshore fronting their property. Some concerns have been expressed that waterfront home owners have deterred the public from using the beach in front of these properties. In some cases, property owners have installed fences past their property boundary into the foreshore, piled debris strategically to make it un-walkable, or simply ask the public to move on and make it uncomfortable for the public. With only a few exceptions, the provincial government owns most of the foreshore. The beach accesses lead to the foreshore that typically extends further than the boundary of the park. In British Columbia, the foreshore is considered a public space and residents are able to enjoy the beaches. The challenge is in maintaining a balance between public access with and without dogs. One strategy in the foreshore areas where dogs are permitted is to install improved signage outlining dog owner responsibilities and the public nature of the foreshore.

The issues around non-pick up of poop, unleashed dogs when not permitted, aggressive and barking dogs in parks, forestry and/or beach areas needs to be addressed. Consistency, enforceability, and relevance of by-laws for dogs in parks would alleviate some concern and trepidation. In March 2015, Coastal Animal Services made a presentation to Council for increasing patrols to deal with this emerging issue and directly targeting dog problematic areas in the most prevalent months (April to October) and included weekends. The estimated cost was an additional \$18,000 per annum. This concern and/or issues have not been addressed and was highlighted by the survey comments. These service costs could potentially be substantially off-set by the following methods:

1. Animal Control bringing owners that have not licensed or do not regularly renew their licences into compliance.
2. If a current unlicensed dog (residing at the same residence) is impounded the fees would be collected for all outstanding years that the District is owed. This is also an incentive for people to renew every year
3. Raising annual dog licensing fees. Proposed dog fees and charges need to be passed by Council by December 1 of the preceding year that they take effect. This allows for dog licence renewals to be sent out after January 1; with updated fees.

Increasing ocean accesses without appropriate bylaw enforcement will likely be unsuccessful. The bylaw fine amounts should also be reviewed by Animal Control to create more of a deterrent for infractions. Within the designated 'off-leash areas' it is the expectation that the handler/owner be in control of their dog. Control means that the dogs are close enough to the handler/owner and will respond immediately to voice, sound, or sight commands. This is something that is absent from Bylaw 3740 and would provide clarity for the dog owner and the public.

Updated concise, clean and consistent signage is needed at off-leash areas to better describe dog owner responsibilities, what constitutes dog owner "control," fines for infractions, and the nature of foreshore access.

Any new access for off-leash areas may impact the surrounding neighbourhood. Therefore, discussions with those most affected by the implementation of new off-leash beach areas are essential to ensure that they become successful rather than a nuisance. In addition, it would be prudent to have a trial period of 12 months for any new accesses to allow time for an evaluation.

Another common issue raised was the off-leash designation at waterfront parks. These parks are typically small and competition for space usually creates issues. This would include Kinsmen Beach and Maple Bay Beach Parks. The priority for those respondents wanting more access is the value of the foreshore experience for their dogs. Removing off-leash from the waterfront parks will eliminate issues between park users and dogs within the constraints of these smaller parks.

Recognizing that the majority of the respondents want new accesses created, staff reviewed potential new off-leash locations in consideration of: underserved and densely populated areas, where parking is available (including on-street residential parking), and where the foreshore area provides people with dogs the ability to run and enjoy the water.

Based on these criteria, staff recommend that new off-leash accesses be considered at:

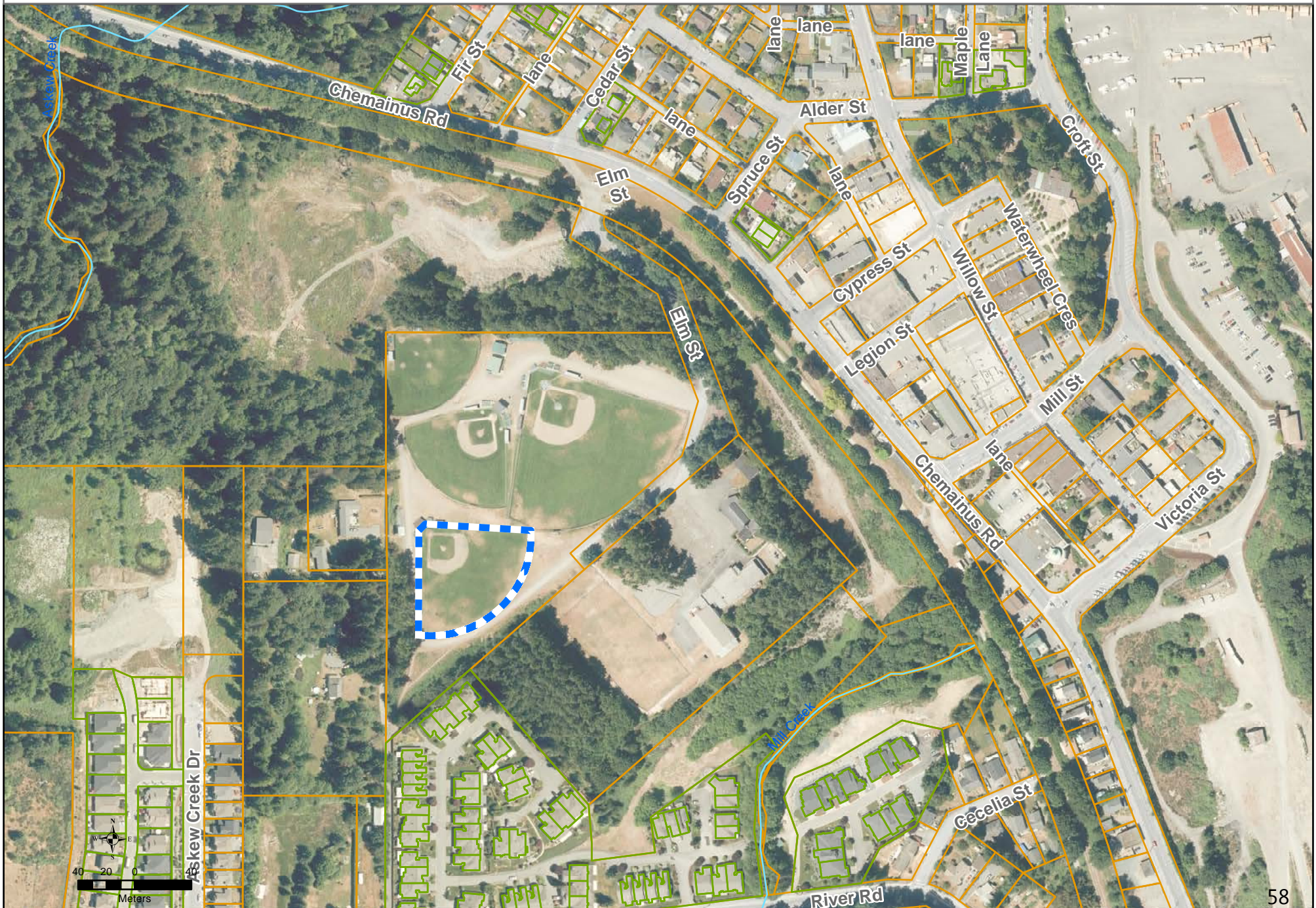
1. **Pender Street stairs in Genoa Bay.** On street parking is available and the foreshore provides a secluded area with current limited use. New stairs were installed in 2018. The closest ocean access is Maple Bay Beach.
2. **Crofton Beach Park foreshore.** The park itself would be leashed only for dogs. The foreshore area outlined in the proposed map allows for dogs to be off-leash without impacting the greater beach in-front of the seawalk or the RV resort. The area is accessible from Berridge Street and the seawalk. The closest ocean access is Osborne Bay Park.
3. **Cook Street foreshore to Vista Grande foreshore, Chemainus.** Cook Street and Vista Grande park areas would be designated on-leash parks. The foreshore would be an off-leash area. The area has on-street parking and is walkable for many of the residents in the area including the west side of Chemainus Road. This allows the stretch of foreshore from Cook Street going south to the Daniel Street access a leashed area.

Recommendation

1. **That Council direct staff to prepare a report on proposed amendments to the Fees Bylaw to increase dog licensing fees to offset additional capital, maintenance and enforcement costs for off-leash areas, as well as other proposed amendments.**
2. **That Council direct staff to prepare a report on proposed options to add, on a trial basis, Pender Street stairs, Crofton Beach Park foreshore, and Cook Street to Vista Grande foreshore as "designated off-leash dog areas" (effective January 1, 2021, and excluding June 16 to September 30) to the Animal Responsibility Bylaw.**
3. **That Council endorse an Animal Control campaign to encourage and improve compliance with dog licensing requirements.**
4. **That Council endorse:**
 - a) **signage at the foreshore areas where dogs are permitted,**
 - b) **signage to clarify the off-leash areas at Kinsmen Beach Park and Maple Bay Beach Park are limited to foreshore area only, and**
 - c) **educational initiatives to improve safety and expand the dog waste program at off-leash locations.**

Attachment (1): Maps of Current and Proposed Areas (18)

Chemainus Ball Park (Sept 1 to Mar 15) - Existing



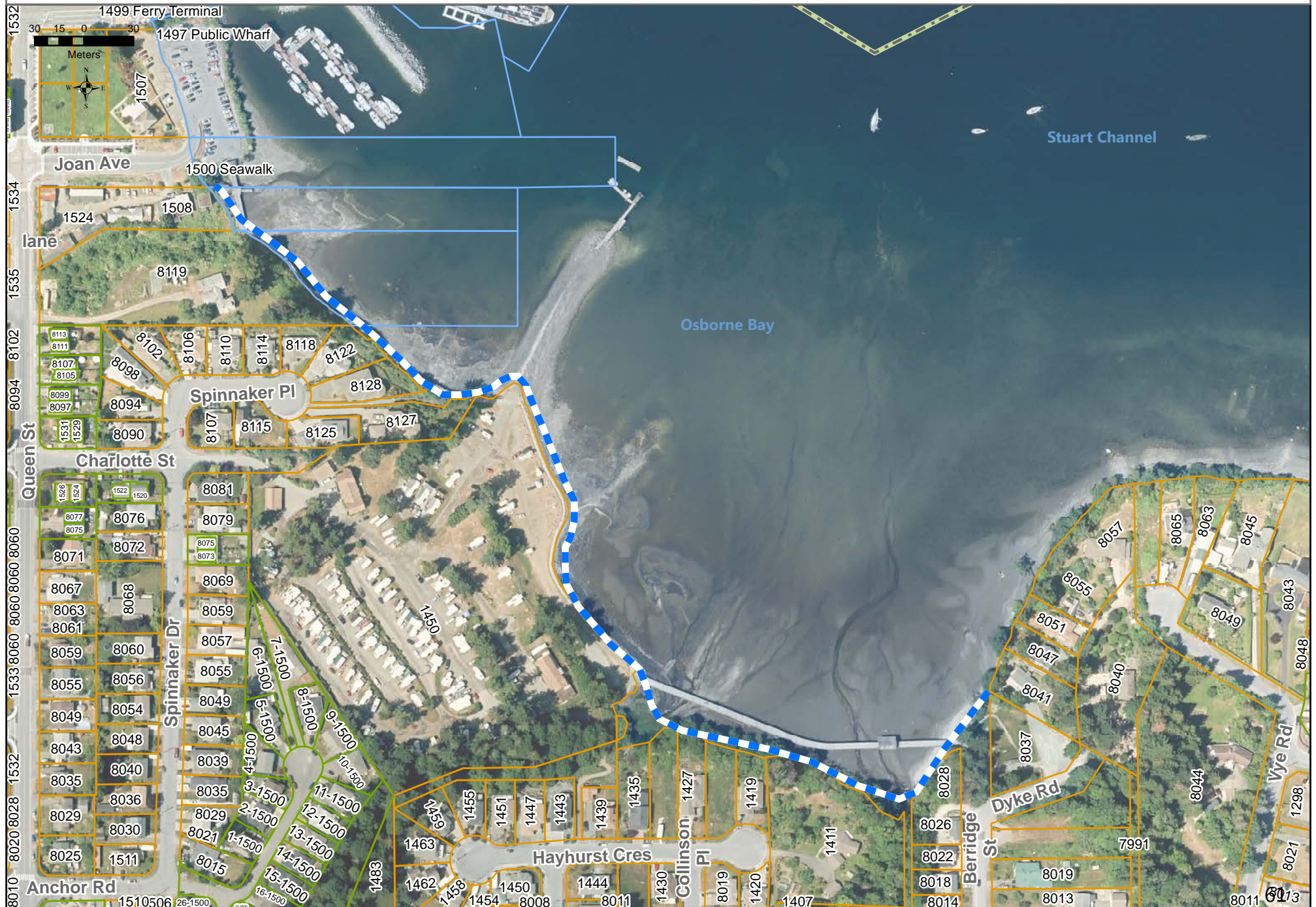
Chemainus Lake Park - Existing



Cook St Foreshore to Vista Grande Foreshore - Proposed

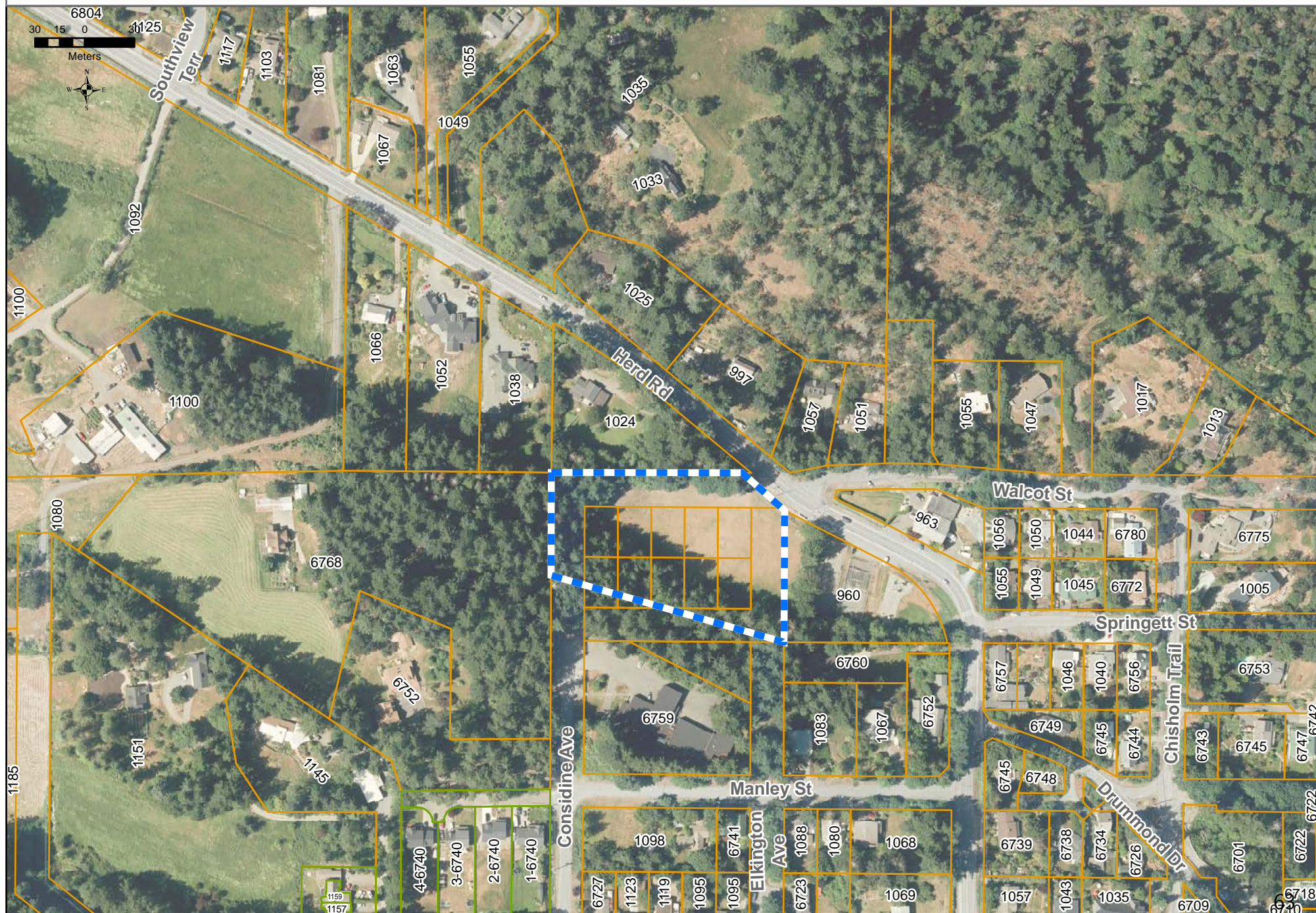


Crofton Beach Park Foreshore - Proposed

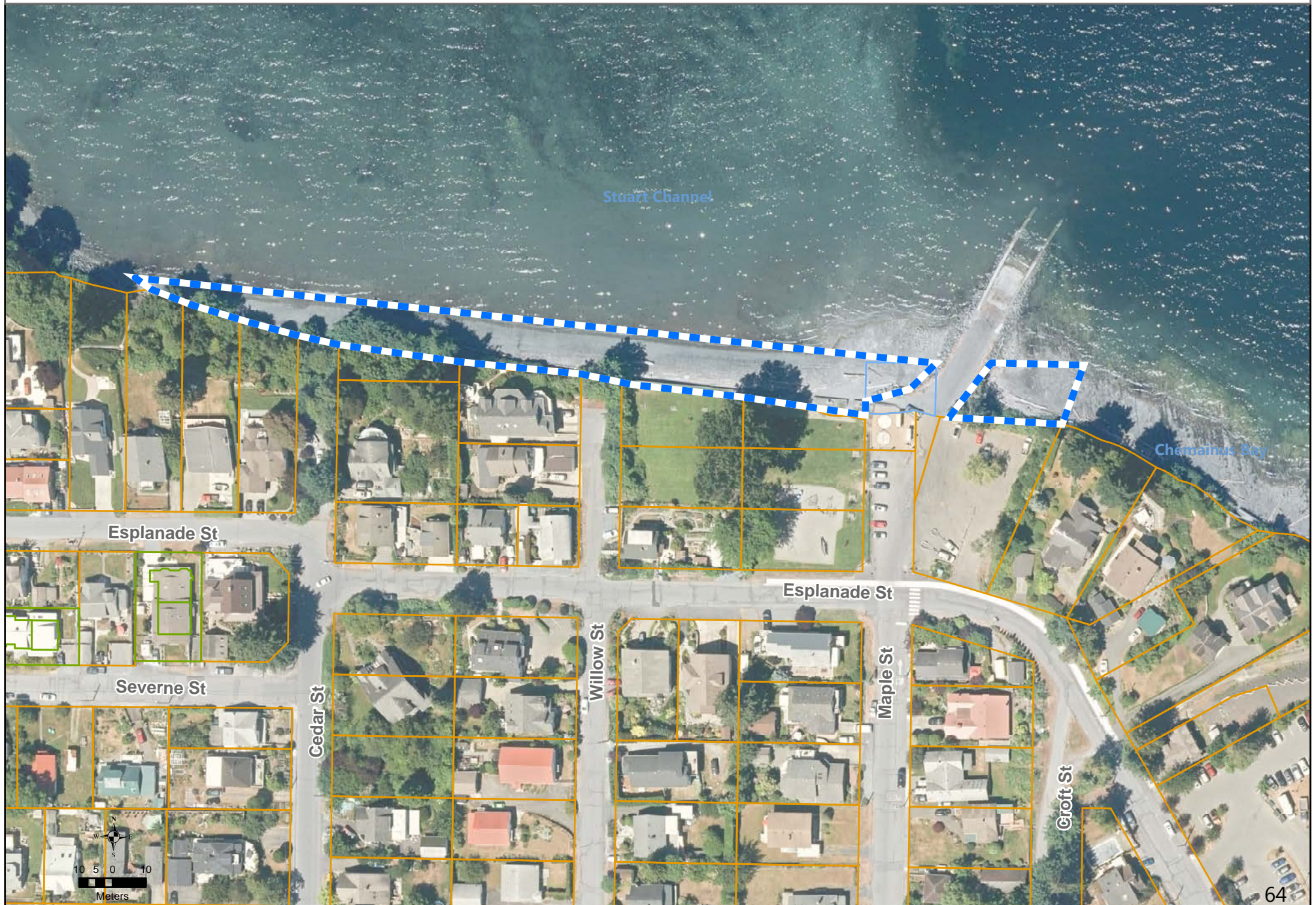


Fuller Lake Park - Existing





Kinsmen Beach Park Foreshore: Oct 1 to June 15 - Proposed Modification



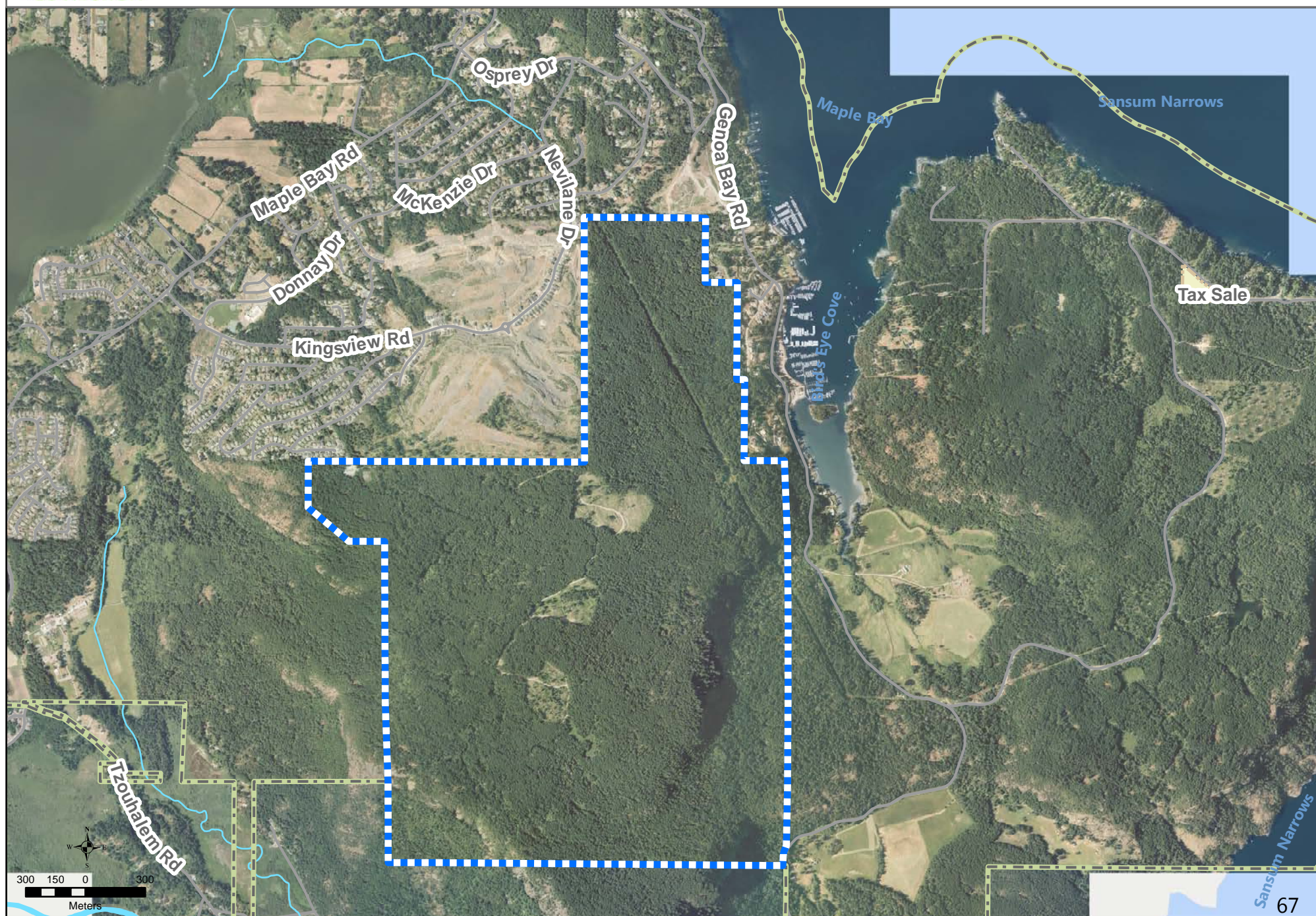
Maple Bay Beach Foreshore: Oct 1 to June 15 - Proposed Modification



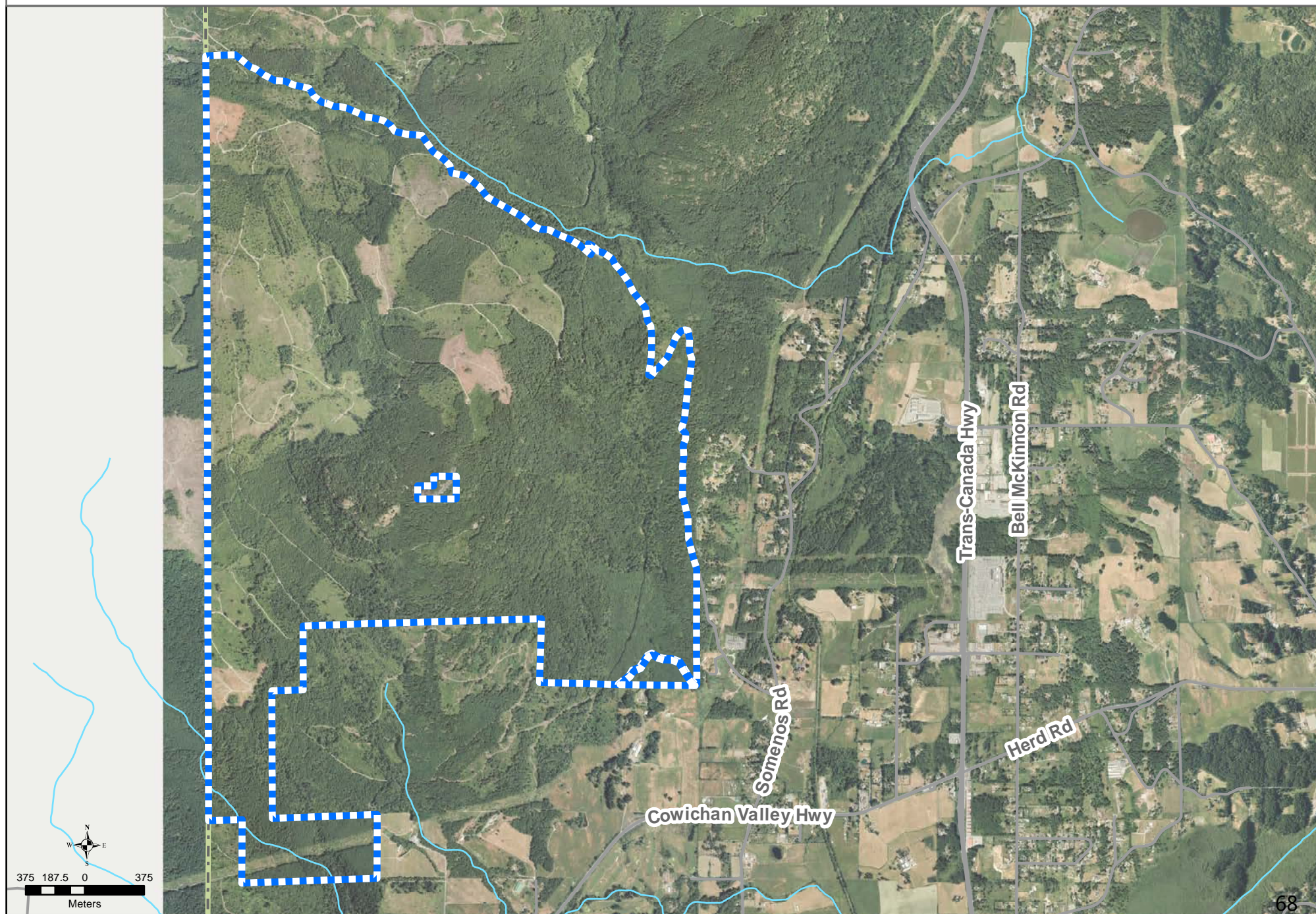
Maple Mountain Forestry-Managed Land - Existing



Mt Tzouhalem Forestry-Managed Land - Existing



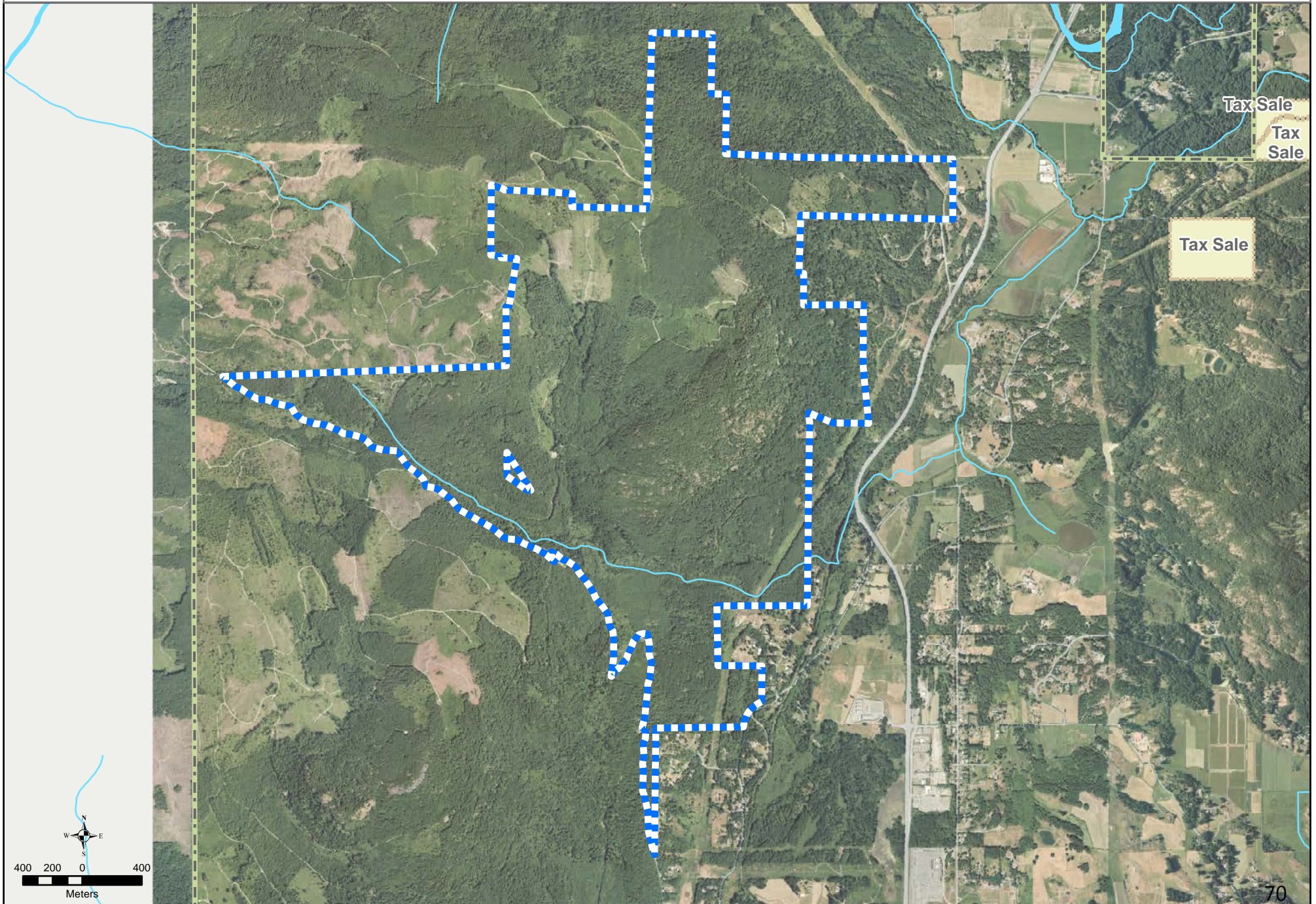
Mt Prevest Municipal Forest Reserve - Existing



Mt Richards Forestry-Managed Land - Existing



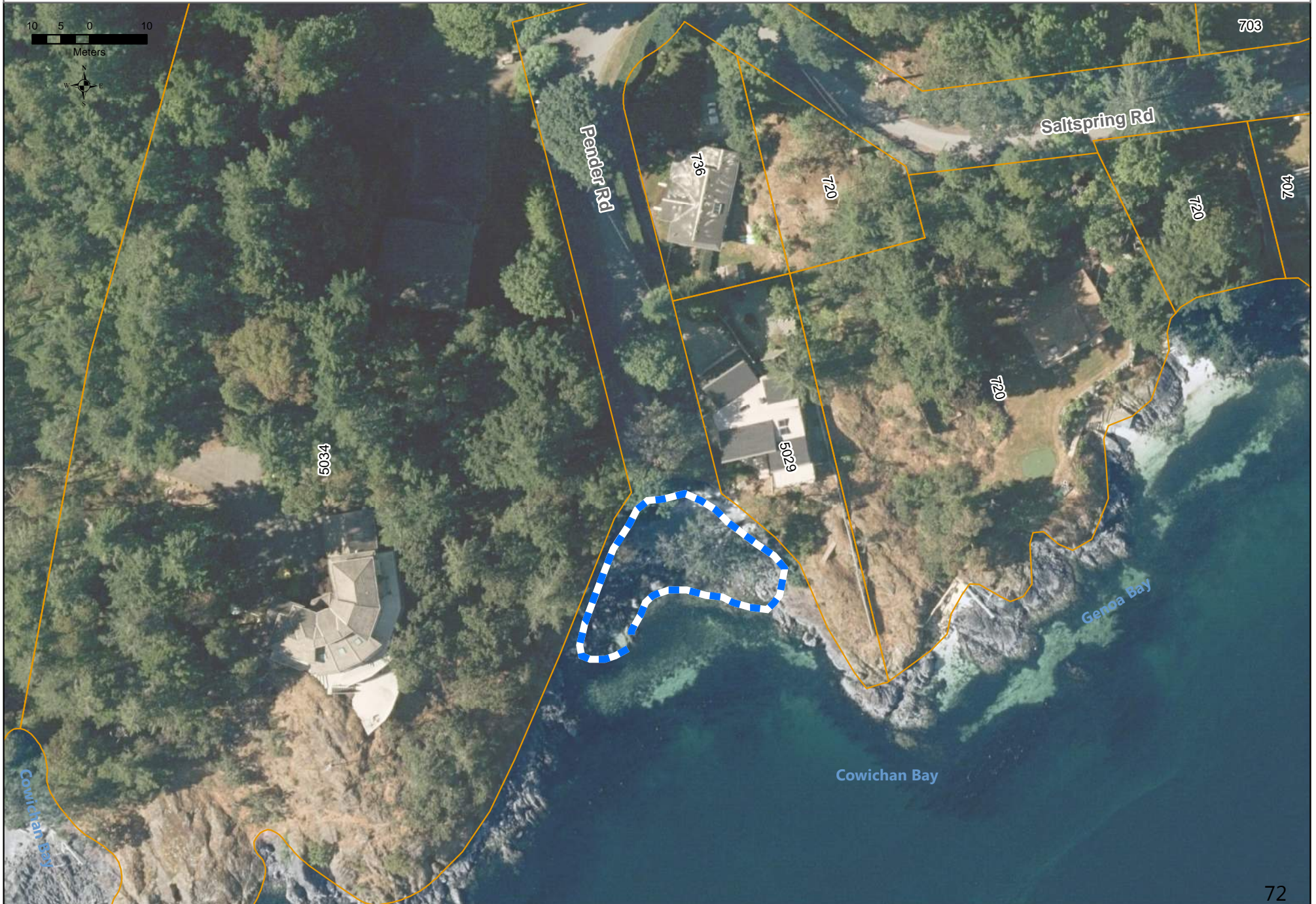
Mt Sicker Municipal Forest Reserve - Existing



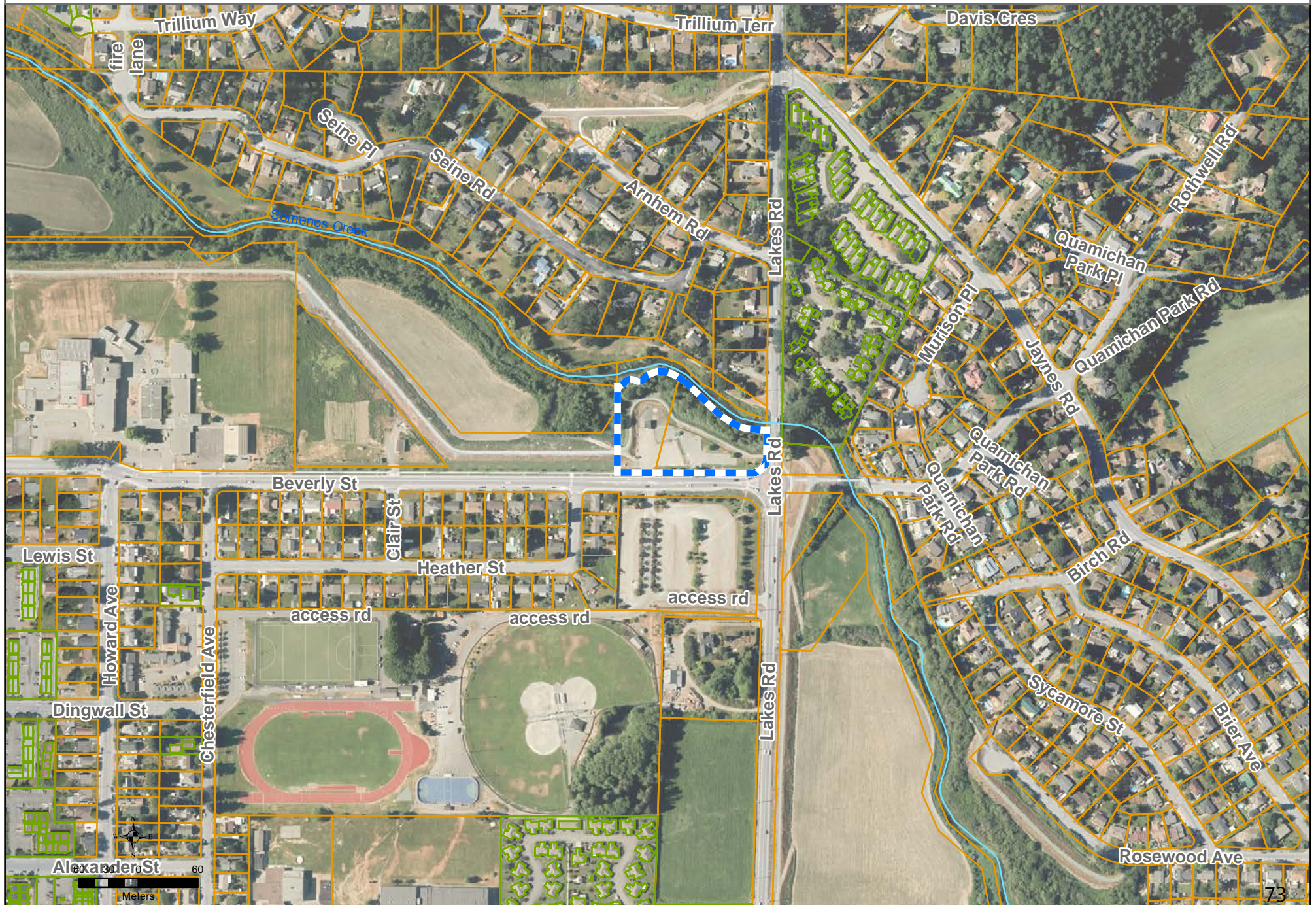
Osborne Bay Park - Existing



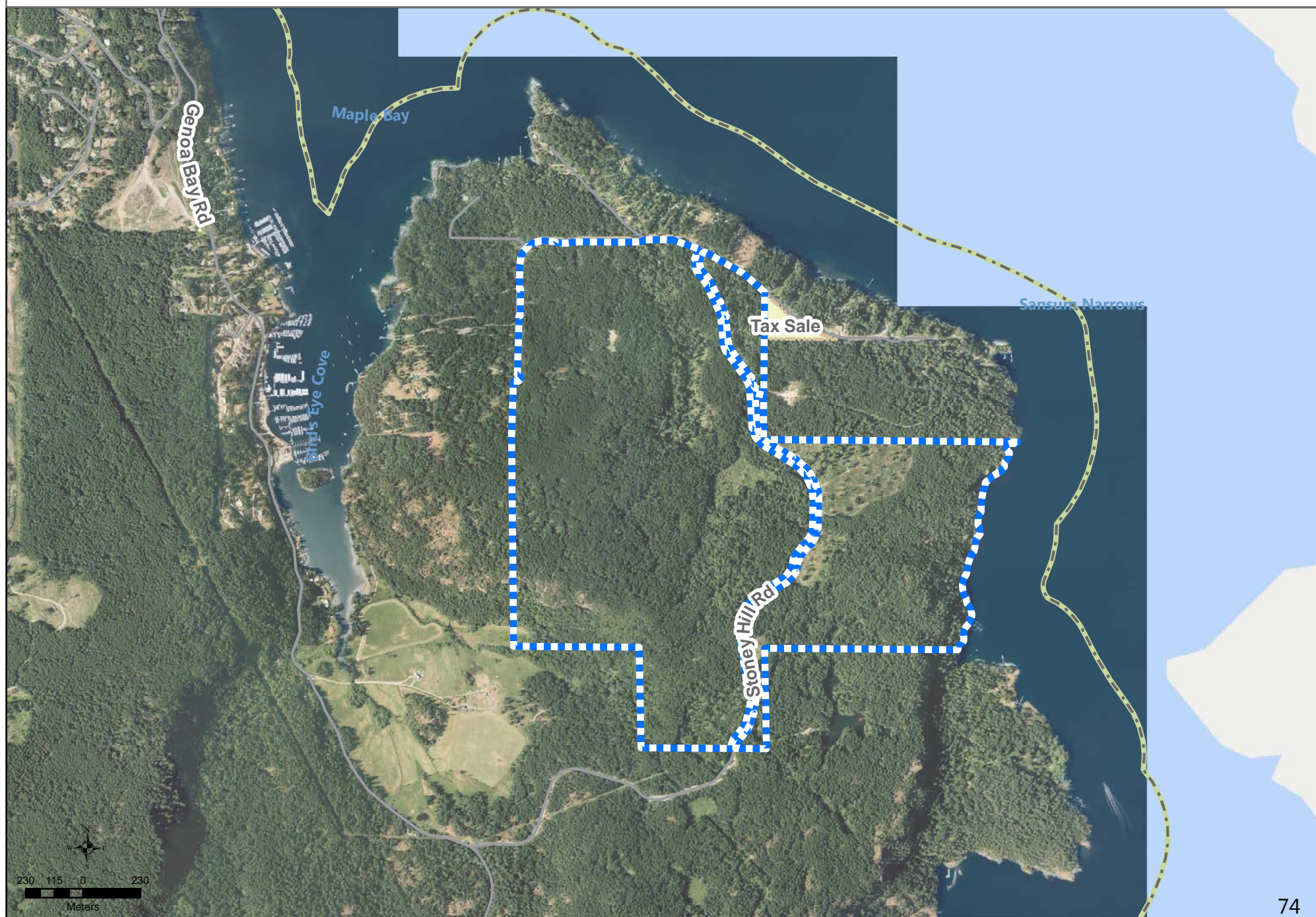
Pender Rd Stairs Foreshore - Proposed



Somenos Creek Dog Park - Existing



Stoney Hill Forestry-Managed Land - Existing



Wul'aam (Echo) Park - Existing



Report

Date January 15, 2020
To Council
From Dave Preikshot, Senior Environmental Specialist
Subject Integrated Climate Action Plan

File:

Endorsed:



Purpose

To propose an Integrated Climate Action Plan (CAP) in response to the July 17, 2019, Council motion on climate change policy for North Cowichan.

Background

At the July 17, 2019, Council meeting the following resolution was passed:

Whereas to provide clarity of Council's intention to look at all applicable decisions through a climate lens, including but not limited to: rewriting North Cowichan's Official Community Plan and reviewing the management of North Cowichan's municipal forests, as Council we resolve to:

- 1. Officially acknowledge we are facing a climate emergency; and**
- 2. Following the hiring of an Environmental Specialist, direct staff to report to Council in 90 days with an integrated climate action strategy that merges:**
 - a. Current municipal initiatives in climate change mitigation and adaption;**
 - b. Climate change-related policies and directions outlined in Council's Strategic Plan; and**
 - c. New and existing ideas and actions to implement from the remodelled Climate Action and Energy Plan and/or ones that can be adapted from other jurisdictions or emerging science.**

North Cowichan Council has recognized that a global climate emergency exists and has made the environment a key aspect of its 2019 Strategic Plan. The following Climate-change related policies and direction are outlined in its plan:

- **Environment:** environmental land use planning, update the CAEP, reconsider the Urban Containment Boundary, remediation of Somenos and Quamichan lakes, climate change risk assessment, review requirements for environmental attributes of new developments, adopting the BC Step Code, district energy partnerships, waste reduction.

In addition to the implementation of Council's Strategic Plan objectives, over the past several years, North Cowichan staff has led and supported the development of significant climate programs and actions including:

- creating terms of reference and administration of the CAEP reserve fund;
- reviewing and consulting with CAEP reserve fund applicants;
- managing administrative commitments created by the CAEP, and associated communications with stakeholders, staff and council;
- managing the Corporate Energy Program;
- purchasing an electric Zamboni for Fuller Lake Arena;
- retrofitting streetlights with LED technology;
- retrofitting the aquatic center lighting with LED technology; and,
- updating the backyard burning bylaw (not as a direct result of the CAEP but closely linked).
- The Municipality will be adopting provincial standards such as the Step Code, which will mandate net-zero ready construction by 2032.

North Cowichan is also a participant in the provincial Climate Action Charter and a member of the Federation of Canadian Municipalities' Partners for Climate Protection Program. Under the Action Charter, the Municipality has committed to:

1. Becoming carbon neutral in their corporate operations
2. Measuring and reporting their community's greenhouse gas emissions and
3. Creating complete, compact, more energy-efficient communities

In addition, the Municipality is a member of the Federation of Canadian Municipalities (FCM) Partners for Climate Protection (PCP) program. The PCP program uses a five-step "milestone framework" to create an effective climate change and adaptation strategy for the community. These milestones will be indicative of our success in meeting the commitments undertaken as a signatory to the BC Climate Action Charter. The milestones and their anticipated years of achievement for North Cowichan are:

1. Create a Baseline Emissions Inventory and Forecast, 2020
2. Set Emissions Reduction Targets, 2019
3. Develop a Local Action Plan, 2020
4. Implement the Local Action Plan, 2021-2030
5. Monitor Progress and Report Results, 2021-2030

Finally, North Cowichan also adopted a Climate Action and Energy Plan (CAEP) in 2013, which accounts for and models GHG emissions in the Municipality. Since 2013, changes in national and provincial policy, GHG emissions accounting and green technology have created a need to revisit the CAEP. In August 2018, North Cowichan received a \$78,000 grant from the FCM to update the climate modelling used in the 2013 CAEP. The CAEP update began in the summer of 2019 and will conclude in the summer of 2020. The update will provide an up-to-date assessment of policy options and/or actions available to North Cowichan and its benefits/costs.

Discussion:

The first two steps required under the Climate Action Plan is to establish (1) specific GHG reduction targets and (2) key strategic priorities to achieve those targets.

Step One: Setting a baseline

North Cowichan currently has corporate and community targets but does not have an integrated strategy with which to frame plans and policies that have been, or could be, established.

Larger cities like Victoria and Vancouver that can leverage mass transit infrastructure to offset emissions from transportation and take advantage of extremely high-density housing. North Cowichan, though, is characterized by single-detached houses with personal vehicles used for commuting, including those that choose to live in communities like North Cowichan and commute to the larger centres. In terms of selecting a GHG reduction goal, a comparison to other, similarly-sized, municipalities in BC (as opposed to larger cities) is appropriate. A cross-jurisdictional comparison suggests that the goal of 80% reductions in GHG emissions by 2050 (North Cowichan's target in the 2013 CAEP modelling) may be challenging (Table 1).

Table 1: Baseline GHG emissions and targets for BC cities and municipalities having mid-sized populations spread over a large jurisdiction.

Municipality	Population	Area (km²)	GHG base (tCO₂eq/y)	year	GHG Goal (%)	year
North Cowichan	32,168	195	181,844	2007	80	2050
Campbell River	35,138	143	184,790	2007	25	2020
					35	2040
					40	2060
Vernon	40,116	96	239,433	2007	9	2016
					16	2020
					31	2030
					54	2050
Mission	36,426	223	236,261	2007	20	2020
					80	2050
West Kelowna	32,655	124	199,919	2007	80	2050

Climate Action Plan: Establishing Key Priorities

Preliminary data suggest that transportation accounts for about one-third of community GHG emissions. Industrial operations account for about one-half of community emissions. The remainder is a combination of leaks, waste management and household/commercial heating. Agricultural emissions are on a similar magnitude to transportation but are not included in our Global Protocol for Community-Scale Greenhouse Gas Emission Inventory.

Transportation is likely the most straight forward way for the Municipality to realize reductions in GHG emissions as the other sources involve more complex operating frameworks. Although transportation will be a useful target for reducing GHG emissions, North Cowichan will also need to take advantage of other opportunities for lowering emissions. The UBCM Special Committee on Climate Action suggests that municipalities consider these categories to organize climate action policy.

1. Buildings;
2. Transportation;
3. Energy systems;
4. Waste management;
5. Land-use planning;
6. Natural assets; and,
7. Carbon sequestration.

Taking into consideration the Municipality's unique characteristics, changes in technology and preliminary data from modelling, it is proposed that the CAP embrace the following six guiding strategies. These strategies incorporate Council's Strategic Plan priorities and reflect the existing work of the Municipality.

1. Encourage transition to electric vehicles and less carbon-intense transportation

- Work with external agencies, e.g. BC Hydro, and regional governments to develop an EV charging network for the region
- Install charging stations at municipal facilities
- Encourage charging stations in new developments including residential and commercial
- Support installation of charging stations in existing neighbourhoods
- Encourage biking and bike paths that provide commuting, shopping, and recreation routes
- Develop walkable neighbourhoods and amenities
- Adapt transportation to accommodate eBikes and scooters
- Work with MOTI to reduce congestion of through traffic in the Highway corridor from Boys Rd to Beverly St

2. Taking corporate leadership in lowering emissions

- Partnerships with other local government on planning local amenities and transportation
- Lowering fleet emissions
- Improving energy efficiency in municipal buildings
- Seek ways to use renewable energy in municipal buildings
- Promoting low carbon energy production opportunities

- Re-establish a 'Green Team,' an interdepartmental group collaborating on CAEP implementation
- Foster development of solar power generation

3. Support ecosystems and promote carbon capture

- Develop blue carbon storage in salt marshes and eelgrass beds
- Rebuild Forests
- Restore Wetlands
- Preserve streams, ponds and lakes
- Inventory Species at risk in North Cowichan
- Integrate trees into pasture land

4. Making buildings more energy efficient

- Heating with renewables
- Implement the BC Energy Step Code
- Facilitating the use of renewable energy by private enterprise

5. Adapting to new climate norms

- seeking opportunities for water storage
- preserving and planting trees
- planning for changes in sea level
- Assess and mitigate risks to infrastructure
- Create development guidelines to protect species at risk, DPA 2, 3

6. Lowering carbon from Waste

- Reducing total waste
- Lowering contamination in the recycling stream
- Better management of refrigerants
- Encourage more natural grazing practices in farm animals

As a next step in developing the Municipality's CAP, the Municipality will next determine a list of specific actions for each of the six strategies that would support achieving an 80% reduction target by 2050.


Options

1. **(RECOMMENDED)** That Council direct staff to: develop actions, policy options, and cost estimates based on the six strategies outlined in the Climate Action Plan and information from the CAEP modelling update, to achieve an 80% reduction target by 2050.
2. That Council take no further action.
3. That Council direct staff to develop a plan focused on reducing only corporate emissions.

Recommendation

That Council direct staff to: develop actions, policy options, and cost estimates based on the six strategies outlined in the Climate Action Plan and information from the CAEP modelling update, to achieve an 80% reduction target by 2050.

Report

Date	January 15, 2020	Prospero No. ALR00029 Folio No. 15064-000
To	Council	
From	Mairi Bosomworth, Community Planner	Endorsed: 
Subject	Agricultural Land Commission Exclusion Application for 8682 Trans-Canada Highway	

Purpose

To provide Council with information, analysis and recommendations regarding excluding land from the Agricultural Land Reserve (ALR) at 8682 Trans-Canada Highway.

Background

In 2017, the property owners of 8682 Trans-Canada Highway (Chemainus River Campground) submitted an Agricultural Land Commission (ALC) application to North Cowichan for the purpose of adding 10 campsites to an existing campground located on the subject property. The application was supported by Council, but the ALC determined that the use of the existing campground had not been authorized as a permitted non-farm use. The property owners then applied to the ALC to legalize the existing campground through a non-farm use application. This application was supported by Council but was denied by the ALC. In January of 2019 the owners received notice from the ALC's enforcement branch that all construction associated with the campground must be removed and the property returned back to its former agricultural capacity by October, 2019.

At the regular September 4, 2019 meeting, Council received a delegation from a representative of the property owners requesting that North Cowichan submit an application to the ALC under Section 29 of the *Agricultural Land Commission Act (ALCA)* to exclude 8682 Trans-Canada Highway from the ALR. In response to the delegation, Council passed the following motion:

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

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

- ***By shutting down the campground there will be a loss of temporary and permanent housing which is unreasonable given the housing crisis we are facing;***
- ***The land was previously never used for Agriculture purposes as it was forest; and***

- ***The existing water licence, which permits 1,000 gallons a day from the Chemainus River for domestic use only, would not support agriculture use without a substantial increase to the water licence to accommodate agriculture use during the growing season.***

Discussion

Property Details

The 10.7 hectare (26.4 acres) subject property is located at 8682 Trans Canada Highway (see **Attachment 1 & Attachment 2**). The property is zoned Rural Zone (A2) (see **Attachment 3**) and is fully within the Agricultural Land Reserve (ALR).

A land assessment for agricultural capability (agrologist's report) was conducted for the site and included field review, mapping, and soil investigation. The assessment determined the property consists of the following soil classifications: 25% is 7T, 50% is 5AP and 25% is 4A with the moderate slope of the land from the 7T western bluff to the 7T creek cutting through the eastern side of the property (see **Attachment 4 & Attachment 5**).

Class 4: Soils in this class have limitations that require special management practices or severely restrict the range of crops, or both.

Class 5: Soils in this classification have limitations that restrict its capability to providing perennial forage crops or other specially adapted crops.

Class 7: Soils in this class have no capability for arable culture or permanent pasture.

Results suggest that approximately 70 percent of the property has very low agricultural capability due to either very poor gravelly soils or steep slopes and lack of accessible area. The remaining 30 percent of the property has poor to fair soils where agricultural is feasible.

All properties immediately surrounding the site are in the ALR. The property to the north is zoned A2 Rural Zone, and properties to the south and west are zoned A1 Agricultural Zone. The Trans-Canada Highway is to the east of the property, with an A1 zoned property on the opposite side of the highway.

The property owners state that the land has never been farmed and has no potential for farming. The agrologist's report indicates extensive and costly management would be required to improve agricultural capability as the soil is of poor quality. The owners assert intensive animal or crop farming would not be permitted as they would require extensive use of fertilizers and the possibility of run-off contaminating the Chemainus River would be too great.

Agricultural Land Commission and Reserve

As the subject land is in the ALR, uses conducted on the land are required to comply with the ALCA as well as Municipal zoning. Campgrounds are not recognized by the ALC as a farm use, so a non-farm use approval or an approval to exclude the land from the ALR is required in order for the property owners to operate the campground in compliance with ALC regulations. The applicant's have pursued a non-farm use approval, but were denied. Exclusion of the property from the ALC, if successful, would also allow the campground use to remain, as the restrictions of the ALCA would no longer apply.

The ALCA was recently amended to remove the ability for property owners to apply directly to the ALC to remove property from the ALR. Section 29 of the Act now requires that exclusion applications be submitted by local or first nation government. The application process includes receiving consent from the owners, notifying adjacent owners and the public, and holding a public hearing through the local government before submitting an application. Following the public hearing, Council will determine whether or not to forward the application to the ALC and may choose to provide a recommendation in the resolution.

In addition to the general application documents, an exclusion application requires the following:

- Notice of Exclusion Application – the application must be advertised on two separate occasions in a local newspaper.
- Exclusion Proof of Serving Notice – a signed copy of the application and Notice of Exclusion Application Document must be given to all registered owners of land in the ALR that share a common boundary with the property.
- Photographic Proof of Signage – A notification sign must be placed on the subject property so that any person reading the notice can confirm the location. Photographs of the sign showing the location of posting in relation to the public road must be submitted.

The Agricultural Land Reserve General Regulations, Part 6 states the following regarding sending a copy of the application to affected governments:

If a local government or a first nation government makes an application under section 17 or 29 of the Act in respect within that government's jurisdictional area, a copy of the application must also be sent by the applicant to the following:

- (a) *If the land to which the application relates is adjacent to the jurisdictional area of a different local government or first nation government, other than a pre-treaty first nation government, that different local government or first nation government.*
- (b) *Each local government or first nation government other than a pre-treaty first nation government, whose interest the applicant believes will be affected by the application.*

The property is adjacent to and has direct access to the Chemainus River and Halalt First Nation reserve land is just southeast of the property. In keeping with Council's Strategic Priority of continuing to develop strong relationships with indigenous peoples, it is recommended that the application be referred to the Halalt First Nations with a 30 calendar day response period.

Zoning

The Municipal A2 Zoning does not permit campground use. However, the A2 zone has a site specific zoning provision for 8682 Trans-Canada Highway that permits "campground, short term", which is defined as:

The use of land for short-term accommodation (less than 28 consecutive days) for vacation or recreational purposes, in tents or recreational vehicles, and may include the following accessory uses for campground occupants: washrooms, showers, laundry facilities, offices, recreational facilities, convenience stores or restaurants.

Official Community Plan

The OCP contains the following policies which relate to this application:

Policy 2.1.1.2 b) The Municipality does not generally support exclusion of agricultural lands from the ALR and subdivision of ALR lands (including homesite severance) unless there is no net loss of ALR lands, and a net benefit to agriculture can be clearly demonstrated.

2.1.1.2 c) The Municipality will require all ALC applications for exclusions, subdivision and non-farm use to show documentation (e.g. soil suitability analysis results, environmental farm management plan) to indicate why the application is necessary or appropriate.

The owners did hire a professional agrologist to complete a Land Capability for Agriculture assessment. Results of this assessment concluded that approximately 70 percent of the property has very low agricultural capability due to either very poor gravelly soils or steep slopes and lack of accessible area. Approximately 30 percent of the property has poor to fair soils where agricultural is feasible.

2.1.1.2 (d) Where up zoning, non-farm use, subdivision or exclusion from the ALR has been approved and results in significant benefit accruing to the landowner, the Municipality will require the landowner to contribute to a municipal reserve fund, to be used for the benefit of agriculture.

2.1.1.2 (e) The Municipality will not support unauthorized use of ALR land for non-farm purposes. Where ALR lands have been damaged and cannot be restored for agriculture, the Municipality will seek a penalty that is based on the extent of the damage or contravention. Proceeds from these penalties will be deposited into the municipal reserve fund for the benefits of agriculture.

The above policies generally discourage the exclusion of agriculture land from the ALR.

North Cowichan's Strategic Agricultural Plan (2001) includes the following policies:

Objective 1: Protect the Agricultural Land Base

Remove no more quality land (CLI Classes 1 through 4) out of ALR. No reduction in agriculture land base.

Options

Option 1:

- 1) That Council direct staff to issue notice and schedule a public hearing for the application to exclude 8682 Trans Canada Highway from the Agricultural Land Reserve in accordance with Agricultural Land Commission requirements; and
- 2) That the application be referred to Halalt First Nations and be given 30 calendar days to respond.

Option 2:

That Council direct staff to cease further work on the application to exclude 8682 Trans Canada Highway from the Agricultural Land Reserve.

As Council previously directed that an application to exclude 8682 Trans Canada Highway from the ALR be prepared and submitted, Option 1 is recommended.

Implications

Staff have commenced preparation and submission of this exclusion application based on previous Council direction and ALC staff have advised that ALC enforcement will be deferred until the exclusion application process is concluded. Ceasing further work on the application would result in the resumption of ALC enforcement action.

Recommendation

- 1) That Council direct staff to issue notice and schedule a public hearing for the application to exclude 8682 Trans-Canada Highway from the Agricultural Land Reserve in accordance with Agricultural Land Commission requirements; and**
- 2) That the application be referred to Halalt First Nations and be given 30 calendar days to respond.**

Attachments (6)

Attachment 1: Location Map

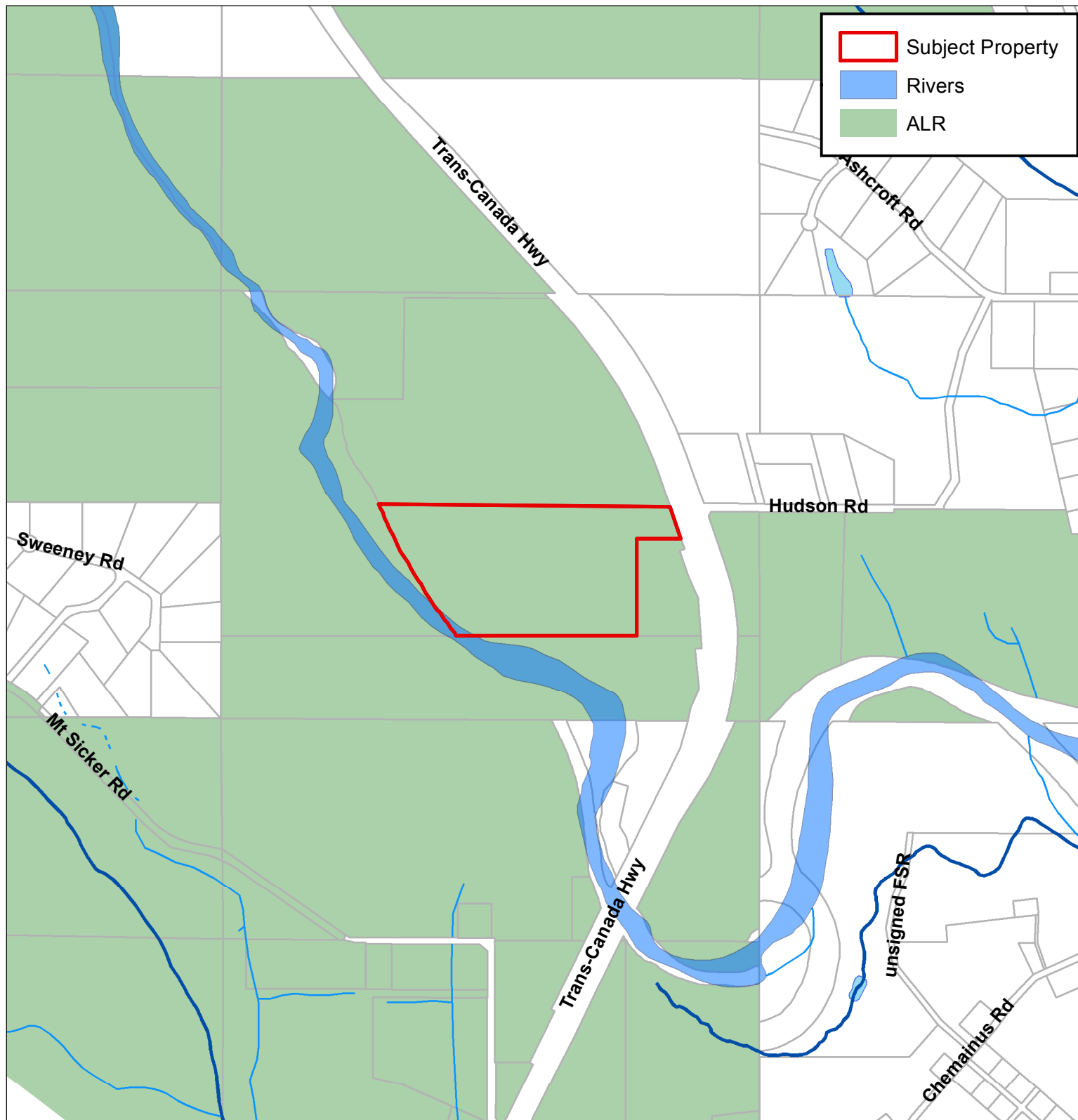
Attachment 2: Orthophoto



Attachment 3: Zoning Map

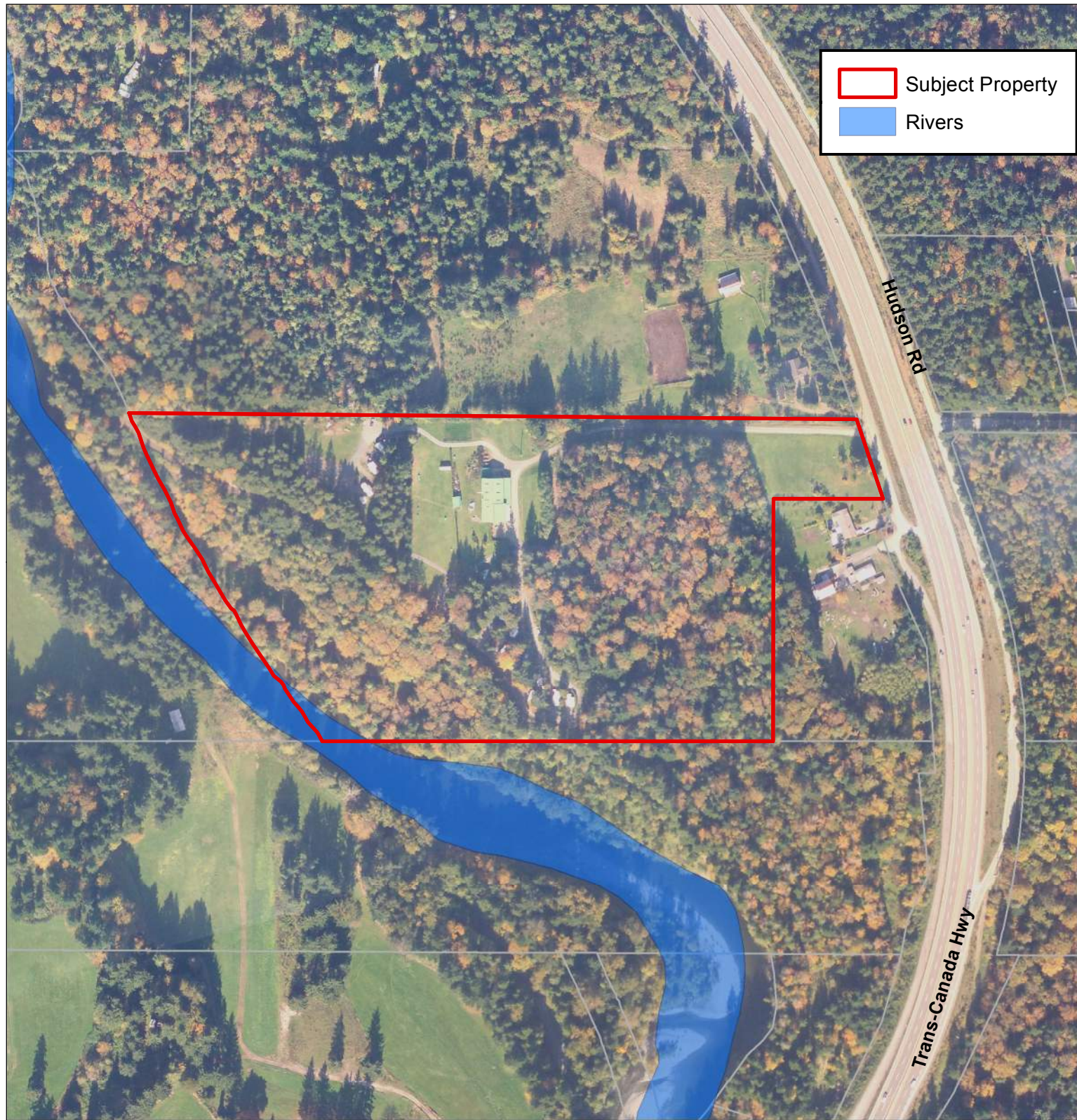
Attachment 4: Soil Class – North Cowichan

Attachment 5: Soil Class – Madrone Environmental

Attachment 6: Letter from property owners



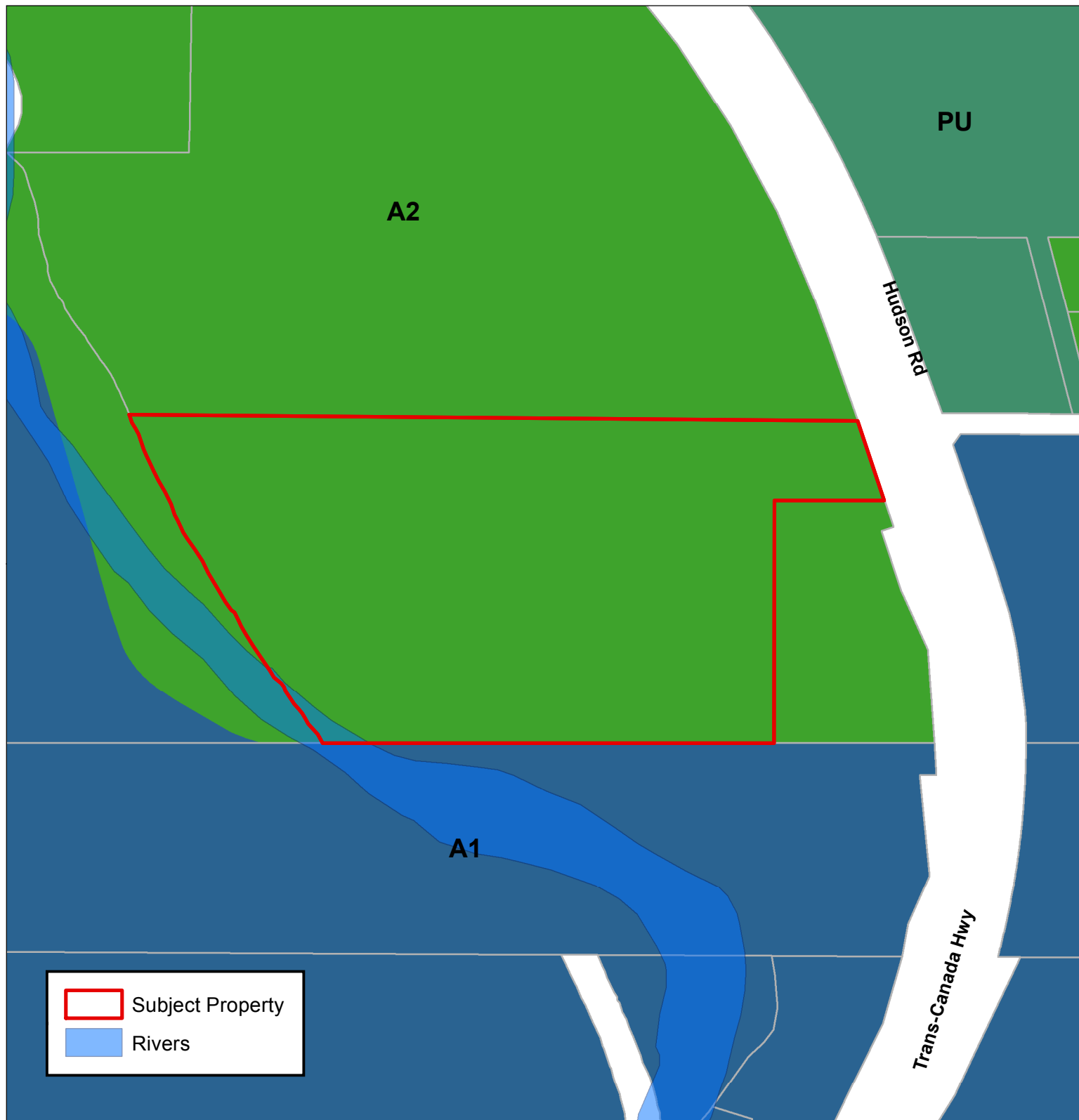
		LOCATION MAP		DATE:	September 19, 2019
		8682 TransCanada Highway		TYPE:	ALR Exclusion
				FILE:	ALR00029
				SCALE:	1:10,000



Subject Property

Rivers

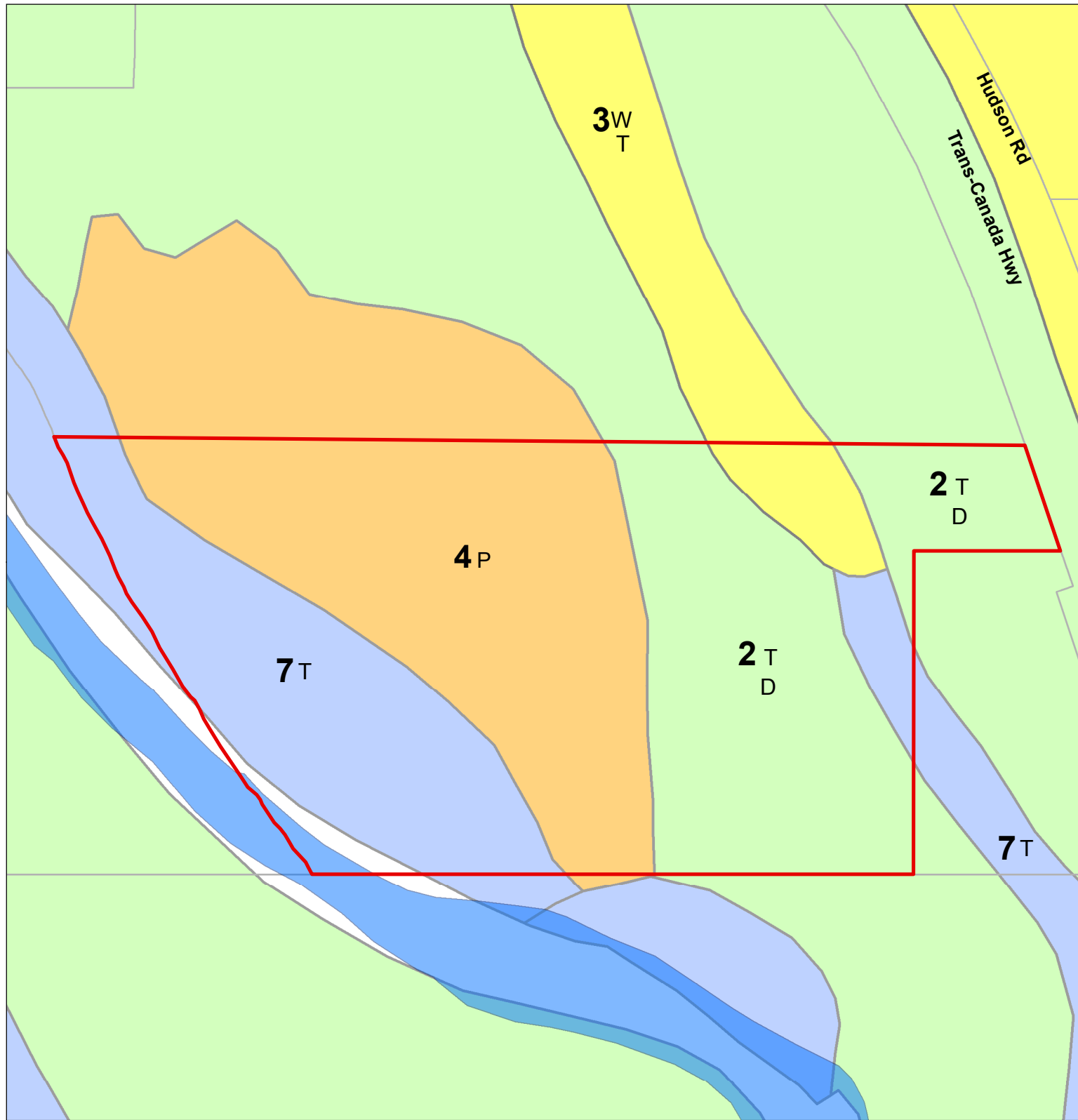
		ORTHOPHOTO		DATE:	September 19, 2019
		8682 TransCanada Highway		TYPE:	ALR Exclusion
				FILE:	ALR00029
				SCALE:	1:4,000





Subject Property

Rivers

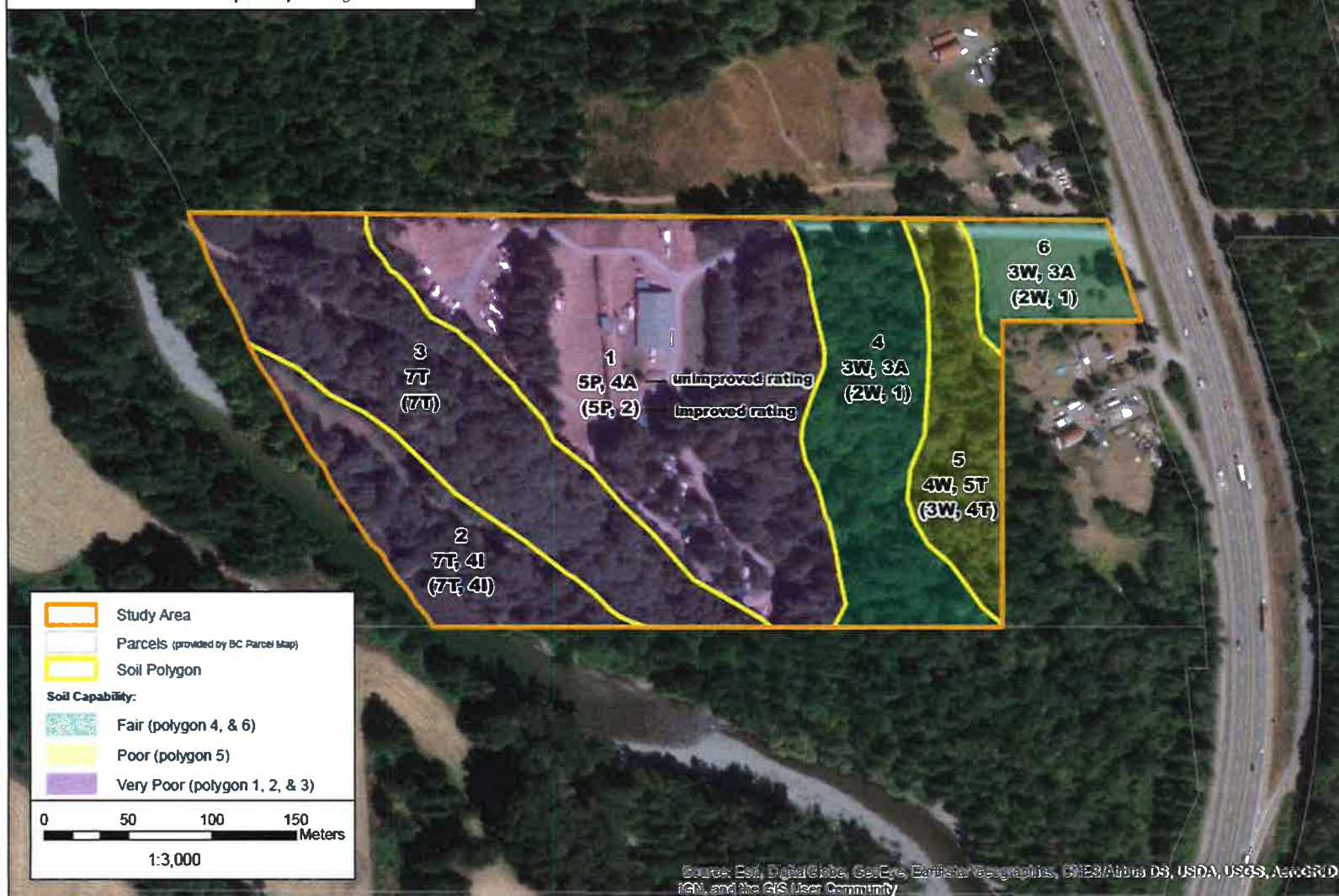
		ZONING MAP		DATE:	September 19, 2019
		8682 TransCanada Highway		TYPE:	ALR Exclusion
				FILE:	ALR00029
				SCALE:	1:4,000



		IMPROVED SOIL CLASS RATING		DATE:	September 19, 2019
		8682 Trans-Canada Highway		TYPE:	ALR Exclusion
				FILE:	ALR00029
				SCALE:	1:3,000

	PROJECT: Land Capability Assessment: 8682 TransCanada Hwy	LOCATION: Chemainus, BC	CLIENT: John & Jeri Wyatt	DOSSIER NO: 18.0158	
	ASSESSED BY: Harry Williams M.Sc., P.Ag., R.P.Bio.	FIELD DATE: May 2, 2018	MAP SCALE: 1:3,000	MAPPING DATE: May 14, 2018	
				DRAWN BY: Jessica Yellowlees	

FIGURE 2: Land Capability for Agriculture



**Attn: Ted Swabey
Chief Administrative Officer
Municipality of North Cowichan
Telephone: 250-746-3112
E-mail: ted.swabey@northcowichan.ca**

8/17/2019

Dear Mr. Swabey:

This is a follow up letter to our meeting of August 15, 2019. We hereby request a delegation to a meeting with North Cowichan Council at the earliest opportunity. Further to our verbal outline of the situation we are facing with the ALC I would like to forward the Opening Statements by Bill Routley (attachment #1). Also, we are forwarding our documents - Other Relevant Issues (attachment #2), and our Proposal Document (attachment #3) And a copy of our written documentation which we gave you containing our ten attachments. (attachment #4). requesting action from North Cowichan Council. Additionally, we here by request that our two options in our Proposal Document be forwarded to Council for discussion and a decision. If you have other suggestions on how to proceed, we would appreciate your help. Thank you for your attention to these matters.

Yours Truly

John & Jeri Wyatt

Delegation to the Municipality of North Cowichan Council

The Chemainus Valley Cultural Arts Society is requesting to send a delegation to make a presentation to the Municipality of North Cowichan Council on August 21, 2019.

Here is an outline of our presentation:

1. Synopsis of the excellent work that the Chemainus Valley Cultural Arts Society has done in its 20-year history to support and foster arts & culture in the Municipality of North Cowichan, for example the many summertime music programs it produces at the Chemainus Waterwheel Bandshell.
2. Update on recent and planned activities being undertaken by the CVCAS for the community and the region, including establishing the permanent Rainforest Arts Gallery and First Nations projects.
3. Briefing on the CVCAS initiative to develop a regional professional Community Arts Centre in North Cowichan, including the need and vision, community and regional benefits and current progress toward funding a professional, independent feasibility study.

Opening Statements – by Bill Routley (attachment #1)

John and Jeri Wyatt's —future has been put in peril

The ALR—thru the Agriculture Land Commission are threatening to close their campground Oct 1 2019 and force them into an agriculture operation or a farm— therefore they have been forced to do their "Due Diligence" and so have written to the minister of -Forests Lands and Natural Resource Operations asking for a water licence for 4 million gallons of water over the growing season from the Chemainus River to enable them to have the water necessary to grow any kind of agriculture based business on the Land.

I want to give you an overview of this Situation----

—before John retired—he worked as an Electrician— (he apprenticed with Hamilton Electric, starting in @1975—so he now has 44 years as a certified Electrician.

Jeri had a long community service career working @ 33years --For Cowichan SD 79 as a custodian.

—they were NOT ever farmers or ranchers —when they bought the Campground property they bought it specifically because it was zoned—A2 -Campground-- their goal from the beginning when they bought the property was to have a campground which was a legal and practical option for the Land based on the ALR zoning (A2 Campground) which it was at the time they bought the Campground property 1980.

In 1986 the ALC confirmed the campground zoning by suggesting the Wyatt's to install 46 sites on the 7T land adjacent to the Chemainus River.

No ALR representative came out to look at the property so they did not know that the land they wanted John to put the sites on was 100ft drop to the Chemainus river below.

John went to "North Cowichan" to obtain a permit to put in 10 sites ,but before John proceeded with the sites he had the building inspector and one of the North Cowichan's engineers come to the property to show them that the 7T land was unusable because of the steep bank and upon viewing the property they agreed to put the sites adjacent to the drop off.

The building inspector and engineer agreed that the 7T land was totally unusable and gave John permission to install the first 10 sites adjacent to the cliff. (Note: John assumed that this was all the approval needed.)

As representatives of North Cowichan had given them the permission to start the Campground, John was confident that the vision of having a campground was coming to fruition.

In February of 2004 John took out another permit for the washrooms and North Cowichan granted the permit and they proceeded to put in what is probably the nicest washrooms for any campground in the Region.

In May of 2014 John again applied for and received a permit to put in 11 more sites, this was granted and they proceeded with the new sites.

In March of 2017 the business was doing well and they were getting more and more visitors from Europe so they decided to apply again to North Cowichan to install 10 more sites to accommodate the influx of Tourists.

This time all the inspectors and engineers that John had been dealing with at North Cowichan over the years had retired and John was met by bunch of new young faces. This time John was told that he would have to apply for these 10 new sites thru the ALC.

John was immediately informed by the ALC that although North Cowichan had given him permission to install the Campground that the ALC had not been informed and that they considered the campground as illegal.

This was a shock and surprise to John and Jeri as they had followed all the procedures at North Cowichan for applying for and receiving land use permits and did not know that they were anything but legal and conforming.

John did as requested by the North Cowichan and contacted Chris Hutton planner for the ALR, he seemed sympathetic to Johns plight and recommended that he apply to the ALC to have the existing campground recognized and made legal thru the ALC along with asking for the addition of the 10 extra sites.

The Island ALC Panel has since rejected their application and appeal entirety.

They did not take into account that two seniors now in their 70s had devoted the last 17 years of their life to producing a high-quality recreation destination Campground on Lands that they bought zoned ALR) A2 Campground), bringing tourists from all over the world to the Chemainus area.

They did not consider that the Canadian Land Inventory map showed clearly that the land was of the poorest of quality.

They did not consider that a major new water supply would be necessary for any new agriculture business to succeed.

So John felt it was necessary to hire an Agrologist (Madrone Environmental Services) to provide updated science based information on the Land status and the Water license necessary for any agriculture activities.

The agrologist provided them with a comprehensive report, which was shared with the ALC, showing that 70% of the Land was of very poor quality and that Water licences would have to be applied for to do any agriculture on the land, however the ALC seemed to have no interest in this scientific report.

On January 24, 2019 they received the notice from the ALC Enforcement arm that they have until October 1, 2019 to remove all construction associated with the campground and "return the property back to its former Agricultural capacity."

**It is not as if they just purchased the land, they have lived here for almost 40 years
The Land has been designated for campground use by North Cowichan along with 3 other North Cowichan campgrounds. This should mean something !**

Clearly, based on the number of people they have to turn away during the summer months they believe the region needs more campgrounds not less.

Sadly now in their 70s the Wyatt's have been handed a nightmare by the ALC —Notice to shut down the Campground !--John has had health issues including Cancer ,Jeri has her own health issues—and I am concerned that the stress of this situation it is putting more unwanted impacts to the detriment to their health situation. I now want to take you thru the Attachments #1 thru #10 we have provided so you can see the seriousness of this situation——Bill---

Other Relevant Issues (attachment 2)

1. BC Population—when I moved to Cowichan Valley in 1952—BCs Pop was—1.9 Million—as of 1st Quarter 2019 BC POP.has grown to 5 Million plus—5million !.

**2.Tourism Demand— the campground have had more than 22,000 requests or bookings-since John started his computer system
The point I want to make is Chemainus River Campground is much needed and in high demand**

—@ 70% of their Campers are from Van. Island are from major cities like Victoria ,Nanaimo, Port Alberni etc ,even from nearby communities who are looking for low cost tourism opportunities—a chance to wade or swim in the Chemainus River or just relax.

—30% of campers are from all over the world and demand for sites is continually growing ,that is why they where trying to get approval for 10 more sites —they are currently having to turn people away almost daily ,and could easily fill 10 more sites --and still they would have to turn some folks away during the busy times of year.

With population increases Vancouver Island will continue to have pressure to increase Tourism opportunities— —

The Campground is also in high demand because it provides low cost accommodation over the winter slow season for many Seniors and low wage workers.

3. I believe a good case can me made that our communities if given a choice would chose to continue to support the Chemainus River Campground as a tourism destination with its opportunities for low cost holiday accommodations and peaceful recreation much more than they would insist that the Very Poor Quality Soil on 70% of the campground lands, designated Agriculture A2 Campground should need to be flipped to agriculture use only and provided with huge volumes of water (4 Million gallons) from the Chemainus River so they can grow Hay instead !!!

4 Additionally, the Campground folks support a lot of North Cowichan businesses, ie.local Restaurants ,the theatre, grocery, fuel, Chemainus Murals tours and a host of other specialty shops and businesses.

**5.The ALC seems to be ignoring the history of this land—it was purchased by the Wyatts because it was zoned ALR A2 Campground—they have not changed the potential of the land as originally designated—still in ALR the History actually includes Logging in Poly 2,3,4,5 (see attached map) these logged over areas which have mostly 2nd growth forest stands is seen BY the ALC and described even by the Madrone in their report as Fair soil capability for agriculture and yet the land was logged 50 to 80 years ago which explains why the land now has 50 to 80 year old trees which stand as a testament to the fact this land was not used for Agriculture originally —it was Forested lands .
The Wyatts have NOT changed any Agricultural potential—the best growing sites are growing trees—still !**

**6.In doing the Due Diligence demanded by the ALC letter threatening Campground closure by October 1st, 2019 and potential further actions against the Wyatts The Wyatts have requested a new Agriculture Water licence as outlined in the Madrone report which would be critically needed to support any chance of success in using their lands as suggested by the ALC for Agriculture.
We have noted that this additional demand for Water would run contrary to the North Cowichan, CVRD and Cowichan Water board water Conservation goals of reducing water consumption by 20% by 2018.**

**7. I want to be clear I have made speeches in the B.C. Legislature supporting the ALR. However I also believe in applying common sense and compassion to a situation in particular one with special circumstances like this land use issue. Conflicting and important land use issues – Tourism / Business vs Agriculture, with it's major water supply needs.
Water issues include First Nations, Communities, Fish and other threatened river dependant wild life, and even Drought and Climate change impacts are all involved.**

8. Next Steps---

We appreciate the long standing support the Wyatts have experienced from North Cowichan technical staff and Council in providing support and approvals for the Campground growth plans over the years, it is their hope that the shared vision for the campground and the North Cowichan support for the Campground that has existed over the last 2 decades will continue.

With this in mind we would like to present some ideas on how we think we could move forward —after we give you our Ideas we would very much appreciate your ideas and your help in dealing with this situation.

Our Proposal Requesting action from North Cowichan Council (attachment #3)

Preamble:

It would be unfair and unreasonable for the Chemainus River Campground owners to be put in a perilous situation, they are in jeopardy of losing their retirement business by being forced into shutting down the Campground by the ALR who are demanding agriculture only take place on their lands.

Also they are also in peril of being refused a new high volume water licence (4 million gallons per season) to draw water from the Chemainus River, which would be definitely needed in order to run a successful agriculture based business.

Therefore ,Chemainus River Campground owners John and Jeri Wyatt request North Cowichan Councils support for one of the following options (our preferred option is option one.)

- 1. North Cowichan Council agrees to make an application to the ALC under section 29 of the ALC Act to exclude the Chemainus River Campground lands from the ALC. This is based on environmental grounds in order to reduce the additional demands for water on Poor Agricultural Land Also. his application will help to protect the Chemainus River water for fish and dependent wildlife. This application would also work toward the goal of helping to protect First Nations water supplies, Community water needs and Chemainus Region Aquifers from further additional stress. And finally, this application would help conserve water during times of drought, also it will help deal with the continuing impacts of climate change on our Region.**

OR

- 2. North Cowichan Council will help the Chemainus River Campground in its forced transformation to an agriculture business by agreeing to support the water licence request to the Minister of Forests lands and Natural Resource Operations of an increase to 4 million gallons of Water for Agriculture use during the growing season from the Chemainus River. (Their current Water licence is 1000 gallons a day from the Chemainus River for Domestic use only and would not support an agriculture business.)**

Ten Attachments: (attachment #4)

Attachments

1. ALC Letter –Compliance and Enforcement—Requiring property back to its “original agriculture capability” by Oct 1, 2019.
2. Letter to Forests lands (FLNRO) re a Water Permit for 4 Million gallons of water over the growing season (we would rather not be forced by the ALC to require a water license).
3. Water Conservation Request letter July 31/2018 (FLNRO)—note -complied with!
4. MADRONE Agrologist the- Executive Summary—shows –70% VERY POOR SOILS—where Campground is located and the need to have a large WATER supply to farm.
5. Map (colored) showing existing campground on VERY POOR and POOR soil areas.
6. BC Water Act -Conditional Chemainus River Water licence –1000 gallons a day.
7. North Cowichan Planning Dept. approved improvements to the Campground May 5/2014 Phase Two of Site Plan.
8. Building Permit for Phase Two Sites
9. Approved layout for sites 1 to 10
10. Permit for washrooms



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

January 24, 2019

ALC C&E File 50724

DELIVERED ELECTRONICALLY:
elec2014@telus.net

John Wyatt
Jeri Wyatt
8682 Trans-Canada Highway
RR #1, Chemanius BC V0R 1K0

Dear Property Owner(s):

Unauthorized Commercial Activity in the Agricultural Land Reserve

CIVIC ADDRESS: 8682 Trans-Canada Highway, Chemanius BC
LEGAL: Section 6, Range 6, Chemanius Land District, Portion N 60 AC, Except Plan
RW1271 18552 S OF RD 46197
PID: 009-489-134
(the "Property")

This letter serves to inform you that the Agricultural Land Commission (the "ALC" or the "Commission") Compliance & Enforcement Department received information that you are operating a campground facility on the Property without first receiving permission from the ALC.

However, I am aware that a non-farm use application (#56336) was submitted to the ALC to:

1. Authorize the existing campground uses occupying 1.8 ha on the Property, including 21 recreational vehicle sites with electricity and water service hookups, 24 tent sites with no services, and a washroom/shower facility; and,
2. To expand the campground by adding an additional 10 sites occupying 0.2 ha on the Property.

On April 09, 2018 you received a letter by way of electronic mail advising you that the Panel refused the proposal to authorize the existing campground uses on the Property, including 21 recreational vehicle sites with electricity and water service hookups, 24 tent sites with no services, and a washroom/shower facility; and, refuses the proposal to expand the campground facility by adding an additional 10 sites.

Further to this Decision, the ALC received a Reconsideration Request and was held before the Executive Committee on August 22, 2018 and determined that they did not believe your submission constituted evidence that was not available at the time of the previous decision and demonstrated that all or part of the original decision was based on evidence that was in error was false. Therefore, the request for reconsideration did not meet the requirements for reconsideration pursuant to s. 33(1) of the *Agricultural Land Commission Act*.

ALC C&E File 50724

John & Jeri Wyatt

Based on the above information, I have determined that you are required to remove all campground sites and any and all services required for the use of the campground sites by October 01, 2019 and return the Property back to its original agricultural capability as it was prior to the unauthorized use.

Please provide the ALC with a report on your plans to restore the Property no later than June 28, 2019.

If you require further information I can be reached at 604-209-9311 or Paula.Blanchard@gov.bc.ca. I look forward to hearing from you to resolve this matter in a timely fashion.

A lack of response to this letter may result in further action(s) which may include, but is/are not limited to; the recommendation of a monetary penalty and/or an order to rehabilitate the Property to a suitable agricultural standard.

This letter does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

Sincerely,



Paula Blanchard
Compliance and Enforcement Officer
Provincial Agricultural Land Commission

cc: ALC – Ron Wallace, Planner (sent by electronic mail)
MNC – Glenn Morris, Manager Planning & Development (sent by electronic mail)

Honourable Doug Donaldson

Minister of Forests, Lands, Natural Resource Operations and Rural Development
Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Minister Donaldson:

8/6/2019

Urgent : we need a Water licence for Agriculture use.

My wife Jeri and I now in our 70s have been put into the most stressful position of our lives by the recent correspondence from Agricultural land commission enforcement representatives. (ALC letter ATTACHED) Their position is essentially that we must shut down our 17 years in operation, successful campground business and now be forced to grow agriculture products on our land instead.

- This land use change will most certainly demand a huge improvement in our current water supply in order to have a reasonable chance of success. This is why we now require an URGENT response from your Ministry in order to determine if we could even access sufficient water to turn our land into productive agricultural land.
- I'm certain you would agree it would be morally and ethically unfair for a branch of government to force a land use change to any British Columbians land if there is little to NO chance of success in making the demanded change!
- Your water licence decision will most certainly determine if we are to have any chance of turning a currently successful 17year campground business into a productive agriculture venture.
- Based on the analysts of our expert Agrologist who says 70% of our land is very low agricultural capability (see report attached) and further identifies Water as a real issue and says Suitable water use applications would be REQUIRED!
- We want to be clear when we originally bought this property in 1980 it was zoned A2 (campground), and it remains that way to this day.
- Please advise us if there is any further forms to be filled out for this application to proceed.

Our Existing **Chemainus River Campground** has been owned and operated for almost two decades by the both of us. In 1986 we were advised by ALR commissioners R.Murdoch and A Claridge that—I quote “the commission will be willing to entertain a proposal that confines the Campground to lesser capability lands” which is exactly what we have done.

For greater certainty we recently at our own expense hired a licensed professional Agrologist company Madrone Environmental services to give us a scientific analyst report. (attached)

The ALC has ordered us to remove anything pertaining to the campground and turn the land back to it's original Agricultural potential. To accommodate the ALC we are looking into the feasibility of what we could produce that we could replace our financially viable campground with. We have talked to our Farming friends and they say that the first thing to get in place is the water source. We do have water rights on the Chemainus River of 1000 GPD however to put in a grass crop as recommended by the ALC we would need about one-acre foot of water for the season.

Based on the utilization of 15 acres as the remainder 8 acres is totally useless for agriculture would translate into 15 acre feet of water which in turn translates into $15 \times 271,328 = 4,069,920$ Imperial Gallons for the season.

We did receive your letter requesting voluntary restriction of usage of water from the Chemainus River which we as a campground have complied with, but as we are now being forced into using the land solely for Agriculture purposes by the ALC we need to know if we will be allowed to increase our consumption from the Chemainus River from the 1000 GPD to the 4 Million Gallons over the growing season.

As the ALC has given us a dead line of October 1, 2019 to put the land back to it's original Agricultural Potential a quick and prompt response is imperative.

In Closing, We require a water licence for Agricultural use, with approval of 4 million gallons? Or 1 – acre foot of water over the growing season.

Thank you for your attention to these matters.

PS – Please note as the ALR to date has only evaluated our property from old Canadian Land inventory drawings and old Arial photographs with no creditable professional agrologist studying the realistic opportunities on the site. We decided it was important to have to have an agrologist do a thorough science based assessment with the following results. (See report attached)

Yours Truly

John & Jeri Wyatt

Chemainus River Campground
8682 Trans Canada Hwy.
Chemainus, B.C. V0R 1K4
Phone: 250-246-9357
E-mail: elec2014@telus.net

prepared by:

Harry Williams M.Sc., P.Ag., R.P.Bio.
Thomas Elliot, PhD, P.Ag., P.Geo.
Madrone Environmental Services Ltd.

- Approximately 70% (7.6 ha) of the property has very low agricultural capability due to either very poor gravelly soils or steep slopes and lack of accessible area (see table below).
- Approximately 30% (3.14) of the property has poor to fair soils where agricultural is feasible.

(See Full Report Attached)

CC - Premier John Horgan
Ministry of Agriculture
Honourable Lisa Beare
Mayor and Council North Cowichan
Doug Routley MLA

- **Honourable George Heyman**

premier@gov.bc.ca
iana.popham.MLA@leg.bc.ca
lisa.beare.MLA@leg.bc.ca
council@northcowichan.ca
DOUGLAS.ROUTLEY.MLA.BC.CA
ENV.Minister@leg.bc.ca



AGRICULTURAL LAND CAPABILITY ASSESSMENT
8682 Trans-Canada Highway
PID 009-489-134
ALC File 56336

PREPARED FOR:

John and Jeri Wyatt
Chemainus River Campground
8682 Trans-Canada Highway
Chemainus, BC V0R 1K4

PREPARED BY:

Harry Williams M.Sc., P.Ag., R.P.Bio.
Thomas Elliot, PhD, P.Ag., P.Geol.
Madrone Environmental Services Ltd.

August 10, 2019

MADRONE ENVIRONMENTAL SERVICES LTD.
1081 CANADA AVENUE • DUNCAN • BC • V9L 1V2
TEL 250.746.8845 • FAX 250.746.8850 • WWW.MADRONE.CA

DOSSIER: 18-0188

Executive Summary

At the request of John and Jeri Wyatt, of Chemainus BC, we have completed a Land Capability for Agriculture assessment, which includes field and mapping components, and soils investigation for a 10.74 hectares (26.5 acres) parcel adjoining the Trans-Canada Highway in the Municipality of North Cowichan, BC.

The intended outcome of this LCA is to evaluate the agricultural capability of the Site (Chemainus River Campground), and to identify agricultural land uses which would be suited to the Site, and to provide a supporting document for a proposed campsite expansion.

The undersigned, Harry Williams PAg and Thomas Elliot PAg conducted the assessment as qualified professionals and concluded the following:

For soil polygon 1 (see Figure 1):

The improved Land Capability for the soil polygon 1 would be rated at a Class 5P stoniness limitation.

This limitation would be difficult to ameliorate with stone picking due to the high content of coarse gravels. The stoniness also exacerbates the aridity limitation.

- Secondary limitations include unsuitable subsurface structure due to cemented duric horizons at depth, and excess soil moisture limitation due to perched water table caused by an impervious layer at depth, resulting in a Class 3 to 4 limitation;

Availability of irrigation water would be a consideration for the drought conditions experienced throughout growing season (June-September) resulting in a Class 3 aridity limitation.

For soil polygons 4, 5 & 6

- The soils in polygon 1 are limited by excess water at a Class 3W to Class 4W. Secondary limitations are fertility and aridity (July 15 – Sept 15). These limitations can be addressed with soil amendments, irrigation, and developing further drainage structures as necessary (one ditch is already present).

For soil polygons 2 & 3:

Soil polygon 2 is represented by Chemainus soils which occur on active floodplains – in this case the Chemainus River. This polygon is very narrow and has difficult access down a steep, poorly maintained road, making agricultural activities in this area impractical. Because of this limitation this area will not be discussed in detail.

Soil Polygon 3 is represented by Fairbridge soil on very steep unstable banks where agriculture (or any other activity) is not feasible. Because of the severe limitation of this area it will not be discussed in detail.

Additional considerations for the property include:

The Chemainus area has ~~favourable~~ weather for a high diversity of crops (including vegetables, berries, fruit tree, grapes and nuts), however production will be limited by coarse gravelly soils in polygon 1, and a gully and seasonably wet soil in polygons 4, 5, & 6.

The proposal to allow an additional 10 campsites on the property should be guided by the importance of keeping the best agricultural land undisturbed to maximize the viability of any future farming operation, and with any campground extension only occurring on those portions of the land with the very poorest soil.

Approximately 70% (7.6 ha) of the property has very low agricultural capability due to either very poor gravelly soils or steep slopes and lack of accessible area (see table below).

Approximately 30% (3.14) of the property has poor to fair soils where agricultural is feasible.

Agricultural Land Capability	Polygon	ha	Percent % ¹
Good (Class 2, or Class 3 improvable to Class 2 or better)			
Fair (Class 3, or Class 4 improvable to Class 3 or better)	4, 6	2.14	20.49
Poor (Class 4 improvable to Class 4 or better)	5	0.95	8.75
Very Poor (Class 5 to 7, not practically improvable due to stoniness)	1	4.05	37.24
Very Poor (Class 5 - 7, due to very steep topography)	2, 3	3.60	33.52
Total		10.74	100%

¹ of total 10.74 ha Site area

July 31/2018



July 31, 2018

OCCUPANT

Dear Water User:



Dave Johnson
PERMIT AUTHORIZATIONS OFFICER - WATER

Telephone: 250 751 7074
Facsimile: 250 751-7192
E-mail: David.A.Johnson@gov.bc.ca

Mailing Address/Location:
103-2100 Labieux Road
Nanaimo BC V9T 6E9

Re: Water Conservation Request

The Chemainus River is currently experiencing severe low flows and forecasts indicate that levels will drop below the Critical Environmental Flow Threshold, the flow below which significant or irreversible harm will occur to the aquatic ecosystem, if immediate reductions in water use do not occur. I am writing to request your participation in **voluntary water use reductions for the remainder of the dry season** and to provide advanced notification of the potential for regulated restrictions (curtailment) on water users, should conditions worsen.

Due to a prolonged period of hot, dry weather, flows within the Chemainus River are approaching historic minimum levels. This has resulted in the reduction of the amount of stream habitat available for juvenile fish species including steelhead, rainbow, cutthroat, coho, chum and chinook. Drying of critically important habitat prevents juveniles from using these stream areas, limits the production of insects the fish feed on, and can lead to fragmented channel connectivity. When these factors are combined with an increase in stream temperature, it is likely that juvenile populations will be severely limited or eliminated from the lower reaches of the river. This will ultimately impact the numbers of adults that will be returning to Chemainus River to spawn in the future.

In order to ensure that flows do not fall below the critical threshold where the aquatic ecosystem is severely harmed, we ask that you voluntarily reduce your current water use, either from the stream or from the groundwater source that is hydraulically connected to the stream, for the remainder of the dry season. If the thresholds are exceeded, regulatory action may be triggered including curtailing water use.

Voluntary reductions (and curtailment, if deemed necessary) will also help to secure water for the basic needs of all water users on the source during this time of low flow.

If you are a licensee, please take the time to review your licence in order to ensure that you are adhering to the terms and conditions. In particular, note the authorized volume, the water use purpose permitted, and if you are an irrigator, the specific area you are authorized to irrigate.

Page 1 of 2

Ministry of Forests, Lands,
Natural Resource Operations,
and Rural Development

Water Authorizations
West Coast Region

Mailing Address:
103-2100 Labieux Road
Nanaimo BC V9T 6E9

Tel: 250-751-7220
Fax: 250-751-7192
Website: www.enr.gov.bc.ca/wrd

You can search for your water licence details here:

http://a100.gov.bc.ca/pub/wtrwhse/water_licences.input and can download a scanned water licence and accompanying map here:

http://www.env.gov.bc.ca/wsd/water_rights/scanned_lic_dir/

Water users may access the current drought and various flow conditions by visiting the following online resources:

British Columbia Drought Information Portal (follow links to West Coast Stream Watch for information specific to your area):

governmentofbc.maps.arcgis.com/apps/MapSeries/index.html

Water Survey of Canada:

https://wateroffice.ec.gc.ca/report/real_time_e.html?stn_08HA001

I would like to thank you in advance for your efforts to conserve water and to ensure this important aquatic ecosystem is not harmed. Please contact Matt MacDonald, RPI; Licensed Authorizations Officer - Water, should you have any questions or suggestions, by phone at 250 751-7049 or by email at matthew.s.macdonald@gov.bc.ca.

Thank you,



Darryl Slater

Water Manager

West Coast Natural Resource Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development


 MADRONE AERIAL PHOTOGRAPHY & CONSULTING LTD.	PROJECT: Land Capability Assessment: 8682 TransCanada Hwy		LOCATION: Chemainus, BC	CLIENT: John & Jeri Wyatt	DOSSIER NO: 18.0158	
	ASSESSED BY: Harry Williams M.Sc., P.Ag., R.P.Bio.	FIELD DATE: May 2, 2018	MAP SCALE: 1:3,000	MAPPING DATE: May 14, 2018	DRAWN BY: Jessica Yellowlees	

FIGURE 2: Land Capability for Agriculture





THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

The owners of the land to which this licence is appurtenant are hereby authorized to divert and use water as follows:

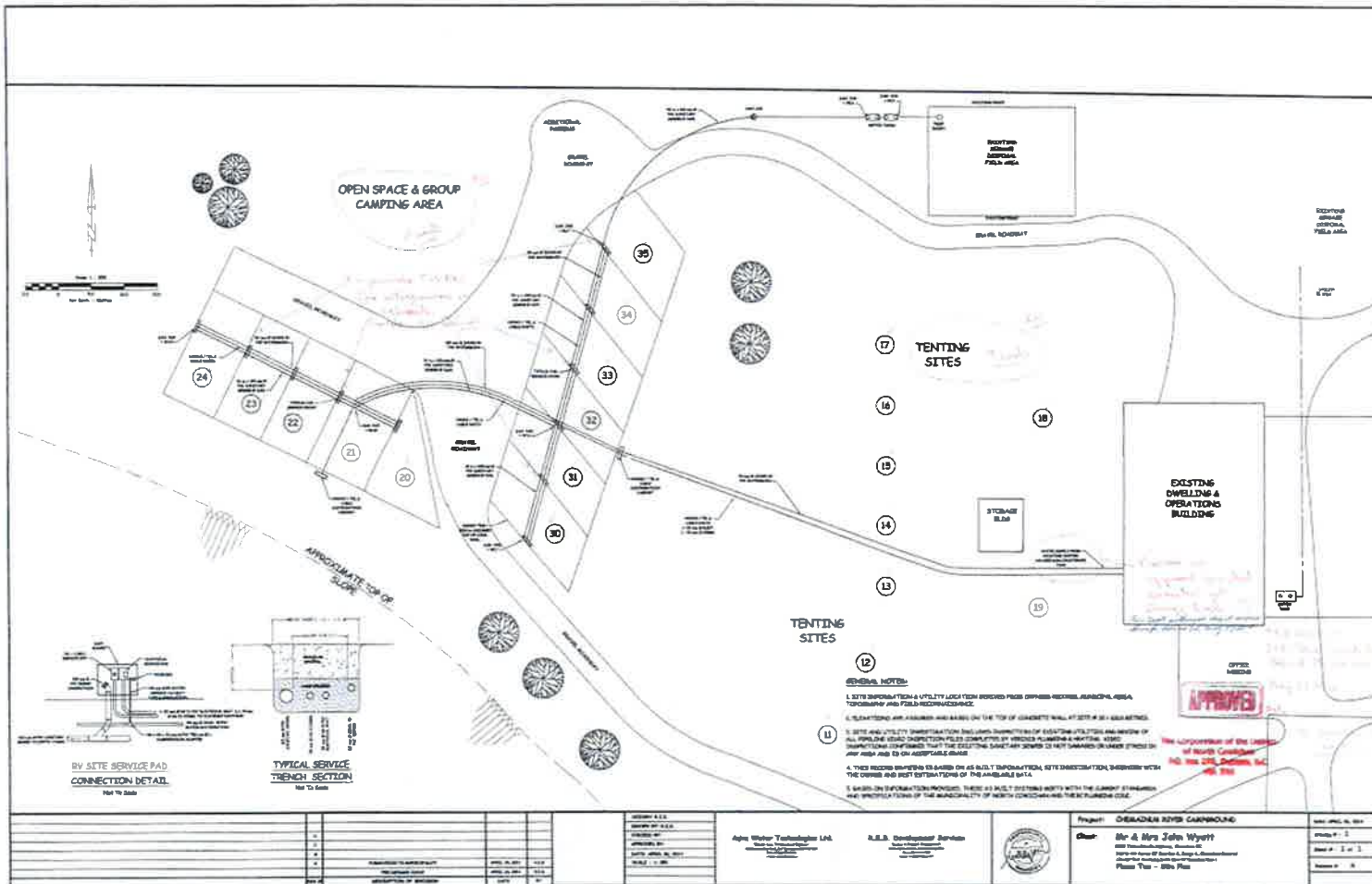
- (a) The source of the water-supply is Chemainus River.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 22nd August, 1972.
- (d) The purpose for which this licence is issued is domestic.
- (e) The maximum quantity of water which may be diverted is 1000 gallons a day.
- (f) The period of the year during which the water may be used is the whole year.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is the North 60 acres, Section 6, Range 6, Chemainus District, lying east of Chemainus River and west of Plan 1271 R/W (Highway 1), except that part within Plan 46197.
- (h) The works authorized to be constructed are diversion structure, pump, pipe, and tanks, which shall be located approximately as shown on the attached plan.
- (i) The intake shall be adequately screened to prevent debris and fish from entering the works.
- (j) The construction of the said works has been completed and the water is being beneficially used. The licensee shall continue to make a regular, beneficial use of water in the manner authorized herein.
- (k) This licence authorizes the use of water for domestic purpose in two dwellings located approximately as shown on the attached plan.
- (l) This licence is issued in substitution of Conditional Water Licence 40615.


B. Hollingshead
Regional Water Manager

File: 0310703

Issued: September 12, 1994

Conditional Licence: 107767



The Corporation of the District of North Cowichan

7030 Trans Canada Highway

P.O. Box 278, Duncan, BC

Building Department

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

BUILDING PERMITPermit #: **BP006767**

Folio: 15064-000

Issued Date: May 5, 2014

Permit Type: **AGRICULTURE - NEW**

Description: THIS PERMIT HAS BEEN ISSUED FOR THE CONSTRUCTION OF 11 RV TRAILER SITES AND 9 TENT SITES IN THE AGRICULTURE LAND RESERVE

Address: **8682 TRANS CANADA HWY**

Legal: SEC 6 RGE 6 CHEM

Zone: A2 RURAL ZONE

P.I.D. 009-489-134

Applicant: CHEMAINUS RIVER CAMPGROUND

Address: 8682 TRANS CANADA HWY CHEMAINUS BC V0R 1K4

Phone: (250)246-9357

Owner: WYATT, JERI D

WYATT, JOHN R

Phone:

Phone: 250-246-3161

Address: 8682 TRANS CANADA HWY RR 4 CHEMAINUS BC V0R 1K4

Description	Quantity	Amount	Description	Quantity	Amount
Bp Fee Com	10,000.00	215.00			
Total:					\$215.00

Building Information:

TYPE OF IMPROVEMENT: NEW

CONSTRUCTION VALUE: 10,000.00

Special Conditions:

- * The Municipality of North Cowichan is relying on the registered professional engineer or architect of record provided to ensure compliance to the current B.C. Building Code for design, plan certification and field reviews as provided for in section 290 of the Local Government Act and section 12 & 13 of the Municipality of North Cowichan's Building Bylaw No. 3172, 2003.
- * Neither the granting of a permit nor the approval of the relevant drawings and specifications nor the inspections made by the District of North Cowichan shall in any way relieve the owner of such a building from full responsibility for the carrying out of work or having work carried out in full accordance with the requirements of the B.C.B.C. 2012

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

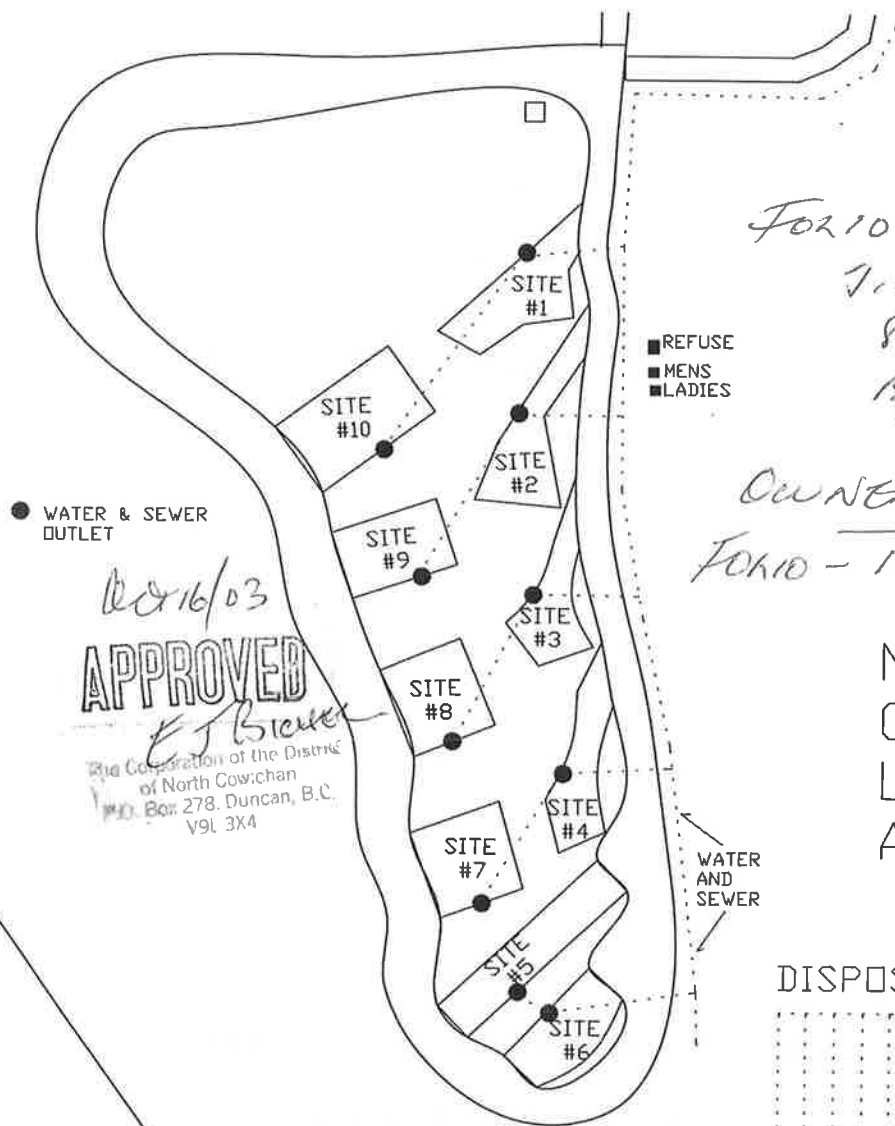
The department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the department in accordance with the requirements of the various codes.

Applicant: Jd WyattBuilding Inspector: Bruce L. Clephant

Signed May 20, 2014

Sent Ron Hurdle May 22, 2014

May 5/2014



FOI 10-15064-000

J. Wyatt.

8 682 T.C.H.

Bp 236-03.

OWNER COPY

FOI 10-15064-000

NORTH &
CHEMAIN
LYING S
AND PL

The Corporation of the District of North Cowichan

P.O. Box 278, Duncan, BC
Building Department
Phone: 746-3100 • Fax: 746-3154

Folio No. 15064-000

Plumbing

CERTIFICATE ISSUED
DATE

Sept. 27 / 05

**BUILDING PERMIT -
CERTIFICATE OF OCCUPANCY**

APPLICANT John Wygott ADDRESS 8682 Trans Canada Hwy PERMIT NO. #12 / 04
PERMIT TO Warehouse (TYPE OF IMPROVEMENT) NO. (1) STORY Commercial (PROPOSED USE) NUMBER OF DWELLING UNITS N/A
AT (LOCATION) 8682 TCH (NO.) (STREET) Chemais B.C. ZONING DISTRICT A-2
SUBDIVISION Chem 5-6 A-6 LOT _____ BLOCK _____ LOT SIZE 23.33 ac

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

REMARKS:

The inspection on which this certificate is based is made to further municipal interests, and not for the benefit of the owner. The inspector and municipality disclaim any responsibility to the owner for the effectiveness of the inspection, and they make no representation by this certificate.

BUILDING AREA

OWNER / AGENT

ADDRESS



INCORPORATED 1873

MUNICIPALITY OF NORTH COWICHAN
7030 Trans Canada Highway

Bruce L. Oliphant
Chief Building Inspector
Local Assistant Fire Commissioner

P.O. Box 278
Duncan, B.C. V9L 3X4

Telephone: (250) 746-3125
Facsimile: (250) 746-3154
Email: bruce.oliphant@northcowichan.ca
www.northcowichan.ca

wichan

000

Project Complete

CERTIFICATE ISSUED

DATE Aug 14 / 2012

**BUILDING PERMIT -
CERTIFICATE OF OCCUPANCY**

PERMIT TO CONSTRUCT RESIDENCE (TYPE OF IMPROVEMENT) NO. (2) STORY S.F.D. ATTACHED STORAGE (PROPOSED USE) NUMBER OF DWELLING UNITS 1
AT (LOCATION) 8682 T.C. HWY (NO.) (STREET) RR#1 CHEM ZONING DISTRICT A-2

SUBDIVISION NORTH 60 AC. (EXC. SOUTH OF CHEM RIVER) LOT REM BLOCK _____ LOT SIZE _____

BUILDING IS TO BE AS FT. WIDE BY PER FT. LONG BY PLANS FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO THE REQUIREMENTS OF THE NATIONAL BUILDING CODE AND ATTACHED PLAN CORRECTION SHEET

REMARKS:

The inspection on which this certificate is based is made to further municipal interests, and not for the benefit of the owner. The inspector and municipality disclaim any responsibility to the owner for the effectiveness of the inspection, and they make no representation by this certificate.

AREA

OWNER

ADDRESS

5000

(SQUARE FEET)

J+J. WYATT - 8680 T.C. HWY.

RR#1 CHEM. - VOR 1KO.

Backgrounder on De-Centralizing Forest Management on Vancouver Island and Coastal BC

Decline of Forestry in Recent Years

The decline of the BC forest industry has been continuous, for at least the past generation. Between 1990 and 2017 the number of large and medium-sized lumber mills declined from 131 to 60, veneer and plywood mills from 20 to 12, and pulp and paper mills from 36 to 17, devastating rural communities across the province. During this same period, employment in forestry, including logging, manufacturing and support activities declined from roughly 97,000 to 52,000 workers.

As mills have closed their doors and thousands have been put out of work, log exports, mainly from Coastal BC, have steadily increased from roughly 800,000 cubic metres in 1990 to more than 6-million cubic metres in 2017 – with more than 2.5-million cubic metres to China, nearly 1-million cubic metres to Japan, and more than 300,000 cubic metres to the USA.

2019-20 has been particularly dire. At least six mills in the province have announced permanent closures, including Canfor's Vavenby mill, Tolko's Kelowna mill, West Fraser's 100 Mile House operations and Norbord Oriented Strand Board, also in 100 Mile House. On Vancouver Island, Teal Jones announced in September 2019 an immediate halt to its logging operations, resulting in layoffs for roughly 300 workers, and Mosaic Forest Management announced in November 2019 the layoff of about 2,000 employees as well as coastal logging contractors. As of January 2020, roughly 3,000 forestry workers with Western Forest Products have been on a 7-month-long strike.

Our Governing Structure in British Columbia is the Problem

British Columbia is a province of great regions, very distinct regions. Our geography had made it so, and the people of the regions reconfirm it. There is a grandeur to it all, yet we have a dated colonial structure that fails to reflect our real strength and diversity. We come from early British colonies from the gold rush days, with a government located below the 49th parallel in beautiful, distant Victoria. Most of our civil servants and our Legislature are located in this southernmost outpost of Empire.

Is it not time to re-think all this?

Our regions... Vancouver Island, with its own environmental concerns, and insular nature; the South Central Interior with its grasslands, different culture and its own silence; the Kootenays, with their own deep history as part of an island empire; Prince George/Nechako and its own story; the Northwest, barely settled but with the diversity of Smithers, Terrace, Prince Rupert, Atlin and early cultures of the Nass and Haida Gwaii; the Peace River country, with its dry land farming and prairie links.

All of this magnificent land is governed from afar – be it absentee government or absentee corporations, and as a result we fail to achieve our full potential as the diverse society we are. Individuals far away, answering to people who have little to do with the region, accountable primarily to corporate or bureaucratic peers. These are the people in control of our regional destinies.

Step-by-step the people of the regions have been disempowered by absentee governments and corporations. A classic example of this decline in the regions is the decimation of the Forest Service in recent decades; consolidating administration farther and farther away and giving more and more authority to a corporate elite and distant bureaucracy. The results have been devastating for both the industry and the people of the regions.

In contrast, when local people are empowered, the difference is downright exciting. The Mission Tree Farm License in the Fraser Valley is a magnificent success story in our midst. These local folks were the first on the West Coast to propagate yellow cedar while at the same time building new relationships with school kids and farmers while generating revenue and jobs at home. Other excellent examples of community forests include the City of Revelstoke, Town of Creston and Municipality of North Cowichan where they, in turn, have successfully managed their own forest tenures.

Today there are nearly 60 community forest licenses held across B.C. that create 80% more employment per cubic metre than the industry average while managing to a high environmental standard. The majority of these community forests are held by First Nations or in partnership with Indigenous communities.

To date, the most advanced evolution of macro regional management occurred with the development of the Columbia Basin Trust, which shared the revenue of water resources in the Columbia River Basin. It has been an enormous success. The Columbia River is not only an asset of a Province hungry for electric power, but also an asset of the people who live there.

Greater involvement and co-operation at the local level seem to be the key for both building a prosperous economy, creating jobs, and in turn creating a happier citizen. The challenge is to turn this knowledge into policy and move in this direction province-wide.

Shifting Power to the Regions

The concept of regional empowerment is outlined in the paper [*Restoring Forestry in BC: The Story of the Industry's Decline and the Case for Regional Management*](#), authored by former B.C. Forests Minister Bob Williams, and published by the Canadian Centre for Policy Alternatives (CCPA) in January 2018.

Williams envisions a new planning process for forestry “coming up from the regions” which he suggests could initially be undertaken by creating new Regional Standing Committees of the B.C. Legislature, the members of whom would be MLAs elected from the respective regions. Each committee would fund the planning exercise in their region and then regional resource plans would be forwarded by the Regional Standing Committee for approval. It was, and is, a brilliant practical first step in reform.

Likely regions would include the Kootenays, the Southern Interior, the Northern Interior, Vancouver Island and the Coast. A finer-tuned pattern might identify the Okanagan and the Lower Mainland as regions. These regions (which may be refined further) would have regional foresters, who with local citizen input, would report to the Regional Standing Committees of the Legislature and the Forester General (see below), providing a feedback loop that empowers people in the regions.

First Nations would be equal partners with their non-Indigenous neighbours. “First Nations have borne the burden of decades of our misguided forest policies,” notes Williams. “Any credible change in direction must have First Nations at the forefront as we chart a new course.” As such, de-centralization of forestry governance could play an important role in furthering the principles of the United Nations Declaration on the Rights of Indigenous Peoples.

As part of the concept of regionalization, the CCPA paper recommends the creation of a Forest Charter passed by the B.C. Legislature that would include an overall vision, sustainability principles and standards for our forests. The concept of a Forest Charter dates back to England of 1217, when it was adopted as a companion document to *Magna Carta*, setting out principles for public access to Crown land and for common stewardship of shared resources, in response to previous practices of the monarchy that had enjoyed a monopoly over all governance and distribution of resources.

The goals and principles of this new Forest Charter could include:

- Enhance the environment and sustainability;
- Involve the public at the local level in planning, management and stewardship;
- Raise real incomes and provide fulfilling jobs;
- Create an acceptable level of economic growth; and
- Improve equity and fairness.

Finally, Williams suggests appointing a Forester General, who would serve as a non-partisan and independent officer that would report annually to the Legislature and work with the regions of our province on local planning processes. The Forester General would monitor overall performance and promote continuous improvement in the quality, productivity, biodiversity and value of our forests.

Vancouver Island and Coastal BC as a Pilot Project

At the Union of BC Municipalities convention in 2019, delegates from across B.C. overwhelmingly endorsed a resolution calling on the Province to explore the feasibility of moving to a regional forest management model, creating a Forest Charter and appointing a Forester General (Resolution B156). For the AVICC 2020 Convention, the Municipality of North Cowichan is calling for the Province to pilot a regional governance model that would include AVICC members from the communities of Vancouver Island, the Sunshine Coast, Powell River, Central Coast and North Coast.

These AVICC communities are well-positioned to lay the groundwork for greater regionalization and local control.

In years past, AVICC members have shown leadership on addressing major issues with forestry. For example, in 2018 and 2019 the AVICC endorsed resolutions from the Sunshine Coast Regional District on logging in the urban interface and coast forest revitalization, from the Cowichan Valley Regional District on the regulation of privately managed forest lands, from Powell River on amendments to the *Private Managed Forest Land Act*, and from the Alberni-Clayoquot Regional District on log export policies.

Historically, Vancouver Island has been at the forefront of land use planning at a macro-regional level. In 2000 the Province adopted the Vancouver Island Land Use Plan, which represented the first time that comprehensive land use planning had been done on a regional scale in B.C. The planning concluded years of public debate during the 1990s over critical land use issues on Vancouver Island related to forestry, employment and environmental protection.

Today AVICC communities are home to some of the most successful community forests in the province, including Alberni Valley, Bamfield-Huu-ay-aht, Barkley (Ucluelet), Cortes Island, Khowutzen (Cowichan Valley), Huu-ay-aht First Nation (Port Alberni), North Cowichan, North Island (Port McNeil), Powell River, Qala:yit F (Cowichan Lake and Pacheedat), Sunshine Coast, and Tla'amin (Powell River).

Intent of the proposed motion Pausing Consideration of Development Applications in Some Parts of North Cowichan During the OCP Process While the Urban Containment Boundary is Being Reconsidered

Christopher Justice

There has been some misunderstanding about the intent underlying the motion. The following is an attempt to clarify the intentions in the form of answers to questions being asked

Is this motion aimed at halting development in North Cowichan?

Not at all. North Cowichan has been growing at about 1% per year and is forecast to continue doing so at least through 2050. We will need to continue to develop housing to accommodate that population growth. On top of this we currently have a shortage of housing, particularly low income and rental housing, which we need to catch up on. We would like to see even faster development of this type of housing and will be looking for ways to encourage that.

The motion proposes only a partial and temporary pause in processing some applications in some areas of the community while we consider *how* we want to grow in the future.

Why is a pause necessary?

While the community is reviewing the Official Community Plan, it is important to pause the consideration of development applications for lands that the community **might** need to take out of the urban containment boundary. This is necessary because these lands are currently facing development pressure, pressure which will likely increase during the anticipated two year OCP review process. A pause will also allow planning staff to participate in the OCP and not be overwhelmed by a rush of new applications in areas we may not want to develop in the future.

Will this motion stop or slow construction?

This motion should have no effect on construction activity. The motion aims to pause or slow new applications only to certain areas of the community and only temporarily. Work on any legally subdivided properties would be unaffected by the motion, as would applications for zoning changes or subdivisions in areas outside the designated zone. Further, the motion will have no effect on commercial or industrial development – it will have no effect on the building of the new hospital, new RCMP building etc.

North Cowichan currently has many years of residential supply, that is properties that are ready to go or in process development, based on our current growth rate.

What is the area that will be affected by the proposed temporary stop to new applications?

Though there is more to it than just walking distance, in simplified terms the motion differentiates three classifications of area in North Cowichan: 1) areas outside the urban containment boundary, 2) areas within the UCB and within a walkable distance from a commercial centre and 3) areas outside walkable distance from a commercial centre but which are inside the urban containment boundary.

Because North Cowichan's Official Community Plan already discourages growth outside the urban containment boundary, it is the 3rd category that is primarily affected by the motion; *areas outside a walkable distance from a commercial centre but which are inside the current urban containment boundary*

Why might we need to change the way we are growing?

Spread out development far from commercial cores has proven over the long run to cost more than it brings in. Over the long term it is subsidised by taxpayers and makes no 'business sense'. Maintenance and repair of infrastructure related to past sprawl is now seriously impacting our budgets and tax rates. In the future, we will be facing ever increases costs to maintain our large sprawling infrastructure and need to be looking at ways to make our investments more cost effective.

Suburban development sprawl also contributes to, and is less resilient to, climate change. Like other communities, North Cowichan Council has recently acknowledged that we are facing a climate emergency requiring immediate action. Our North Cowichan's Climate Action and Energy Plan acknowledged the relationship between suburban development sprawl, increased demands for energy, and increased greenhouse gas (GHG) emissions, and also acknowledges the need to develop compact communities that can adapt to a changing climate.

We need to continue developing, but we need to do it according to the principles of smart growth. This smart development vision is already in the 2011 OCP but we have not taken all the action necessary to make that vision a reality.

How will the OCP process deal with this?

The 2011 OCP, identifies the reduction of suburban development sprawl, the preservation of rural character, smart growth, densifying our commercial cores, and mitigating and adapting to climate change as major policy objectives. However, experience over the last decade has shown that the major policy tool - the urban containment boundary - needs to be adjusted to achieve these objectives.

The review of the OCP will include the *consideration* of: i) stronger policies related to climate change; ii) amendments to the Urban Containment Boundary (UCB) to reduce suburban development sprawl and automobile dependency; and iii) denser development around North Cowichan's existing commercial cores to create complete and resilient communities. Ultimately the OCP is the citizens' vision for the community.

What is the timeline around the proposed temporary stop to new applications?

The idea is that the pause will be in effect until the community has decided, as part of the OCP process, where it wants a revised urban containment boundary to be located. This should take roughly between 1 and a half and two years. The last OCP began in 2009 and was adopted in spring 2011. This OCP should be as fast or faster.

Does taking a temporary pause somehow undermine the OCP process?

No, quite the opposite. It is a temporary measure to allow the OCP process, and specifically community consideration about where the urban containment boundary should be placed, to unfold unfettered. This motion does **not** define a new Urban Containment Boundary, **nor** does it remove any lands that are currently in the Growth Centre. By pausing development applications during the process it allows the community the **choice** of how to proceed

Why did this motion have a misleading title?

The motion was first floated about a year ago at which time it was specific to the location of the urban containment boundary in the Quamichan watershed. Upon further consideration, it was determined that there were other areas of North Cowichan where it would also apply. However, the revised motion somehow got stuck with the old title.

Is it legal to do this?

The motion has been through two rounds of legal oversight.