

Municipality of North Cowichan

Council - Regular and Public Hearings - Public Meetings

AGENDA

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

Pages

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Recommendation:

That Council adopt the January 29, 2020 Regular Council and Public Hearings Meetings agenda, as circulated [or as amended].

3. ADOPTION OF MINUTES

10 - 22

Recommendation:

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

4. MAYOR'S REPORT

5. DELEGATIONS AND PRESENTATIONS

5.1 DELEGATION - Sonia Furstenau, MLA

Purpose: To hear from MLA Sonia Furstenau on provincial matters.

5.2 DELEGATION - Philip and Heather Macdonald

23 - 24

Purpose: To hear from Philip and Heather Macdonald regarding Zoning Amendment Application ZB000117 to permit two residential buildings, with a maximum of two residential units at 4029 Normandy Road.

5.3 DELEGATION - Violet Wild Cannabis Company

25 - 25

Purpose: To hear from Jill Maibach, Terra Maibach, Sonja Riddle and Sue Roe, regarding Zoning Amendment Application ZB000115 for a retail cannabis storefront at 9750 Chemainus Road.

6. PUBLIC INPUT

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

7. BYLAWS

- 7.1 Bylaw No. 3773 - "Zoning Amendment Bylaw (4029 Normandy Road), 2020"** 26 - 44
- Purpose: To provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit two residential buildings, with a maximum of two residential units at 4029 Normandy Road.
- Recommendation:
That Council deny zoning amendment application ZB000117 to permit a second dwelling at 4029 Normandy Road (PID 002-075-016).
- 7.2 Bylaw No. 3774 - "Zoning Amendment Bylaw (2755 Crozier Road), 2020"** 45 - 66
- Purpose: To provide Council with information, analysis and a recommendation regarding a zoning amendment application to permit (principal) residential use at 2755 Crozier Road.
- Recommendation:
1. That Council read a first and second time "Zoning Amendment Bylaw No. 3774 (2755 Crozier Road), 2020" to rezone 2755 Crozier Road (PID: 025-520-423) from Commercial Recreational (C4) Zone to Residential Rural Zone (R1);
 2. That a Public Hearing for Bylaw No. 3774 be scheduled and notification be issued according to the *Local Government Act*;
 3. That prior to adoption of Bylaw No. 3774, a Section 219 covenant to limit subdivision of the Subject Property to a maximum of 2-lots and to secure a 5 m road reserve for a future multi-modal trail along the Crozier Road frontage be registered on the title; and
 4. That prior to adoption of Bylaw No. 3774, Section 219 covenant ET129877 be discharged.
- 7.3 Bylaw No. 3775 - "Zoning Amendment Bylaw (Lot 1, Plan 5760, Adelaide Street), 2020"** 67 - 108
- Purpose: To provide Council with information, analysis and a recommendation regarding a zoning bylaw amendment application to rezone Lot 1, Plan 5760 (1378 Adelaide Street) from Residential Rural (R1) to Residential One and Two-Family (R3) Zone to facilitate a 10-lot conventional subdivision.
- Recommendation:
1. That Council read a first and second time "Zoning Amendment Bylaw No. 3775 (Lot 1, Plan 5760, Adelaide Street), 2020 to rezone Lot 1, Plan 5760 (PID: 005-930-863) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3);
 2. That should Bylaw No. 3775 be adopted, Council reduce the municipal local road width standard from 15m to 11m; and
 3. That the Applicant be directed to host a neighbourhood information meeting prior to scheduling of a Public Hearing.

7.4	Bylaw No. 3776 - "Zoning Amendment Bylaw (Cannabis Sales - 9750 Chemainus Road), 2020"	109 - 137
	Purpose: To provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit the use of Retail Cannabis Sales at 9750 Chemainus Road.	
	<u>Recommendation:</u> That Council deny Zoning Bylaw Amendment Application No. ZB000115, to permit cannabis retail sales at 9750 Chemainus Road (PID: 001-675-516).	
8.	REPORTS	
8.1	Engagement Plan for the Municipal Forest Reserve (MFR)	138 - 161
	Purpose: To seek Council's approval of the proposed draft engagement plan put forward by the Engagement Consultant, Lees and Associates, to undertake community engagement on the future of the MFR.	
	<u>Recommendation:</u> That Council endorse the draft engagement plan as attached to the January 29, 2020 staff report and direct staff to move forward with public engagement.	
8.2	Temporary Mobile Home Permit Application at 2345 Townend Road	162 - 179
	Purpose: To consider approving an application for a Temporary Mobile Home Permit at 2345 Townend Road, in order to provide accommodation for the owner's child and a request to relax the maximum mobile home width requirement from 4.3m to 8.23m.	
	<u>Recommendation:</u> That Council approve Temporary Mobile Home Application No. TTP00077; and that staff be directed to issue a Temporary Mobile Home Permit to Robert and Maureen Pesti for a temporary mobile home with a maximum width of 8.23 metres at 2345 Townend Road for the purpose of accommodating a child and his/her family.	
8.3	Referral Responses for Bylaw No. 3767 Proposed Reduction of "All Other Principal Building" Setbacks in Agricultural Zones	180 - 197
	Purpose: To provide information to Council on referral responses received by staff and to provide this information for Council's consideration prior to the Public Hearing for Zoning Amendment Bylaw 3767.	
	<u>Recommendation:</u> For information (no recommendation).	
8.4	Fire Inspection Program	198 - 203
	Purpose: To provide information and recommendations for Council's consideration on cost-recovery and analysis of options for a full-time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 budget, as directed at the December 18, 2019 meeting.	

Recommendation:

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

8.5 Panhandling Signage

204 - 207

Purpose: To provide Council with information, options and a recommendation that supports the Safer Working Group's recommendation to install panhandling signage at the Drinkwater Road and Trans-Canada Highway intersection.

Recommendation:

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

8.6 Flag Policy

208 - 229

Purpose: To provide Council with options, procedures and a recommendation that sets out District of North Cowichan's policy for flying flags at all District owned properties and facilities, and to ensure that all flags at District operated properties and buildings are flown and displayed in a consistent and appropriate manner.

Recommendation:

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

9. NOTICE OF MOTIONS

9.1 Environmental Protection Bylaws

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

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

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

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

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

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

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

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

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

- prevention of unauthorised land clearing;
- maintenance of natural hydrological functions and erosion prevention;
- prevention of nutrient/pollutants getting into storm drains and natural watercourses;
- noxious and invasive weeds;
- Garry oak ecosystem protection;
- Wildlife habitat protection;

- Urban forest enhancement;
- Greenways protection/creation; and
- Pesticide herbicide use."

9.2 Proposed Bus Service

Purpose: To consider Councillors Douglas and Manhas' notice of motion from the January 20, 2020 Special Council meeting.

Recommendation:

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

10. REVIEW OF COMMITTEE MINUTES

10.1 December 16, 2019 First Nations Relations Committee (FNRC) 230 - 231

10.1.1 Committee Terms of Reference and Mandate 232 - 233

Purpose: To consider adopting the Terms of Reference (as recommended by the FNRC at the December 16, 2019 meeting).

Recommendation:

That Council adopt the First Nations Relations Committee Terms Of Reference.

10.1.2 Stoney Hill Road Naming 234 - 240

Purpose: To consider approving the road names suggested by Cowichan Tribes (as recommended by the FNRC at the December 16, 2019 meeting).

Recommendation:

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

10.1.3 Naming of Parks 241 - 254

Purpose: To consider declining a request to rename Crofton Beach Park to E J Hughes Park (as recommended at the FNRC December 16, 2019 meeting).

Recommendation:

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

11. BUSINESS

11.1 Strike of United Steelworkers Members Against Western Forest Products

Purpose: To consider a request from Councillor Douglas regarding the strike of United Steelworkers members against Western Forest Products.

Recommendation:

That Council direct the Mayor of North Cowichan to write to Premier John Horgan to request that the Province respect the collective bargaining process and workers' rights by not intervening in the strike of United Steelworkers members against Western Forest Products.

12. NEW BUSINESS

13. CLOSED SESSION

Recommendation:

That Council close the January 29, 2020 Regular Council meeting at ____ p.m. to the public on the basis of the following sections of the *Community Charter*.

- 90(1)(e) - the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- 90(1)(i) - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

14. RISE AND REPORT

15. RECESS COUNCIL MEETING

Purpose: To recess the Council meeting until the 6:00 p.m. public hearing meeting.

Recommendation:

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

16. PUBLIC HEARINGS 6:00 P.M.

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

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

255 - 274

- Mayor Siebring to call the Public Hearing to order.
- Acting Corporate Officer to provide a summary of the correspondence received as well as acceptance of any petitions or late correspondence.
- Planning staff to introduce the application (note: previous staff report attached as background information).
- Presentation by the applicant.
- Call for submissions from the public on the proposed site-specific zoning amendment to amend the Residential Rural zone (R1) to permit two residential buildings, with a maximum of two dwelling units for the purpose of short-term accommodation (Bed and Breakfast) at 1038 Herd Road.
- Final call for submissions by the public (Mayor Siebring will ask 3 times)
- Adjournment of the Public Hearing for Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019.

Recommendation:

That Council read a third time and adopt "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019".

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

275 - 289

- Mayor Siebring to call the Public Hearing to order.
- Acting Corporate Officer to provide a summary of the correspondence received as well as acceptance of any petitions or late correspondence.
- Planning staff to introduce the application (note: previous staff report attached as background information).
- Call for submissions from the public on the proposed amendment zoning bylaw for side, rear, and front yard setbacks for farm uses in all other principal buildings, other than residential buildings, on agricultural lands.
- Final call for submissions by the public (Mayor Siebring will ask 3 times).
- Adjournment of the Public Hearing for Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019.

Recommendation:

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

17. QUESTION PERIOD

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

18. ADJOURNMENT

Recommendation:

That Council adjourn the January 29, 2020 Regular Council and Public Hearings - Public meetings at _____ p.m.

Municipality of North Cowichan

Special Council

MINUTES

January 20, 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
 Councillor Rosalie Sawrie
 Councillor Debra Toporowski

Staff Present Ted Swabey, Chief Administrative Officer (CAO)
 Mark Frame, General Manager, Financial and Protective Services
 Ernie Mansueti, General Manager, Community Services
 Sarah Nixon, General Manager, Corporate Services
 Clay Reitsma, Senior Manager, Engineering
 Rob Conway, Director of Planning and Building
 Megan Jordan, Manager, Communications and Public Engagement
 Alyssa Meiner, Acting Corporate Officer
 Dave Preikshot, Senior Environmental Specialist (arrived 9:19 p.m.)

1. CALL TO ORDER

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

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

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council adopt the January 20, 2020 Special Council agenda, as amended to:

- **consider items 10.1 and 8.1 after item 6, and**
- **add a new item 9.1 Notice of Motion.**

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:

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.**

CARRIED

4. MAYOR'S REPORT

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

5. DELEGATIONS AND PRESENTATIONS

5.1 DELEGATION: Cowichan Works

Council heard from David Messier and Jennifer Woike, on behalf of Cowichan Works regarding Councillor Justice's notice of motion.

David Messier, owner of Maple Bay Marina and member of the OCP Advisory group, explained that Cowichan Works is speaking in opposition to Councillor Justice's motion as it is complicated and confusing for applicants, problematic to describe the intent of a motion that is vague, and there is little understanding of the impacts of the motion and impacts to businesses and families. The motion sends a clear message that doing business in North Cowichan is risky and Council is not listening to the needs of citizens. He urged Council to vote against the motion, and at a minimum refer the file to the OCP group for comments.

Jen Woike pointed out that Council has been focused on transparency and asked if Cowichan Tribes had been consulted. She suggested it would be wise to consult given they have recently purchased a 200 acre farm to potentially develop. Cowichan Works, is made up of like-minded business people, busy running businesses and looking after employees and customer needs, and there's fear of speaking out in opposition with social media campaigns targeted and slanderous towards business. Companies are looking to expand business to North Cowichan, potentially employing 100+ people, but this Council does not appear to support business. There is a trickle-down effect with business. Developers, painters, farmers, electricians, the people in this room, donate to the community. An active labour force, and the trickle-down effect, would be stopped with this motion. Council is elected to represent the majority as a whole, including representing people even if they disagree with their perspectives. She urged Council to focus on making North Cowichan economically viable in the future, not further divide the community, and show true leadership by defeating this motion.

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

Council heard from Dave Jackson, representing residents and land owners in the Bell McKinnon corridor, that the impacts of the motion have not been analyzed or understood. The staff report is a good start but much more analysis of impacts and legal risks is required. Financial and legal risks of this motion are significant, and it appears the Kingsview Development is one of the targets of this policy. If this motion were to pass and be made applicable to the Kingsview development, there would be significant legal risk. Citizens and taxpayers need to be more informed of potential consequences.

The location selected for new hospital is within the Bell McKinnon Local Area Plan (LAP), and is supported by the Bell McKinnon area residents. Development of this LAP included exhaustive public consultation. On the basis of moral and social contract, residents accepted the Bell McKinnon LAP. This motion is a worst case scenario for Bell McKinnon residents, who if they had known they would not be able to sell their lands as developable, would not have condoned the hospital rezoning. There has been consistent responses of shock, fear, anger, and questioning support for the new hospital. Mr. Jackson asked what has changed from Council's vote to support the LAP as the Health Authority cannot be expected to pay for everything, and the LAP allows for development to contribute, to a bike friendly, walkable community. Mr. Jackson asked that the motion be terminated and the LAP enshrined in the revised Official Community Plan.

6. PUBLIC INPUT

It was moved and seconded:

That Council waive the policy limiting to 5 speakers and allow each speaker 3 minutes.

CARRIED

Council received public input from the following registered speakers:

1. Sharon Horsburgh - opposed to the motion in item 10.1;
2. Margo Young - opposed to the motion in item 10.1;
3. Greg Adams - opposed to the motion in item 10.1;
4. Deb Savory Wright - opposed to the motion in item 10.1;
5. John Koury - opposed to the motion in item 10.1;
6. Ian Bramble (Director with Rowing Canada) - concerned with the motion in item 10.1;
7. Dean Bell - opposed to motion in item 10.1;
8. Brian Sent - in favour of the motion in item 10.1;
9. Mona Janes - in favour of the motion in item 10.1;
10. Jim Dias - opposed to the motion in item 10.1;
11. Tom Walker - opposed to the motion in item 10.1;
12. Joyce Behnsen - opposed to the motion in item 10.1;
13. Peter Rusland - in favour of the motion in item 10.1;
14. Patrick Hrushowy - concerns with the motion in item 10.1;
15. Les Bjola - opposed to the motion in item 10.1;
16. Andrew Gudmundseth - opposed to the motion in item 10.1;
17. D'Arcy Beaveridge - opposed to the motion in item 10.1;
18. Sandy McPherson - comments for items 5.1 and 8.3, and in favour of the motion in item 8.5;
19. Shelby Buckin - opposed to the motion in item 10.1;
20. Ian Lock - opposed to the motion in item 10.1;
21. Mark Primmer - in favour of the motion in item 10.1;
22. Brian Danyliw - opposed to the motion in item 10.1;
23. Jas Bains - opposed to the motion in item 10.1;
24. Brittany Bickard - opposed to the motion in item 10.1;
25. Cory Felix - opposed to the motion in item 10.1;
26. Pam Stover - opposed to the motion in item 10.1;
27. Don Hatton - opposed to the motion in item 10.1;
28. David Vandine - opposed to the motion in item 10.1;

29. Tyler Jackson - opposed to the motion in item 10.1.

Council recessed the meeting at 9:07 p.m. and resumed the meeting at 9:19 p.m.

All Council members were present at 9:19 p.m., with the exception of Councillor Douglas.

7. BYLAWS

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

It was moved and seconded:

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

(Opposed: Manhas)

CARRIED

7.2 Bylaw 3769 - "Officers Amendment Bylaw, 2019"

It was moved and seconded:

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

CARRIED

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

It was moved and seconded:

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

CARRIED

7.4 Bylaw 3772 - "Fees Amendment Bylaw, 2019"

Councillor Douglas returned to the meeting at 9:21 p.m.

It was moved and seconded:

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

CARRIED

8. REPORTS

8.1 Impacts of Councillor Justice's Notice of Motion

Councillor Justice thanked the public in attendance for coming to the meeting and expressing their views. Council heard from the Director of Planning and Building regarding his report, including that Council cannot impose an outright moratorium on development, as land use applications that come before Council must be considered. Council heard that the notice of motion would, however, signal to the public and applicants that Council would likely not approve the application.

The Director of Planning and Building explained that an Approving Officer is independent and not bound by Council's direction.

Council heard that the language in the motion is currently imprecise, but Councillor Justice would like the motion to focus only on residential development, not commercial or industrial. Motion potentially impacts landowners interested in rezoning their land; and if AO were to follow the motion's request, future subdivision would be impacted.

Councillor Marsh left the meeting at 7:41 p.m. and returned to meeting at 7:44 p.m.

Council heard from staff that many hundreds of parcels have subdivision potential and could be impacted by this motion, and there are many potential impacts depending on details such as whether in-stream applications are included, whether the Kingsview development is excluded, whether Cowichan Commons is included as a core service in the Bell McKinnon area. The CAO clarified that as Approving Officer he would consider all factors and continue to approve existing and future subdivisions under the Kingsview Phased Development Agreement.

The Mayor highlighted the impact on development around the new hospital should the policy be approved, and that it would be short-sighted to put in servicing just for the hospital.

Councillors acknowledged the motion is confusing and there is a need to consult the community before making a decision.

Councillor Toporowski left the meeting at 8:00 p.m. and returned at 8:01 p.m.

When asked why North Cowichan is continuing to rezone and subdivide areas outside the UCB (as set out in the OCP), Council heard the current Zoning Bylaw is from 1997 and North Cowichan is embarking on its third Official Community Plan since the Zoning Bylaw was adopted.

A more direct way to harmonize the OCP and the Zoning Bylaw would be to amend the Zoning Bylaw, a process that involves public input.

8.2 Off-Leash Dog Parks

Council asked questions of the General Manager, Community Services regarding his report. Council heard that report on proposed options and bylaw amendments would include costs.

It was moved and seconded:

- 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.**

It was moved and seconded:

That Council amend the main motion to add "educational initiatives on proper control of dogs" to section 4.

CARRIED

Main motion as amended:

It was moved and seconded:

- 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,**
 - c. educational initiatives to improve safety and expand the dog waste program at off-leash locations; and**
 - d. Educational initiatives on proper control of dogs.**

CARRIED

8.3 Integrated Climate Action Strategy

Council received a presentation from the Senior Environmental Specialist regarding a Climate Action Plan for North Cowichan. Highlights of the presentation included:

- electrification as a priority for North Cowichan's corporate fleet;

The Mayor left at 9:43 p.m. and returned at 9:45 p.m.

- 80% target green-house-gas emissions (GHG) reduction is not trivial;
- Climate Action Energy Plan (CAEP) remodeling shows North Cowichan's GHG numbers in 2016 at 442,162 tCO₂eq (much higher than the 181,844 tCO₂eq in 2007) the difference due to Catalyst Mill (180,000 tCO₂eq) and agricultural (80,000 tCO₂eq) emissions not accounted for in the original CAEP. Furthermore, carbon accounting allowed by the Province allows the mill to be considered as having met its emissions reduction goals so there are unlikely to be reductions in their emissions any time soon;

- It will also be difficult for North Cowichan to meaningfully regulate or compel mill to reduce emissions given compliance with Provincial targets;
- well advised to look at community targets and industry targets separately;
- In comparing GHGs between North Cowichan and Victoria; North Cowichan has farm contributions (methane from farm animals);
- Province regulates farms and industry (without taking into account industry and farms, transport largest contributor of GHGs);
- Transportation does not include vehicles passing through North Cowichan; and
- Transportation does include all internal commercial and drive traffic within North Cowichan and the trips per day driving between North Cowichan and Victoria (approximately 3500) and Nanaimo (approximately 3000).

Council heard it is important to distinguish between what North Cowichan would like to do versus what is feasible to do. Given the characteristics of the community, with three downtown cores, and a contested UCB, it can be counter-intuitive what can be optimized to lead to positive returns.

The proposed focus for North Cowichan includes communicating based on the following six strategies:

1. Transportation/electric vehicles;
2. Corporate Leadership;
3. Natural assets and carbon sequestration;
4. Building efficiency;
5. Climate adaptation; and
6. Lowering Waste.

Council heard there are many changes to the original plan and a lot of work to do:

- Can get much higher gains by leveraging Provincial Programs (e.g., Step Code and Clean BC initiatives) increasing electric vehicle use, and encouraging bike, ebikes and walking;
- A company (Sustainability Solutions Group) was hired to do CAEP modelling, however, significant portions of baseline data derived in-house from environmental staff and quality checked in-house;
- Because reducing GHG emissions is an accounting exercise, with often arcane rules, there can be challenges in defining how policy may be valued (for example, existing forestry reserve is not pure carbon credits because cutting may improve carbon storage);
- In order to meet commitments, North Cowichan needs to be strategic;
- Need to also adapt to climate change effects like longer dryer summers and more dramatic flooding in the winter by bolstering existing water storage (reservoirs and wetlands) and flood protection structures (dykes and pumps);
- Looking at transportation statistics within North Cowichan, beginning trip diary, and reaching out to neighbouring local governments;
- In BC, vehicle electrification benefit is a larger potential GHG reduction opportunity than the US due to Hydro Power; and
- North Cowichan's plan will provide strategic guidance, which can then be used in OCP discussions, Strategic Plan, and Operational Plans.

Councillor Sawrie asked about putting forward a Climate Action Taskforce at this time. Council discussed that community engagement will be included in future stages of the plan and heard that North Cowichan's Environmental staff sit on a number of local environment boards and taskforces, meet with local first nations, and get a lot of regular input from these groups. Council heard that community engagement will most likely occur at the modelling alternatives stage in April.

It was moved and seconded:

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.

CARRIED

Council heard from CAO that North Cowichan could hold a public forum to hear from members of the public, including members of the previous Environmental Advisory Committee.

It was moved and seconded:

That Council direct staff to prepare a report on proposed Terms of Reference for a Taskforce, and associated implications, be presented at a future Committee of the Whole meeting.

(Opposed: all Members)

DEFEATED

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

It was moved and seconded:

- 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.**

CARRIED

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

Council heard from Councillor Douglas regarding his proposed motion.

It was moved and seconded:

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.

(Opposed: Siebring; Manhas)

CARRIED

9. NOTICE OF MOTIONS

9.1 Proposed Bus Service

Councillors Douglas and Manhas gave notice that they intend to bring forward the following motion at the January 29, 2020 Regular Council meeting.

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

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

Council heard from Councillor Justice that his motion proposes a partial and temporary pause in processing applications in some areas of the community due to development pressures in areas North Cowichan may not want developed in the future.

Councillor Justice identified that Council has heard concerns from the public tonight, and received much correspondence both for and against the motion. Citing the importance of listening carefully, allowing time for more thought, and not causing hardship for those whose living depend on construction, Councillor Justice proposed referring the motion to the OCP advisory group for comment.

It was moved and seconded:

That the motion be referred to the OCP Advisory Committee for their comments.

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

DEFEATED

Council members identified there is an OCP review process in place, a consultant is being hired to work with and obtain feedback from the community, First Nations will be asked for comment, and a referral of this motion could prolong uncertainty and community division, rather than moving forward as a community.

It was moved and seconded:

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.

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

DEFEATED

Council recessed from 9:07 p.m. to 9:19 p.m.

11. NEW BUSINESS

None.

12. QUESTION PERIOD

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

13. CLOSED SESSION

It was moved and seconded:

That Council close the January 20, 2020 Special Council meeting to the public at 11:02 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.**

CARRIED

14. RISE AND REPORT

Council rose and reported on the following resolution:

It was moved and seconded:

That Michelle Martineau be appointed as the Corporate Officer for the District of North Cowichan and confirmed as an Officer of the Municipality under Section 148 of the *Community Charter*, effective February 10, 2020.

CARRIED

15. ADJOURNMENT

It was moved and seconded:

That Council adjourn the January 20, 2020 Special Council meeting at 11:15 p.m.

CARRIED

Certified by Acting Corporate Officer

Signed by Mayor

Good evening Mayor Sebring and Members of Council.

My name is Philip Macdonald and I am here with my wife Heather Macdonald - we live at 4029 Normandy Road. We have applied for a zoning bylaw amendment for our property at 4029 Normandy Rd., application ZB000117.

The reason for wishing to speak to our application at First Reading is because our land size falls slightly shy of the new requirements for a second dwelling, to receive positive consideration by council. Therefore, we would like to explain the merits of our application and further ask for council's consideration, given that the application was in-stream while the policy was being re-developed.

We very much appreciate you may have concerns regarding the possibility of setting a precedent by approving our application, but feel you would be protected on the basis that our application had been submitted over three months prior to policy change, and at that time we understood it had a very good chance of approval based on the requirements in place then.

Having had some discussions with municipal staff back in August of last year, we were optimistic that proceeding with our \$2500 application would have a favourable outcome. So much so, that we proceeded with spending an additional \$1500 on securing the required septic waste management certificate.

We respect and understand that whether approved or denied, this is council's decision to make. Our hope is that while our application meets all the requirements with the exception of being just 0.19 of a hectare shy on land size, [based on the recent policy change], that Council may still consider our application favourably.

We have received and submitted several letters of support from our community of neighbours, all of whom had only positive responses to our proposal.

Our reason for pursuing this proposal, is to provide my mother-in-law with independent living. She is currently 74 years old and has been living on her own on the mainland since my father-in-law's passing in 2006. She continues to enjoy full-time employment and lives an independent life. She lived in Victoria for many years, and is very much looking forward to returning to the island and areas that are familiar to her.

Once she has no further need of the cottage, we have two sons who would be very grateful for the accommodation.

The location on the property that most suits the proposed cottage, also offers the least to no impact on our neighbours. The main reason for this is that directly across the road from the proposed site is a 70 foot drop off to the Cowichan River area below and could therefore never be said to have an effect on this little cottage.

The placement of the cottage would also allow some privacy for my mother-in-law, and indeed us as well. Our alternative may be to build an addition on to our current house, at approximately the same square footage as the proposed cottage. As a plan, this would rather ruin the looks of our house and be expensive and difficult to construct. It would also remove the feeling of privacy and independence for my mother-in-law.

If the number of square feet permitted as an addition to our house is within the rules as we have been lead to believe it is, we are hoping you may see the great advantages to us and our family now and in the future, of placing the same square footage in just a little different spot. This we believe would make it a much more attractive looking arrangement and offer the obvious benefits of privacy and independence as well as a much more attractive addition to the neighbourhood.

The same ease of living would also apply to either of our sons, who seem keen to live in the cottage at a later date. With the cost of living and housing, we were hoping to be able to offer this living arrangement to one of them, as it would work well for all of us. As any parent amongst you may understand, having the dwellings conjoined would perhaps be less than ideal, especially if the beginnings of a young family were to occur.

As we very much enjoy living in the Cowichan Valley and particularly on our property, our future retirement plan for the cottage would be for us [my wife and I], to move into it and have one of our boys take over the house. This way, we have a smaller and more manageable dwelling to maintain, whilst enabling our family to remain on the property as our forever home.

We are prepared to enter into a covenant that would ensure that no subdividing of our property would be pursued and that the size of the proposed cottage would not be increased.

Our original submission had shown the cottage as 2-3 bedroom, 2 bathroom, however we would only be building it as 1-2 bedroom with 1 bathroom.

We understand the topic of development in North Cowichan to be under examination, but we hope the timing of the current political climate will bear no negative influence on the application we submitted last September.

We very much appreciate being given the opportunity to speak in support of our application and hope that it will be considered for approval.

Thank you for your consideration

Dear Mayor Siebring and Council,

It was recently brought to our attention that our rezoning application for a retail cannabis storefront at 9750 Chemainus Road was not endorsed by the North Cowichan Planning Department due to the location's proximity to parks, trails, and the downtown core. Please know that community impact is important to us and something we will continue to consider as we move through this process.


1. To address the possibility of inappropriate exposure of cannabis to minors—and in compliance with British Columbia law—our storefront will be enclosed by floor-to-ceiling walls that are not transparent. Additionally, non-medical cannabis, cannabis accessories and transactions involving those products will not be visible from outside the store. Also, displays will not permit self-service by patrons (including dispensing devices). All patrons must be assisted by a store employee, as all cannabis and cannabis accessories will be displayed in a way that products are not accessible to patrons.
2. Additionally, the following is a list of the minimum requirements for store security:
 - Audible intruder alarm system monitored by a third party
 - Audible fire alarm system monitored by a third party
 - Locked retail display cases
 - Locked storage room
 - Secure perimeter door locks
 - Security cameras with full unobstructed view of the retail sales area, any product storage area, both the interior and exterior of all store entrances/exits
3. Also, in accordance with section 4.9 of the North Cowichan Retail Cannabis Sales Policy's application process, our application was put forth to all jurisdictional neighbours for 30 days (including the RCMP and school district) to invite any concerns regarding the potential for adverse community impacts as a result of the desired storefront location, to which none were brought to our attention.

As it relates to the location's proximity to the downtown core:

4. The storefront remains in compliance with section 4.1 of the North Cowichan Retail Cannabis Sales Policy, in which it is mandatory that all locations "be located on, or in close proximity to, an urban arterial road or urban collector road; and in commercial areas, including areas zoned for retail use, or designated for commercial use in the Official Community Plan or Local Area Plan"
5. It can also be noted that, due to the unique layout of Chemainus, policy guidelines regarding specific distance requirements (section 4.3 and 4.4) were rescinded in July to allow for a more individual assessment of each proposed location.
6. As such, we would like point out the possible benefits of a retail cannabis location near the town's core:
 - Increased retail traffic for other local businesses in the area
 - Long-term tenants who wish to contribute to the aesthetic of the community through the addition of a mural on the buildings north facing wall
 - The reinvigoration of a prominent commercial area
 - And, convenient access to cannabis products for the community at an accessible location

In closing, we feel it is important to emphasize that we are not interested in simply meeting the minimum requirements where community impact is concerned. Our mission, as a family run business, is to work with community members to address any further concerns during the public hearing process should we be permitted to move forward with our application.

Report

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

Purpose

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

Background

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

Land Use Context

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

Proposal

The applicant is proposing to amend the Rural Restricted (A3) Zone to permit a detached second dwelling in the form of a 92 m² (990.28 ft²) residential suite in the north-west corner of the property fronting Normandy Road with access from the existing driveway (ATTACHMENT 5).

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

Discussion

Policy considerations relevant to this application are:

Official Community Plan (OCP)

HOUSING & SERVICES in RURAL AREAS

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

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

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

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

Staff are satisfied that this zoning amendment proposal request:

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

HOUSING

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

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

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

Note, policy 2.5.2.3 is not limited to growth centers.

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

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

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

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

Strategic Agricultural Plan

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

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

Second Dwelling Rural Lands Policy (see ATTACHMENT 8)

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

- a) Second dwelling size restriction of 92 m² (990.28 ft²);
- b) Subdivision restricted by covenant to prevent subdivision including strata subdivision;
- c) Consideration of a minimum lot size; and
- d) Siting on agricultural lands be established and restricted by covenant to preserve agricultural land.

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

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

Zoning Bylaw – A3 Rural Restricted Zone

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

Servicing and Infrastructure

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

Ministry of Transportation and Infrastructure

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

Analysis and Conclusion

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

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

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

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

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

Communications and Engagement

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

Options

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

Option 1 – Staff Recommended

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

Option 2 – Alternate Motion:

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

Recommendation

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

Attachments (9)

Attachment 1 - Location Map

Attachment 2 - Air Photo

Attachment 3 - Zoning Map

Attachment 4 - Rural Restricted (A3) Zone

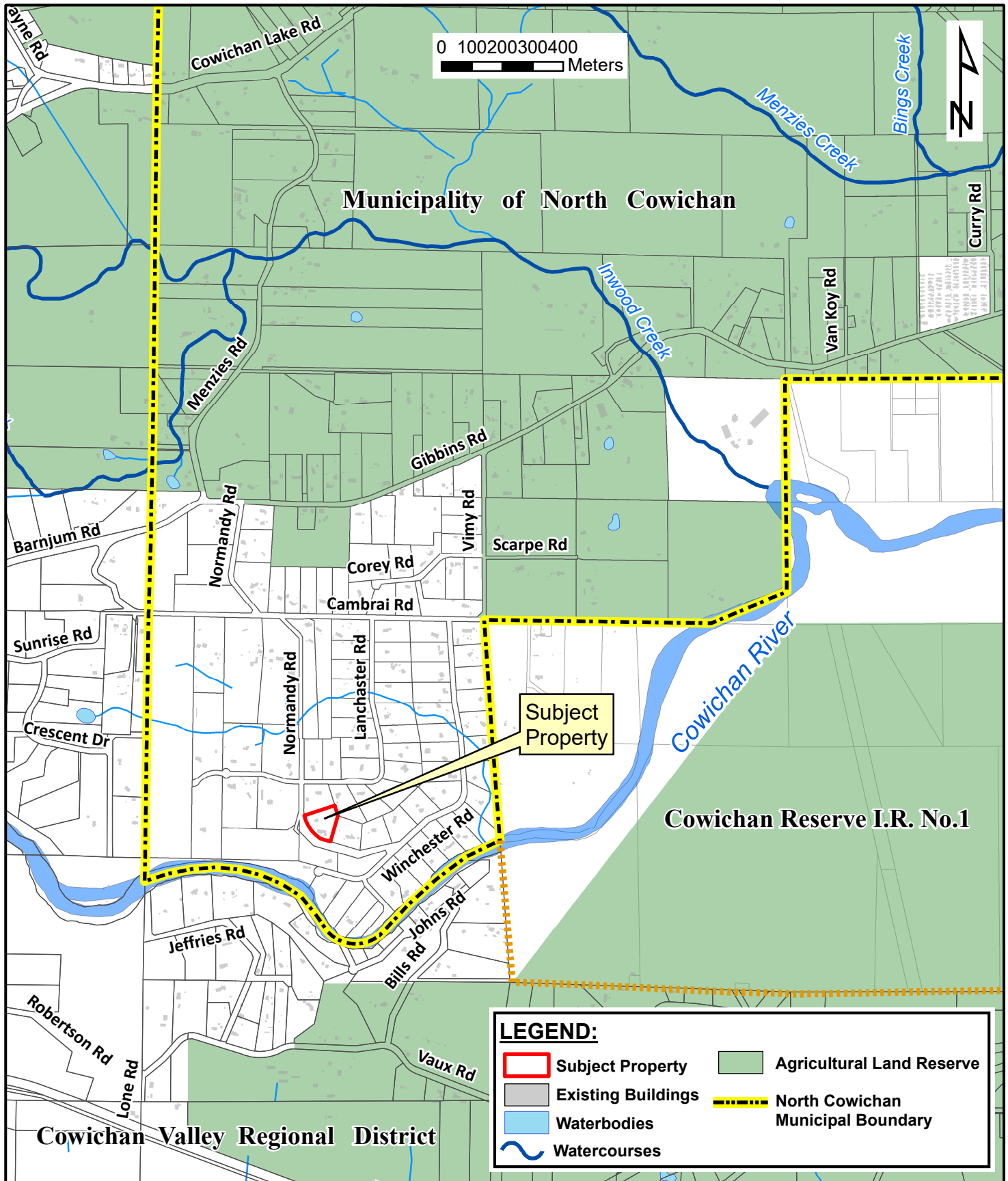
Attachment 5- Site Plan & Building Elevations

Attachment 6 - Letter of Rationale

Attachment 7 - Site Photos

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

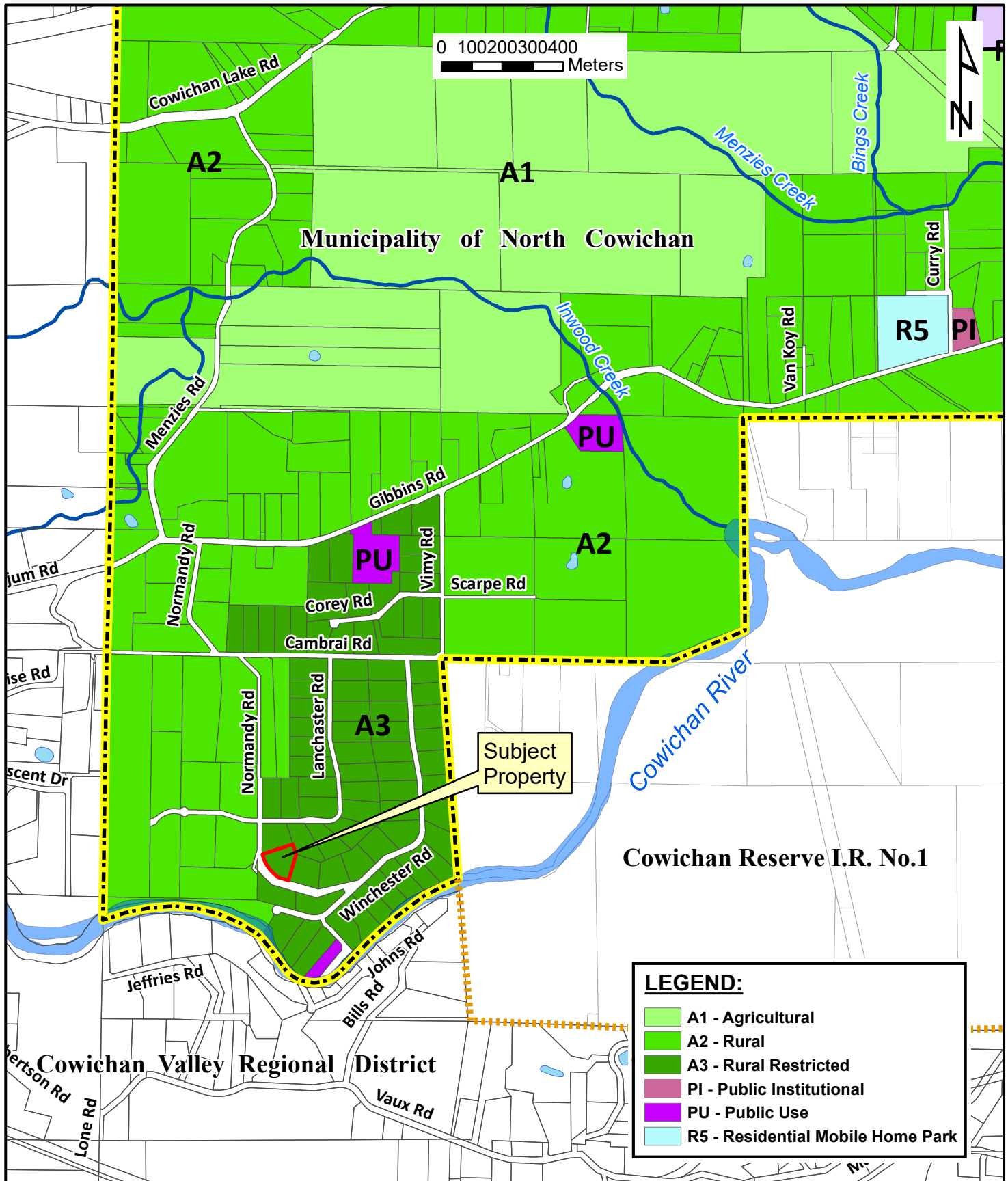
Attachment 9 - Bylaw 3773



	LOCATION MAP		DATE:	September 24, 2019
	4029 Normandy Road		TYPE:	Zoning Amendment
			FILE#:	ZB000117



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



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

- 53 (1) The permitted uses for the A3 zone are as follows:
- Agriculture
 - Agricultural Storage
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Greenhouse
 - Home-based Business
 - Modular Home
 - Single-Family Dwelling
 - Supportive Housing
 - Temporary Trailer (subject to "Temporary Trailer Permit Bylaw 1976", No. 1685)
 - Two-Family Dwelling [BL3302, BL3367]

Minimum Lot Size

- (2) The minimum permitted lot size for the A3 zone is 8,000 m² (1.98 acres).

Minimum Frontage

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

Density

- (4) The maximum permitted density for the A3 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
 - (b) Despite the foregoing, the placement of a temporary trailer may also be permitted subject to "Temporary Trailer Permit Bylaw 1976", No. 1685.
 - (c) Despite section 53 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, are permitted on 5404 Gore Langton Road (PID: 005-177-740), 3368 Henry Road (PID: 006-660-819), and 3788 Winget Place (PID: 018-498-451). [BL3644; BL3680]

Maximum Lot Coverage

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

Minimum Setbacks

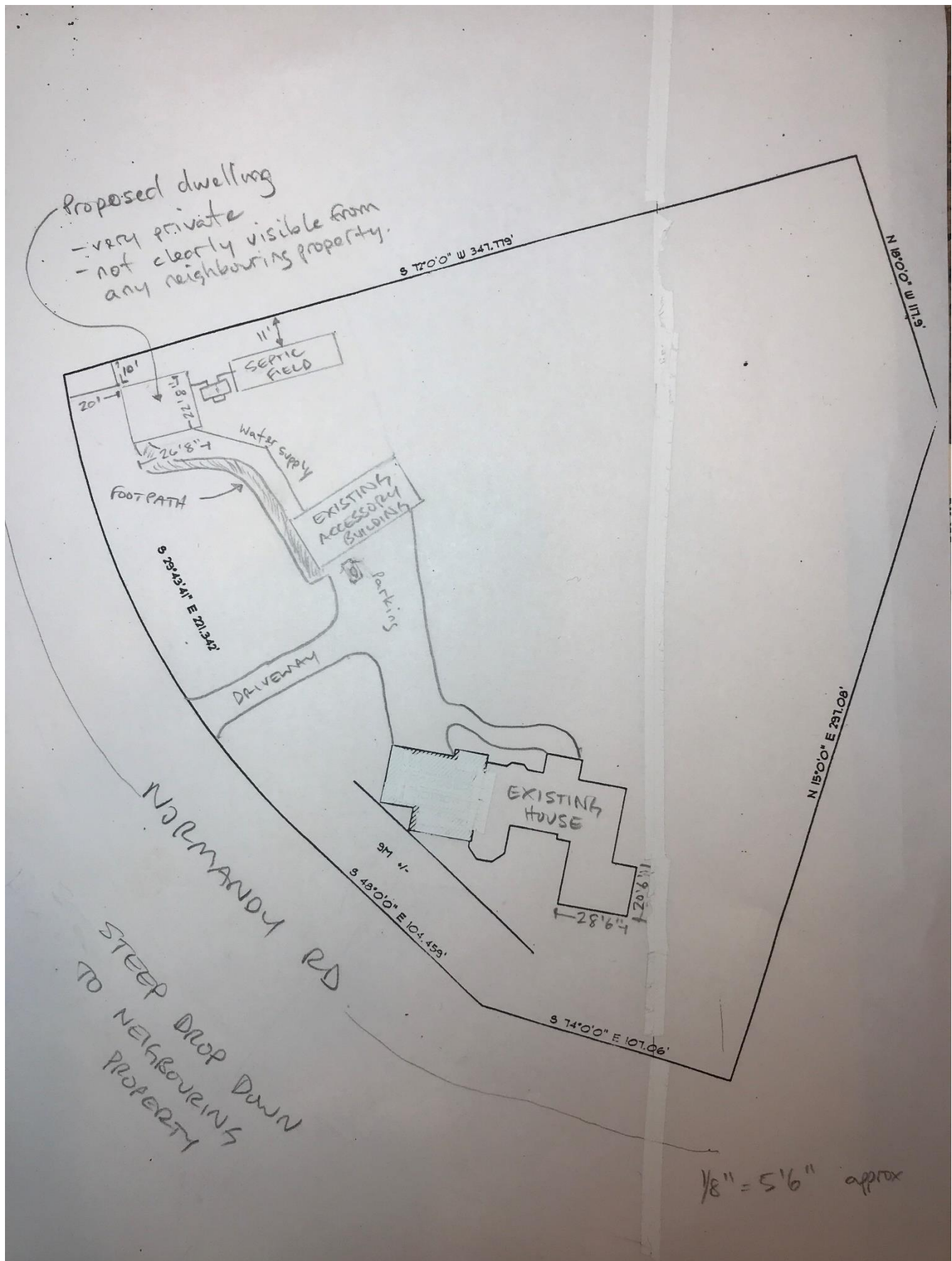
- (6) The minimum permitted setbacks for the A3 zone are as follows:
- (a) Single-Family Dwellings and Two-Family Dwellings
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (b) All Other Principal Buildings
 - Yard, Front, 30.0 m (98.42')
 - Yard, Side, 15.0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

Maximum Building Height

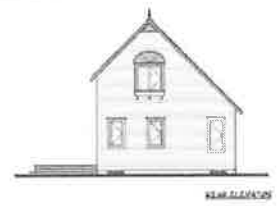
- (7) (a) The maximum permitted building height for buildings, containing one or more dwelling units, within the A3 zone is 9 m (29.53').
- (b) Despite the foregoing, the heights of other farm buildings are subject to the provisions of the ACNBC Farm Building Code 1995.

Conditions of Use

- (8) The conditions of use for the A3 zone are as follows:
 - (a) No fences over 1.2 m (4.00') in height are permitted in the required yards, front.
 - (b) No fences over 2.0 m (6.56') in height are permitted in the required yards, side or rear.
 - (c) In no situation shall a fence be greater than 2.0 m (6.56') in height.
 - (d) Bed and breakfast uses may have no more than six sleeping units.
 - (e) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
 - (f) [Repealed. BL3367]
 - (g) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed ten, including resident staff,
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,
 - (iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve, and
 - (iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained. [BL3302]
 - (h) Despite section 53 (1) "accessory dwelling unit, coach house" is a permitted use on 3331 Henry Road. [BL3535]



Cozy Cottage Hideaway



991

Heated S.F.



2 - 3

Beds



2

Baths



2

Floors

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

LETTER OF RATIONALE

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

Location: 4029 Normandy Road, North Cowichan BC

PID: 002-075-016

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

Zone: Rural Restricted Zone A3

Property size: 2.07 acres

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

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

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

Description of Proposal

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

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

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

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

Thank you in advance for your consideration of our application.

Philip & Heather Macdonald
4029 Normandy Road

ATTACHMENT 7





8.2 Second Dwelling Rural Lands Policy

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

3

December 4, 2019 - Regular Council Minutes

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

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

It was moved and seconded:

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

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

- a. **That size of the proposed second dwelling be restricted by covenant to 92 m² (990.28 ft²) or less;**
- b. **That subdivision be restricted by covenant to prevent subdivision including strata subdivision;**
- c. **That the size of the parcel be a minimum of; and**
 - i. **1 ha (2.5 acres) where no Municipal sewer or water exists;**
 - ii. **0.4 ha (1 acre) where no Municipal sewer exists;**
 - iii. **0.2 ha (0.5 acres) where Municipal water and sewer exist; and**
- d. **That siting of second dwellings on agricultural lands be established and restricted by covenant to preserve agricultural land.**

CARRIED



The Corporation of the District of North Cowichan

Bylaw No. 3773

Zoning Amendment Bylaw (4029 Normandy Road), 2020

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

1 Title

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

2 Administration

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

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

2.1.1 Replacing

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

2.1.2 With

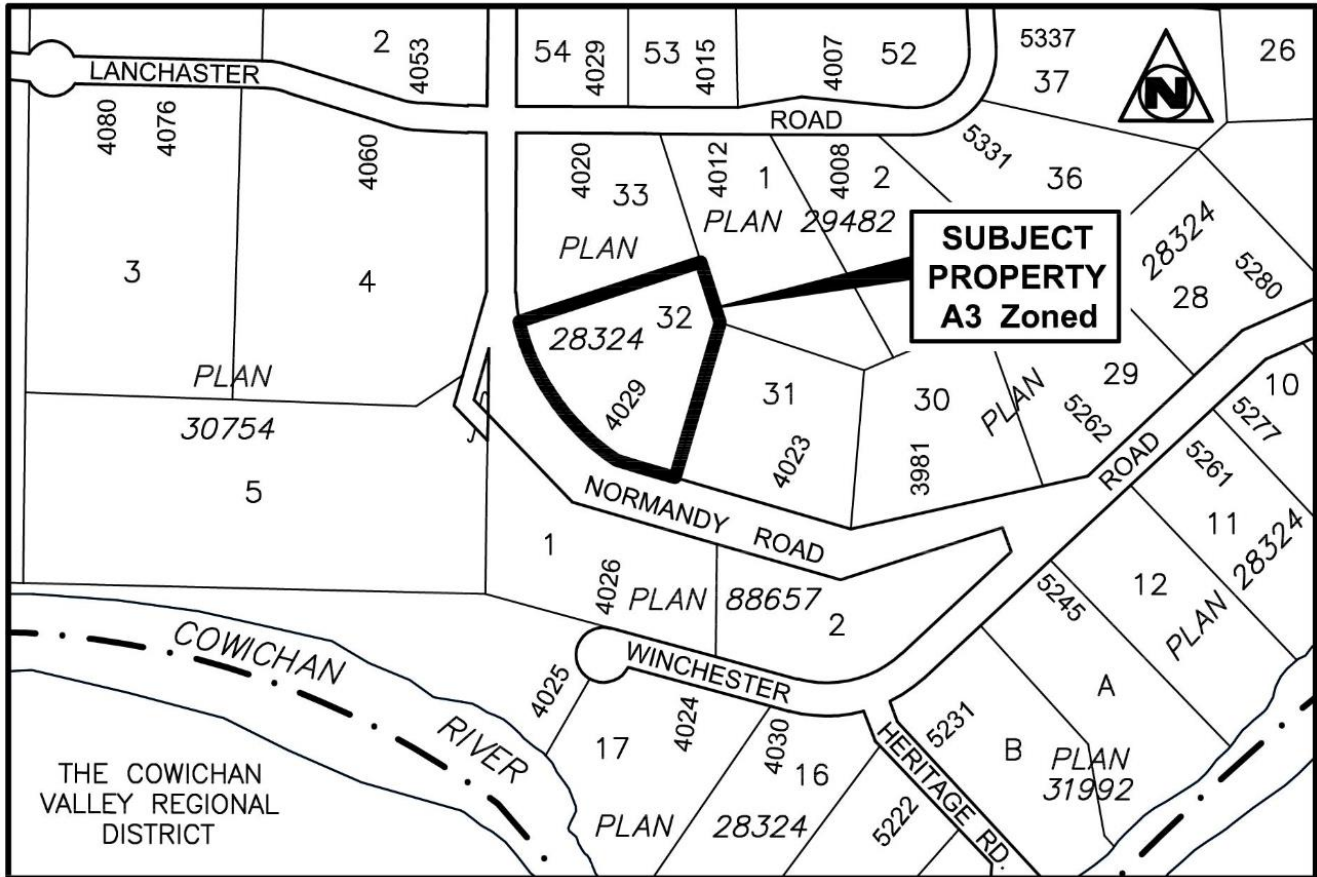
"Despite section 53 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, are permitted on 5404 Gore Langton Road (PID: 005-177-740), 3368 Henry Road (PID: 006-660-819), 3788 Winget Place (PID: 018-498-451), and, 4029 Normandy Road (PID: 002-075-016). [BL3644;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

READ a first time on
 READ a second time on
 CONSIDERED at a Public Hearing on
 READ a third time on
 COVENANT registered on
 ADOPTED on


CORPORATE OFFICER

PRESIDING MEMBER

Schedule



Report

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

Purpose

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

Background

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

Land Use Context

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

Proposal

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

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

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

Policy considerations relevant to this application are:

Official Community Plan (OCP)

HOUSING & SERVICES in RURAL AREAS:

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

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

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

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

The proposal is inconsistent with OCP Policies to 'discourage zoning standards that have the effect of increasing net density' outside the Urban Containment Boundary (UCB). Under R1 zoning this property could be subdivided based on the minimum lot size in the R1 zone, i.e., 1675m², for a potential total of 8 lots; however, this is a theoretical number. Practically, it is anticipated that an estimated maximum of 2 to 3-lots could be achieved (based on minimum 1 acre lot subdivision guideline for lots with municipal water service but without sewer, e.g., requiring septic fields as regulated by Vancouver Island Health, providing septic and required environmental buffers are demonstrated/met and development permits have been issued).

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

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

HOUSING:

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

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

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

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

Parks and Trails

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

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

Community Amenity Contribution

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

See 'Parks and Trails' section above.

Zoning Bylaw – R1 (Residential Rural) Uses

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

Development Permit Area – (Riparian)

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

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

Servicing and Infrastructure

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

Covenant

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

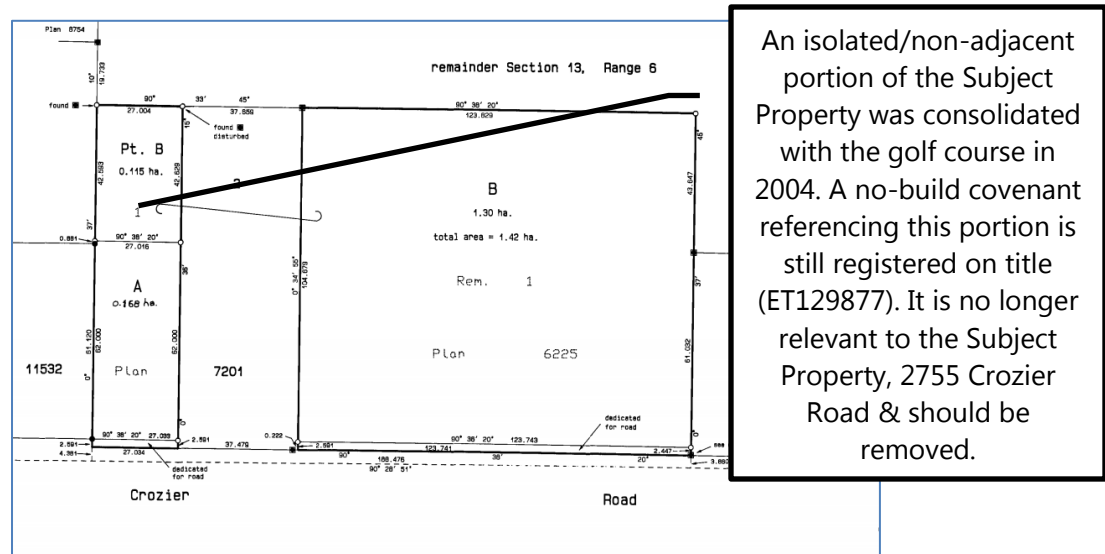


Figure 1. A covenant limiting building construction was relevant only to an isolated and non-adjacent portion of the property, which was consolidated with the golf course in 2004. It is no longer relevant to the Subject Property.

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

Ministry of Transportation and Infrastructure

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

Referrals

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

Analysis and Conclusion

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

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

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

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

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

Staff request Council's consideration of the following:

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

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

Communications and Engagement

Should Council choose to provide 1st and 2nd Reading to this bylaw and direct that a public hearing be scheduled, neighbouring property owners and the public will be provided a formal opportunity for input on the proposed Zoning Bylaw amendment. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as required by the *Local Government Act*.

Options

The following options are presented for Council's consideration:

Option 1 – Staff Recommendation

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

Option 2 – Alternate Recommendation

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

Option 3 – Alternate Recommendation

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

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

Recommendation

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

Attachments (9)

Attachment 1 - Location Map

Attachment 2 - Air Photo

Attachment 3- Zoning Map

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

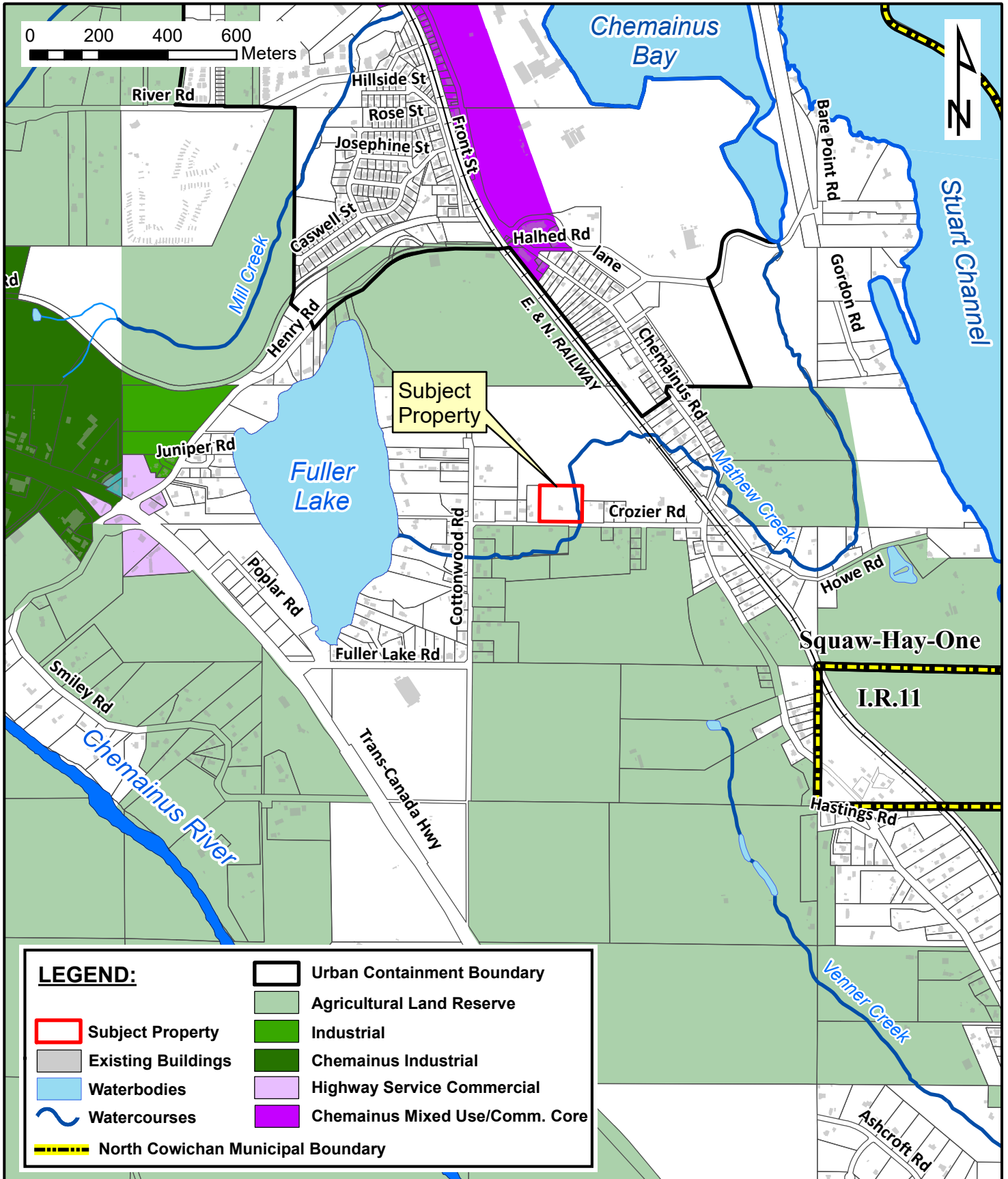
Attachment 5 - Letter of Rationale

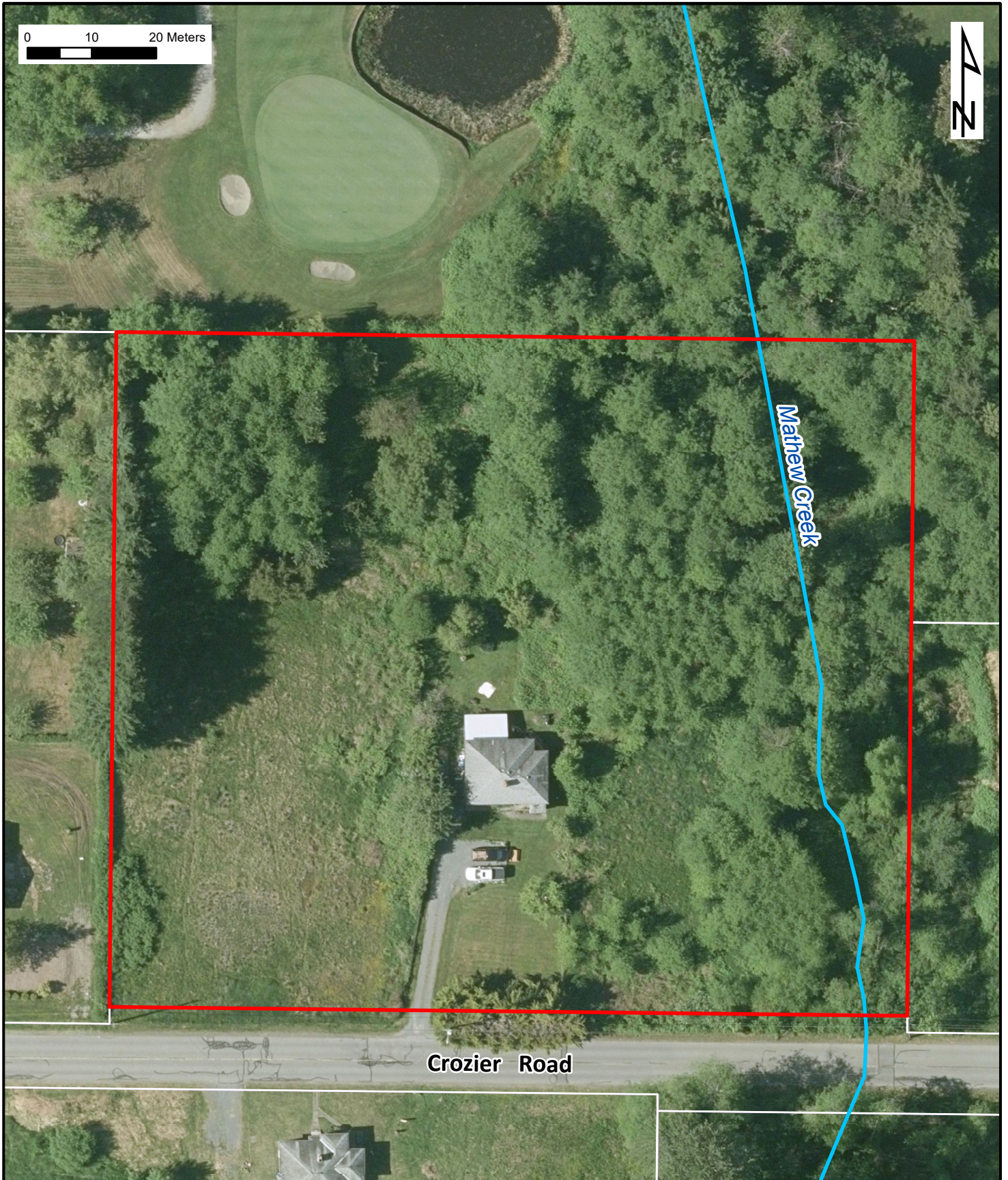
Attachment 6 - Site Photos

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

Attachment 8 - Chemainus Residents Association Comments















Attachment 9 - Bylaw 3774





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



- | | |
|--|--|
|  A1 - Agricultural |  I2 - Industrial Heavy |
|  A2 - Rural |  PI - Public Institutional |
|  A3 - Rural Restricted |  PU - Public Use |
|  C2 - Commercial General |  R1 - Residential Rural |
|  C3 - Commercial Service |  R3 - Residential One and Two-Family |
|  C4 - Commercial Recreational |  R5 - Residential Mobile Home Park |
|  CD4 - Comp. Dev. (Mixed Family) |  R6 - Residential Townhouse |



MUNICIPALITY OF
NORTH
Cowichan

2755 Crozier Road

FILE#:	ZB000116
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Commercial Recreational Zone (C4)**CURRENT ZONING****Permitted Uses**

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

Minimum Lot Size

- (2) The minimum permitted lot size for the C4 zone is 560 m² (6,028 sq. ft.).

Minimum Frontage

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

Maximum Lot Coverage

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

Minimum Setbacks

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

Maximum Building Height

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

Permitted Uses

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

Minimum Lot Size

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

Minimum Frontage

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

Density

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

Maximum Lot Coverage

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

Minimum Setbacks

- (6) The minimum permitted setbacks for the R1 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 3.0 m (9.84')
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

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

Conditions of Use

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

September 5, 2019

District of North Cowichan
Attention: Planning Department

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

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

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

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

The property does not lie within the ALR.

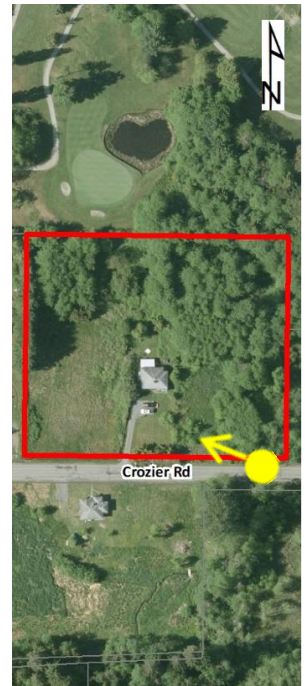
There is no longer a plan to use the Property in further development of the golf course. The Board of Directors of Mount Brenton Ltd. has determined that the Property should be sold so that the golf course can simplify operations by removing the need to manage a rental property and reallocating the significant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

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

Thank You
Mount Brenton Golf Course Ltd.

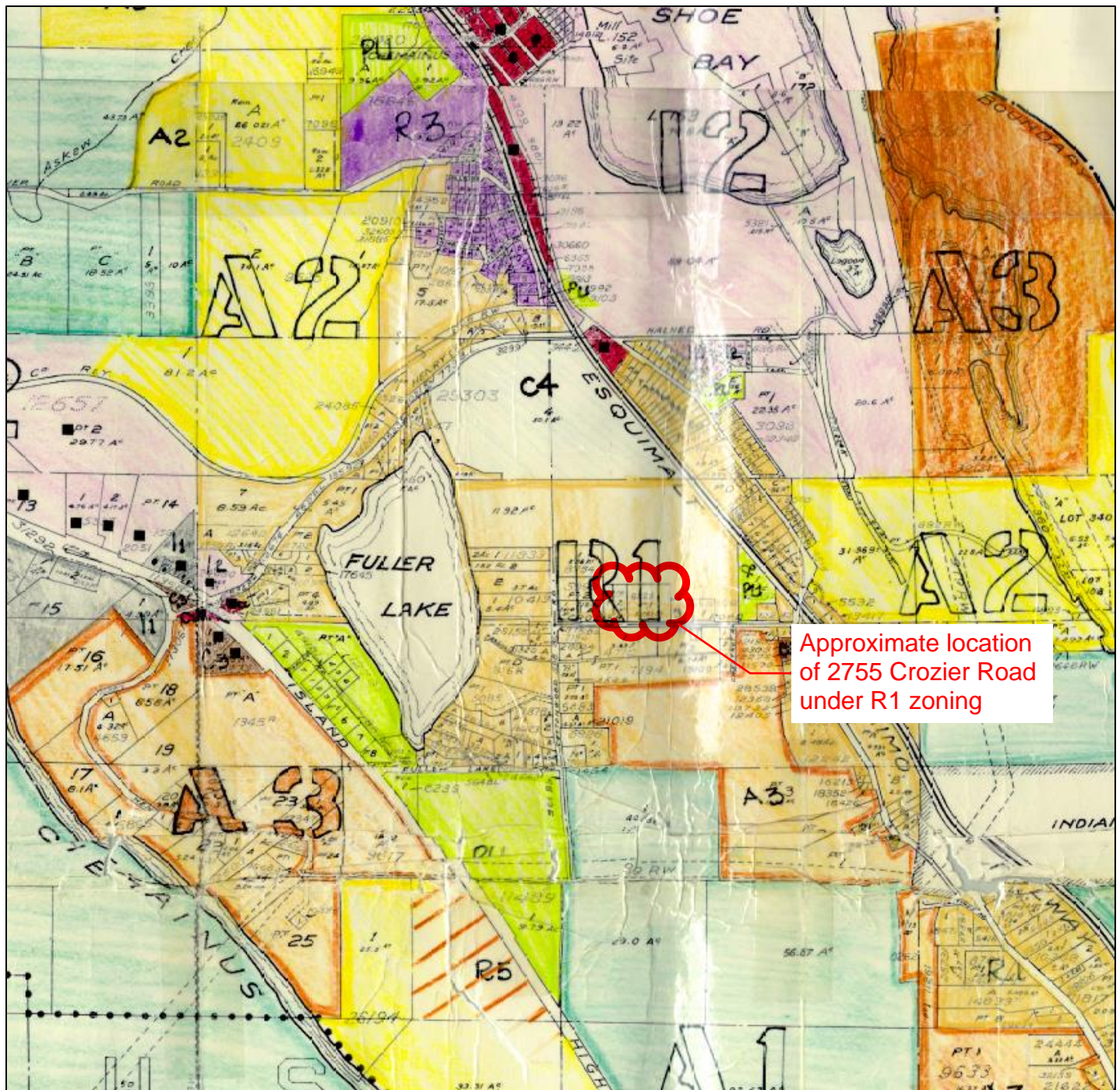


ALAI KENDRA

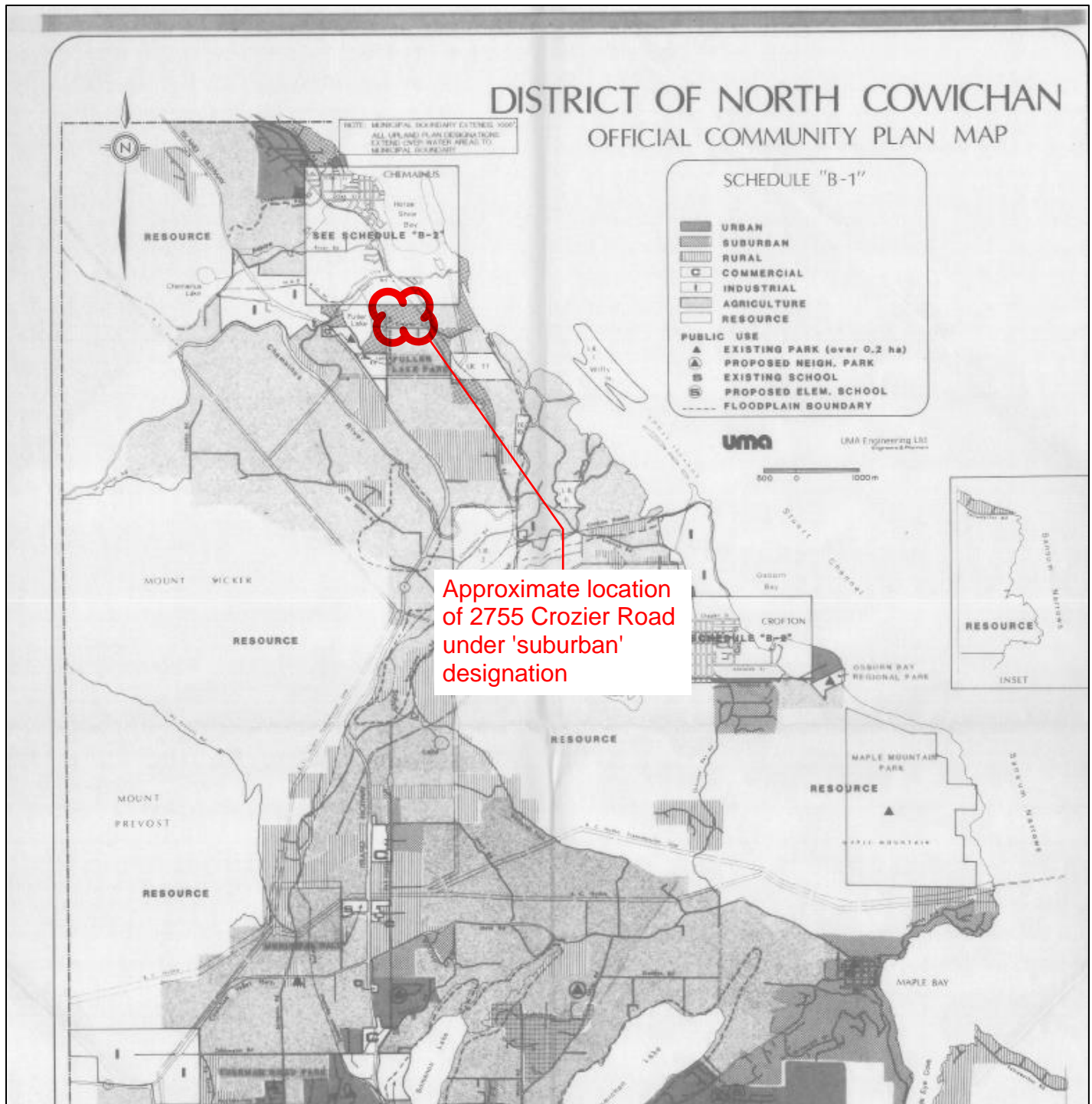




Zoning Bylaw No. 1850, 1980 – Context Map for 2755 Crozier Road in 1980



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



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

Categories:

Caroline,

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

Bernie Jones, Chair Land Use & Planning Committee

Chemainus Residents Association

--

Bernie Jones, Ph.D.



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The Corporation of the District of North Cowichan

Bylaw No. 3774

Zoning Amendment Bylaw (2755 Crozier Road), 2020

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

1 Title

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

2 Administration

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

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

READ a first time on
READ a second time on
CONSIDERED at a Public Hearing on
READ a third time on
COVENANT registered on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

2



Report

Date	January 29, 2020	Prospero No. ZB000114
To	Council	Folio No. 08667-000
From	Caroline von Schilling, Development Planner	File No. 3360-20 19.09
Subject	Zoning Bylaw Amendment Application No. ZB000114 (Lot 1, Plan 5760 Adelaide Street) – R1 to R3	

Endorsed: 

Purpose

The purpose of this report is to provide Council with information, analysis and a recommendation regarding a zoning bylaw amendment application to rezone Lot 1, Plan 5760 (1378 Adelaide Street) from Residential Rural (R1) to Residential One and Two-Family (R3) Zone to facilitate a 10-lot conventional subdivision.

Background

The 1.0 ha (2.48 ac) Subject Property is located at Lot 1, Plan 5760 (1378 Adelaide Street) south of the intersection of Adelaide and Berridge Street in Crofton (ATTACHMENTS 1 & 2). The property is located within the Urban Containment Boundary/Growth Centre of Crofton (Map 12; OCP) and is zoned Residential Rural (R1) (ATTACHMENT 3).

Land Use Context

North: Residential properties zoned R1 & R3
South: Osborne Bay Commons CD20 residential zoning (not yet under development), with a municipally-owned closed road abutting the Subject Property directly to the south (Peterson Street); Residential properties zoned R1 beyond
East: Residential properties zoned R1
West: Residential properties zoned R1 & R3

Proposal

The applicant proposes to rezone the Subject Property from Residential Rural (R1) to Residential One and Two-Family (R3) Zone to facilitate a 10-lot subdivision. The Subject Property has largely been cleared and is currently vegetated with grasses, shrubs, trees, and invasive plant growth (Madrone, October 28, 2019). An existing cabin is to be removed prior to development (ATTACHMENT 4 & 5).

The proposed 10-lot conventional fee-simple subdivision with lots ranging in size from 450 – 740 m² (acres) would facilitate a mix of single family dwellings and duplexes. However, the final subdivision design based on detailed measurements could vary slightly from the concept-level site plan provided for this zoning amendment application (ATTACHMENT 6 & 7).

Proposed lots would be created and connected to existing municipal services through the subsequent subdivision process. Open drainage is proposed for the north-west corner of the property. A 15 m development buffer from the drainage course is required under the current Zoning Bylaw, i.e., Section 13c. The applicant indicates an interest to request a variance to decrease this buffer to 10m. The applicant has provided a drainage assessment conducted by a Qualified Environmental Professional (QEP) for explanatory purposes with this zoning amendment application (ATTACHMENT 8). For clarification, a development variance permit for such a request would typically be submitted at time of development (prior to subdivision or building permit approval) whereby a decision would be undertaken through the normal application review process.

Access to the site is proposed from a new road connecting from Adelaide Street, which would create an intersection with Berridge Street.

Finally, as a community amenity contribution, the applicant proposes to transfer the open drainage in the north-west corner, as well as a trail connection in the south-east corner to the Municipality. The trail would be transferred to the Municipality once constructed. Additionally, a financial contribution to the Municipality's affordable housing fund has been offered. The applicant is further offering fencing along portions of the Subject Property's perimeter, and for a tree to be planted in the front yard of each parcel created.

Discussion

The following policies are relevant to the proposal:

Official Community Plan (OCP)

GROWTH MANAGMENT

Policy 2.5.1.1 a *The Municipality will manage growth through the establishment of a firm urban containment boundary ... The land within the urban containment boundary has sufficient capacity to accommodate growth for 25+ years.*

Policy 2.5.1.2 a *The Municipality will focus development in growth centres ... Growth centres are the priority for development and infrastructure upgrades. The Municipality will foster the establishment of commercial and other services within each growth centre.*

Policy 2.5.1.5 b *The highest density development will occur within north Cowichan's Mixed Use Commercial Core areas. The Municipality will encourage dense development close to existing amenities (e.g., parks, community centres), services and employment centres (commercial or recreational), and in proximity to transit nodes where there is also safe access to and from major roads.*

HOUSING

Policy 2.5.2.1 *The Municipality recognizes the need for a variety of housing types (by size, type, tenure, density and cost) integrated into a range of neighbourhoods in all growth centres, and especially for housing types suitable for the aging population and young families.*

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

This proposal would result in an increase in residential density south of Adelaide Street within the Growth Centre of Crofton for the purpose of providing market housing for purchase.

This proposal is located within the Urban Containment Boundary with a proposed residential density similar to other R3-zoned neighbourhoods, e.g., Tidemark Way, Hilltop Close (ranging in similar residential densities, approximately 14-16 units/ha). The proposal could result in the development of key infrastructure services south of Adelaide Street, e.g., intersection at Berridge Street, and a municipal local road, for improved transportation patterns south of Adelaide Street in lieu of one-off strata roads should development continue. Finally, the proposal is located in close proximity to parks (approximately 400-800 m to Crofton Beach Park, Crofton Beach Walk, and Osborne Bay Park); and Crofton Elementary School (1 km).

This proposal is consistent with the intent of the Official Community Plan policies with regard to urban centre proximity and livability, neighbourhood context with regards to appropriate density, and housing. However, the proposal is not located within walking distance of the closest transit stop on Adelaide, which is 600m away.

Council Policy: Site Adaptive Planning in Urban Rural Interface

On February 6, 2019 Council approved *Council Policy: Site Adaptive Planning in Urban Rural Interface*, which identifies lands “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”.

Under this policy, the following actions are to be undertaken:

- a) A demonstrative site adaptive planning analysis will be undertaken and provided as part of the application package; and
- 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 9).

The Subject Property is identified as one to which this Council Policy applies. The applicant’s Site Adaptive Planning Analysis is attached (see ATTACHMENT 5).

The applicant’s Site Adaptive Planning Analysis has met the following actions:

- A site adaptive planning analysis was undertaken and submitted as part of the application package however, staff recommend to Council that the applicant hold a neighbourhood information meeting to:
 - inform the public of the proposal,
 - receive feedback from the neighbourhood, and finally,

- revise to reflect the community values related to local character, hazard or environmental features of the applicant's Site Adaptive Planning Analysis, as may be raised by the public.

Crofton Community Local Area Plan (CCLAP)

PA4 CDZ Intent *The intent of this designation is to recognize that these areas will be developed over time. Rather than applying conventional subdivision methods the objective of these policies is to achieve a form of development that employs best practices in order to be consistent with the goals of the Official Community Plan and the Climate Action & Energy Plan.*

PA4 CDZ(a) *Encourage a range of housing that will appeal to young families and seniors*

PA4 CDZ(b) *Consider the amount and distribution of open space to be retained, the availability of undeveloped buffers to neighbouring properties and the nature of surrounding development when deciding the appropriate mix of building form*

PA4 CDZ(c) *Cluster development so as to minimize impacts of development on ecosystem values*

PA4 CDZ(e) *Provide a natural corridor through and/or around the property, or connect to open space in the community*

The proposed subdivision would result in mixed building forms on fee simple residential properties in this PA4 CDZ designation (Figure 15; ATTACHMENT 10) of the Crofton Local Area Plan, which is consistent with the intent for this designation south of Adelaide Street.

The proposal is located adjacent to the area identified as "Potential expansion of the Crofton Grid", which is an area of potential expansion of Crofton's grid road network (Figure 9; ATTACHMENT 10). The proposal provides a vehicular east-west roadway, as well as access to Adelaide Street with an intersection at Berridge Street. It also provides a grid-block road pattern that is conducive to a "walkable settlement pattern", and trail connectivity (Figure 11; ATTACHMENT 10) in support of the local area planning efforts of the Crofton Local Area Plan.

As such, the proposal is consistent with the intent of the Crofton Local Area Plan, specifically with the Land Use Regulating Plan with regard to land use, continued development south of Adelaide Street, and housing for families and seniors (Figure 15; p. 56, 60, 61); and Greenfield Area Illustrative Plan with regard to establishing proposed vehicular roadways (Figure 9; p. 28); and the Mobility Concept Plan with regard to future trail connection to Maple Mountain Trail, Osborne Bay Park and north to the Existing Seawalk, as well as, the extension of the Crofton grid-block road network south of Adelaide (Figure 11; p. 30).

Adelaide Street Pre-Planning Study (ATTACHMENT 11)

In 1995 a pre-planning study of Adelaide Street was undertaken for the area bounded by Adelaide Street, Osborne Bay Road, Peterson Street and Vye Road. In 1997 Council agreed by resolution that the resulting *Adelaide Street Pre-planning Study* was to be used as a policy guide for future development consideration.

Staff considered this policy guide in formulating their recommendations, of note:

- In support of lateral road parallel to Adelaide Street; and
- Drainage courses to be left natural (consistent as well with Official Community Plan and current Zoning Bylaw).

Servicing and Infrastructure

OCP Policy 2.2.1.7: *The Municipality will connect ecologically sensitive lands and green spaces.*

OCP Policy 2.5.7.6: *The Municipality will manage storm water in an environmentally conscious way while continuing to protect the community.*

Servicing and Infrastructure

The proposal would be serviced from existing services along Adelaide Street.

A development buffer of 15m to the open drainage course at the north-west corner of the Subject Property is required under current Zoning Bylaw standards. Staff are in agreement with the developer's offer to transfer this portion of the Subject Property to the Municipality in good condition, i.e., after the removal of invasive species as determined by a Qualified Environmental Professional (QEP), see 'Community Amenity Contribution & Covenant' section below.

Access

A portion of the property (approximately 260 m²) would be required to be provided by the developer in order to widen Adelaide Street along the frontage of the property, as well as to provide a sufficient area for an intersection, to be designed and constructed (or paid in lieu) by the developer to municipal standards.

The proposal facilitates a four-way intersection design connecting with Adelaide and Berridge Street, with access to the site from a new road opposite Berridge Street. The applicant has agreed to provide a statutory road right-of-way (ROW) for a municipal road on this property to be dedicated to North Cowichan at time of subdivision.

The applicant proposes to construct a municipal local road (standard width of 15m) at a non-standard width of 11m at time of subdivision. As such, the proposal indicates the remaining 4m width (required to complete the road standard) be constructed through future development of the properties to the east at a later date. Engineering staff are satisfied with the 11m road concept design as proposed. However, engineering staff are requesting permission from Council to use the 11m width road design as it does not meet current municipal road and utility design standards.

Trails Amenity and Parks

Parks, Forestry and Recreation staff have indicated that the Municipality should acquire a trail dedication at the south end of the development to allow for a future trail connecting Crofton, Osborne Bay Park, and Maple Mountain Trail. The applicant has agreed to provide a trail dedication and the trail construction in this regard. See 'Community Amenity Contribution & Covenant' section below.

The trail dedication is supported by the Official Community Plan and Crofton Community Local Area Plan by the following:

OCP Policy 2.5.3.7 *The Municipality will enhance community access to natural areas.*

CCLAP 4.4. Mobility Concept Plan *Extended connections along the waterfront to link recreational areas outside Crofton. Key features include ... An expansion of Crofton Seawalk to Osborne Bay Park if upland support can be achieved; New or improved trail connections to Crofton Lake and Maple Mountain trails.* (Crofton Local Area Plan Mobility Concept Plan, Figure 11; see ATTACHMENT 10).

Proximity to local park options are: within 400m Walking Distance from Crofton Beach Community Park, and within 800 Walking Distance from Osborne Bay Community Park, Northview Neighbourhood Park (using park accessibility Walking Distances, *MNC Parks and Trails Master Plan*, p. 39; measured from the centre of the property). As the area is well-serviced with existing parks, it is expected that the approving officer will agree to cash-in-lieu of parkland dedication at time of subdivision.

Community Amenity Contribution and Covenant

Policy 2.5.1.5 b *The Municipality requires all new development to contribute to improved quality of life in North Cowichan. As part of development approval for commercial and higher density residential use, the Municipality will require community amenity contributions, in accordance with the legislation.*

The applicant has agreed to register a covenant on title for the following contributions (over and above any other required works) as a condition of rezoning:

- Transfer in good condition (i.e., removal of invasive plant species) to the Municipality the north-west portion of the Subject Property to maintain open drainage and green space.
- Trail access & trail construction.
- A contribution of \$500.00 per each new lot created, to be dedicated towards the Affordable Housing Reserve Fund.

The proponent agrees to these community amenity contributions, and has offered further contributions, e.g., fencing, and a commitment that security be provided for a tree to be planted in the front yard of each subdivided property at time of building permit. A covenant securing these commitments would be registered on title of the Subject Property prior to adoption of the zoning amendment bylaw.

Analysis and Conclusion

This proposal would result in an increase in residential density south of Adelaide Street in the Growth Centre of Crofton for the purpose of providing market housing for purchase.

The site can be serviced in compliance with municipal requirements and best practices, e.g., maintenance of natural open drainage at the northwest corner of the property. The site can be appropriately accessed by a public road (proposed constructed at 11m width) from Adelaide Street.

The proposed increase in residential density is located in the Growth Centre of Crofton, and therefore, is supported by growth management policies in the Official Community Plan. The proposal location is identified in the Crofton Community Local Area Plan land use policy for low-to-medium residential density. The intent "of this designation is to recognize that these areas will be developed over time" (p. 60; CCLAP).

More specifically, the proposal is consistent with the intent of the Official Community Plan policies with regard to urban centre proximity and livability (e.g., parks, school) and neighbourhood compatibility with regards to appropriate density, and provision of housing. The proposal is not located within walking distance of the closest transit stop on Adelaide, which is 600m away, but transit service to the area could be improved in the future.

Infrastructure associated with this proposal, i.e., an intersection at Berridge and Adelaide Street, and block-length east-west road stubs design (CCLAP, Figure 9 & 11; see ATTACHMENT 10) would provide the Municipality a means to support future residential development of this area south of Adelaide Street should it be developed in time.

Consistent with the Crofton Local Area Plan, a trail connection at the south-east corner of the property secures improved trail connectivity for the community.

In fulfillment of *Council Policy: Site Adaptive Planning in Urban Rural Interface* it is recommend that Council request the applicant to hold a neighbourhood information meeting for the purpose of informing the public of the proposal, to receive feedback from the neighbourhood, and finally to consider and address community values related to local character, hazard or environmental features.

Staff believe the community amenity contributions offered by the applicant satisfactorily address applicable policy for the type and scale of the development proposed.

As such, it is the opinion of staff that this zoning amendment application satisfies the intent of the Official Community Plan, Crofton Community Local Area Plan, and Adelaide Street Pre-Planning Study, and further, the application can achieve bylaw and regulatory compliance for the Residential One and Two-Family (R3) Zone and other applicable regulations should this zoning amendment be approved.

Communications and Engagement

It is recommended that Council direct the applicant to host a neighbourhood information meeting prior to the Public Hearing in accordance with the Urban Rural Interface Policy.

Should Council choose to provide 1st and 2nd readings to the zoning bylaw amendment and authorize a public hearing, the public be provided a formal opportunity to provide input on the proposed Zoning Bylaw amendment. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as per the requirements of the *Local Government Act*.

Options

The following options are presented for Council's consideration:

Option 1 – Staff Recommendation

1. That Council approve first and second reading of "Zoning Amendment Bylaw No. 3775 (Lot 1, Plan 5760 Adelaide Street), 2020 to rezone Lot 1, Plan 5760 (PID: 005-930-863) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3);
2. That should Bylaw No. 3775 be adopted, Council authorize relaxation of the municipal local road standard from 15m to 11m; and,
3. That the applicant be directed to host a neighbourhood information meeting.

Option 2 – Alternate Recommendation

That Council deny zoning amendment application ZB000114 to rezone Lot 1, Plan 5760 (PID: 005-930-863) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3).

Implications

A zoning amendment to accommodate increased residential density would increase the municipal grid road network within the Urban Containment Boundary/Growth Centre of Crofton and associated maintenance costs.

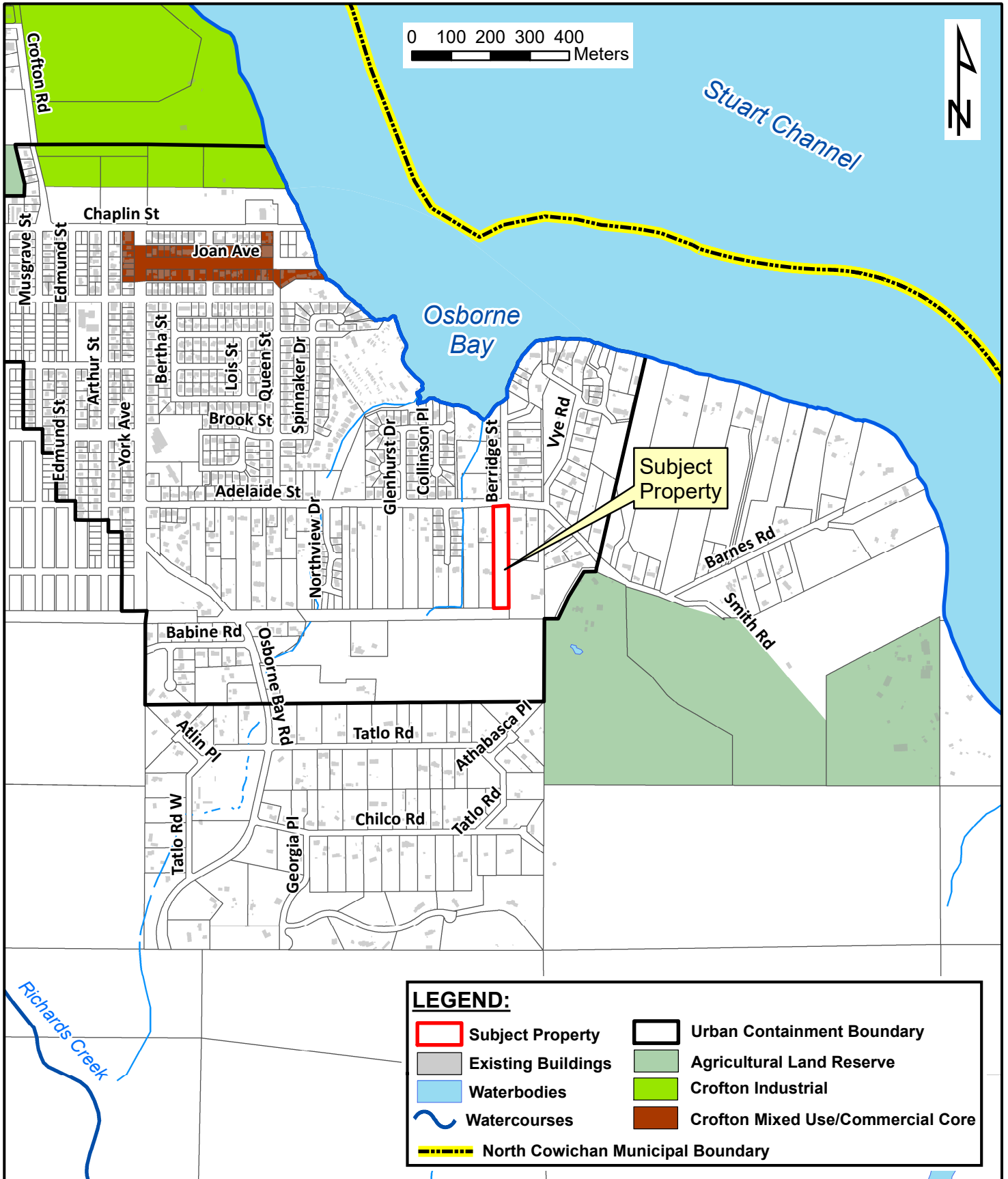
There are no direct personnel, environmental or social implications of the recommended option.

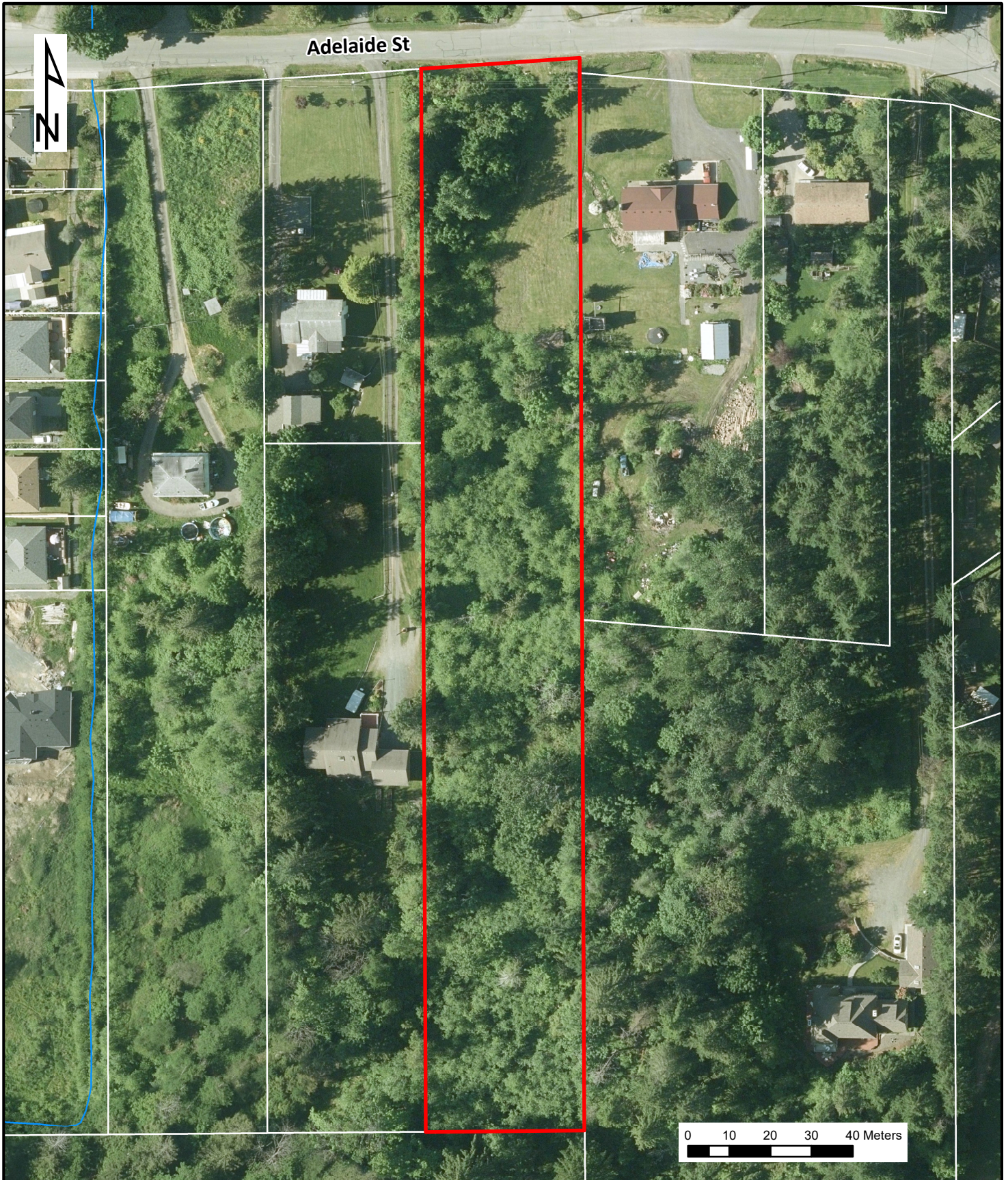
Recommendation

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

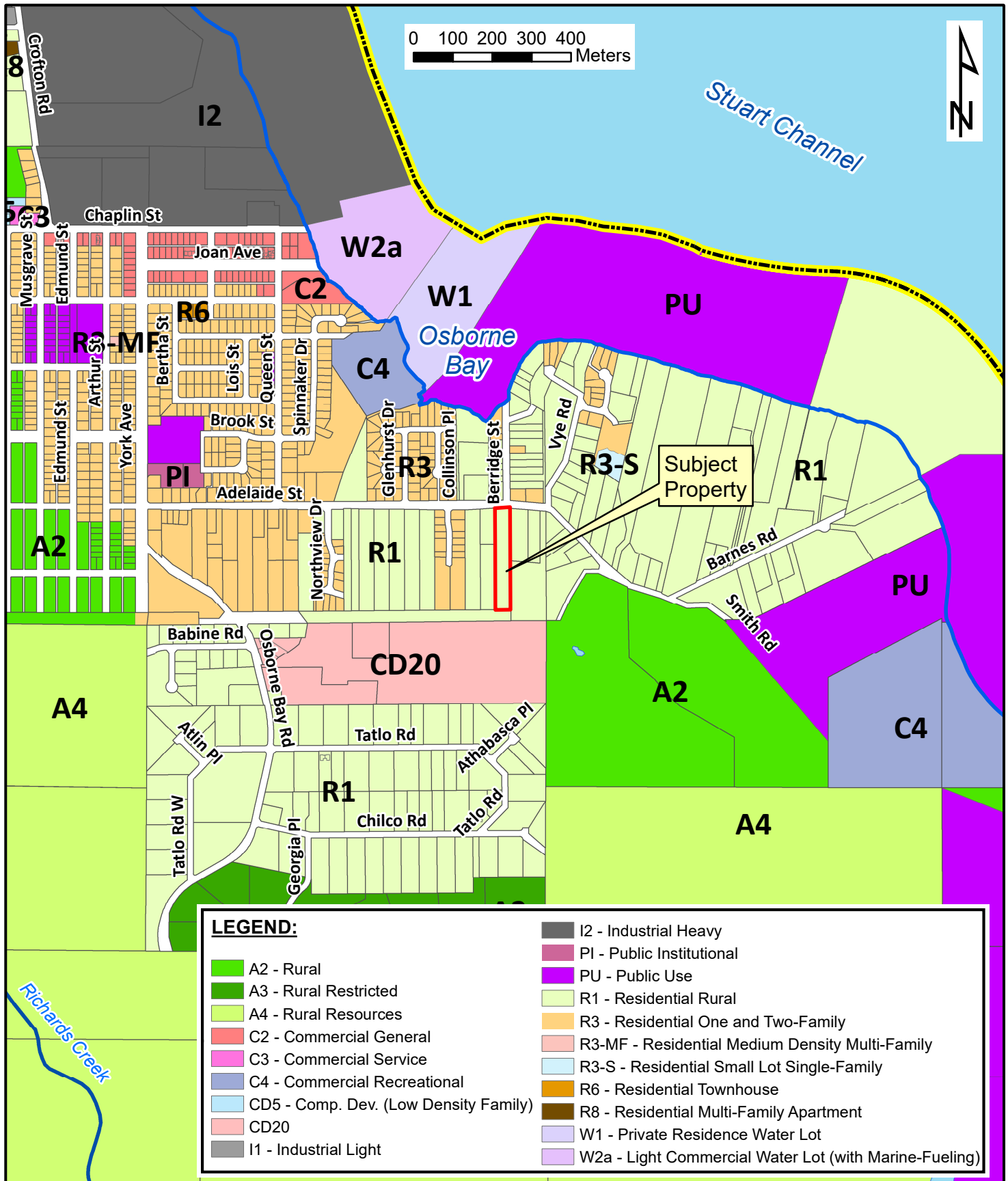
Attachments (11)

Attachment 1 -Location Map
 Attachment 2 - Orthophoto
 Attachment 3 - Zoning Map
 Attachment 4 – Proposed Zone R3
 Attachment 5 - Letter of Rationale
 Attachment 6 - Proposed Subdivision Plan
 Attachment 7 - Site Photos
 Attachment 8 – Drainage Assessment
 Attachment 9 – Council Policy Urban Rural Interface
 Attachment 10 – Illustrative Figures, Crofton Local Area Plan
 Attachment 11 – Draft Bylaw No. 3775





	ORTHOPHOTO MAP		DATE:	July 30, 2019
	(Orthophoto is from 2017 aerial photography)		TYPE:	Rezoning
	Lot 1 Plan VIP5760		FILE#:	ZB000114



Residential One and Two-Family Zone (R3)

Permitted Uses

- 58 (1) The permitted uses for the R3 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Home-based Business
 - Secondary Suite
 - Single-Family Dwelling
 - Supportive Housing
 - Two-Family Dwelling [BL3302]

Minimum Lot Size

- (2) A lot in the R3 zone must meet the minimum area requirements for the purposes of subdivision and use of the lot for permitted uses as follows:
- (a) Single-family dwelling, 450 m² (4,844 sq. ft.)
 - (b) Single-family dwelling with a secondary suite, 450 m² (4,844 sq. ft.)
 - (c) Two-family dwelling, 700 m² (7,535 sq. ft.) [BL3647, BL3674]
- (2.1) Despite section 58 (2) (b), a single-family dwelling with a secondary suite is permitted on 3133 Cook Street (Parcel Identifier: 027-873-200) with a lot area of 510 m² (5,490 sq. ft.). [BL3663]
- (2.2) Despite section 58 (2) (c), a two-family dwelling is permitted on Lot 15 of Plan 5756, on Sayward Road (PID: 001-503-120) with a lot area of 669 m² (7,201 sq. ft.). [BL3684]

Minimum Frontage

- (3) The minimum permitted frontage in the R3 zone is as follows:
- (a) Single-family dwelling, 15 m (49.21'),
 - (b) Single-family dwelling with a secondary suite, 15 m (49.21'),
 - (c) Two-family dwelling, 23.0 m (75.46'). [BL3083, BL3674]

Density

- (4) The maximum permitted density for the R3 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
 - (b) The maximum permitted floor space ratio is 0.5:1.
 - (c) The number of residential units per building shall not exceed two. For strata buildings/lots, each strata unit constitutes one residential unit.
 - (d) Despite the foregoing, the placement of a temporary trailer may also be permitted subject to "Temporary Trailer Permit Bylaw 1976", No. 1685.
 - (e) Despite the foregoing, a maximum of 2 residential buildings, with a total combined maximum of 2 residential dwelling units, is permitted on 3340 Cowichan Lake Road (PID: 001-375-482). [BL3668]

Maximum Lot Coverage

- (5) The maximum permitted lot coverage for the R3 zone is as follows:
- (a) 30% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger; and
 - (b) 35% of the lot area for lots less than 650 m² (7,000 sq. ft.).

Minimum Setbacks

- (6) The minimum permitted setbacks for the R3 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 5.0 m (16.40')
 - Yard, Side, 2.0 m (6.56')

- Yard, Side when adjacent to a lane or street, 3.0 (9.8')
- Yard, Rear, 7.5 m (24.6') [BL3323]
- (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 5.0 m (16.40')
 - Yard, Side, 1.0 m (3.28')
 - Yard, Rear, 1.5 m (4.92') [BL3323]

- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

- (7) The maximum permitted building heights for the R3 zone are as follows:
 - (a) Principal Building, 9.0 m (29.53')
 - (b) Accessory Building, 5.0 m (16.40')

Conditions of Use

- (8) The conditions of use for the R3 zone are as follows:
 - (a) No fences over 1.2 m (4.00') in height are permitted in the required yards, front.
 - (b) No fences over 2.0 m (6.56') in height are permitted in the required yards, side or rear.
 - (c) In no situation shall a fence be greater than 2.0 m (6.56') in height.
 - (d) Bed and breakfast uses may have no more than three sleeping units.
 - (e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
 - (f) Agriculture use shall be subject to the "Animal Control Bylaw, 1995", No. 2856.
 - (g) [Repealed, BL3674]
 - (h) For a lot created prior to March 31, 2000, a single-family dwelling, two-family dwelling, or secondary suite is permitted on any lot. [BL3323, BL3418]
 - (i) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
 - (j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed three, and
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]

Driveway Width

- (9) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.



June 26, 2019

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC
V9L 3X4

Attn: Rob Conway, Director of Planning

Re: Rezoning Application, 1378 Adelaide Street - Letter of Rationale / Site Adaptive Planning Analysis

Dear Mr. Conway,

Further to our previous discussion and pre-application meetings between our client and municipal staff, attached please find our re-application for rezoning for a property located at 1378 Adelaide Street (Lot 1, Plan 5760) in Crofton, submitted on behalf of our client, Sundance Properties Ltd. We are proposing to rezone the subject property from **R1 (Residential Rural Zone)** to **R3 (Residential One and Two-Family Zone)**.

Included with this application please find the following supporting information:

1. Letter of Rationale / Site Adaptive Planning Analysis
2. Application Form
3. Appointment of Agent Form
4. Application Fee (Cheque for \$2,500)
5. Up-to-date (June 26, 2019) copy of current title and a copy of the registered s.219 covenant.

Note 1: the covenant charge registered against the title will need to be discharged or amended as it was registered as a result of the previous application and contained a self-destruct clause if that bylaw was not adopted.

Note 2: there is a 1950 BC Hydro SRW registered against the subject property (Charge No. 149150G). The description notes that it applies to the "northern 10 feet" of the subject property, which coincides with an existing aerial trespass across the northern frontage of the property. It is anticipated that the entire SRW area is located on land that will be required for road dedication, ultimately making it redundant. The SRW document is only available via special order from Land Titles, please advise if you require a copy of this document.)

6. One (1) 11x17 copy of a proposed conceptual layout of a future subdivision and servicing under R3 zoning
7. One (1) 8.5x11 copy of a typical R3 lot layout
8. One (1) 8.5x11 copy of the proposed 11.0 m interim local road standard

SITE CONTEXT

The subject property is a 1.0 ha (2.47 acre / 10,000 m²) parcel on the south side of Adelaide Street, directly across from the intersection with Berridge Street. It has a gentle and consistent 10% slope from north to south. There is a very small old cabin located on the property that is in poor repair and will need to be removed. Surrounding properties are a mix of newer urban one and two family residential (R3) lots and older rural (R1) residential lots. The property is currently partially vegetated with a mix of primarily young alder trees, along with invasive species (Himalayan Blackberry). There is a small ephemeral drainage course that runs across the northwest corner of the subject property in to an existing ditch on Adelaide Street, travelling through a culvert under Adelaide Street and continuing down Berridge Street.

SITE ADAPTIVE PLANNING ANALYSIS

It is important to acknowledge and carefully integrate new development in to the existing urban fabric. Areas like Adelaide Street are in a state of transition. Lands in this area have been identified in the OCP for many years as being intended for future urban development, and in some cases that development has occurred on many other properties in the area. The area is also serviced by municipal water, sewer, paved roads, sidewalks and streetlights. While new developments need to tie in to and connect to that newer urban development and infrastructure, they must also respect the existing features and amenities within the neighbourhood, as well as respect the existing larger R1 properties that remain in the neighbourhood, and may remain for some time.

This site poses some limitation in terms of layout options due to its configuration, but the following key factors have driven the conceptual design process for this project:

1. **Topography:** As noted above, the land slopes gently from north to south at approximately 10%. The layout has been designed to work with those existing contours, therefore minimizing the amount of land alteration and re-grading required to facilitate the development. A similar approach was taken with Tidemark Way and Northview Drive to the west.
2. **Tree Protection:** The subject property was almost fully cleared approximately 20 years ago and is currently primarily comprised of small alder trees and invasive species. There are a few larger more mature trees, including a few coniferous trees, located adjacent to the drainage course at the northwest corner of the property which will be protected within the proposed park land.
3. **Environment:** As noted, the subject property contains a drainage course running through the northwest corner of the property. The upstream portion of this drainage course on adjoining properties has been heavily modified and is located within a very defined ditch with manicured grass right to the edges, however the portion running through my client's property is largely intact and natural. We are proposing to maintain this drainage course and provide a 10.0 m buffer plus additional park land to create a green buffer at the entrance to the residential lots.

-
4. Surrounding Neighbourhood: While many properties have been rezoned and developed under R3 zoning within the neighbourhood (Including two properties across the road to the north), the directly adjoining properties to the east and west are still zoned R1 and range in size from approximately 0.5 – 3.0 acres. All of these properties are also identified within the UCB and are intended to be developed at some point in the future. Existing mature vegetation on most of the surrounding lots will minimize the visual impact of this development. The property which is likely most directly affected (1358 Adelaide Street) will benefit greatly from the inclusion of the green space at the northwest corner of the property as they will now look from the front and side of their property at green space instead of new houses.

Having said that, the developer is prepared to commit to providing for a fence across the full western and eastern property boundaries of the property at the time of development. The fencing would be built to a page wire standard adjoining the road (eastern property boundary) and a solid cedar fence at the rear of the lots along the full western border and along the eastern border of Lot 11.

Also, of note, this property is adjacent (separated only by the former Peterson Street right-of-way) to the Commons at Osborne Bay, a 30-acre residential development which has a comprehensive development zoning that will facilitate a similar density and housing type / style to what has been proposed on this property on Adelaide Street.

We are not aware of any other community, cultural and environmental considerations that might otherwise influence the development of this site.

PREVIOUS APPLICATION

As you are aware, we submitted an application to rezone this property in 2018, which was considered and effectively rejected by Council when they chose not to provide the requisite bylaw with second reading following the public hearing. Since that time, we have reviewed the feedback received from Staff, Council, and residents of Crofton in considering how to come back with a new proposal that would hopefully receive better acceptance from the community, and ultimately from Council. This presented a bit of a challenge as our previous application was consistent with the OCP, the Crofton Local Area Plan and the Adelaide Street pre-planning study from the mid 1990's and also had full support from Staff. However, we have been able to modify the application and highlight the following key changes below:

1. Change from proposed R3-S zoning to R3

In spite of the fact that our average parcel size under the R3-S proposal would have been very close to the minimum parcel size under R3 zoning, concerns were raised with the fact that this zoning was "different" than the zoning which had been applied to other adjacent residential developments in the area, all of which had utilized the R3 zone. Therefore, we have amended our proposal to utilize the R3 zone in order to be consistent with other development in the neighbourhood.

2. Identification / incorporation of drainage course in to concept plan

As noted above, the subject property has a small drainage course that runs across the northwest corner of the property. We had acknowledged its existence with the previous application but did not address it in the conceptual plan. Questions were raised with the previous application as to the status and plans for that drainage course. While we had anticipated that it was an issue that would be addressed in detailed design through the subsequent subdivision process, we do acknowledge the broader environmental and community value that it provides and the need to address it as part of the preliminary planning process. The approximate drainage course alignment is shown on the conceptual plan and is proposed to be protected as park land. Madrone Environmental has identified that while it is not fish-bearing (therefore RAR will not apply) they would recommend a 10.0 m setback be established in order to provide for broader environmental protection. This setback has also been shown on the concept plan. The combination of the green space plus the R3 zoning results in the proposed lot count being reduced from 15 to 11, which also helps to reduce the potential impact on surrounding properties.

3. Park land / Green space

Questions were raised with the previous application about whether there were opportunities to maintain / provide any green space as part of the development. As the subject property is relatively small, at only 1.0 ha (10,000m²), this will generate only a 500 m² park land dedication. Typically, at this size, Municipality's prefer to take cash-in-lieu of park land dedication, which was the owner and staff's preferred scenario with the previous application.

However, with the incorporation of the drainage course into the concept plan, there is an opportunity to create a +/- 1100 m² green space by combining the environmental protection area with a portion of the park dedication. This will help to create an attractive passive green space at the entrance to the residential lots as visible from Adelaide and Berridge Streets.

POLICY SUPPORT

We believe this property is an ideal location for this form of development, given its location within the Crofton Urban Containment Boundaries and proximity to Crofton Elementary School, Queen Street playground, downtown Crofton, Berridge Street Park & Crofton Seawalk, and the BC Ferries terminal. Anecdotally, the two types of housing products most often noted as needed by Crofton residents are smaller and affordable homes for both seniors and young families. The configuration and size of these lots under the R3 zone will allow for a range of affordable small to mid-size one and two-story homes that should fit very well in this neighbourhood and in the Crofton market.

Official Community Plan

Our application is consistent with the Municipality's Official Community Plan (Bylaw No. 3450), which identifies these lands as being within the Urban Containment Boundary. Furthermore, the OCP contains numerous supportive policies which speak to efficient use of infrastructure, diversity of housing stock and affordable housing.

Crofton Local Area Plan (Policy Area PA4-CDZ)

Our application is also strongly supported by the recently completed Croton Local Area Plan, which was developed with extensive community consultation and involvement from area residents. The LAP identifies these and surrounding lands for low and medium density urban residential development.

CONCEPTUAL SERVICING

Servicing for this development will connect primarily to existing municipal services:

Roads – It is anticipated that road dedication (widening) will be required along the Adelaide Street frontage, and that road improvements up to centre line along that frontage will be required as a condition of subdivision approval. Internally, the principal north-south local road has been aligned to become a southerly extension of the existing Berridge Street and will be developed utilizing the Municipality's local road standard. Approximately 2/3 of the road (11.0 m) will be dedicated and constructed with this development, with the remaining 1/3 to be developed by the neighbouring property owner to the east when and if those lands are developed. The road and lot layout have been developed to allow for future logical extensions to lands to the east and west to create a cohesive neighbourhood over time as those other lands are developed. A possible mid-block connection to the west that had been contemplated with the previous application has been removed in order to minimize the environmental impact on the drainage course.

Water (Crofton Water System) – A new water main will be extended from the existing main in Adelaide Street through the subject property to service each of the proposed lots and provide access to lands beyond.

Sanitary Sewer – (Crofton Sewer System) – A new sanitary sewer main will be extended from the existing 200mm main in Adelaide Street through the subject property to service each of the proposed lots.

Storm Sewer – A new storm sewer main will be extended from the existing 200mm storm main in Berridge Street through the subject property to service each of the proposed new lots. In addition, it is anticipated that each individual lot will be required to install storm water infiltration systems in order to allow for additional storage and on-site infiltration during major storm events. Doing so helps to ensure as much storm water from the roof leaders is re-introduced back on to the subject property and minimizes downstream impact, system upgrades and environmental impact.

Detailed engineering design and construction drawings, plus specific plans for other utilities, such as Hydro, Shaw, Telus, Fortis, etc. will be completed and submitted to the Municipality by a P.Eng. at the subdivision stage.

COMMUNITY AMENITIES

As was the case with our previous application, our client remains committed to registering a covenant as a condition of rezoning to provide for the following community amenities:

1. A right-of-way and construction of a trail from the proposed local road to the southern property boundary in order to connect to a future trail network along the former Peterson Street right-of-way; and,
2. A contribution to the Municipality's Affordable Housing Reserve Fund of \$500 per lot.

In addition, we would also propose to add the following amenities as part of our new application and proposal:

1. To transfer the lands (approx. 1100 m2) adjoining the drainage course to the Municipality, which provides the best level of protection for the trees and the drainage course within that corridor;
2. To fully fence the western and eastern property boundaries in order to reduce the potential impact on adjoining lands; and,
3. To require the planting of a new tree in the front yard of each lot as a condition of future building permit.

PUBLIC CONSULTATION

Following submission of the application we plan to proactively reach out to the Crofton Community Association to speak with them about the application and receive their feedback. Depending on their feedback and interest further discussion and consultation may be undertaken. We also plan to contact directly adjoining neighbours to provide them with information on our application and ensure they are provided with an opportunity to understand our proposal and provide feedback.

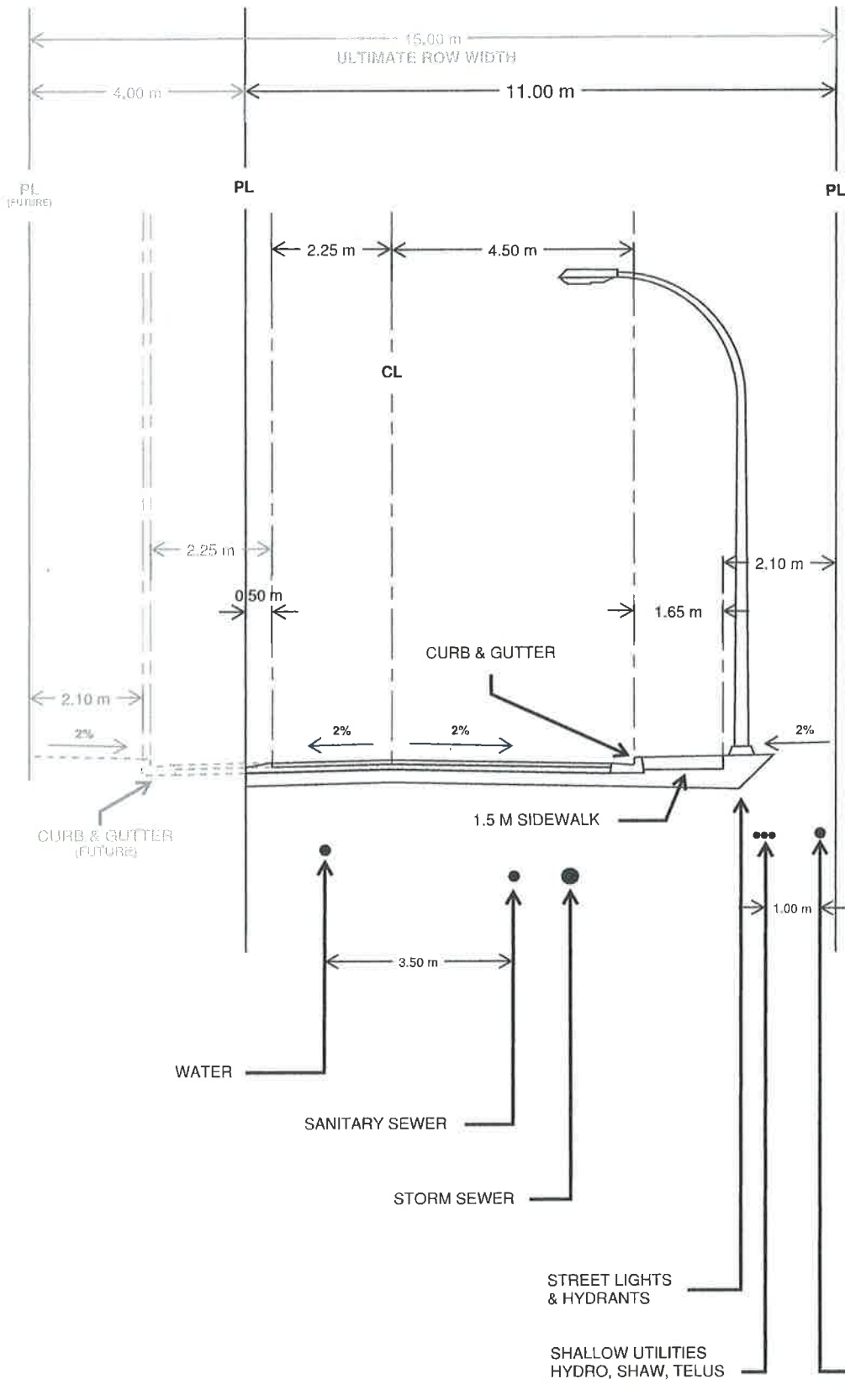
In closing, we feel the attached application is strongly supported by the Municipality's existing land-use and planning policies and feel that this development would be a welcome addition to Crofton in order to help provide for a range of new housing options in the community. We look forward to working with staff, Council and the community on this application, and welcome your feedback at any point in the process. Please contact me if you require any clarification or additional information in support of the application or if you have any other questions.

Sincere Regards,



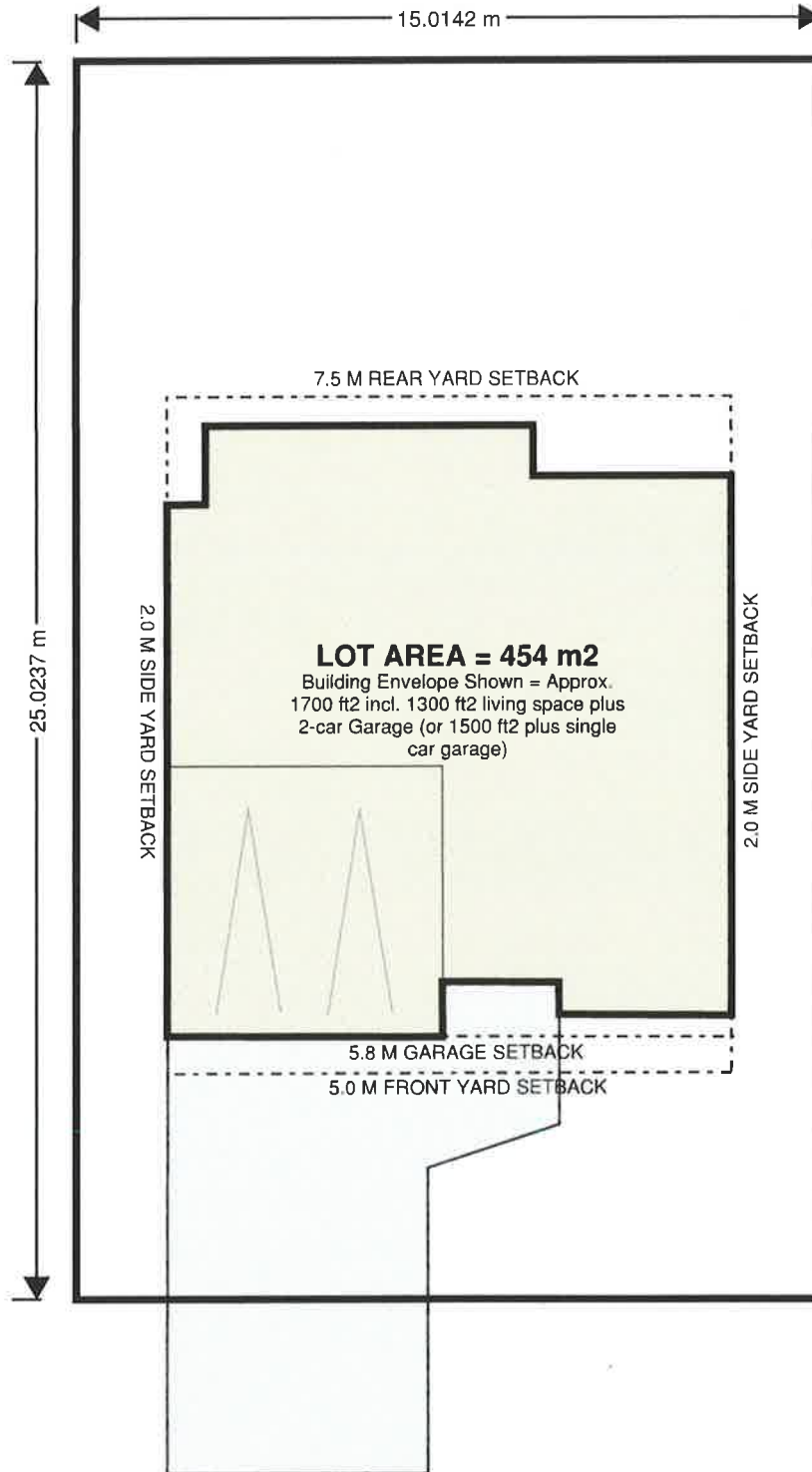
Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

TOWNSITE PLANNING INC.
t: 250.797.2515
e: scott@townsiteplanning.ca
e: www.townsiteplanning.ca



EXAMPLES





R3 Zoning

Max. FSR / Square Footage = 0.5:1 225 m² / 2,430 ft² + garage

Max. Lot Coverage = 30% 157.5 m² / 1,700 ft²

Max. Building Height = 9.0 m / 29.52 ft.

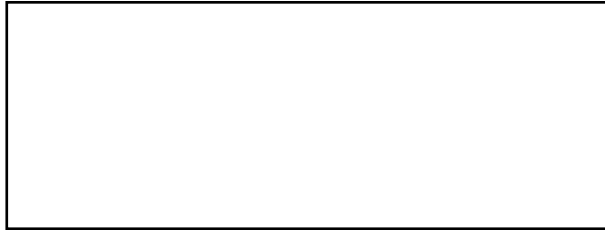
ATTACHMENT 7







October 28th 2019



Dear Mr. Williamson,

Re: Riparian Requirements for 1378 Adelaide Street, Crofton, BC

Introduction

It is my understanding that an application for development is being submitted to the Municipality of North Cowichan (MNC) for the purpose of rezoning the property located at 1378 Adelaide Street (PID: 005-930-863). The proposal is to modify the current zoning of Rural Residential (R1) to Residential One and Two Family (R3) for the purpose of establishing an 11-lot subdivision. Because the MNC online mapping tool indicates that a portion of the subject property lies within a riparian zone, the Riparian Areas Bylaws under Development Permit Area-3 (DPA-3 Natural Environment) have been triggered. To ensure that all of the riparian requirements are satisfied, the MNC requested that a Qualified Environmental Professional (QEP) be retained to conduct an assessment. In order to obtain approval for the proposed rezoning and subdivision you retained my services to complete the assessment and provide the necessary guidance related to the riparian requirements.

Regulatory Framework

In this case, the provincial Riparian Areas Regulation (RAR) applies under the DPA-3 guidelines. In most cases, any development activity within a Riparian Assessment Area (RAA) - 30 m from the edge of a "stream" - including lakes, wetlands, ponds, creeks, rivers and ditches- is subject to a RAR assessment by a QEP. The regulation applies to "development" along streams, as governed by local government regulation, or the

approval of residential, commercial, industrial or ancillary activities under Part 26 of the *Local Government Act*.

There are some instances where development inside the 30 m RAA does not require the completion of an assessment under the RAR. For example, waterbodies that do not support salmonids, game fish or regionally significant fish species are not considered “streams” under the RAR methodology. In addition, a QEP can use professional judgment when classifying watercourses that are poorly defined and where connectivity to fish habitat by surface flow is not obvious. These types of watercourses are also exempt from the RAR process, as per Section 1.4.2 of the RAR guidelines.

Field Assessment

The field assessment of this property occurred in June 2018. While on-site I noted that a large portion of the subject property had been cleared a significant amount of time before the assessment. As a result, invasive species have become well established on the property.

The assessment of the drainage began at Adelaide Street and continued upstream (south) onto the subject lot. While traversing the drainage it was noted that continuous channel definition is lacking and most areas exhibit no sign of scour or erosion, an indication that water does not regularly flow through the area. Only a short section (approximately 10-15 m) of scoured channel was noted. Over the assessed length there is very little alluvium and mineral soil is abundant. Based on these observations, the drainage is best classified as an ephemeral system. Water will only flow through the area after heavy rains or as a result of runoff from snow melt.

A significant portion of the drainage corridor is covered with invasive plant growth, namely Himalayan blackberry (*Rubus discolor*) and English ivy (*Hedera helix*).

Native plant growth is lacking onsite likely as a result of property clearing. The native vegetation that does occur is confined to the property edges and drainage corridor. Tree species noted include western redcedar (*Thuja plicata*), Douglas-fir (*Pseudotsuga menziesii*), bigleaf maple (*Acer macrophyllum*) and red alder (*Alnus rubra*). Dominant herb and shrub species include salmonberry (*Rubus spectabilis*), dull Oregon grape (*Mahonia nervosa*), trailing blackberry (*Rubus ursinus*), baldhip rose (*Rosa gymnocarpa*), common snowberry (*Symphoricarpos albus*) and sword fern (*Polystichum munitum*). Grasses dominate much of the area outside of the drainage corridor.

Conclusion

Based on field observations, the subject drainage does not provide suitable habitat for fish. The drainage is a poorly defined, ephemeral drainage and there is no potential for the ditch to support resident fish, nor is there any potential for fish to enter the drainage seasonally due to the poor connectivity to downstream habitat. Furthermore, there was no water observed in the ditch at the time of the assessment and it appeared as though there has not been any flow for a considerable amount of time.

In my professional opinion, there is no requirement to complete an RAR assessment for the proposed rezoning and subdivision. The drainage does not meet the definition of a stream outlined in the RAR assessment methodology. The two factors supporting this conclusion are:

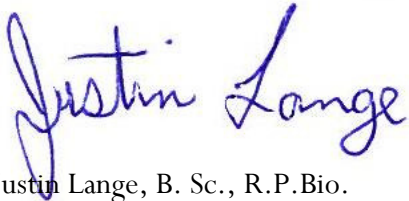
- there is poor connectivity by surface flowing water to known fish habitat and therefore is not considered a stream under the RAR.
- the ditch does not support salmonids, game fish or regionally significant fish species.

Based on these two factors, the RAR process does not apply.

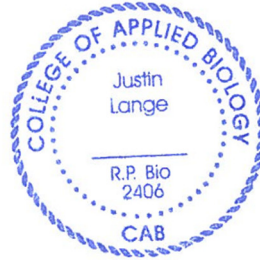
Although this drainage does not meet the definition of a stream under the RAR, it does meet the MNCs definition of a watercourse and is therefore subject to a no-build setback for “structures”. This setback is enforced under the Zoning Bylaws. Section 13, Paragraph states: *“no building or part thereof shall be constructed, altered, moved, or extended, nor shall any mobile unit, manufactured home, structure, or fill be located within 15.0 m of the natural boundary of any watercourse”*. To ensure there is adequate area for the development proposal, it is my understanding that a variance to the 15.0 m setback will be requested. Even though this drainage does not support fish, it is hydrological important as it conveys stormwater runoff to the ocean. To ensure the local hydrological regime is maintained, a 10 m no-development setback is suitable in this case.

I appreciate you contacting me regarding applicability of the RAR to your property at 1378 Adelaide Street. If you have any questions regarding this assessment and its conclusion, please do not hesitate in contacting the undersigned.

Sincerely,



Justin Lange, B. Sc., R.P.Bio.
Aquatic/Terrestrial Biologist.





APPENDIX A

SITE PHOTOS



Looking down at the adjacent property that is located north of Adelaide Road and the subject lot. The blue line marks the overgrown drainage channel.



Looking down at the point (marked with red arrow) where water emerges from under Adelaide Road and flows onto the adjacent property.



Looking down at the culvert inlet that conveys water flow under Adelaide Road.



Looking upstream from the inlet of the culvert. Immediately above the culvert the channel is poorly defined.



Looking upstream at a section of the drainage that has a defined channel (above) and a photo (below) of the drainage immediately upstream where channel definition is non-existent.





Looking north towards the entrance to the property. The drainage is contained within the vegetated area on the left side of the photo.



Looking south at the central portion of the property.

**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.

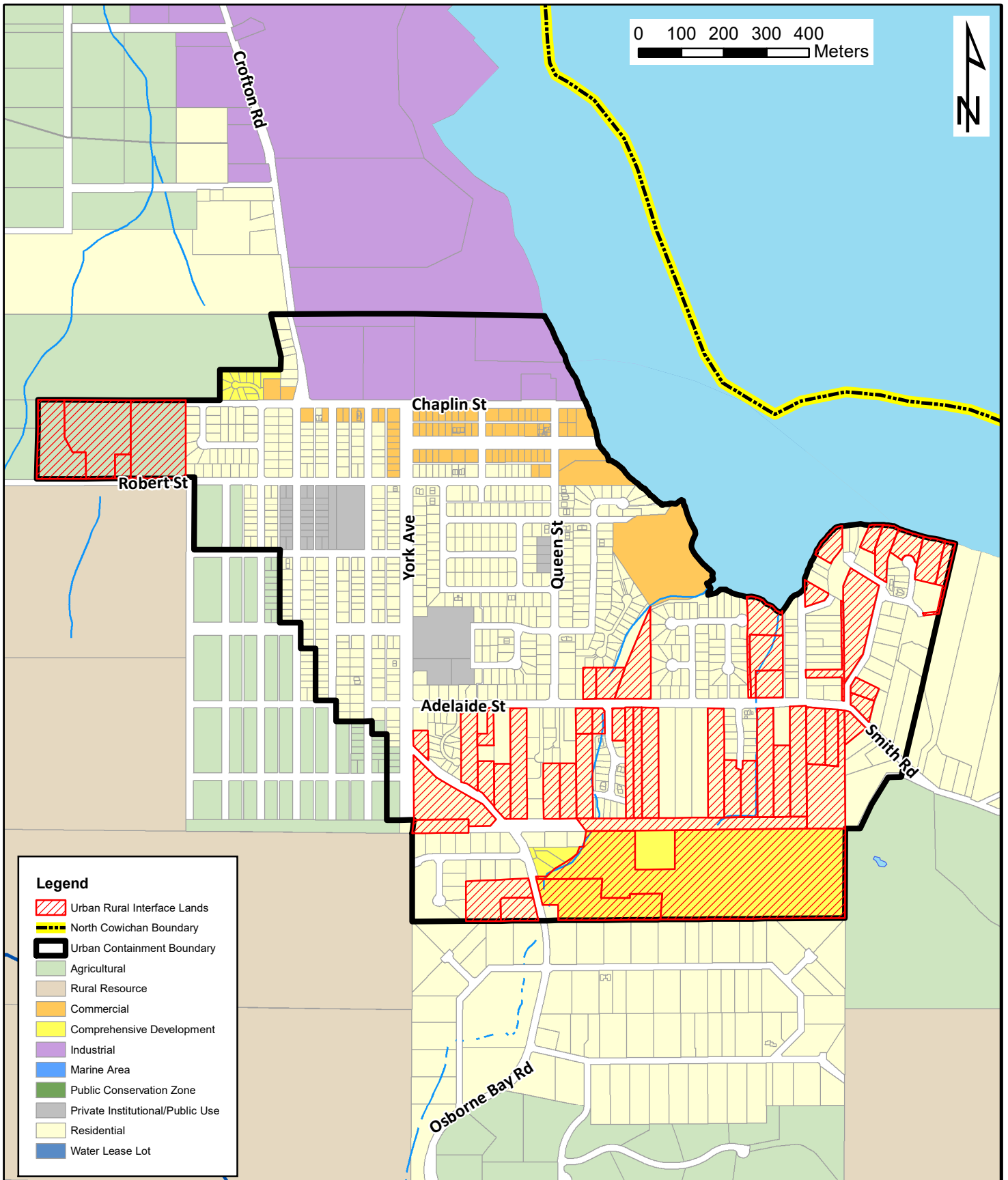
3. DEFINITIONS

"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.



	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

BUILDING TYPOGIES

See Table 1

S - Single Detached
 CH - Coach House
 D/Tr/Fp - Duplex/ Triplex/ Fourplex
 R - Rowhouse
 T - Townhouse
 MF - Multi-Family
 LWK - Live Work
 CM - Commercial
 CR - Cottage Retail
 MU - Mixed Use

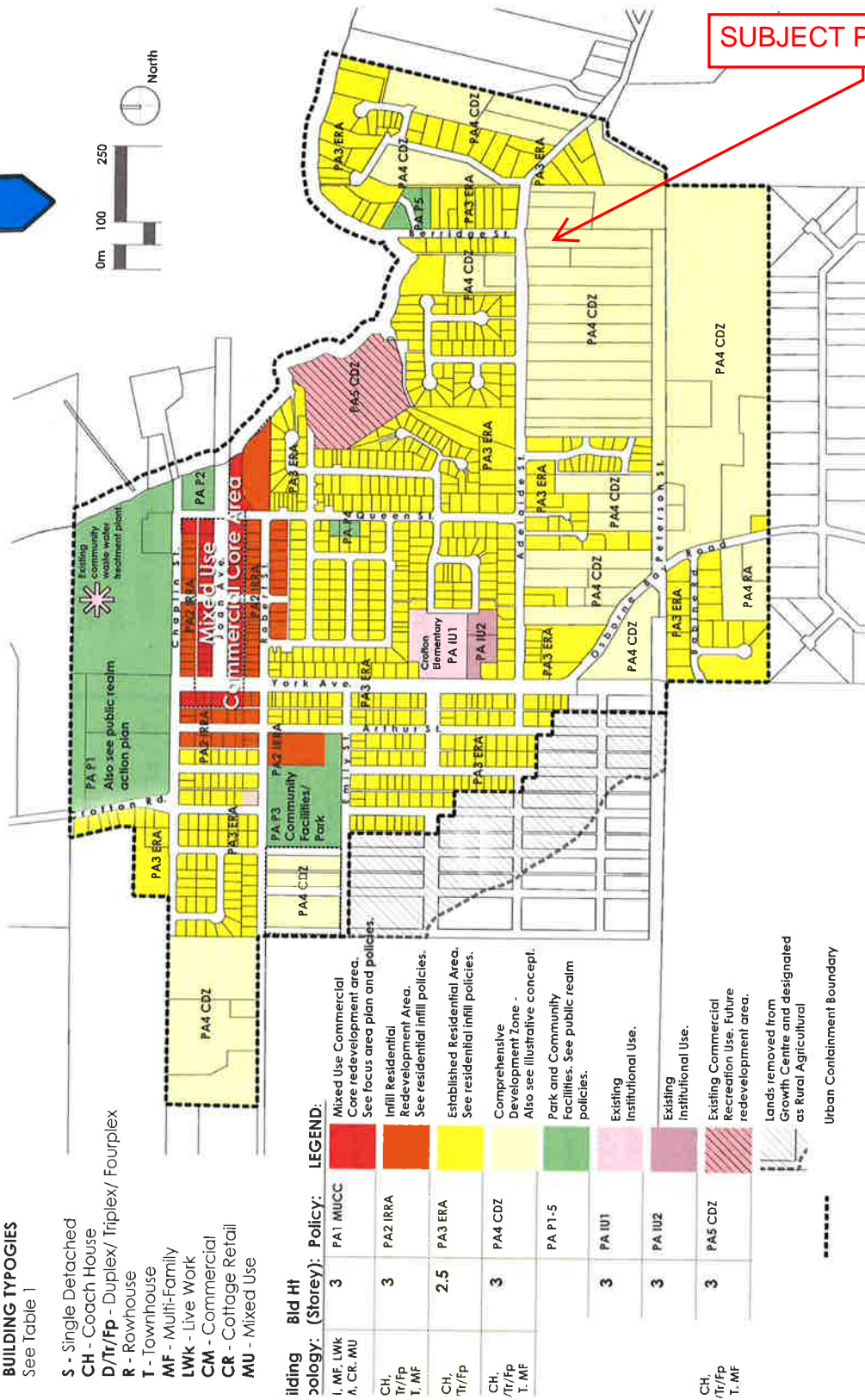


Figure 15. Land Use Regulating Plan
 Crofton Local Area Plan

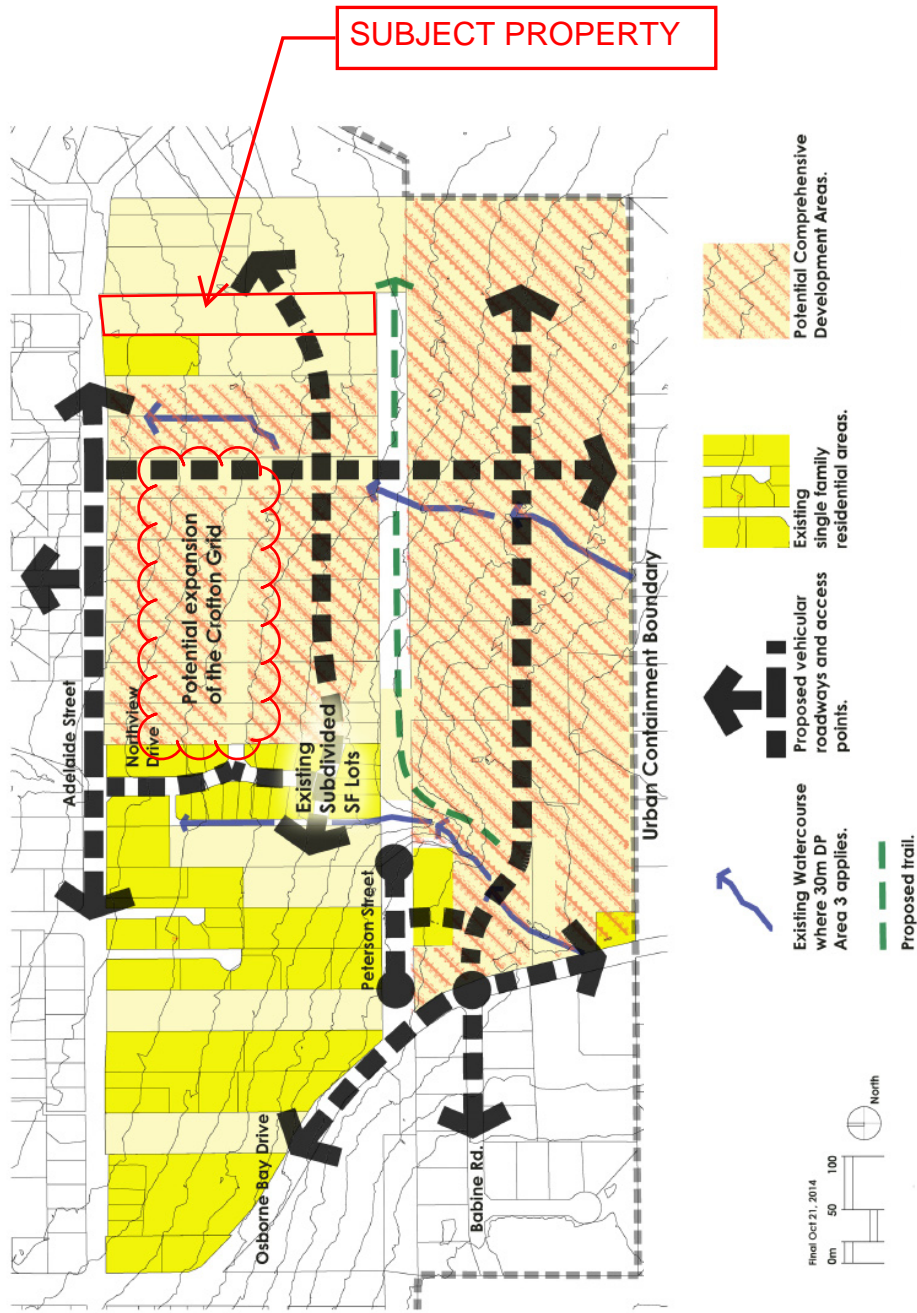


Figure 9. Greenfield Area Illustrative Plan
Crofton Local Area Plan

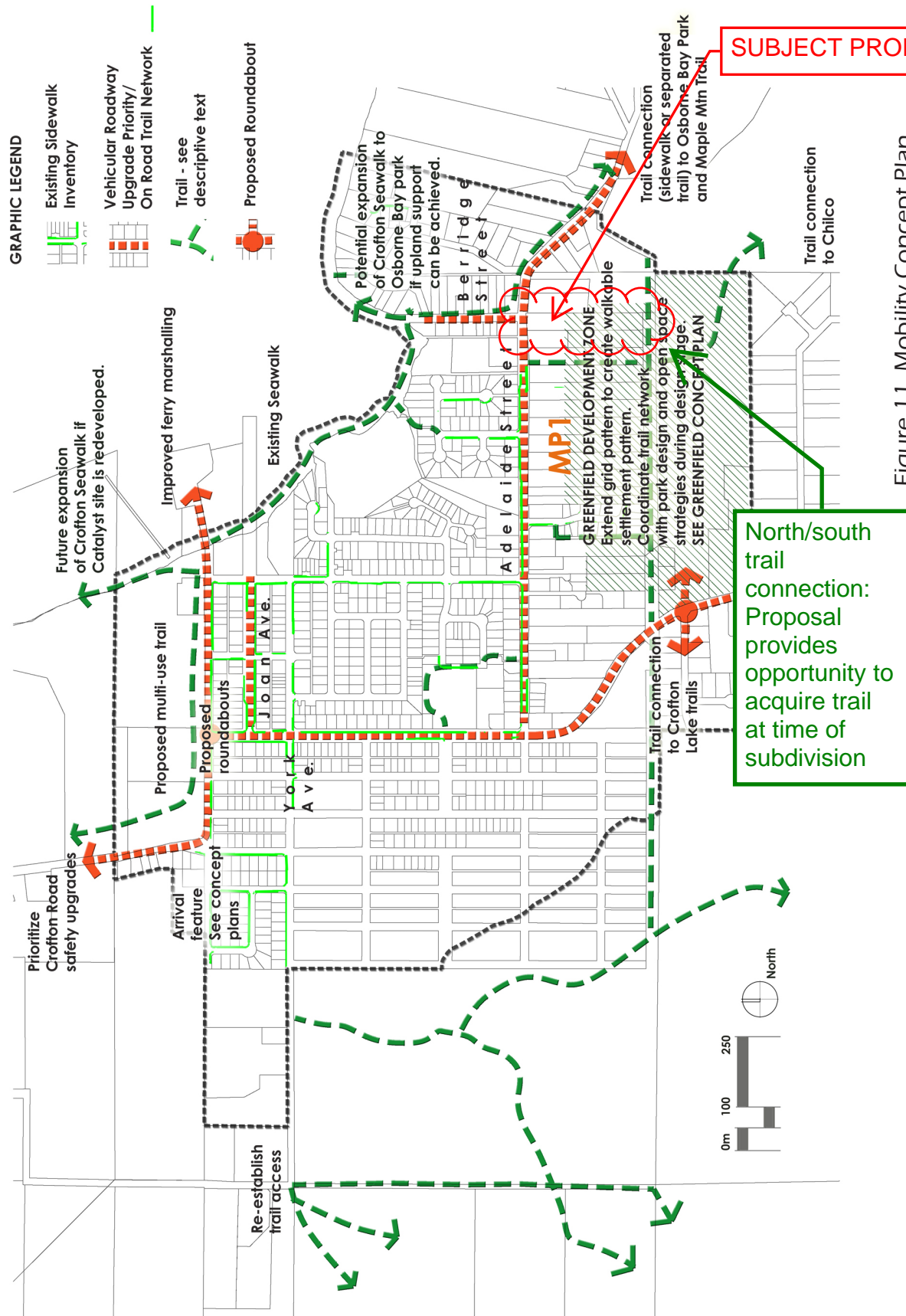


Figure 11. Mobility Concept Plan
Crofton Local Area Plan

Carried

Signs Moved by Councillor Ridgway, seconded by Councillor Walker

97-617 *that Council authorize the installation of STOP signs at the intersection of Spruce and Alder Streets, as shown on the plan prepared by the Engineering Department, dated October 31, 1997. (File: 5460-50)*

Carried

Adelaide Street Moved by Councillor McIvor, seconded by Councillor Seymour

Study

97-618 *that Council adopt the Adelaide Street Preplanning Study as policy to be used as a guide for future subdivision layout, with the following principles:*

1. *Panhandle lots will not be permitted as a means to circumvent the Policy.*
2. *A lateral road system paralleling Adelaide Street is endorsed.*
3. *The south half of the Residential Rural (R1) zoned area must be serviced by gravity (as per the plan in the study which indicated sewer servicing), not by the Osborne Bay pump station.*
4. *Proposed lots must provide for a leave area next to drainage courses.*
5. *The concept of closing the easterly half of Petersen Road is integral to the concept plan. At the time of rezoning the Residential Rural (R1) portion, the disposition of this excess road must be determined. (File:6520- 20 ADS)*

Carried

Duplexes Moved by Councillor McIvor, seconded by Councillor Walker

97-619 *that Council direct staff to draft a bylaw to amend the Zoning Bylaw to resolve*



The Corporation of the District of North Cowichan

Bylaw No. 3775

Zoning Amendment Bylaw (Lot 1 Plan 5760 Adelaide Street), 2020

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

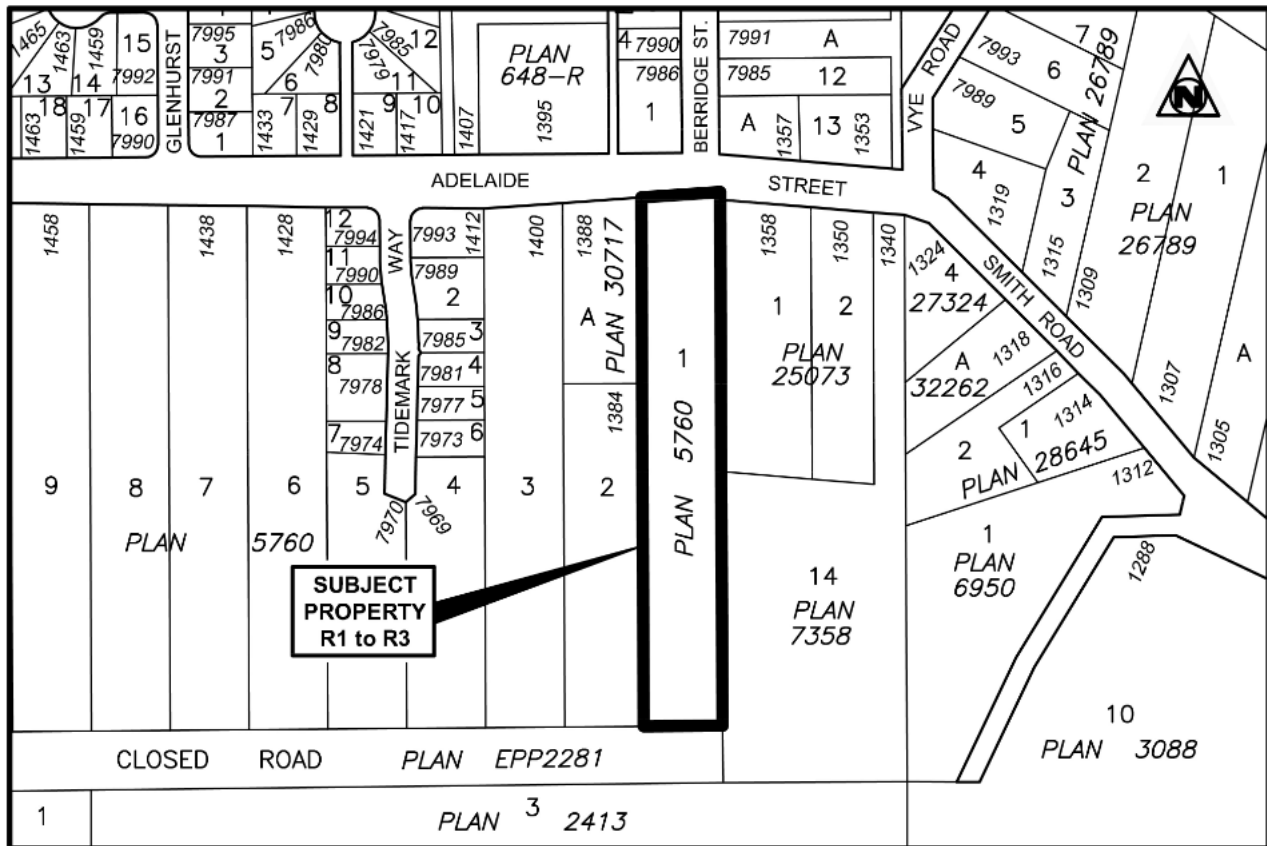
- 1 *Schedule "C" of "Zoning Bylaw 1997", No. 2950, is amended by reclassifying from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3), Lot 1 Plan 5760 Adelaide Street (PID: 005-930-863), shown as the "Subject Property" and outlined in bold on the Schedule attached to and forming part of this bylaw.***

READ a first time on
READ a second time on
Information Meeting held
CONSIDERED at a Public Hearing on
READ a third time on
COVENANT registered on
ADOPTED on

ACTING CORPORATE OFFICER

PRESIDING MEMBER

Schedule



Report

Date January 29, 2020

To Council

From Glenn Morris, Development Planning Coordinator

Prospero No. ZB000115

Folio No. 15679-000

File No. 3360-20 19.10

Endorsed:



Subject Zoning Bylaw Amendment Application No. ZB000115 (9750 Chemainus Rd.) – Cannabis Retail Sales

Purpose

The purpose of this report is to provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit the use of Retail Cannabis Sales at 9750 Chemainus Road.

Background

The 200m² (0.04 ac) subject property is located at 9750 Chemainus Road, between Victoria Street and Mill Street, in the downtown Chemainus commercial area (see ATTACHMENTS 1 & 2). The property is zoned Commercial General (C2) (ATTACHMENT 3). It is located within the Urban Containment Boundary (UCB). The proximity of the proposed location of the Cannabis Retail Store relative to parks, schools, and recreation areas is identified in ATTACHMENT 4.

Land Use Context

North: Commercial properties

South: Rail Trail

East: Commercial properties (Chemainus Theatre, Heritage Public Plaza)

West: Trail, Chemainus Ball/Athletic Sportsfield Park, former St. Joseph's school site

Proposal

The applicant is proposing to amend the Commercial General (C2) Zone to permit a cannabis retail store at 9750 Chemainus Road (ATTACHMENT 5, 6, & 11), within the Commercial General (C2) Zone (ATTACHMENT 7).

Discussion

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

While the Federal government legalized non-medical Cannabis across Canada in October, 2018, the Provincial legislation is clear that local governments can choose not to allow cannabis stores or cap the number permitted in their community, or establish criteria for permitting cannabis retail stores. On January 16, 2019, Council considered and adopted the Retail Cannabis Sales Policy in order to establish criteria to guide Council in its consideration of land use amendment applications for site-specific cannabis retail sales (see ATTACHMENT 8).

Specific distance limitations within the Retail Cannabis Sales Policy for cannabis retail store locations were found in practice to be somewhat more restrictive for Council than anticipated. Acknowledging this challenge, Council rescinded the specific distance limitations from Council's Retail Cannabis Sales Policy on July 17, 2019 by removing sections 4.3 and 4.4:

4.3 Each parcel permitting retail cannabis sales must be:

- a) at least 600 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle, or secondary school; or a playground, recreation centre, or other areas where children and youth frequent, and*
- b) at least 300 m (in a straight line from closest lot line to closest lot line) from another lot where retail cannabis sales is permitted, whether or not a storefront cannabis retailer is active or not.*

4.4 This Policy does not limit Council from considering variances to the separation distances noted based on circumstances related to a specific application.

This retail space (9750 Chemainus Road) was previously considered by Council for a retail cannabis sales location through a zoning amendment application submitted by a different applicant (Leaf Compassion) as opposed to the current applicant Violet Wild Cannabis Company.

The Leaf Compassion application was considered and denied first reading at Regular Council on May 15, 2019. No other retail cannabis sale storefronts have been approved for this parcel or for other parcels in the Chemainus area since that time.

Policy considerations regarding this application are:

Official Community Plan

- Policy 2.4.5 *The Municipality will protect and promote the economic viability of existing commercial enterprises in North Cowichan; attract new and emerging service, retail and other commercial businesses; and encourage diverse types of commercial activity.*
- Policy 2.4.5.1 *The Municipality supports commercial infill and intensification of existing commercial areas. Emphasis will be given to the redevelopment or intensification of use on existing commercial sites over the designation of new commercial lands on "green field" sites. Increased density within existing commercial areas makes more efficient use of land and infrastructure, encourages transit and alternative transit modes, and promotes pedestrian-oriented development.*
- Policy 2.4.5.2 *The Municipality encourages a range of commercial facilities from local to regional in scope.*
- Policy 2.4.5.9 *The Municipality will in cooperation with the Chemainus business community, regularly review the management of parking in downtown Chemainus.*

Retail Cannabis Sales Policy

Policy 4.1 Location

Retail cannabis use must be located on, or in close proximity to, a provincial highway, urban arterial road, or urban collector road; and in commercial areas, including areas zoned for retail use.

This application proposal is located in on an urban arterial road, and in an established commercial area.

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

Policy 4.5 Community Impact

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

For context the subject property is located within:

- | | |
|---|------|
| • The Chemainus Sportsfield Park | 161m |
| • Former St. Josephs School (inactive at present) | 80m |
| • St. Michaels Church | 100m |

And adjacent to:

- Chemainus Heritage Pocket Park/Public Plaza;
- The Chemainus Theatre;

- Storefront Commercial Shopping;
- Public Washroom Facilities; and
- Public Trail Facilities within the rail corridor (Rail Trail) and pathway access to the Rail Trail.

The subject property is located on the edge of downtown Chemainus, a commercial area frequented by citizens of Chemainus and tourists alike. The proposed cannabis retail sales store is located in an area which likely receives less pedestrian traffic than the downtown area as the continuity of store frontage on Chemainus Road is presently underdeveloped. For example, the property faces a parking lot on the east side of Chemainus Road. A pedestrian crossing from the Heritage Park to the Rail Trail is located to the west of the property, running north south; while the property itself may not be a high traffic pedestrian area, access to the trail from the Heritage Park is a frequent route for pedestrians (see ATTACHMENT 2).

Policy 4.6 Application Process

The Municipality will not accept applications for proposals that are not associated with an application that has been accepted by the Liquor and Cannabis Regulation Board (LCRB).

Confirmation has been received from the Liquor Cannabis Regulation Branch LCRB that the applicant has submitted a complete retail cannabis licensing application to the Province.

Policy 4.9 Application Process

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

Referrals were sent to School District #79, North Cowichan RCMP, and the jurisdictional neighbours of Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penalakut Tribe, Stz'uminus First Nation, and the Chemainus Residents Association to notify them and invite comment or concern about the proposal. Of those agencies or jurisdictions that provided comment, the RCMP noted no concerns with the applicants (Violet Wild Cannabis) while noting previous enforcement issues existed with the prior applicant (Leaf Compassion) at this location. The School District provided no comment noting that the location was more than 600m distant from a school and included a copy of the School District Policy concerning cannabis retail facilities. Cowichan Tribes provided no comment deferring instead to Halalt First Nation (see ATTACHMENT 9). Halalt First Nation did not provide comment.

Comments received from our Municipal Parks Department were not in favour of this proposal due to the proximity of both the Cowichan Valley Trail and Heritage Park and the associated visitor / user traffic which includes a large component of children and families. The Municipal Engineering Department response noted concerns about off-street parking be given and our Building Department had no concerns (ATTACHMENT 9).

Servicing and Infrastructure

Off-street parking requirements for this property are not met, as the property is fully developed with a building. The 166.2 m² (1790 ft.²) building requires 1 space per 19 m², approximately 8.74 (9) spaces are required for retail sales. However, the property is located within the jurisdiction of the Chemainus Cash-in-Lieu of Parking Bylaw. As per the bylaw, Section 4, provided the building is put to a use which does not require additional parking since the time the Bylaw was enacted (1988), payment is not required. No financial contribution for Cash-in-Lieu of Parking is required for the commercial use of retail store. Any additions to the building, or expansion of the use, will trigger the payment of \$8,000 for each required parking space.

Development Permit Areas

With zoning amendment approval by Council, a Development Permit for the form and character of this storefront for any exterior building renovations will be required (DPA-1).

Communications and Engagement

Should Council give 1st and 2nd reading to this bylaw, the Cannabis Retail Sales Policy directs that the applicant arrange and conduct an information meeting for residents and property owners within 60m of the subject property with information about their application (Section 4.8, Cannabis Retail Sales Policy) prior to Public Hearing and consideration of 3rd reading and or adoption. A summary of the feedback prepared by the applicant would be required prior to scheduling a public hearing.

Municipal notification protocols for Public Hearing will provide the general public with an opportunity to submit input on the proposed Zoning Bylaw amendment. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as required by the *Local Government Act*.

Conclusion

The proposal is consistent with the Commerce policies of the OCP (Section 2.4.5); further, it is consistent with the Location policy Section 4.1 (Cannabis Retail Sales Policy) as the proposal is located near a Municipal arterial highway and in an established commercial area.

With the previous cannabis retail sales application for 9750 Chemainus Road by Leaf Cannabis, staff noted that the proposed location was inconsistent with location policies Section 4.3 and 4.5 of the Cannabis Retail Sales Policy as the proposed store siting is within 600m of the former St. Joseph's School, the Chemainus Heritage Pocket Park/Public Plaza, the Chemainus Waterwheel Park, and the Chemainus Ball/Athletic Sportsfield Park.

Section 4.3 of the Cannabis Retail Sales Policy was rescinded by Council in July of 2019 prior to this application submission. Section 4.5 of the Policy remains and should be considered - staff confirm that concerns raised in the previous zoning amendment application for a retail cannabis store for this same location, persist. The potential for community impact is considered to be significant, given the proposed

location is frequented by children, youth, and is in proximity to public and family-oriented venues, e.g., park, and trail recreation areas.

Consumption of retail cannabis on the adjacent public trail and concerns raised with respect to basic Crime Prevention Through Environmental Design (CPTED) principles have identified that the location does not lend itself well to natural surveillance (safety and security) on the west building elevation (no adjacent businesses or homes to provide “eyes on the street”).

For these reasons, staff do not support the location of this retail cannabis store and recommend that the application be denied.

Options

The following options are presented for Council’s consideration:

Option 1: (Staff Recommendation)

That Zoning Bylaw Amendment Application No. ZB000115, to permit cannabis retail sales at 9750 Chemainus Road (PID: 001-675-516), be denied.

Option 2: (Alternate Recommendation)

1. That Council give first and second reading to Zoning Amendment Bylaw No. 3776 (9750 Chemainus Road) – a bylaw to permit cannabis retail sales at 9750 Chemainus Road; and
2. That Council direct the applicant to conduct an information meeting prior to Council’s consideration of third reading of Zoning Amendment Bylaw No. 3776.

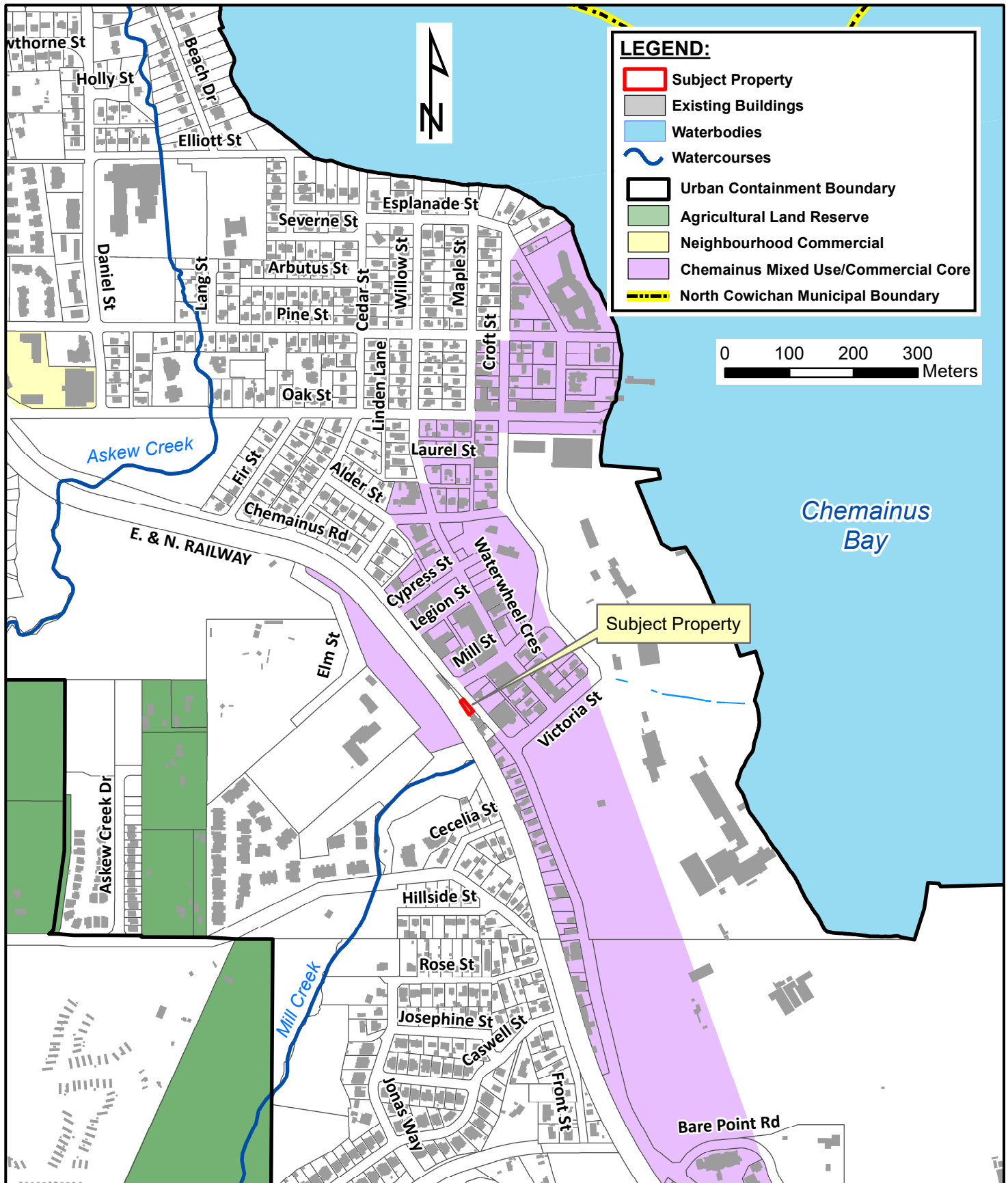
Implications

If Council denies this application, retail cannabis sales will not be permitted at this location.

Recommendation

That Council deny Zoning Bylaw Amendment Application No. ZB000115, to permit cannabis retail sales at 9750 Chemainus Road (PID: 001-675-516).

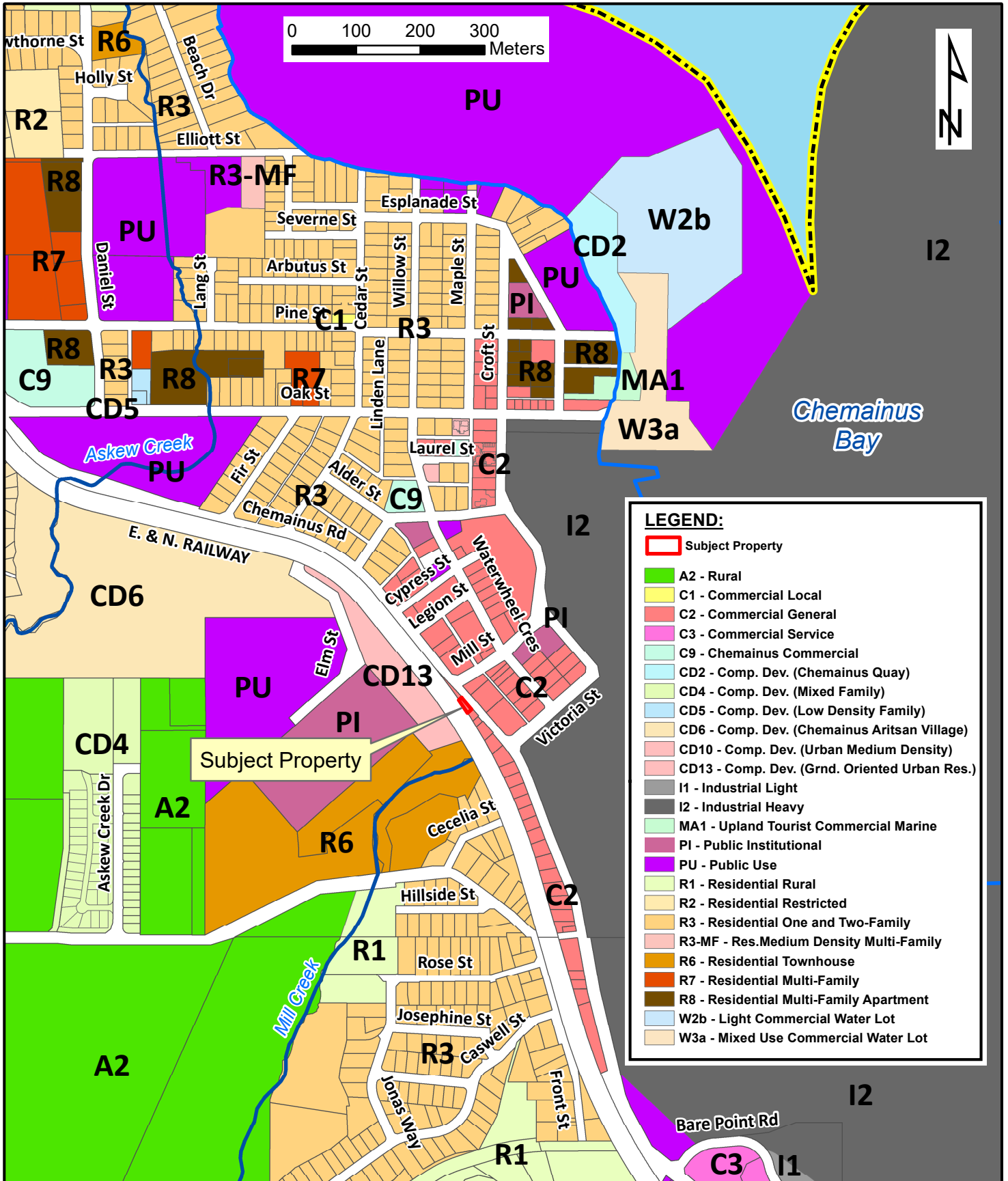
Attachment 1 - Location Map
 Attachment 2 - Air Photo
 Attachment 3 - Zoning Map
 Attachment 4 - Cannabis Policy Map
 Attachment 5 Letter of Rationale
 Attachment 6 - Site Photos
 Attachment 7 - Commercial General (C2) Zone
 Attachment 8 - Council Policy: Cannabis Retail Sales
 Attachment 9 - Referral Responses
 Attachment 10 - Site Plan
 Attachment 11 - Draft Bylaw No. 3776



	LOCATION MAP		DATE:	October 4, 2019
	9750 Chemainus Road		TYPE:	Zoning Amendment
			FILE#:	ZB000115



MUNICIPALITY OF NORTH Cowichan	ORTHOPHOTO MAP (Orthophoto is from 2017 aerial photography)	DATE: October 4, 2019
	9750 Chemainus Road	TYPE: Zoning Amendment
		FILE#: ZB000115





**Municipality of North Cowichan
Duncan, BC**

Attention: Planning Department, and Council

**RE: Development Rationale Letter
Application for Cannabis Retail Boutique
9750 Chemainus Road, Chemainus, BC**

Please accept this letter of rationale, in support of our application for consideration of a cannabis retail store at 9750 Chemainus Road. Our Company, under the trade name of Violet Wild Cannabis Company, is looking for the support of Council to rezone the above location, for use as a Cannabis Retail Boutique.

After careful consultation, and consideration, we have chosen this location, and Chemainus for a number of reasons:

- The town of Chemainus is comprised of a variety of diverse, eclectic shops, and it would be our intention for our proposed Cannabis Retail Boutique, that it integrate in keeping with this quaint feel which presently exists.**
- 9750 Chemainus Road is a centrally located, and on a main road, making it easily accessible for all patrons**
- The storefront does not fall within the designated school zones of Chemainus Elementary School, or Chemainus Secondary. We have attempted to provide you School Dist. 79 bus routes for the schools, however, the District office remains closed until September, at which time we will be happy to provide their proximity to 9750 Chemainus Road.**
- In conforming with BCLB regulations all windows will be fitted with attractive window film screens for added privacy of merchandise and in respect of minors.**

It is our belief that there is some mythology, and negative stigma around the use of cannabis historically, and now with legalization in its infancy, visiting a cannabis retail store might be a daunting experience, and we feel it does not have to be. Approval by Council to locate in Chemainus would benefit the community in the following ways:

- Provide to the community of Chemainus a Cannabis Retail Boutique with an all “inclusive” atmosphere, where all customers of legal age are made to feel welcome to come in and browse products which are currently legal, as well as future products which may become available and on stream through the government legislation.
- It would be our intention to provide up to date, accurate information on the potential uses of current products legislated legal by the Federal Government. We would be providing employment, as well as contributing to the tax base, in the community of Chemainus.
- We would like to take a full circle approach to becoming good corporate citizens in Chemainus, whereby we integrate and participate in activities conducive to the vibrancy of the community, support local charities, and give back to the community by way of partnering with initiatives outlined by Council, and in keeping within our outlook on good healthy living. At present we have discussed partnering with our landlord and the Mural Society on an enhancement of the exterior in keeping with the mural theme of the community, for which we are in favour.

Violet Wild Cannabis Company is a corporation comprised of 3 women, a mother and 2 daughter team, each having been business owners previous to this, and with a combined 3 generations of business knowledge and experience to bring to our Company, and the community of Chemainus. Sonja Riddle holds a bachelors degree in Social Work, and has just completed a Masters degree in Counselling & Psychology, as well as 10 years experience working in drug & alcohol treatment facilities. Terra Maibach holds a bachelors degree in Humanities. She has 8 1/2 years of successful self employment in the Nanaimo real estate market. Terra has decided to relocate to the community, and make Chemainus her home base, effective August 1, 2019.

We welcome an opportunity to introduce ourselves, and share our company’s mission statement with Council. Thank you for your time and consideration of this application. We look forward to an opportunity to establish this business in the community of Chemainus. Thank you for your time and consideration of this application. We look forward to an opportunity to establish this business in the community of Chemainus, and cultivate a long standing working relationship for years to come.

Terra Maibach


Sonja Riddle


Jill Maibach
 120

Commercial General Zone (C2)**Permitted Uses**

- 69** (1) The permitted uses for the C2 zone are as follows:
- Accessory Dwelling Unit
 - Appliance and Small Equipment Repair
 - Bed and Breakfast
 - Bus Depot
 - Car Wash
 - Club
 - Commercial Cardlock Facility
 - Commercial School
 - Dry Cleaner
 - Entertainment Use
 - Financial Institution
 - Fitness Centre/Gymnasium
 - Funeral Parlour
 - Hairdresser
 - Home-Based Business
 - Hotel
 - Laundromat
 - Medical Laboratory
 - Mini-Warehousing
 - Mixed-use Building
 - Mobile Food Service
 - Night Club
 - Nursery
 - Office
 - Parking Use
 - Pub
 - Restaurant
 - Retail Lumber and Building Supply Yard
 - Retail of Motor Vehicle Parts and Accessories
 - Retail Store
 - Service Station
 - Single-Family Dwelling (subject to the provision of the R3 zone)
 - Tool Rental
 - Veterinary Clinic
 - Wholesale Store [BL3150, BL3657]

Minimum Lot Size

- (2) The minimum permitted lot size for the C2 zone is 560 m² (6,028 sq. ft.).

Minimum Frontage

- (3) The minimum permitted frontage for the C2 zone is 15 m (49.21').

Maximum Lot Coverage

- (4) The maximum permitted lot coverage for the C2 zone is 100% of the lot area, except such area as required for off-street parking and loading facilities, landscaping requirements, and fencing and highway setbacks.

Minimum Setbacks

- (5) There are no minimum setbacks for the C2 zone except:
 - (a) where the lot abuts residentially zoned land that yard which abuts the residentially zoned land shall be 3.0 m (9.84') in depth; and
 - (b) where the lot abuts an arterial highway the yard, front, shall be 4.5 m (15') in depth.

Maximum Building Height

- (6) The maximum permitted building heights for the C2 zone are as follows:
 - (a) Principal Building, 12.0 m (39.37')
 - (b) Accessory Building, 5.0 m (16.4')

COUNCIL POLICY: RETAIL CANNABIS SALES POLICY



Council Approval Date: January 16, 2019

Department: Development Services

Amended: July 17, 2019

1. PURPOSE

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

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

2. SCOPE

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

3. DEFINITIONS

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

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

4. POLICY

Location

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

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

4.3 *[Rescinded- July 17, 2019]*

4.4 *[Rescinded – July 17, 2019]*

Community Impact

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

Application Process

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

5. ROLES & RESPONSIBILITIES

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



Royal Canadian Mounted Police
Gendarmerie royale du Canada

Security Classification/Designation

Non-sensitive

OIC RCMP
6060 Canada Avenue
Duncan, BC
V9L 1V3

Your File

ZB000115

Municipality of North Cowichan
7030 Trans-Canada Highway
Box 278
Duncan, B.C.
V9L 3X4

Our File

2019-416

October 23, 2019

Dear Glenn Morris

RE: ZB000115 Cannabis Retail Sales Zoning Amendment Application for 9750 Chemainus Road - Violet Wild Cannabis Company

The Zoning Amendment application for 9750 Chemainus Road is for a small commercial building fronting Chemainus Road. The building is attached to a small unrelated business next door.

Upon review of the application, it was observed that the proposed location is the same location previously occupied by the illegal cannabis dispensary, "Leaf Compassion," and smoking lounge, "Terp City." Enforcement actions by the RCMP were taken at both these locations in 2017 and 2019 with referrals to North Cowichan By-Law Enforcement over illegal uses of the store front and upper suite (housing "Terp City"). I am not aware what actions have been taken by North Cowichan By-Law Enforcement since these investigations were concluded.

The owner of 9750 Chemainus Road, Daniel ROE, was contacted through the RCMP investigation and chose not to cooperate.

The applicants, Terra MAIBACH, Sonja RIDDLE and Jill MAIBACH are proposing a dispensary (Violet Wild Cannabis Company) at the same location previously occupied by Leaf Compassion. The RCMP are not aware of any connections the applicants have to Leaf Compassion or its owners/directors. There are no police specific concerns at this time pertaining to the applicants, however, some consideration should be given in regards to the history of this location.

The North Cowichan/Duncan RCMP were not formally notified of this proposed business location, although there is no requirement in place for them to report this to local police.

If you have any further questions or concerns, please feel free to contact me.

Regards,

Insp. Chris Bear
Officer in Charge
North Cowichan/Duncan RCMP

Glenn Morris

From: Natalie Anderson <Natalie.Anderson@cowichantribes.com>
Sent: Wednesday, October 16, 2019 9:48 AM
To: Glenn Morris
Subject: Re: ZB000115 - Cowichan Tribes REFERRAL - Cannabis Retail Sales Zoning Amendment Application for 9750 Chemainus Road - Violet Wild Cannabis Company

Categories: APPLICATIONS

Thank you for the referral, Glenn. At this time Cowichan Tribes has no comments and will defer to our neighbours at Halalt First Nation.

Regards,

Natalie Anderson
Referrals Coordinator
Cowichan Tribes
5762 Allenby Road
Duncan, BC V9L 5J1
(236) 800-4023 ext. 6015
natalie.anderson@cowichantribes.com

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>>> Glenn Morris <Glenn.Morris@northcowichan.ca> 07/10/2019 2:14 PM >>>

RE: Cannabis Retail Sales Zoning Amendment Application Referral for 9750 Chemainus Road

The Municipality of North Cowichan has received a Zoning Amendment application for the above property. The applicants, Violet Wild Cannabis Company are proposing to amend the Commercial General (C2) Zone to permit retail cannabis sales at 9750 Chemainus Road.

We welcome input from Cowichan Tribes regarding the proposal in writing (see attached letter).

If you would like additional background and information regarding this application, please contact me directly at 250-746-3118 or by email at glenn.morris@northcowichan.ca. I will be pleased to speak with you to provide clarification and answer any questions you may have.

Thank you for your involvement in this process and I look forward to working with you.

Sincerely

Glenn Morris, B.Sc, MCIP, RPP
Development Planning Coordinator
PLANNING DEPARTMENT

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca
glenn.morris@northcowichan.ca
T 250.746.3118
F 250.746.3154

Glenn Morris

From: Jason Sandquist <jsandqui@sd79.bc.ca>
Sent: Monday, October 7, 2019 4:01 PM
To: Glenn Morris
Subject: RE: ZB000115 - SD79 REFERRAL - Chemainus Residents Association - Cannabis Retail Sales Zoning Amendment Application - 9750 Chemainus Road - Violet Wild Cannabis Company
Attachments: Policy 20 - Cannabis Retail Facilities(4) (1).pdf
Categories: APPLICATIONS

Hi Glen,

Thank you for requesting input on the cannabis retail sales zoning amendment. By my measurements the proposal is greater than 600m away from both of our Chemainus Schools. The Board adopted the attached policy on October 1st. Therefore they will have no comment on the application.

Jason Sandquist, CPA, CGA, BAccS
Secretary-Treasurer
School District No. 79 (Cowichan Valley)
Phone: 250-748-0321 Ext. 208

From: Glenn Morris <Glenn.Morris@northcowichan.ca>
Sent: Monday, October 7, 2019 2:06 PM
To: 'Jason Sandquist' <jsandqui@sd79.bc.ca>
Subject: ZB000115 - SD79 REFERRAL - Chemainus Residents Association - Cannabis Retail Sales Zoning Amendment Application - 9750 Chemainus Road - Violet Wild Cannabis Company

RE: Cannabis Retail Sales Zoning Amendment Application Referral for 9750 Chemainus Road

The Municipality of North Cowichan has received a Zoning Amendment application for the above property. The applicants, Violet Wild Cannabis Company are proposing to amend the Commercial General (C2) Zone to permit retail cannabis sales at 9750 Chemainus Road.

We welcome input from SD79 regarding the proposal in writing (see attached letter).

If you would like additional background and information regarding this application, please contact me directly at 250-746-3118 or by email at glenn.morris@northcowichan.ca. I will be pleased to speak with you to provide clarification and answer any questions you may have.

Thank you for your involvement in this process and I look forward to working with you.

Sincerely

Glenn Morris, B.Sc, MCIP, RPP
Development Planning Coordinator
PLANNING DEPARTMENT

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7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca
glenn.morris@northcowichan.ca
T 250.746.3118
F 250.746.3154

Policy 20

CANNABIS RETAIL FACILITIES

The Board of Education recognizes that youth are particularly vulnerable to the effects of cannabis, which is linked to health, educational and social problems. Cannabis use can change the way that the brain grows and develops up until at least age 25. The Board support the implementation of the Island Health recommendations in regards to the proximity of Cannabis Retailers to schools.

Specifically

The Board will file objection to any site specific zoning within 300 meters of schools, and review any applications within 300 to 600 meters from a school site.

Legal Reference: Sections 85 School Act
School Regulation 265/89

Glenn Morris

From: David Conway
Sent: Thursday, October 3, 2019 2:08 PM
To: Glenn Morris
Cc: Rob Conway
Subject: RE: ZB000115 - Retail Cannabis Sales Zoning Amendment Application - 9750 Chemainus Road

Categories: APPLICATIONS

Engineering only comment is consideration for off street parking.

David Conway PEng
Director, Engineering| Approving Officer
DEVELOPMENT AND ENGINEERING SERVICES

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 3X4 Canada
www.northcowichan.ca
david.conway@northcowichan.ca
T 250.746.3136
C 250.715.6175
F 250.746.3154

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From: Glenn Morris
Sent: October-03-19 11:49 AM
To: Lane Killick; Rachel Hastings; David Conway; Bent Nielsen; GIShelpdesk; Shawn Cator; Don Stewart; Rob Conway
Subject: ZB000115 - Retail Cannabis Sales Zoning Amendment Application - 9750 Chemainus Road

This referral has been sent for the following purposes and review by the following people:

Building	Lane Killick
Bylaw	Rachel Hastings
Engineering	Dave Conway
GIS Mapping	Bent Nielsen
GIS help desk	
Operations	Shawn Cator
Parks & Recreation	Don Stewart
Planning	Rob Conway, Glenn Morris

Please provide your comments by **(October 22, 2019)**. The development drawings have been attached for your information, review and comments.

Glenn Morris

From: Don Stewart
Sent: Thursday, October 3, 2019 2:28 PM
To: Glenn Morris
Subject: RE: ZB000115 - Retail Cannabis Sales Zoning Amendment Application - 9750 Chemainus Road

Categories: APPLICATIONS

Afternoon Glenn,

In accordance with the Retail Cannabis Sales Policy, the Parks and Recreation Department would not be in favour of this specific location at 9750 Chemainus Road being a Cannabis Retail store for the following rationales:

- 1) Cowichan Valley Trail, and it's key access point for Chemainus, is within 44 metres walking distance from the proposed retail outlet's frontage.
- 2) Heritage Park, a significant public plaza within Chemainus, is within 31 metres walking distance of the proposed retail outlet's frontage

As a result, in reviewing Council's *Retail Cannabis Sales* policy, specifically article 4.5, which states that:

Community Impact

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

We would state that this specific location, as it backs onto the Cowichan Valley Regional Trail's key community access point and is immediately across from Heritage Park, both of which are accessed/visited by families, children and youth, should be taken into strong consideration when reviewing the impacts of cannabis sales due to their close proximity.

Thank you,

Don Stewart
Director
Parks and Recreation | Community Services
Municipality of North Cowichan
250.746.3193

From: Glenn Morris <Glenn.Morris@northcowichan.ca>
Sent: Thursday, October 3, 2019 11:49 AM

Glenn Morris

From: Lane Killick
Sent: Thursday, October 10, 2019 2:15 PM
To: Glenn Morris
Subject: RE: ZB000115 - Retail Cannabis Sales Zoning Amendment Application - 9750 Chemainus Road

Categories: APPLICATIONS

Hi Glenn, the existing use is retail, so no concerns,

Lane

From: Glenn Morris <Glenn.Morris@northcowichan.ca>
Sent: Thursday, October 3, 2019 11:49 AM

Subject: ZB000115 - Retail Cannabis Sales Zoning Amendment Application - 9750 Chemainus Road

This referral has been sent for the following purposes and review by the following people:

Building	Lane Killick
Bylaw	Rachel Hastings
Engineering	Dave Conway
GIS Mapping	Bent Nielsen
GIS help desk	
Operations	Shawn Cator
Parks & Recreation	Don Stewart
Planning	Rob Conway, Glenn Morris

Please provide your comments by **(October 22, 2019)**. The development drawings have been attached for your information, review and comments.

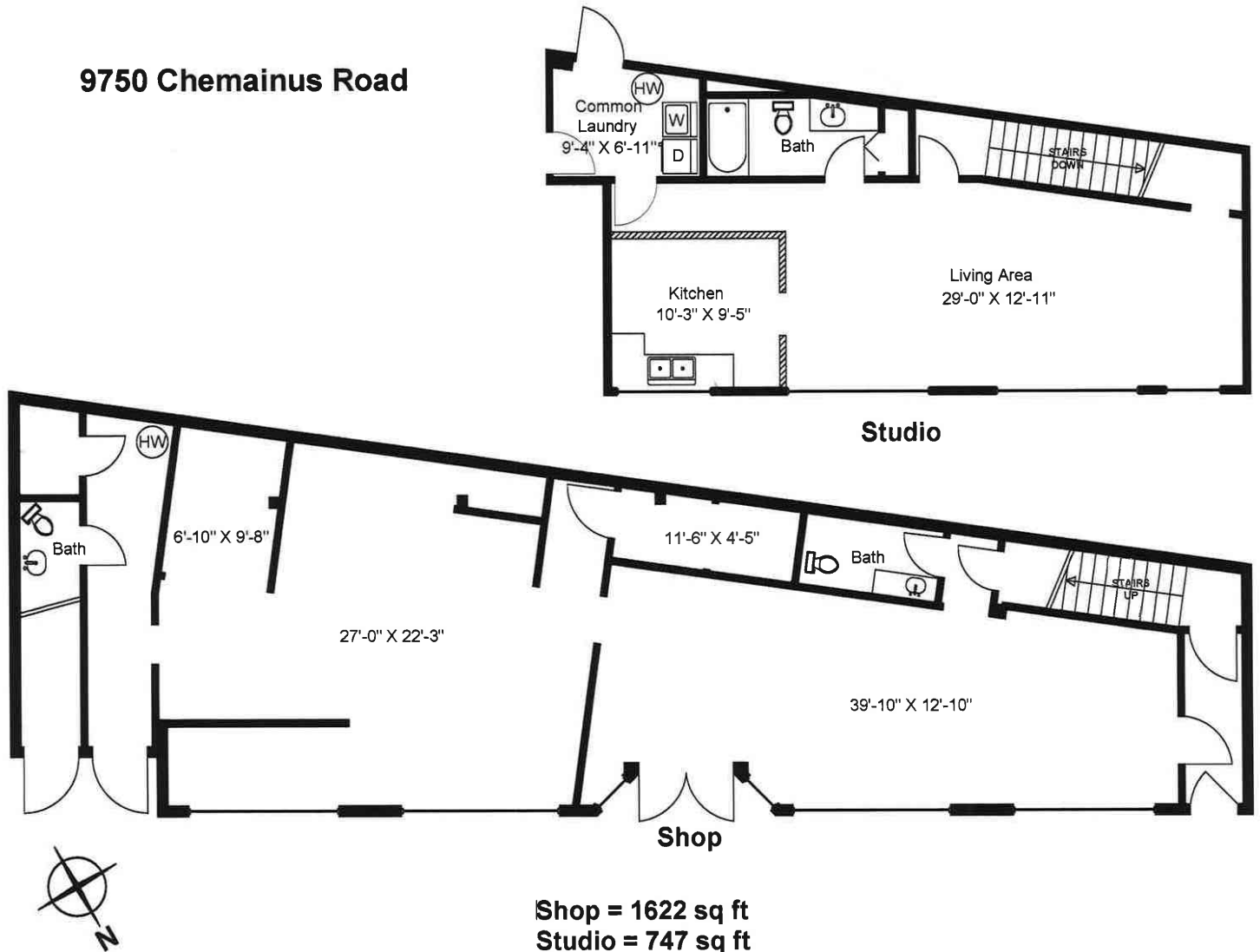
TO ACCESS OTHER REFERENCE MATERIALS/DOCUMENTS please click on the attached link to PROSPERO FOLDER «FolderNumber» and go to the Attachments Tab.

Prospero File Number: ZB000115

Civic Address: 9750 CHEMAINUS ROAD

Legal Description:

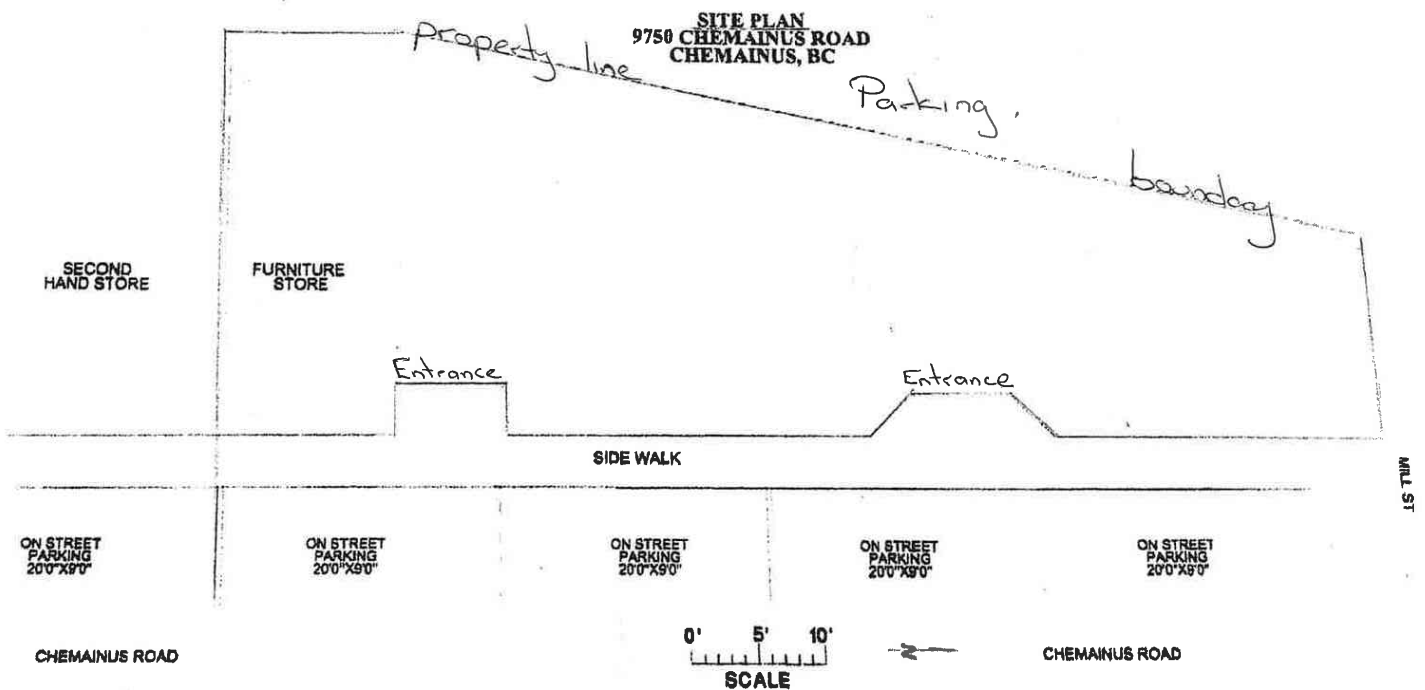
9750 Chemainus Road



Shop = 1622 sq ft
 Studio = 747 sq ft
 Total Area = 2369 sq ft

Dimensions as shown are approximate and should be verified

Measurements and Drawing by DVA Solutions
 Dave Atchison - 250-862-7398





The Corporation of the District of North Cowichan
**Zoning Amendment Bylaw (Cannabis Sales – 9750 Chemainus
 Road), 2020**

Bylaw 3776

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

1 *Zoning Bylaw 1997, No. 2950, is amended by adding the following text as a new subsection after 40.7:*

“40.8 Despite section 40.5, one cannabis retail store is permitted at 9750 Chemainus Road (PID: 001-675-516).”

READ a first time on
 Information Meeting held on
 READ a second time on
 CONSIDERED at a Public Hearing on
 READ a third time on
 ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



Proposed Storefront facing south



Proposed Storefront facing west



Proposed Storefront facing north



Adjacent public washrooms - directly north of Subject Building



Line




Subject Building facing south

Rear Subject Building facing north



Trail access directly north and west of Subject Building

Report

Date	January 29, 2020	File:
To	Council	
From	Megan Jordan, Manager, Communications & Public Engagement	Endorsed: 
Subject	Presentation of the Draft Engagement Plan for Community Engagement on the Future of the Municipal Forest Reserve.	

Purpose

To seek Council's approval of the proposed draft engagement plan put forward by the engagement consultant, Lees and Associates, to undertake community engagement on the future of the Municipal Forest Reserve (MFR).

Background

In early 2019 Council directed staff to carry out meaningful public engagement, both deep and broad, on the future management of our forests to determine the highest and best use of our Municipal Forest Reserve.

On July 3, 2019, after receiving a report on the implications of collaborating with the UBC, 3GreenTree Consulting, and Coastal Douglas Fir Conservation Partnership, Council decided to support a collaboration with UBC et al. The purpose of this collaboration would be to perform a technical review of our forest management practices and provide a recommendation for future forest management with input from the public.

On August 21, 2019, Council reviewed and endorsed proposed deliverables presented by staff, and directed staff to prepare a Request for Proposals (RFP) to seek an engagement consultant to undertake engagement on development of an interim and long-term forest management strategy. Several strong proposals were received, Lees and Associates scored the highest in the evaluation process and were awarded the contract.

Now that a draft engagement plan has been created, Council can consider approving the plan and moving forward with public engagement.

Discussion

Lees and Associates have prepared a draft engagement plan for Council to consider and approve before public engagement on the future of the MFR can begin.

The draft engagement plan is based on the two agreed upon phases of engagement:

- 1) Engagement on development of an interim forest management strategy for the estimated period between September 1, 2020 and December 31, 2021.

2) Engagement on the long-term forest management plan for implementation on January 1, 2022.

It is important that the Community engagement and the forestry technical review be coordinated and aligned. As a result, this plan has been developed collaboratively with input from staff, and the UBC partnership group. Engagement is aligned with UBC et al's timeline and forestry review demonstrating a thorough understanding of the project. The proposed engagement clearly lays out the methodology public engagement.

The draft engagement plan is **supported by a communications plan** (not attached) which works in tandem with the engagement plan to support obtaining engagement key objectives and deliverables like providing information to residents.

Options

Option 1:

Should Council decide to **proceed with the draft engagement plan**, as presented, engagement will begin hereafter in the manner put forward in the draft engagement plan.

Option 2:

Should council decide to **request amendments to the draft engagement plan**, it is recommended that Council direct staff to incorporate the discussed changes and proceed with the amended engagement plan

Implications

Financial – While the contract with Lees and Associates covers one round of amendments and revisions on all deliverables, a second round is not currently within the scope of the budget and could result in additional expenses which would be taken from the Forest Reserve funds.

Communication – Some members of the community have been asking for engagement on the future of the forest reserve for a number of months. Despite selecting an engagement company and announcing the project kick-off, engagement has not yet begun. Some community members may be confused by a further delay in beginning public engagement.

Personnel – Staff from the Forestry Department and Communications and Public Engagement Department have invested a significant portion of their capacity into reviewing the draft plan and meeting with UBC et al and Lees to aid in formulation of the draft engagement plan. Further staff time and resources will be required should there be any significant changes to the proposed engagement plan.

Time – Revision(s) to the draft engagement plan could delay the public engagement, and impact the level of participation and public interest.

Recommendation

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

Attachment(s):

Draft Engagement Plan

Draft Timeline

District of North Cowichan

Municipal Forest Reserve Management Plan

DRAFT Public Engagement Strategy
and Communications Plan

LEES
+
ASSOCIATES

DRAFT Public Engagement Strategy
and Communications Plan

January 23, 2020

Contact Information:

509-318 Homer St, **Vancouver** BC Canada, V6B 2V2 | p: 604.899.3806 | f: 604.899.3805

51 Wolseley St, **Toronto** ON Canada, M5T 1A4 | p: 416 645 7033 | f: 415 645 7046

8 Boswell Crescent, **Whitehorse** YT Canada, Y1A 4T3 | p: 867.332.3806 | f: 604.899.3805

info@elac.ca | www.elac.ca

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1 PROJECT DESCRIPTION

North Cowichan is one of the few communities in North America that owns and manages forest lands for the benefit of residents. The Municipal Forest Reserve (MFR) is 5,000+ ha and accounts for approximately 25% of the land base in North Cowichan. Since 1946, the MFR has been managed as a working forest, with annual logging allowance of 20,000 cubic metres. In addition to being a working forest, the MFR is a significant recreational feature in the community, loved by residents and frequented by visitors from around Vancouver Island and abroad.

In response to public interest in harvesting activities and requests for a review of forest management, Council dramatically limited harvesting in 2019 and initiated two initiatives: 1) undertaking public engagement, both deep and broad, on the future management of the Municipal Forest Reserve and 2) a technical review of forest management practices, options, and scenarios. The technical review will support the public engagement process by providing the information needed for informed public participation, and the public engagement process will inform the evaluation of the technical scenarios and options.

During the development of the Interim and Long-Term Municipal Forest Reserve (MFR) Management Plans, residents and stakeholders can provide input on:

- What they value about local forests overall and the MFR specifically;
- What values should be considered in future planning;
- The overall mission and goals of the MFR;
- Development of criteria for evaluating possible forest management options, and
- What weight those criteria should have in the evaluation process.

This project also has elements that are not part of the public engagement process, including:

- Project Schedule: An Interim Management Plan will be brought to Council in September 2020 that will guide forest management in the MFR from September 2020 through December 2021;
- A Long-Term Management Plan will be brought to Council by September 2021 that will guide forest management in the MFR starting in January 2022, and
- Technical Analysis: The UBC Partnership Group will be responsible for the technical analysis and developing the Interim and Long-Term Forest Management Plans.

1.1 FIRST NATIONS CONSULTATION

The Municipal Forest Reserve is located within the unceded territories of the Coast Salish people including Cowichan Tribes, Halalt First Nation, Penelakut First Nation, Stz'uminus First Nation, Lake Cowichan First Nation, and Lyackson First Nation.

Separate from the public engagement process, but concurrently, there will be First Nations consultation based on a government to government approach. First Nations are also already included in discussions through their representation on the Forest Advisory Council.

Indigenuity Consulting Group will provide guidance and facilitation on Indigenous consultation for the project.

The following are key principals that will guide the process:

- The District of North Cowichan Council is committed to relationship building and reconciliation efforts with Indigenous communities.
- The District will be proactive and respectful. Consultation will occur early and consistently throughout the project.
- The consultation process will be guided by how First Nations want to be involved.
- We will consult within the context of the Truth and Reconciliation Commission of Canada: Calls to Action.
- We will consult in accordance with the Bill 41 - Declaration on the Rights of Indigenous People's Act 2019.

Initial contact has been made with Cowichan Tribes, Halalt First Nation, Stz'uminus First Nation, and Penelakut Tribe through official referral channels, notifying each that the District of North Cowichan is undertaking the development the Interim and Long-Term Municipal Forest Reserve (MFR) Management Plans. We will be following up with each Nation and seeking feedback on how each First Nation wants to be involved.

1.2 PROJECT DETAILS

Project Name:	North Cowichan Municipal Forest Reserve Management Plan – Public Engagement
Description:	Public engagement process to inform the development of a new Long-Term Management Plan for the District of North Cowichan's Municipal Forest Reserve
Hashtag:	
Website URL:	
Executive Sponsor:	Ernie Mansueti (DNC)
Spokesperson:	Megan Jordan (DNC)
Project Manager:	Megan Jordan and Shaun Mason (DNC); Megan Turnock (LEES)
Public Engagement:	Megan Turnock (LEES)
Indigenous Consultation Advisor:	Cheryl Brooks (Indigenuity)
Communications:	Megan Jordan (DNC)
Planning Timeline:	December 2019 – March 2021

1.3 DECISION STATEMENT

The District of North Cowichan is developing Interim and Long-Term Forest Management Plans for the Municipal Forest Reserve. During this process, stakeholders and the public will be able to share their vision for the forest and influence how the forest will be managed. The Interim and Long-Term Forest Management Plans will include a summary of what the public said and describe how it was reflected in the Plans.

1.4 DECISION-MAKERS

This project is led by a staff team, with responsibility for:

- Working with & supporting consultants
- Making decisions concerning project implementation & scope of work
- Ongoing project management and oversight
- Reporting to Council

The final report will be presented to District of North Cowichan Council.

1.5 DESIRED ENGAGEMENT OUTPUTS AND OUTCOMES

Public and Stakeholder Engagement is a crucial component to help us understand what people value about the Municipal Forest Reserve, what the priorities are for future forest management, and how those priorities can be achieved. Decision-making will be based on a combination of public and stakeholder inputs and technical considerations.

OUTPUTS

The following reports will be submitted to Council:

- Quarterly consultation summary memos detailing the engagement process, and
- 2020 and 2021 Engagement Summary Reports detailing the feedback received and recommendations to inform the Interim and Long-Term Management Plans.

OUTCOMES

- Clear direction to Council regarding community support for the tradeoffs of the management options for the Municipal Forest Reserve.
- Increased community knowledge of the Municipal Forest Reserve.
- To facilitate the completion of Interim and Long-Term Municipal Forest Reserve Management Plans on schedule.
- Establishment of a plan for ongoing communication and public engagement about the Municipal Forest Reserve.
- Establishment of best practices to inform protocols and policies for First Nations consultation.

PROJECT SCOPE LIMITATIONS

This engagement process will help inform the development of Interim and Long-Term Forest Management Plans. The items below are not within the scope of this project:

- Forest management practices on forest lands other than the Municipal Forest Reserve (e.g. private forestry lands and other properties not owned by the District of North Cowichan).
- Management or planning of other lands owned by or within the District of North Cowichan (e.g. development projects).
- Future land acquisition for conservation, parkland, recreation, or forestry.
- Ongoing Treaty negotiations

1.6 POLICY CONTEXT

The Municipal Forest Reserve Management Plans relate to many existing and developing District of North Cowichan policies, plans and initiatives. These include:

- 2011 Official Community Plan (under review)
- 2013 Climate Action and Energy Plan
- 1981 Management of the Forest Reserves Report
- 1992 Maple Mountain Management Plan
- 2017 Parks and Trails Master Plan
- 2007 Community Wildfire Protection Plan (CWPP)

1.7 OPPORTUNITY FOR PUBLIC INFLUENCE

Using the IAP2 spectrum of public participation as a guide, the North Cowichan Municipal Forest Reserve Management Plan engagement will aim to meet the ‘Involve’ level overall. Involving the public means “working directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.” While overall the level will be “Involve”, some of the specific engagement techniques will only reach the “Inform” or “Consult” level of public engagement. For more information on specific techniques, see Section 2.3.

The Interim and Long-Term Management Plans will include a summary of the public’s participation, concerns, aspirations, and feedback, along with a description of how the public’s input influenced the Interim and Long-Term Forest Management Plans.

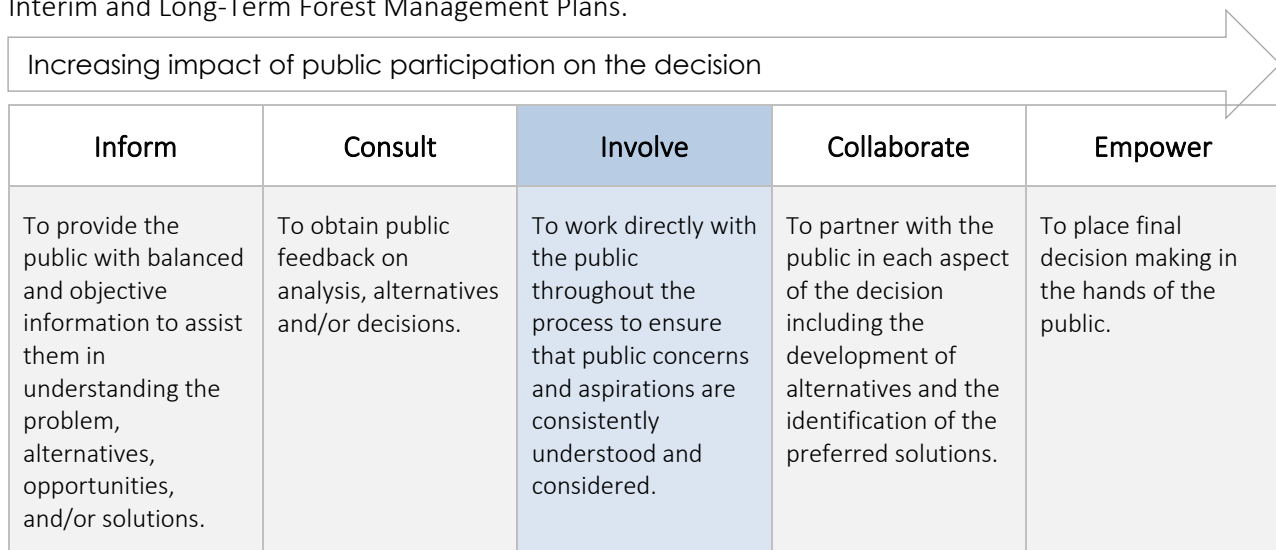


Figure 1. International Association of Public Participation Spectrum of Public Participation

2 ENGAGEMENT PROGRAM

2.1 TARGET AUDIENCE

The planning team needs to hear from the following list of stakeholders who we believe will be affected by the project. Many people who participate will fall into more than one category and will have multiple perspectives and varying interests.

District of North Cowichan staff will be the primary contact for First Nations while the consulting team will support the preparation of materials and facilitation of meetings.

Stakeholder group	Interests	How to involve
Environmental conservation groups	<ul style="list-style-type: none"> • Protection of sensitive environmental areas • Protection of species at risk • Climate change mitigation, adaptation, and resilience • Ecosystem services of forests • Sustainable forestry practices • Environmental impacts of forest management practices • Alternatives to timber harvesting • Economic impacts of ecosystem services, carbon sequestration, alternative forest products, and other alternatives to timber harvesting 	In-person workshops and events, public online survey, Working Group representation
Outdoor recreation users (often overlaps with environmental groups)	<ul style="list-style-type: none"> • Access to trails and other areas important for recreation such as viewpoints, swimming areas, and rock outcrops • Recreation-based tourism 	In-person workshops and events, public online survey, Working Group representation
Forestry sector (e.g. local contractors, mills, manufacturers, and workers)	<ul style="list-style-type: none"> • Availability of timber harvesting opportunities/jobs • Sustainable forest management to support consistent jobs and economic benefits • Management of outdoor recreation in active forestry areas 	In-person workshops and events, public online survey, Working Group representation

Stakeholder group	Interests	How to involve
General public (taxpayers)	<ul style="list-style-type: none"> • Economic implications of forest management options on taxes • Implications on the local economy • Sustainability, quality of life, and costs/benefits of forest management options 	Public online survey, pop-up events, mail-outs, DNC website and social media, Council updates
Hard to reach populations: <ul style="list-style-type: none"> • People with disabilities • Seniors • Families with young children • Youth • Newcomers 	<ul style="list-style-type: none"> • A cross-section of the above stakeholder categories 	Pop-up events, phone survey, DNC website and social media, targeted meetings or presentations

2.2 SUMMARY OF ENGAGEMENT APPROACHES BY ROUND

	Round 1	Round 2	Project Conclusion
WHEN – we will be out in the public	Spring 2020	Fall 2020	Winter/Spring 2021
WHY – we are seeking feedback (objectives)	<ul style="list-style-type: none"> • Presentation and refinement of baseline data for the MFR • Increased awareness of the history and context of the MFR • Explore the full range of public values, concerns, and aspirations • Provide input on specific interim forest management activities 	<ul style="list-style-type: none"> • Present Round 1 results and the work by the UBC Partnership Group to incorporate public values • Explore the results with the public and stakeholders • Identify preferred future management options for the Long-Term Forest Management Plan 	<ul style="list-style-type: none"> • Present the Long-Term Forest Management Plan • Develop a framework for ongoing public engagement
WHAT – inputs inform each round	<ul style="list-style-type: none"> • Recent inquiries, submissions from the public, and council meeting minutes regarding the MFR • UBC Partnership Group spatial data • Fact sheets, discussion guides and process diagrams explaining the engagement and technical review approach 	<ul style="list-style-type: none"> • Round 1 engagement feedback • UBC Partnership Group results and supporting information 	<ul style="list-style-type: none"> • Round 1 and 2 engagement feedback • UBC Partnership Group Final Long-Term Management Plan
WHO – we need to hear from	<ul style="list-style-type: none"> • Staff • Forest Advisory Committee • Current users of the MFR • Stakeholders and interest groups • General public/taxpayers • Seldom heard residents (Seniors, persons with disabilities, non-English speakers, youth) 	<ul style="list-style-type: none"> • Staff • Forest Advisory Committee • Participants from Round 1 • Current users of the MFR • Stakeholders and interest groups • General public/taxpayers • Seldom heard residents (Seniors, persons with disabilities, non-English speakers, youth) 	<ul style="list-style-type: none"> • Staff • Forest Advisory Committee • Participants from Rounds 1 and 2 • General public

HOW – we will seek input (engagement techniques)	<ul style="list-style-type: none"> • Stakeholder interviews • Working Group meetings • Pop-Ups at public events/locations • Online survey • Public forum/workshops • Onsite tours • Comment/feedback forms 	<ul style="list-style-type: none"> • Working Group meetings • Public Forum • Phone + Online Survey • Comment/feedback forms 	<ul style="list-style-type: none"> • Public presentation • Comment/feedback forms
HOW – we will communicate (outreach)	<ul style="list-style-type: none"> • Online (web page, social media), posters, stakeholder and partner emails • Information distribution through Working Group members • Email invites • Phone calls 	<ul style="list-style-type: none"> • Online (web page, social media), newspaper stories (if possible), posters, emails to/from stakeholders and partners • Information distribution through Working Group members • Email invites • Phone calls 	<ul style="list-style-type: none"> • Online (web page, social media), newspaper stories (if possible), posters, emails to/from stakeholders and partners • Information distribution through Working Group members • Email invites • Phone calls
WHAT – the outcomes are for each round (inputs for the next step)	<ul style="list-style-type: none"> • Round 1 engagement feedback summary including: <ul style="list-style-type: none"> ○ Summary of community values ○ Summary of community-informed criteria for scenario development • Update to Council 	<ul style="list-style-type: none"> • Round 2 engagement feedback summary including: <ul style="list-style-type: none"> ○ Community response to key trade-offs ○ Community-informed preferred scenario(s) • Update to Council 	<ul style="list-style-type: none"> • Final Report: How public engagement informed the MFR Management Plans • Recommendations for ongoing public engagement

2.3 ENGAGEMENT TECHNIQUES

2.3.1 ACCESSIBILITY PROVISIONS

We will aim to reduce barriers to participation by including a range of different types of opportunities so that people with 5 minutes or 5 hours can take part. We will host a combination of scheduled events and more casual, drop-in and pop-up techniques. We will plan engagement events with physical accessibility in mind when setting times and venues. We will also remain flexible and make every attempt to accommodate different needs and enable participation from a wide range of community members.

2.3.2 TECHNIQUE DESCRIPTIONS

The table below describes the engagement techniques we will use at each step, our audience and the level of the IAP2 spectrum for each.

It will not be possible to limit participation to North Cowichan residents in all instances. However, the techniques with a * are those where we will be able to discern between North Cowichan residents and non-residents.

Techniques	Details (i.e. purpose, approach)	Round and audience	IAP2 spectrum
Stakeholder Interviews*	<p>Purpose:</p> <ul style="list-style-type: none"> Gather initial information around the range of values and perspectives in the community Identify how best to engage different stakeholders Identify potential members of a citizen working group <p>Approach:</p> <ul style="list-style-type: none"> Create an initial stakeholder list, including community leaders and organizations, interested in being included in the MFR process Prioritize a set of interviews to represent a wide range of potential community values Create interview questions Conduct interviews and summarize key points Overlaps with identifying potential members of the Working Group (see below) 	<p>Round 1</p> <ul style="list-style-type: none"> Environmental groups Recreation groups Outdoor tourism industry representatives Forest Advisory Committee representatives Forestry sector representatives Other community organizations (TBD) 	Consult

Working Group*	<p>Purpose:</p> <ul style="list-style-type: none"> • Create an opportunity for in-depth participation • Get input from stakeholders on engagement materials and approaches • Identify strategies for outreach through working group member networks <p>Approach:</p> <ul style="list-style-type: none"> • Develop a Terms of Reference to outline specific role and responsibilities • Identify perspectives and expertise needed on the WG • Through stakeholder interviews, identify potential WG participants 	<p>Round 1 and 2</p> <ul style="list-style-type: none"> • A wide range of community members representing diverse viewpoints and opinions • Environmental groups • Outdoor recreation groups • Forestry sector representatives • Other community organizations (TBD) 	Involve
Public Pop-Ups	<p>Purpose:</p> <ul style="list-style-type: none"> • Create awareness of the project, engagement opportunities, and timelines • Build an email list for project notifications • Connect with a wide variety of North Cowichan residents • Promote online surveys 	<p>Round 1 and 2</p> <ul style="list-style-type: none"> • A wide range of community members representing diverse viewpoints and opinions • Those who might otherwise not be aware of the project or who do not have the time to engage more deeply 	Inform
Online Survey #1	<p>Purpose:</p> <ul style="list-style-type: none"> • Gauge public awareness of the MFR, forest practices and context • Develop an initial list of public values related to forests and natural areas • Build an email list for project notifications <p>Approach:</p> <ul style="list-style-type: none"> • Develop a draft online survey • Test the survey with the project team and the Working Group • Post the online survey for 3 weeks • Undertake extensive outreach and promotion of the survey through multiple channels 	<p>Round 1</p> <ul style="list-style-type: none"> • A wide range of community members representing diverse viewpoints and opinions 	Consult

<p>Public Forums (2)</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • Present the history and context of the MFR along with the work of the UBC Partnership Group (i.e. current state) • Verification of important recreational amenities, environmental features, viewpoints, and other important locations within the MFR • Explore what the community currently values about the MFR (environmental, economic, social) • Explore what potential benefits could be provided by the MFR in the future • Explore how the benefits/values should be used (weighting or thresholds) as the UBC Partnership Group develops draft options <p>Approach:</p> <ul style="list-style-type: none"> • (2) in-person events • ~4 hours each • Initial presentation of workshop agenda followed by MFR history, context, and summary of the technical review process and work to date • Facilitated small group discussions on values • Up to 10 benefits/values from each small group compiled by facilitators during a break • Presentation on multi-criteria analysis and the scenario development • Facilitated small group discussions and weighting exercise for criteria • Wrap-Up and next steps 	<p>Round 1</p> <ul style="list-style-type: none"> • A wide range of community members representing diverse viewpoints and opinions • Environmental groups • Outdoor recreation groups • Forestry sector representatives • Other community organizations (TBD) 	<p>Involve</p>
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On-Site Tours*	<p>Purpose:</p> <ul style="list-style-type: none"> • Provide an opportunity for stakeholders to visit key sites in the MFR with staff and subject matter experts • Provide education on the ecosystems and forest management practices • Potential for First Nations involvement and interpretation <p>Approach</p> <ul style="list-style-type: none"> • DNC Staff to identify site tour locations and logistics • LEES + UBC Partnership Group to provide site tour materials based on other project deliverables • LEES Staff to attend and record key points of discussion 	<p>Round 1</p> <ul style="list-style-type: none"> • Working Group members • North Cowichan residents who participated in the public forum (could have a sign up there) • Number of tours depends on interest and constraints such as budgets and logistics. <p>Round 2</p> <ul style="list-style-type: none"> • Possible additional tours in summer and fall 2020. 	<p>Inform/ Consult</p>
Public Forums (2)	<p>Purpose:</p> <ul style="list-style-type: none"> • Present the results of Round 1 public engagement and the work of the UBC Partnership Group (i.e. options) • Explore the results of the options and multi-criteria evaluations • Explore the trade-offs highlighted by the different options • Identify the preferred scenario or identify further adjustments to the multi-criteria evaluation process <p>Approach:</p> <ul style="list-style-type: none"> • (2) 3-hour in-person events • Presentation of Round 1 engagement results and the technical review process and scenario results • Facilitated small group discussions (topics and organization TBD) • Small groups to present their key findings and recommendations back to the group • Wrap-Up and next steps 	<p>Round 2</p> <ul style="list-style-type: none"> • Participants from the Round 1 Public Forum • A wide range of community members representing diverse viewpoints and opinions 	<p>Involve</p>

Phone Survey*	Purpose <ul style="list-style-type: none"> Determine the level of community support for key trade-offs Identify a preferred options/approaches Approach <ul style="list-style-type: none"> Mustel Group Market Research will provide a statistically valid survey 	Round 2 <ul style="list-style-type: none"> District of North Cowichan residents 	Consult
Online Survey #2	Purpose: <ul style="list-style-type: none"> Mirror the phone survey Determine the level of community support for key trade-offs Identify a preferred scenario Ensure people who are not able to attend the public forum and do not get called through the phone survey have an opportunity to weigh in. Approach <ul style="list-style-type: none"> Develop a draft online survey Test the survey with the project team and the Working Group Post the online survey for a minimum of 3 weeks Undertake extensive outreach and promotion of the survey through multiple channels Include a question to help identify North Cowichan residents, while recognizing that many non-residents are likely to respond 	Round 2 <ul style="list-style-type: none"> A wide range of community members representing diverse viewpoints and opinions 	Consult

2.4 OUTREACH STRATEGIES

The table below describes how we will reach out to our target audiences. Graphics and content will be drafted by the project team. Posters and digital outreach will be implemented by DNC. The pop-ups will be organized by the project team and staffed by the project team and DNC staff.

Tactic	Details (i.e. purpose, approach)	Round and audience	Resource Needs
Pop-up Events	<ul style="list-style-type: none"> • Provide post cards or bookmarks with project webpage link • Raise awareness about the project webpage • Call to action to take the online survey • Invite people to attend the public forum 	Round 1 <ul style="list-style-type: none"> • General public • Those who might otherwise not know about the project • Seniors, families, youth, hard to reach populations 	<ul style="list-style-type: none"> • Graphic design postcard or book mark layout • Staffing for events • Online survey ready, if necessary
Posters	<ul style="list-style-type: none"> • Call to action to take the online survey • Details of events(s) • Raise awareness about the project webpage for more information 	Round 1, 2: <ul style="list-style-type: none"> • General public • Those who might otherwise not know about the project • Seniors, families, youth, seldom heard populations 	<ul style="list-style-type: none"> • Poster content • Graphic design • Distribution
Email updates and invites to events and meetings	<ul style="list-style-type: none"> • To target specific stakeholders • To use community networks to encourage participation • To keep those who sign up for project updates informed 	Round 1, 2: <ul style="list-style-type: none"> • Stakeholders and stakeholder groups • Those who sign up for project updates 	<ul style="list-style-type: none"> • Stakeholder email list • Public email list • Event details
Social Media Campaign	<ul style="list-style-type: none"> • Raise awareness about the project • Promote the MFR webpage as a hub for information • Promote PlaceSpeak as a hub for engagement • Call to action to take the online survey • Details of events • Use social media tags on print/digital media 	Round 1, 2: <ul style="list-style-type: none"> • General public 	<ul style="list-style-type: none"> • Graphic design • Post content

2.5 EVALUATION

The table below summarizes our engagement and communications targets. Quantitative targets help track our progress and allow us to respond and adjust as needed through the process. Evaluations will be done throughout the process, following each technique.

	Metric	Target	Notes
Process	# of people attending in-person events	50 for public forums	
	# of completed surveys/feedback forms	500 per online survey	
	# of people on email distribution list	300	
	Representativeness of participants surveyed	Participants generally represent the District of North Cowichan's demographic make-up	
Results	Outputs and outcomes achieved from the engagement.	<ul style="list-style-type: none"> Stakeholders and residents were aware of the process Most participants felt that their input was considered and influenced the outcome A well-supported Municipal Forest Reserve Management Plan 	
	Satisfaction of participants with their experience	<ul style="list-style-type: none"> Most participants felt that their time was well-spent attending events or providing input 	
	Lessons learned from the engagement	<ul style="list-style-type: none"> 	

2.6 ISSUES, CHALLENGES AND OPPORTUNITIES

Current challenges for the public engagement process include:

- Difficulty discerning who is a North Cowichan resident
- Limiting the scope of engagement to the Municipal Forest Reserve (eg. Not other forest lands)
- Avoiding confusion between the Interim and Long-Term Management Plans
- Reaching a representative sample of the population
- Reaching individuals as well as organized groups
- Balancing the interest of the general public with organized groups
- Providing technical information in a clear, concise, and accessible ways
- Providing clear and concise information about tradeoffs
- Managing stakeholders' focused interests and lobbying power
- Avoiding engagement fatigue
- Navigating challenging and emotional conversations

Scheduling considerations for the public engagement process include:

- Identify well-attended public events and activities
 - Family Day February 17
 - Victoria Day May 18
 - Cowichan Exhibition Park Events
 - Events at BC Forest Discovery Centre
- Avoid holidays and school breaks
 - Spring break March 16-20
 - Easter April 13/17
 - Last week of school June 22-26

Potential synergies for the public engagement process include:

- OCP Review
- Master Transportation Plan

January 22, 2020



Report

Date	January 29, 2020	File No: TTP00077
To	Council	Folio No: 05401-000
From	Anthony Price, Planning Technician	Endorsed: 
Subject	Temporary Mobile Home Permit Application for 2345 Townend Road	

Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding an application for a Temporary Mobile Home Permit (TMHP) at 2345 Townend Road, in order to provide accommodation for the owner's child and a request to relax the maximum mobile home width requirement from 4.3m to 8.23m.

Background

The subject property is 2.84 ha (7.016 acres) in area and is zoned Rural Zone (A2) (Attachments 1, 2, 3 and 6). The property is within the Agricultural Land Reserve (ALR) and outside the Urban Containment Boundary (UCB).

ALR Use Regulation permits one manufactured home for family members in addition to a principal single family dwelling, subject to specific criteria (ALR Use Regulation s. 32 (3)). No application is required to the ALC in order to construct an additional residence that is a manufactured home if:

- (a) the manufactured home is 9 m or less in width,
- (b) the manufactured home is used only by the owner or any of the following persons who are related within the meaning of subsection (4):
 - (i) a person who is the owner's
 - (A) parent, grandparent or great grandparent,
 - (B) sibling, or
 - (C) child, grandchild or great grandchild;
 - (ii) the owner's spouse, or a person who is a parent of the owner's spouse,
- (c) all required authorizations to locate the manufactured home on the agricultural land are granted before February 22, 2020, and
- (d) the size and siting of the manufactured home is not altered after February 22, 2020, unless permitted under section 25 or 45 of the Act.

Proposal

In addition to complying with ALC regulations, the property owner must also comply with the District's Zoning Bylaw No. 2950 (Zoning Bylaw 2950) and Temporary Mobile Home Permit Bylaw No.1685 (TMHP Bylaw 1685).

The applicants provided a letter of rationale stating their need for an additional dwelling - to provide accommodation for their child's growing family and to support their farm operation (ATTACHMENT 4).

Discussion

This application is consistent with TMHP Bylaw 1685 in terms of use (to accommodate a child needing accommodation) but not the width limitation for the mobile home itself. The bylaw sets a maximum mobile home width of 4.3m (14 feet) whereas, the width proposed is 8.23m or (27'). Similar relaxations to the width requirement have been approved by Council in the past.

In addition, the application complies with all ALC Use Regulations and the *ALC Act*.

Should the TMHP be issued by Council, an application for a building permit will be required in order to confirm the following:

- Sewage disposal measures are in compliance with the Island Health requirements;
- A potable water supply is in place and connected; and
- The mobile home is secured to an appropriate foundation.

Siting of the mobile home complies with both TMHP Bylaw 1685 and Zoning Bylaw 2950.

Options

Option 1 (Staff Recommendation):

That Temporary Mobile Home Application No. TTP00077 be approved and a permit issued to Robert and Maureen Pesti for a temporary mobile home with a maximum width of 8.23 metres at 2345 Townend Road for the purpose of accommodating a child and his/her family.

Option 2 (Alternative Recommendation):

That Temporary Mobile Home Application No. TTP00077 be approved and a permit issued to Robert and Maureen Pesti for a temporary mobile home as per requirements of the TMHP Bylaw at 2345 Townend Road for the purpose of accommodating a child and his/her family.

Option 3:

That Temporary Mobile Home Application No. TTP00077 for a temporary mobile home at 2345 Townend Road be denied.

Implications

Should Council approve issuance of the TMHP, the property owner would be required to obtain a building permit and provide a letter confirming the mobile home will be removed from the property upon completion of its assigned purpose.

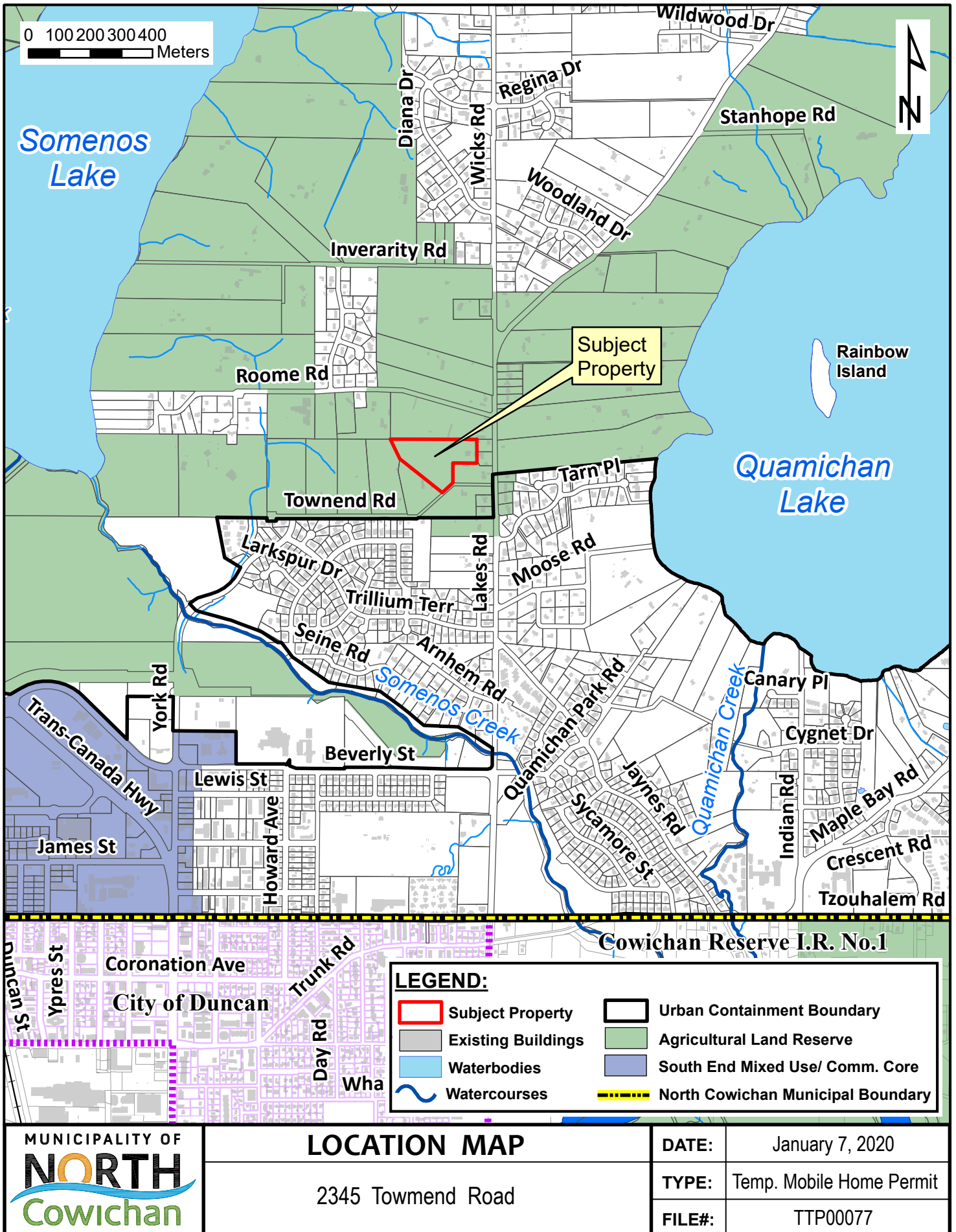
Should Council deny the application, the mobile home will not be permitted on the property.

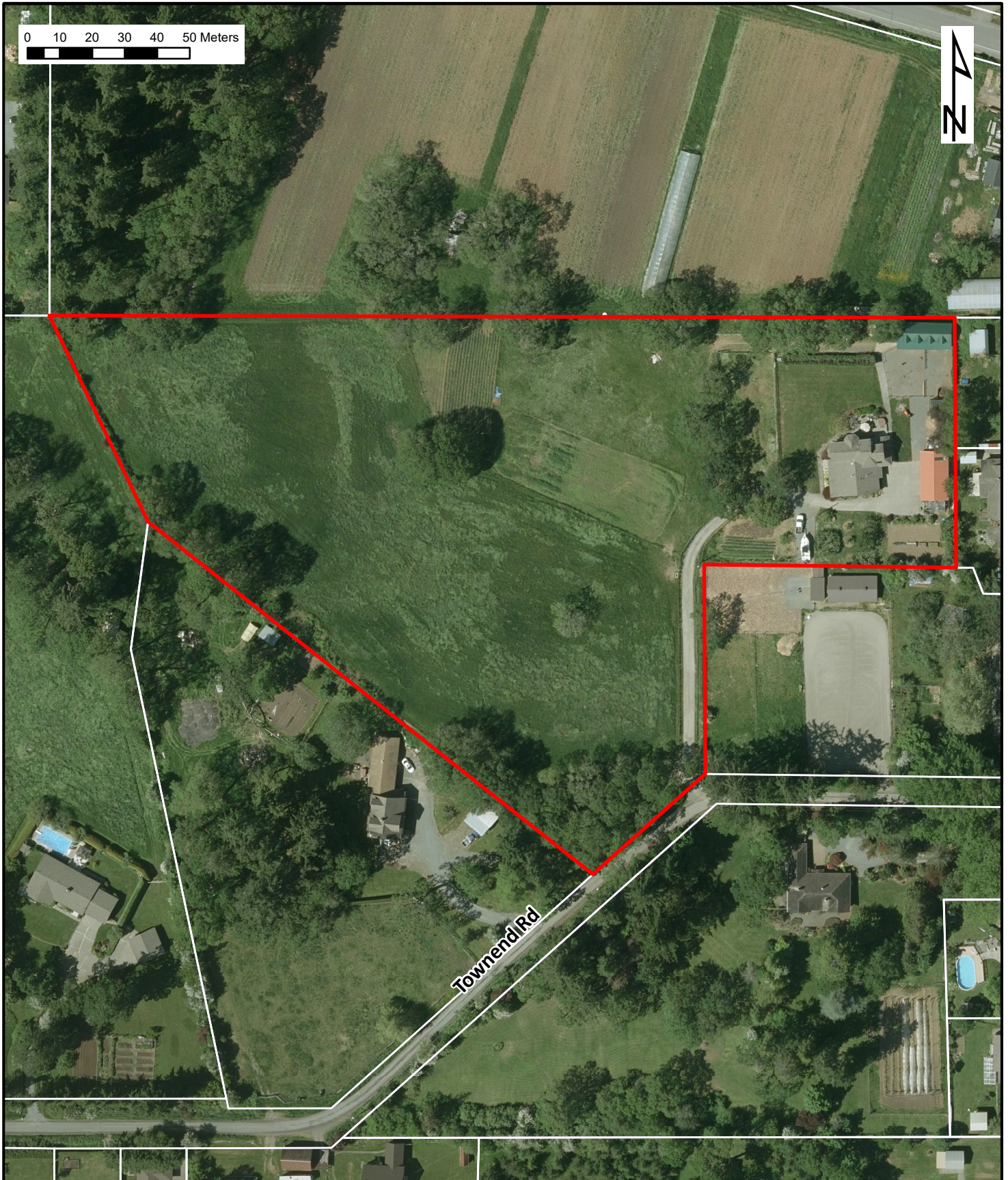
Recommendation

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

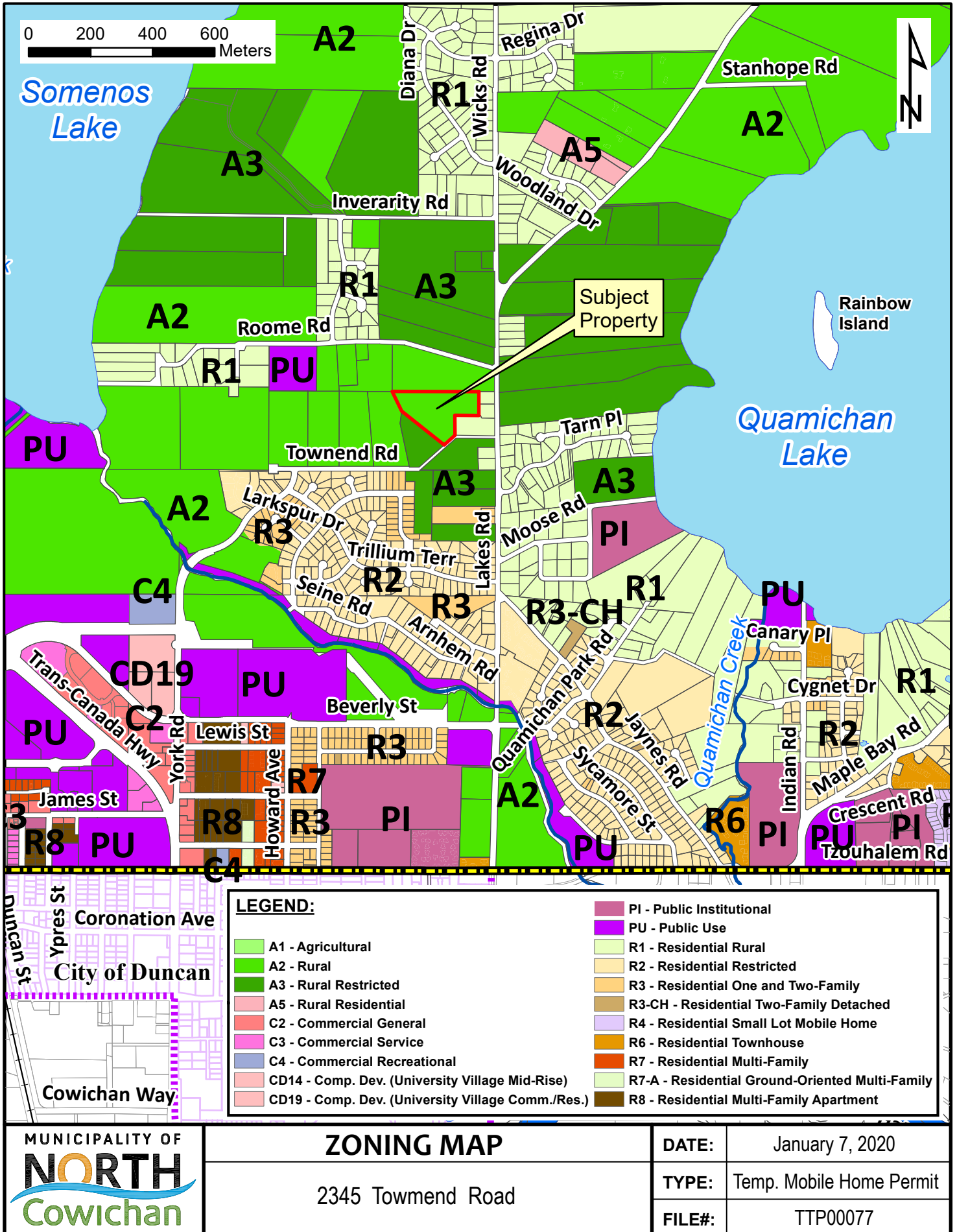
Attachments (9)

- Attachment 1 - Location Map
- Attachment 2 - Orthophoto
- Attachment 3 - Zoning Map
- Attachment 4 - Rationale Letter from Applicant
- Attachment 5 - Site Plan
- Attachment 6 - Rural Zone A2
- Attachment 7 - Floor Plan
- Attachment 8 - Mobile Home Renderings
- Attachment 9 - Site Photos





	ORTHOPHOTO MAP		DATE:	January 7, 2020
	(Orthophoto is from 2017 aerial photography)		TYPE:	Temp. Mobile Home Permit
	2345 Townend Road		FILE#:	TTP00077



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

Attention: Larissa Barry-Thibodeau, MCP
Development Planner
Development and Engineering Services

Re: Building Permit Application for;
Robert/Maureen Pesti; 2345 Townend Rd, Duncan BC

Dear; Larissa

As per our emails this letter entails the details and reasons for our desire to farm our land and live in community with our family.

History:

We purchased our property at 2345 Townend Road, in 1997 from Mr. and Mrs. Hogg. The Hogg's had homesteaded and farmed our 7 acres along with the adjoining 9 acres beside us that borders lakes and Roome Road. Our property is currently and has been from the beginning in the ALR. We have qualified for agricultural tax status by having the property with a bona fide farmer. My wife, Maureen, was raised in the Valley on hobby farms through her whole life. We decided once we had children that we wanted to raise them in a farming type environment and also, as much as possible to grow our own food. She was always proud of the fact that when they grew up the only things around the dinner table that they did not either grow or raise on their own was the salt-and-pepper. We were able to raise our two girls in the same environment and at times were also able to make the same comment around our dinner table.

Current:

Our one daughter Ava Vanderschaaf, has moved back into the Cowichan Valley in the last few years and has shown a desire to farm the property and be able to raise her two children in a similar manner that she was raised in. I have currently sold my financial planning practice in Victoria and also will be in a position to have time freedom to work the land. It has always been our vision to do a lot more with the property rather than just take hay off the land. We have watched our neighbor David, attempted to run an organic farm enterprise and has struggled to make a go of it. We have also realized how much work is involved to operate a hobby farm on top of the financial pressure to make it viable. It is probably the reason we have waited until this time whereby we will not do this for financial reasons but as a lifestyle decision. There has been much written about the hundred mile diet along with how much food needs to be imported to the island for our needs. We also realize that in the past over 75% of our own food requirements were grown on the island that % has dropped considerably. The islands dependency on outside food and our reduction of home grown food is concerning.

Our Vision:

We have already had significant experience in operating a multi-faceted farm operation. We have raised everything from goats, sheep and chickens as a food base along with extensive vegetable gardens. My father-in-law grew and sold over 6000 bulbs of garlic to Thrifty's and the farm markets. Ava our daughter had picked this up as a business and sold close to 2500 bulbs in her first year. She became pregnant with her second child and as a result we had to miss last year as a growing year. We would pick that backup and continue with garlic as a main crop. The advantage of growing garlic is that we do not

need extensive deer fencing to protect it. The other advantage of having a garlic crop is that sheep and goats can keep the grass down from a natural perspective and not damage the crop. The other advantage we have of doing a multifaceted farm operation is that we live on Townend Road, which has many people walking by on a daily basis. These people along with households around where we live constitute a customer base for fresh vegetable and egg deliveries. It would be our expectation that we generate a steady customer base for either food pickup at a farm stand or direct delivery.

Why an Extra Home:

As mentioned, farming is a labour of love and it does require many hands. My daughter and I will be the main catalyst of the farming enterprise as we have time now to pour into the venture. Financially we are also in a position whereby we don't require the enterprise to have to generate income to survive like many farms require. At the same time my wife and I would like to travel more and it is very difficult to leave animals unattended along with other chores required to maintain a farm enterprise. We find it difficult to leave even now and we only have horses a dog, chickens and turkeys, that all require daily supervision. Having Ava, Robert my son-in-law, and my two grandchildren Hadley and Hudson work the farm and grow up in a holistic farming environment would be a dream come true.

There are many small acreages where we live and nobody is farming the land. Even David our neighbour found it difficult to survive and make it work. It is actually quite sad to see but there are very logical reasons for why this is happening. Financially you have to be of a larger size to make it work. The cost of equipment and infrastructure basically nullifies a small farm operation to be viable. The other major factor is simply labour. If you're doing small-scale farming it tends to require hands-on work. We've grown hops for many years and they need to be picked by hand. As much as we get the enjoyment of having our own hops to make our own beer they take a lot of time to harvest. As I've mentioned we don't need the farm to be financially viable but we have the desire to work the land for the betterment of our community. Not only will our children and grandchildren eat better because they know what's going in their bodies but we could easily extend that into the community around us.

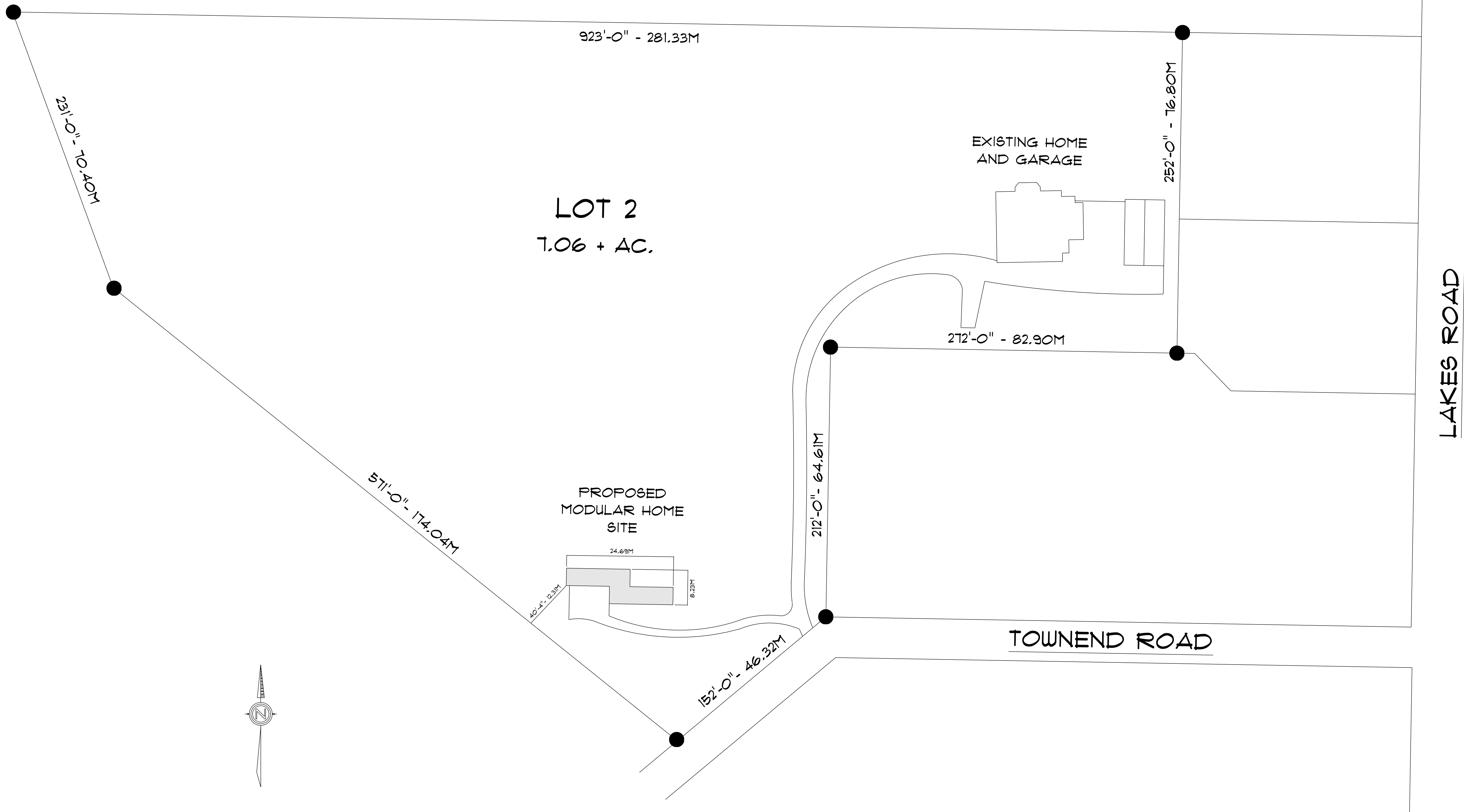
Thank you for your consideration in our dream we await your response to our application.

Please get back to me with any questions that you may have.

Sincerely



Robert/Maureen Pesti
2345 Townend Road
Duncan BC
V9L 4L4



SITE PLAN

2345 TOWNEND ROAD, LOT 2, SECTION 1, RANGE 7, SOMENOS DISTRICT, PLAN 2110

Rural Zone (A2)

Permitted Uses

- 52 (1) The permitted uses for the A2 zone are as follows:
- Accessory Dwelling Unit
 - Agriculture
 - Agricultural Storage
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Craft Distillery
 - Forestry Use
 - Greenhouse
 - Home-based Business
 - Kennel
 - Manufactured Home
 - Riding Stable
 - Single-Family Dwelling
 - Supportive Housing
 - Temporary Trailer (subject to "Temporary Trailer Permit Bylaw 1976", No. 1685)
 - Two-Family Dwelling [BL3302, BL3457, BL3520]

Minimum Lot Size

- (2) The minimum permitted lot size for the A2 zone is 2 hectares (4.94 acres).

Minimum Frontage

- (3) The minimum permitted frontage for the A2 zone is 75.0 m (246.06').

Density

- (4) The maximum permitted density in the A2 zone is one residential building per lot, except in the following circumstances:
- (a) where land is not within the Agricultural Land Reserve, and is at least two hectares (4.94 acres) in area, a maximum of two residential buildings are permitted with a maximum of two dwelling units;
 - (b) where land is within the Agricultural Land Reserve, and is at least two hectares (4.94 acres) in area, additional dwelling units may, with Agricultural Land Commission approval, be permitted for bona fide farm labour;
 - (c) where a temporary trailer is permitted, subject to the Temporary Mobile Home Permit Bylaw;
 - (d) despite paragraph (a), a maximum of two residential buildings with a total combined maximum of three dwelling units is permitted on 941 Arbutus Avenue (PID 000-232-556);
 - (e) despite paragraph (a), a maximum of two residential buildings with a total combined maximum density of two dwelling units is permitted on the following properties:
 - (i) 3252 Gibbins Road (PID 006-360-378);
 - (ii) 3286 Gibbins Road (PID 004-555-562);
 - (iii) 3276 Gibbins Road (PID 002-343-789);
 - (iv) 3240 Gibbins Road (PID 002-742-501);
 - (v) Lot 1..., Plan 21749, Banks Road (PID 002-705-087);
 - (vi) B-3228 Gibbins Road (PID 001-252-267);
 - (vii) Lot 4..., Plan 8636, Cliffs Road (PID 005-586-429);
 - (viii) 3088 Cliffs Road (PID 005-586-445);
 - (ix) Lot 5..., Plan 8636, Cliffs Road (PID 005-586-437);
 - (x) Part of Lot 11..., Plan 2785, Banks Road (PID 006-360-742);

- (xi) Part of Lot 1..., Plan 9537 (PID 005-338-859);
- (xii) A-3228 Gibbins Road (PID 000-041-874);
- (xiii) 3248 Gibbins Road (PID 028-738-071);
- (xiv) 3246 Gibbins Road (PID 028-738-080);
- (xv) Lot A..., Plan 10506 (PID 005-267-412);
- (xvi) 3186 Gibbins Road (PID 005-409-292).

[BL3287; BL3697]

Maximum Lot Coverage

- (5) The maximum permitted lot coverage for the A2 zone is 10% of the lot area.

Minimum Setbacks

- (6) The minimum permitted setbacks for the A2 zone are as follows:
 - (a) Single-Family Dwellings and Two-Family Dwellings
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (b) Mobile Homes
 - Yard, Front, 30.0 m (98.42')
 - Yard, Side, 12.0 m (39.37')
 - Yard, Rear, 12.0 m (39.37')
 - (c) All Other Principal Buildings
 - Yard, Front, 30.0 m (98.42')
 - Yard, Side, 30.0 m (98.42')
 - Yard, Rear, 30.0 m (98.42')
 - (d) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 8.0 m (26.25')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (e) Temporary Trailers
 - To be sited in accordance with the provisions of "Temporary Trailer Permit Bylaw 1976", No. 1685.

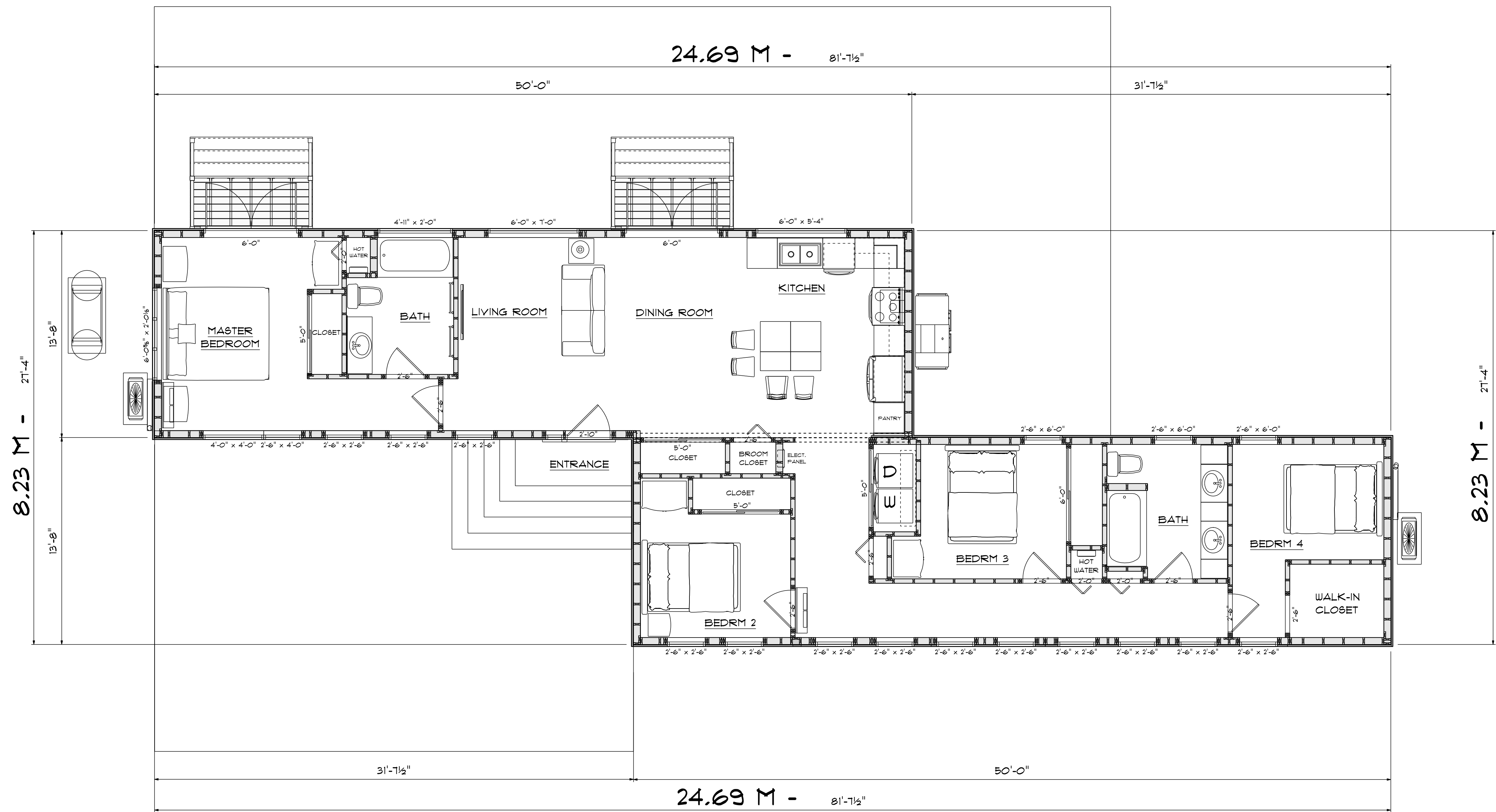
Maximum Building Height

- (7) (a) The maximum permitted building height for buildings, containing one or more dwelling units, within the A2 zone is 9.0 m (29.53').
- (b) Despite the foregoing, the height of other farm buildings is subject to the provisions of the ACNBC Farm Building Code 1995.

Conditions of Use

- (8) The conditions of use for the A2 zone are as follows:
 - (a) Bed and breakfast uses may have no more than six sleeping units and may be conducted in a maximum of one accessory building (with no kitchen) and/or one dwelling unit.
 - (b) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use.
 - (c) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed ten, including resident staff,
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,

- (iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve,
 - (iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained, and
 - (v) each single-family dwelling unit may contain this use where the property is two hectares (4.94 acres) or greater and has two single-family dwelling units.
- (d) despite section 52 (1), "campground (seasonal)" is a permitted use on 3042 River Road, and "campground (short-term)" is a permitted use on 8701 Chemainus Road, 8682 and 9090 Trans-Canada Highway, and 3800 Gibbins Road for a maximum of 25 campsites during a gathering for an event. [BL3662]
- (e) [Repealed; BL3697].
- (f) a maximum of 14 gatherings for an event with up to 150 attendees, and 20 events with up to 20 attendees, are permitted per year on 3800 Gibbins Road.
[BL3083, BL3302, BL3323, BL3521, BL3554, BL3662]



MAIN FLOOR PLAN

SCALE: 1/4"=1'-0"
AREA: 1366 SQFT. - 126.90 M2

NEXUS 2 UNIT PARK MODEL DESIGN

All drawings, plans, models, designs, specifications, including computer printout, contained in these documents or which are otherwise used in connection with the Project, and prepared by or on behalf of Nexus Global Building Systems Inc., are instruments of service for the execution of the Work and as such, are the property of Nexus Global Building Systems Inc., whether the Work is executed or not, and Nexus Global Building Systems Inc. reserves the copyright therein and in the Work executed thereon, and they are not to be used on any other work without the prior written agreement and remuneration of Nexus Global Building Systems Inc.

CONTACT:
ALAN JACKSON 1 250 709-1247
a@nexusglobalbuilding.com

DATE:
NOVEMBER 20, 2019
DECEMBER 19, 2019

Nexus
BUILDING FOR THE FUTURE

DRAWING:
1 OF 1












Report

Date	January 29, 2020	File: ZB000119
To	Council	
From	Mairi Bosomworth, Community Planner	Endorsed: 
Subject	Referral Responses for Bylaw No. 3767 Proposed Reduction of "All Other Principal Building" Setbacks in Agricultural Zones	

Purpose

The purpose of this report is to provide information to Council on referral responses received by staff and to provide this information for Council's consideration prior to the Public Hearing for Zoning Amendment Bylaw 3767.

Background

On May 15, 2019, Council requested that staff provide a report on the implications of reducing "all other principal building" setback requirements, in Agricultural Zones (A1, A2 and A3).

At the regular November 6, 2019 Council meeting, a staff report was provided and Council gave first and second reading to Bylaw No. 3767 (Attachment 1). The staff report is attached (Attachment 2). Council then directed staff to send referrals to the Cowichan Agricultural Society, Cowichan Green Community and the Young Agrarians.

Discussion

Referrals were sent to the Cowichan Agricultural Society, Cowichan Green Community and the Young Agrarians on November 7, 2019 and given 30 days to respond. Referral responses from the three organizations were received and are attached (Attachment 3). The following provides a summary of responses:

Cowichan Agricultural Society

The Cowichan Agricultural Society is generally supportive of Bylaw 3767. It suggests that buildings be sited to meet the agricultural purpose they serve with setbacks limited for safety and environmental protection only. Although the Cowichan Agricultural Society supports Bylaw 3767, they encourage the District to adopt the setback requirements by the Ministry of Agriculture's Guide to Edge Planning which recommends a more flexible approach to farm building side yard setbacks to account for different scales of farming.

Cowichan Green Community

The Cowichan Green Community is supportive of the proposed Bylaw relaxing limitations on the location of buildings on agricultural zoned lands, and recommends further aligning them with recommendations outlined by the Ministry of Agriculture's Guide for Bylaw Development in Farming Areas. The Cowichan Green Community observes that by reducing setbacks, farmers are afforded more flexibility in siting facilities to better accommodate their needs. Relaxed setbacks will allow for less fragmentation of agricultural land, support greater potential for agricultural crop production and in turn bolster food security in the region.

Young Agrarians

The Young Agrarians support the proposed reduction in setbacks and recommend further reducing setbacks to align with the Ministry of Agriculture's guidelines of 4.5m-7.5m maximum setback for farm buildings from the front, side, and rear lot lines, and 15m-30m maximum setbacks for more intensive agriculture uses, for example growing mushrooms or poultry in A1, A2, and A3 zones. The Young Agrarians also recommend that setbacks for slaughterhouses under A1 zoning conform with the Ministry of Agriculture guidelines. Collectively, the changes would provide for more land to be used for agriculture as setbacks will be less restrictive. This proposal would be of most benefit for smaller agricultural parcels which are common in North Cowichan (63% of lots between 0.4ha to 8.0ha). Relaxed setback requirements would ensure that these small lots be well positioned to maximize the land available for farming.

Ministry of Agriculture

All referral groups indicated a desire for agriculture building setbacks to be more in line with the Ministry of Agriculture. Establishing "all other principal building" setbacks consistent with the Ministry of Agriculture's was considered. More conservative setbacks are proposed at this time in order to limit the impact on adjacent properties. It is expected that agricultural setbacks will be reviewed with the OCP and Zoning Bylaw reviews and it is expected those processes will include community consultation, which is recommended prior to further relaxation of setbacks.

In summary, referral responses received from the Cowichan Agricultural Society, Cowichan Green Community and the Young Agrarians are consistent in their support for reducing "all other principal building" setbacks, and to further reduce "all other principal building" setbacks to coincide with those of the Ministry of Agriculture.

Recommendation

For information (no recommendation)

Attachments (3)

Attachment 1 - Bylaw No. 3767

Attachment 2 - Staff Report to Council. November 6, 2019

Attachment 3 - Referral Responses



The Corporation of the District of North Cowichan

Bylaw No. 3767

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

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

1 Title

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

2 Administration

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

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

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

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

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

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

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

READ a first time on
READ a second time on
CONSIDERED at a Public Hearing on
READ a third time on
APPROVED by Ministry of Transportation and Infrastructure on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date September 4, 2019

File: SPP00067

To Council

From Larissa Barry-Thibodeau, Development Planner

Endorsed:



Subject Setbacks for All Other Principal Buildings on Agricultural Lands

Purpose

To provide Council with information, analysis, and recommendations for side, rear, and front yard setbacks for farm uses in All Other Principal Buildings, other than residential buildings, on agricultural lands.

Background

At its meeting on May 15, 2019, in response to concerns raised by a local resident, Council requested that Staff provide a report to explore the implications of reducing setbacks requirements for ancillary buildings from 46 meters to 25 meters. Staff note that All Other Principal Buildings, not 'ancillary buildings', are subject to the 46 m meter front, rear, and side yard setback in the Agricultural (A1) Zone. Therefore the purpose of this report is to provide Council with information, analysis, and recommendations on setbacks for farm uses in 'All Other Principal Buildings' on agricultural lands (A1, A2, and A3).

Discussion

Community Context

One quarter of the Municipality's land area is designated as Agriculture Land Reserve (ALR), and there are also a large number of parcels in agricultural zones which are not in the ALR but are zoned to permit agricultural uses. The Strategic Agricultural Plan (2001) indicates the most common farm size in North Cowichan (63%) is between 0.4 ha to 8.0 ha (1-20 acres), and of the 6,250 hectares in the ALR, 75% is actively farmed. Agricultural sector growth has increased over the last 20 years by 14.5% (farm gate sales, adjusted for inflation) while over the same period the area farmed has decreased (SAP, 2001, p. 2-4). The Climate Action and Energy Plan (2011) provides additional comment, and states that the most recent State of the Industry Report [at the time] indicates a trend towards smaller, more intensive and organic farms along with a livestock industry in decline (due to rising input costs, reduced processing capacity and increased regulations). Both plans identify small farm holdings as an important part of North Cowichan's agricultural base.

More recent regional data from the 2016 Census confirms the trends above, indicating that the number of farms, and farmland in use in hectares has declined in the Cowichan Valley Region District as a whole, however the number of employees has increased, as well as total farm receipts (Agriculture in Brief- Cowichan Valley, 2016). It should be noted however, "the accuracy of data for total farms in operation and farm size could be compromised by non-reporting, and that direct sales at farm gates and at farmers' markets are not tracked, resulting in the potential for an incomplete picture of total farm receipts" (CVRD State of the Environment, 2014, p. 8). As mentioned, this data is not specific to the Municipality of North Cowichan, but indicates more recent regional trends.

Zoning Bylaw

Zoning Bylaw 2950 permits Agriculture in seven zones (A1, A2, A3, R1, R3, C7, CD7) and Agricultural Storage, in three zones (A1, A2, & A3). The focus of this report are the A1, A2, and A3 zones which have the largest number of additional permitted uses related to agriculture (ATTACHMENT 4) and the storage of agricultural products, and the most restrictive setbacks.

"Agriculture" means the use of land, buildings and structures: (a) to raise livestock, (b) to grow, rear, produce, and harvest agricultural products, (c) to process crops grown on the land, (d) to store or repair farm equipment used on the land, (e) to sell agricultural products, (f) for aquaculture, (g) for horticulture, (h) for mariculture, and (i) for silviculture, but does not include the operation of feedlots, fur farms, piggeries, poultry farms, or mushroom farms.

The latter uses, excluded from the definition of agriculture under (i), are permitted only in the Agricultural (A1) Zone, and on any other parcel in the Agricultural Land Reserve, regardless of zoning. Noted above, buildings used for agriculture on A1, A2, and A3 properties, which include greenhouses, barns to store crops, poultry barns, etc., are subject to more extensive setbacks than residential uses (between 30-46 meters depending on the zone). Slaughterhouses are the most restricted farm use in terms of siting and are subject to 92 meter setbacks.

Ministry of Agriculture's Guide for Bylaw Development in Farming Areas

North Cowichan's setback requirements for buildings for farm uses are generally inconsistent with the *Ministry of Agriculture's Guide for Bylaw Development in Farming Areas*, which sets out maximum setback requirements and also differentiates between different types of farm uses. More intensive agriculture uses such as facilities to grow mushroom, poultry, game, livestock, and milking facilities have recommended maximum setbacks of between 15-30 m, while greenhouses, barns for tractors/crop storage, and riding rings have recommended maximum setbacks of between 4.5-7.5 m (ATTACHMENT 1). The Ministry of Agriculture has provided comments in support of the proposal to reduce setback requirements, and highlight that reductions for slaughterhouses also be addressed (ATTACHMENT 3).

Setback requirements for Cowichan Valley Regional District, Comox Valley Regional District, District of Sooke, District of North and Central Saanich, and Village of Pemberton were reviewed for the purpose of this research, as they are jurisdictions with significant amounts of farmland. In general, the District of North Cowichan's setback regulations are more stringent for farm uses than comparative jurisdictions, particularly for side and rear yard requirements (ATTACHMENT 2).

Table 1. Setbacks Requirements in Agricultural Zones

Agricultural Zones	Setback Requirements for Farm Uses	Consistent with MOA Guide (See ATTACHMENT 1)
Agriculture Zone (A1)	All Other Principal Buildings Front, Side, and Rear-46 m (150.91')	No
	Slaughterhouse Front, Side, and Rear-92 m (301.84')	
Rural Zone (A2)	All Other Principal Buildings Front, Side, and Rear-30m (98.42')	No
Rural Restricted Zone (A3)	All Other Principal Buildings Front, and Rear-30m (98.42') Side-15m (49.21')	No

Official Community Plan

The following Objectives, Policy Directions/Commitments, and Policies lend support to reducing barriers to farming on agricultural lands.

2.1.1 Agriculture

Objective: Sustain and increase agricultural activity through policies that support and strengthen the role of agriculture in North Cowichan's social and economic fabric, enhance food security through greater support for farmers, and protect the agricultural land base.

Policy Direction/Commitment: The Municipality will protect the agricultural land base, strengthen the economic vitality of farming, and promote the importance of local agriculture.

2.1.1.4 The Municipality will take a regional approach to protecting, enhancing and supporting agriculture, working with other jurisdictions to resolve common issues that interfere with the economic vitality of farming. Such issues include drainage problems and the need for irrigation water to promote food production.

2.1.1.6 The Municipality will work to remove barriers to economic viability for farmers by supporting direct marketing opportunities, innovations in agricultural product development, and the development of food processing and/or storage at a commercial scale.

2.1.1.8 It is a municipal priority that North Cowichan's urban residents understand the contributions of agriculture to North Cowichan's quality of life, and that we ensure that the Municipality understands the concerns of farmers.

2.1.1.9 As part of its commitment to food security, the Municipality will strive to reduce regulatory barriers to increase agricultural and food production.

2.4.2 Rural and Environmental-Based Economic Opportunities

Objective: Encourage and promote economic activities that support the values of the rural and natural environment

Policy Direction/Commitment: The Municipality will encourage new, and support existing, rural- and environmental-based businesses.

Strategic Agricultural Plan (SAP)

Goals: Support and Enhance the Small Farm Sector; Reduce Costs and Regulatory Barriers.

The SAP emphasizes the importance of smaller agricultural parcels in the Cowichan Valley, between 0.4-8 hectares in size, and identifies buffering/urban edge planning as key to lessening the conflicts between urban and non-urban land uses. Setbacks for permitted agricultural uses are not specifically identified in the SAP, however the plan emphasizes reducing regulatory barriers for farm enterprise.

Council's Strategic Plan

Council has stated that it will act to maintain and strength North Cowichan as an economically thriving and sustainable community of unique and inclusive towns and neighbourhoods; preserving our agricultural rural countryside, and stewarding healthy forests, rivers, and lakes. Council has stated that it will take action to support small scale innovative agriculture, as well as continued action to encourage the use of arable land.

Climate Action and Energy Plan (CAEP)

The CAEP recommends that an Agricultural Development Centre be established for the purpose of training farmers, making farmland available, and producing and selling local food. The CAEP identifies establishing a local food initiative to encourage more organic and local food sales, and highlight that local good production and consumption can generate significant GHG emission reductions. The 33% reduction in GHG emissions to 2007 levels by 2020 is linked to increases in farming and farm production, specific actions include designating 23% more farmland area, as well as increasing the percentage of local food production to from a baseline of 20% to a baseline of 60%. While the Municipality cannot directly increase local food production, it can participate by reducing regulatory barriers to farming.

Conclusion

In general, the Municipality's regulations for setbacks requirements on agricultural lands are more restrictive than best practices set by the Ministry of Agriculture, and relative to regulations from neighbouring jurisdictions. The Ministry of Agriculture recommends maximum setback requirements as a strategy to all farmers to cluster farm buildings to preserve arable land. Overall, local governments have taken the approach of implementing more restrictive setback requirements for intensive agricultural uses like chicken and mushroom barns due to inherent conflicts between residential and agricultural uses. Possible implications for reducing setbacks are increased impacts on adjacent properties and increased complaints related to permitted farm uses.

In 2001, the majority of farms were between 0.4 ha- 8 ha (SAP, 2001). With the prevalence of smaller lots used for agricultural purposes in North Cowichan, we can expect that farm uses on these types of lots may be challenged to comply with present setback requirements, creating excessive regulatory barriers to farming, and unanticipated implications, such as the fragmentation of productive soils.

The Official Community Plan explicitly supports and prioritizes agriculture and farming practices, and rural economic development. The SAP provides direction to reduce regulatory barriers to provide easier access to agricultural production, particularly with respect to smaller agricultural holdings, and the CAEP provides direction to encourage local food production and farming. These objectives and goals are seen by Staff as potential outcomes of reducing setbacks requirements. Council's Strategic Plan lends support to changes which will positively impact small scale innovative agriculture, and use of arable land. The reduction of setback requirements will reduce regulatory barriers and make the placements of farm related buildings more feasible on smaller and unusually configured agricultural parcels. This reduction will be of benefit to both large scale and small scale farms.

Therefore it is the recommendation of Staff that the setback requirements for agricultural uses be reduced for front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m for to 25 m for front, and from 46 to 15 m for side and rear yard setbacks in the A1 Zone; from 30 m to 25 m for front, and from 30 m to 15 m for side and rear yard setbacks in the A2 Zone; and from 30 m to 25 m for front, and from 30 m to 15 m for rear yard setbacks in the A3 Zone; except, that 'All Other Principal Buildings' on A1 and A2 lands abutting residentially zoned properties are subject to 30 m setbacks from the abutting property line.

Options

The following options are available to Council.

Staff recommendation:

1. That a zoning amendment bylaw be prepared to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m for to 25 m for front, and from 46 to 15 m for side and rear yard setbacks in the A1 Zone; from 30 m to 25 m for front, and from 30 m to 15 m for side and rear yard setbacks in the A2 Zone; and from 30 m to 25 m for front, and from 30 m to 15 m for rear yard setbacks in the A3 Zone; except, that 'All Other Principal Buildings' on A1 and A2 lands abutting residentially zoned properties are subject to 30 m setbacks from the abutting property line.

Alternate recommendations:

2. That a zoning amendment bylaw be prepared to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m to 25 m for front, and from 46 m to 15 m for side and rear yard setbacks in the A1 Zone.
3. That no amendment bylaw to the setbacks for 'All Other Principal Buildings' in agricultural zones be pursued at this time, and that the issue be considered as part of the OCP and Zoning Bylaw review.

Recommendation

That a zoning amendment bylaw be prepared to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m for to 25 m for front, and from 46 to 15 m for side and rear yard setbacks in the A1 Zone; from 30 m to 25 m for front, and from 30 m to 15 m for side and rear yard setbacks in the A2 Zone; and from 30 m to 25 m for front, and from 30 m to 15 m for rear yard setbacks in the A3 Zone; except, that 'All Other Principal Buildings' on A1 and A2 lands abutting residentially zoned properties are subject to 30 m setbacks from the abutting property line.

Attachment(s):

1. Ministry of Agriculture Guide to Bylaw Development in Farming Areas
2. Comparative Local Government Setbacks for Agricultural Uses
3. Comments from the Ministry of Agriculture
4. Permitted Uses in A1-A2-A3 Zones

Table 1 Maximum* Setbacks for Farm Buildings, Structures, and Facilities**

Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
Principal Farm Buildings, Animal Containment, and Storages			
<i>Greenhouse (nursery, specialty wood & turf crops): including boiler room, header house, machine storage</i>	7.5 m	4.5 m	30 m
Tree, vine, field, and forage crop storage; granary	7.5 m	4.5 m	
Apiculture: Bee hive; <i>honey house</i>	7.5 m	7.5 m	
Mushroom: barn	15 – 30 m *	7.5 m	
<i>Livestock, poultry, game, or fur: barn, brooder house; fur farming shed; hatchery; livestock shelter; milking facility; stable, confined livestock area</i>	15 – 30 m *	15 – 30 m *	
Free range poultry at a density of less than one animal unit	0 m	0 m	
Medical Marihuana Production Facilities	15 - 30 m	15 - 30 m	
Accessory buildings, structures and facilities			
Incinerator; silo	30 m	30 m	30 m
Generator shed	15 m	15 m	
<i>Detention pond</i>	7.5 m	4.5 m	
Grain and hay storage; silage storage in plastic bags; straw storage (non-composting materials)	7.5 m	4.5 m	
<i>Machine storage and shelters, and accessory buildings, structures and facilities which are low risk for being potential sources of pollution</i>	4.5 m	4.5 m	
Feeding area location in <i>seasonal feeding area****</i>	n/a	n/a	
Boilers or walls with fans – all uses	15 m	15 m	
Horse riding rings and exercise yards where no feeding of animals occurs and where a vegetated buffer is provided in the form of a hedge between the ring or yard and neighbouring properties	0 m	0 m	n/a
Horse riding rings and exercise yards where no feeding of animals occurs and where no vegetated buffer is provided	4.5 m	4.5 m	n/a

Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
Marketing, Processing, and Product Preparation Structures and Facilities			
<i>Direct farm marketing</i>	7.5 m	4.5 m	30 m
<i>On-farm processing, on-farm product preparation</i>	7.5 m	7.5 m	
Winery and Cider processing facility	7.5 m	4.5 m	
<i>On-farm soil-less medium production</i>	15 m	15 m	
<i>Soil-less medium storage, wood waste storage</i>	7.5 m	7.5 m	
Waste and Chemical Handling			
<i>Agricultural liquid or solid waste storage facility; solid agricultural waste (field storage**)</i>	30 m	30 m	30 m
<i>Compost storage; on-farm composting</i>	30 m	30 m	
Chemical storage	7.5 m	7.5 m	
<i>Composting materials (non-manure storage)</i>	15 m	15 m	
Medical Marihuana Production Facilities (MMPF)			
Setbacks from Parks and Schools	150 metre maximum setback from MMPFs to Parks and Schools		
Setbacks from non-ALR Residential Uses	30 metre maximum setback from MMPFs to non-ALR Residential Uses with a buffer, or 60 metre maximum setback if a buffer is not employed.		

* Range in setback distance allows for reductions for enclosed animal facilities and for narrower walls that are oriented to lot lines. Current bylaws may have setbacks within the range and thus, could remain unchanged and be consistent with these guidelines.

** Field storage for more than 2 weeks.

*** Local government zoning or development permit area criteria usually stipulate the “minimum setback” distance - which is the closest to the object a building or *structure* may be situated. An applicant may choose to locate his feature farther back. In order to minimize the effects on farming, these guidelines give the MAXIMUM setback distance that a local government should use in its bylaws. The dimensions are referred to as – “the setback distance”.

**** *Seasonal feeding areas* are predominately covered by productive vegetation during the growing season.

Local Government	Setback Requirements for Farm Uses
Cowichan Valley Regional District	Area A and C: 15 m front, rear, side Area D: Marine, 15 m front, rear, side; Upland 30 m front and exterior side, and 15 interior side and rear, 15 m adjoining ALR Area E: 30 m front, and 15 m rear and side. Area F: 30 m front and exterior side, and 15 interior side and rear Area G: 15 m front, 7.5 rear and side Area H: 15 m front, rear, side Area I: 30 m front, 15 m rear and side
Comox Valley Regional District	7.5 m front and rear; 7.5 m side abutting a road and 3.5 m side not abutting a road
District of Central Saanich	Livestock, Manure Storage Buildings 30 m abutting a residential zone; Other Agricultural uses front 7.5 m, rear and side 1.5 m, side exterior 6 m.
District of North Saanich	7.6 m front, rear, side
Regional District of Nanaimo	30 m Intensive Agriculture front, rear, side; 8 m front, rear, side other Ag. Buildings
District of Sooke	Intensive Agriculture 30 m front, rear, side; Non-Intensive Farm Building or Structure 15 m front, rear, side
Village of Pemberton	7.5 front, rear, side



Thu 6/27/2019 4:07 PM

Pepper, Doug AGRI:EX <Doug.Pepper@gov.bc.ca>

FW: Municipality of North Cowichan -Reducing Setbacks in Agricultural Z

To Larissa Barry Thibodeau

 You replied to this message on 6/27/2019 4:29 PM.

Hello Larissa,

Myself and my colleague, Reed Bailey (Agri Land Use Planner), have both reviewed the proposed setbacks. Reed's comments below best articulate the position of AGRI.

"As described in the Report to Council titled "Setbacks for Principal Buildings on Agricultural Lands" dated July 17, 2019, the Ministry is encouraged to see that the Municipality of North Cowichan staff are recommending a reduction in the minimum setbacks for Principal Buildings for agricultural uses within the A1, A2 and A3 zones. Despite this positive change, the Ministry encourages the Municipality to consider further reductions in the minimum setbacks for Principal Buildings for agricultural uses or consider adopting maximum setbacks in line with those described in the Ministry's Guide to Bylaw Development in Farming Areas. Reducing the minimum setbacks for Principal Buildings for agricultural uses will ensure that more land is available for agricultural production on parcels where agricultural is a permitted use.

While it appears to be out of scope in the context of this particular bylaw amendment, the Ministry would nonetheless like to acknowledge the unreasonably large minimum setback (92 metres) for slaughterhouses within the A1 zone. Within the Ministry's Guide to Bylaw Development in Farming Areas, slaughterhouses are considered a type of on-farm processing building/facility where the maximum setback from front, side and rear lot lines is 7.5 metres. The Ministry encourages the Municipality to consider reducing the minimum setback for slaughterhouses within the A1 zone to better reflect the standard in the Ministry's Guide to Bylaw Development in Farming Areas."

If you have any further questions, please let me know.

Thank you,

Doug

	Agriculture Zone (A1)	Rural Zone (A2)	Rural Restricted Zone (A3)
Permitted Uses	Agricultural Exhibition and Fairground Agriculture Agricultural Storage Assisted Living Bed and Breakfast Craft Distillery Community Care Facility Feedlot Forestry Use Fur Farm Greenhouse Home-based Business Kennel Large Animal Hospital Manufactured Home Mushroom Farm Piggery Poultry Farm Riding Stable Single-Family Dwelling Slaughterhouse Supportive Housing Temporary Mobile Home Two-Family Dwelling	Accessory Dwelling Unit Agriculture Agricultural Storage Assisted Living Bed and Breakfast Community Care Facility Craft Distillery Forestry Use Greenhouse Home-based Business Kennel Manufactured Home Riding Stable Single-Family Dwelling Supportive Housing Temporary Mobile Home Two-Family Dwelling	Agriculture Agricultural Storage Assisted Living Bed and Breakfast Community Care Facility Greenhouse Home-based Business Modular Home Single-Family Dwelling Supportive Housing Temporary Mobile Home Two-Family Dwelling

COWICHAN AGRICULTURAL SOCIETY
AND FARMER'S INSTITUTE

5855 CLEMENT STREET,
DUNCAN, B.C. V9L 3W2
COWICHAN.AGRICULTURAL.SOCIETY@GMAIL.COM

December 5, 2019

Mayor and Council,
Municipality of North Cowichan

Re: Setbacks in North Cowichan Ag. Zones (Zoning Amendment Bylaw No.3767)

Thank you for the opportunity to provide input on this issue.

We appreciate that the Municipality of North Cowichan is considering reducing the minimum setbacks for farm buildings on A1, A2 and A3 zoned properties. Given the ever rising cost of land in the Cowichan, farmers are forced to make smaller parcels economically viable, and removing arbitrary restrictions on the siting of farm buildings is certainly a helpful step to take. We see this as a partial implementation of North Cowichan's current OCP policy direction 2.1.1.2.f):

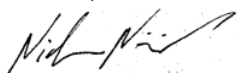
To protect the integrity of farmland and minimize the footprint of housing and farm buildings on agricultural lands, the Municipality will encourage innovations in the layout of new on-farm buildings (residential, accessory, and principal farm buildings).

It is our position that farm buildings should be sited according to the agricultural purpose they serve, responding to the conditions of the site itself (soil types, ecological features, on-farm adjacencies etc.) Setbacks on agricultural properties should be limited to those required for safety and environmental protection only. Setbacks should not be understood as tools to guide rural character in the way that they are often (and problematically) used in urban planning. Rather, rural character should be derivative, emerging from the development of a vibrant and healthy agro-ecological landscape that supports a strong farming economy.

Therefore, while we support the proposed setback reductions, we are concerned that the *minimum* required setbacks in the proposed bylaws remain inconsistent with the *maximum* recommended setbacks provided by the Ministry of Agriculture, and we encourage North Cowichan to consider bringing them in line with those recommendations. For example, the proposed blanket 30m setback on A1 and A2 lands abutting residentially zoned properties appears to be inconsistent with the Ministry of Agriculture's *Guide to Edge Planning*, which advises a more flexible approach to farm side setbacks and buffers to account for different scales of farming operations.

Furthermore, in order to provide advice on agricultural issues such as this, North Cowichan should establish an Agricultural Advisory Committee.

sincerely,



Nick Neisingh, President

on behalf of Cowichan Agricultural Society and Farmer's Institute



Cowichan Green Community
360 Duncan St,
Duncan, BC V9L 3W4
250-748-8506 (ph/fx)
info@cowichangreencommunity.org

Via email: Mairi.Bosomworth@northcowichan.ca

Mairi Bosomworth, Community Planner
Municipality of North Cowichan
7030 Trans-Canada Hwy
DUNCAN BC V9L 6A1

Dear Mairi Bosomworth,

RE: Zoning Amendment Referral for Reduction of Setbacks for 'All Other Principal Buildings' in Agricultural Zones (A1, A2, A3)

On November 7, 2019, Cowichan Green Community (CGC) received a letter requesting comments on the setback requirements for farm buildings on Agricultural Lands (A1, A2, and A3 zones). CGC is appreciative of Council's interest as our core mandate is on all matters respecting food security. That said, we acknowledge that we are not farmers and so are not experts on best operating practices or the economics of specific crops and yields. We are however deeply concerned with land use and its impact on the community when used inappropriately.

The CGC is supportive of relaxing limitations on the location of buildings on agricultural zoned lands, and aligning with recommendations outlined by the Ministry of Agriculture's *Guide for Bylaw Development in Farming Areas*. Reducing the setback requirements on properties provides more flexibility to farmers on how to create the best layout of facilities to accommodate their needs. Reducing setbacks can also have various benefits including shorter driveways and accesses. Reducing setback requirements should allow for less fragmentation of agricultural land, allowing for greater potential for agricultural crop production and reducing food insecurity in the region.

Note that the comments from CGC should not be used as a replacement for input from those directly impacted by agricultural land use policies, namely local farmers. The CGC looks forward to the reintroduction of the Agricultural Advisory Commission as a means of having a strong agricultural voice and presence in North Cowichan through which CGC might contribute.

Sincerely,
Nadeane Nelson, Board Chair
Cowichan Green Community



December 4, 2019

To: Larissa Barry Thibodeau, Larissa.BarryThibodeau@northcowichan.ca
Municipality of North Cowichan
7030 Trans-Canada Hwy, Duncan B.C., V9L 6A1

RE: Municipality of North Cowichan Zoning Amendment Referral for Reduction of Setback for
"All Other Principal Buildings in Agricultural Zones (A1, A2, A3)"

Dear Municipality of North Cowichan Council,

Thank you for the opportunity to provide input on the proposed zoning bylaw amendments.

Young Agrarians is a charitable organization that offers support and programs for young and new ecological farmers in Canada, such as Land Matching services, business mentorships, and online resources.

In regards to the report titled "Setbacks for All Other Principal Buildings on Agricultural Lands", we are encouraged to see the proposed reductions in setbacks. However, we recommend further reducing setbacks to align with the Ministry of Agriculture's guidelines of 4.5 - 7.5m maximum setback for farm uses from front, side, and rear lot lines, and 15 - 30m maximum setbacks for more intensive agriculture uses such as facilities for growing mushrooms, poultry, etc., in A1, A2, and A3 zones. We also recommend that setbacks for slaughterhouses in A1 conform with Ministry of Agriculture guidelines.

Reducing setbacks to align with the Ministry of Agriculture's recommendations will ensure that even more land can be used for agriculture on lots where agriculture is a permitted use, as farmers can site farm buildings to take full advantage of available land.

These changes would be useful for both small and large lot sizes, but would be of most benefit to smaller lots, which is most common farm size in North Cowichan (63% of lots between 0.4 ha to 8.0 ha). In a time of high land prices, this will ensure that these small lots can make the best use of their land for economically viable farm businesses.

Sincerely,

Sara Dent
Executive Director

Report

Date January 29, 2020

File:

To Council

From M. Frame, General Manager of Financial and Protective Services

Endorsed:



Subject Fire Inspection Program Options

Purpose

To provide information and recommendations for Council's consideration on cost-recovery and analysis of options for a full-time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 budget, as directed at the December 18, 2019 meeting.

Background

At the December 2018 Council meeting, staff brought a report to Council recommending;

1. 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 Manger of Fire and Bylaw Services December 18, 2019 report; and
2. That Council direct staff to include a full time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 budget.

Council approved establishing the Fire Inspection Policy as required by the *BC Fire Services Act*, but directed staff to provide options for cost recovery and options for a full-time Assistant Fire Chief.

Discussion

Cost recovery could be attempted through a system of fees for inspections. Local governments have the authority under the *Community Charter* to set fees for inspections to help offset the costs. Most municipalities do not charge for inspections. Some municipalities charge a fee for a re-inspection. The City of Victoria charges a \$100 fee for the second re-inspection and for each subsequent re-inspection. This would encourage compliance.

The current Policy requires self-inspection for Class D – Service Industry/Office and Class E – Mercantile/Retail which takes some of the inspection burden off of the municipality.

Hiring a third party inspection firm to do all the inspections would be \$125 per inspection or \$62,500 for 500 inspections. This does not include any re-inspections or enforcement. There is also the administrative portion of inspections that the Fire Department would still have to perform.

Using Paid-on-Call Fire Fighters to augment full-time staff performing inspections has been considered as a way to increase the number of inspections performed in a year. Using Paid-on-Call (PoC) Fire Fighters to provide inspection services without a full-time resource is not practical. PoC Fire Fighters still have a cost attached. Assuming they would be willing to do the inspections at the same rate as they fight fires, the cost would be approximately \$25 per hour, plus the municipality would be required to pay CPP, EI and WCB. The training for PoC would cost approximately \$1,000 each and require five days of their time and wage loss reimbursement. It would require 2 – 6 volunteers to perform the 10 -12 inspections required a week to get 500 inspections done per year. All PoC Fire Fighters have fulltime jobs and limited availability for inspections, this would result in many being trained. With four halls we would have to consider training PoC Fire Fighters in all four halls which would also increase training costs.

In the end, it is doubtful if using only PoC Fire Fighters would be a cost effective method of providing inspection services. The use of PoC Fire Fighters to perform work currently done by a union employees has significant employee relations issues that cannot be resolved quickly and may have potentially significant costs associated with a resolution in this regard.

Options

The following options are presented for Council's consideration:

Option 1 – Staff Recommendation

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

Option 2 – Alternate Recommendation

That Council direct staff to reduce bylaw enforcement levels and use existing CUPE employees to implement the Fire Inspection Program.

Implications

- North Cowichan has an estimated 1,700 inspectable properties over a wide geographic area. Using PoC Fire Fighters to conduct inspections without a full-time resource would likely cost more than having a full-time Assistant Fire Chief due to the cost of PoC Fire Fighters, the cost of training and the inefficiency of each Inspector doing very few inspections.
- Having a Fire Inspection Policy and following it are mandated by Provincial legislation.
- Fees for re-inspections could help offset the cost of inspections.
- Fees for initial inspections are generally not an accepted practice.
- In order to retain the PoC Fire Services model, the Fire Services Review recommended increasing full-time resources, including the Assistant Deputy Chief for inspections.

Recommendation

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

2. That Council direct staff to implement a system of fees for re-inspections due to non-compliance and requested inspections.

Attachment 1 - Frequency of Fire Inspections Policy

FREQUENCY OF FIRE INSPECTIONS

1. PURPOSE

For Council to approve a policy and 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 legislation.

2. SCOPE

- a. On a Provincial level, the Province of British Columbia (BC) operates under the *British Columbia Building and Fire Codes* and the *Fire Services Act (FSA)* to establish fire inspections, prevention and safety. The *Codes* are enforced during the construction, renovation, and demolition of structures prior to occupancy and final inspections. Post-occupancy, the *Fire Code* and the *Fire Protection Bylaw and Fire Services Act* are used in conjunction for Fire Inspections and it is incumbent on Fire Chief or his designate (Local Assistant to the Fire Commissioner, (LAFC)) to conduct fire and life safety inspections.
- b. In the District of North Cowichan the LAFC is delegated the authority on behalf of council thru the Fire Commissioner to perform the function of Fire Inspector. The LAFC is the Manager of Fire and Bylaw Services and Bylaw Compliance Officer/Fire Inspector and is responsible for enforcing "Fire Protection Bylaw 3340" and to ensure compliance with the *Codes* by undertaking fire safety inspections of buildings in the District of North Cowichan.
- c. Part 1, Section 26 (1) of the *FSA* mandates Council to provide for a regular system of inspection of hotels and public buildings in the Municipality.

3. DEFINITIONS

Under Section 1, Definitions in the *FSA*:

- a) "public building" includes a factory, a warehouse, store, mill, school, hospital, theatre, public hall, office building and any building other than a private dwelling house; and,
- b) "hotel" includes an apartment house, a residential building that has two (2) or more levels of strata lots as defined in the *Strata Property Act*, and a boarding house, lodging house, club or any other building, except a private dwelling, where lodging is provided.
- c) A boarding house, lodging house, club or any other building, except a private dwelling, where lodging is provided.

Under Section 36 of the *FSA* for inspection of buildings:

- a) "building" includes a hotel, public building, church, theatre, hall or other building used as a place of public resort;

- b) "Local Assistant" (LAFC) means a municipality that maintains a fire department, the fire chief and persons authorized in writing by the fire chief to exercise the powers of a local assistant;
- c) in a municipality that does not maintain a fire department, the mayor of the municipality or another person appointed as a local assistant by the fire commissioner;
- d) in any other part of British Columbia, a person appointed as a local assistant by the fire commissioner.
- e) and, in a municipality, the chief police officer and any other person authorized by the municipal council to exercise some or all of the LAFC's powers under this Part, and
- f) an officer has power at any time to enter a building to inspect it and ascertain whether a fire has occurred or occurred close to that area, and
- g) A municipal council must provide for a regular system of inspections and may authorize someone other than the LAFC to exercise some or all powers under section 21 to 23 of the Fire Services Act, within the Municipality.

4. POLICY

Procedure for the Regular System of the Inspection of Buildings

OCCUPANCY*	GROUP	MINIMUM FREQUENCY/ BY WHO
Residential – Hotels, Motels and Apartments	C	12 Months/ with a record of yearly compliance inspections could be extended to 24 months
Public assembly – Gathering of people for civic, religious, social, educational, recreational or like purposes of for food and drink consumption	A1-A4	12 Months extended if history of compliance and completed by North Cowichan Fire Inspector
Institutional – Treatment care or detention facilities	B1-B3	12 Months and completed by North Cowichan Fire Inspector
Service industry / Office – Business use, professional and personal services	D	12 Months self-inspection by owner and yearly verification of compliance report filed with Municipality, with a record of yearly compliance inspections could be extended to 24 or 36 months
Mercantile / Retail – Display / selling retail goods	E	12 Months self-inspection by owner and yearly verification of compliance report filed with Municipality
Low industrial hazard	F2-F3	24 Months 3 rd party inspection
High industrial hazard	F1	12 Months 3 rd party inspection

* Group designations as per the applicable addition of the **BC Building Code (BCBC)**

All owners and occupiers of buildings or premises in the District of North Cowichan must cooperate fully with the LAFC or their designate in connection with completion of scheduled

inspections.

Where the *BC Fire Code (BCFC)* requires the owner(s) of real property or a building to establish fire emergency procedures and prepare and maintain a building fire safety plan, the property owner must submit to the fire department a detailed fire safety plan and record of emergency systems installed within a building for review and approval prior to implementation of such a plan.

Fire inspections are arranged and maintained through the District of North Cowichan Fire Department.

APPROVAL HISTORY

WRITTEN BY: M. Drakeley	APPROVED BY:	DATE: Click here to enter a date.
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Report

Date January 29, 2020

File:

To Council

From Martin Drakeley, Manager of Fire and Bylaw Services

Endorsed:



Subject Panhandling Signage

Purpose

To provide Council with information, options and a recommendation that supports the Safer Working Group's recommendation to install panhandling signage at the Drinkwater Road and Trans-Canada Highway intersection.

Background

There has been a significant increase in panhandling from medians in the last few years. In 2018, Duncan Council and Duncan/North Cowichan RCMP Detachment Officer in Charge, Inspector Bear, discussed installing panhandling signage on medians to dissuade panhandlers. As noted by Inspector Bear, the *Safe Streets Act* prohibits panhandling at intersections. However, panhandling at these locations can be lucrative, which makes enforcement difficult for the RCMP. As soon as one panhandler has been asked to leave, another will often take their place. Inspector Bear advised Duncan Council that an education campaign to deter people from giving to panhandlers, including installing signage, might be an effective deterrent for panhandling on roadways.

In October 2019, Duncan, North Cowichan and Cowichan Tribes established a Safer Working Group (SWG) as part of the Safer Community Plan. The SWG mandate is a staff led working group responsible for providing oversight for the operations of the Corridor Safety Office, and for advising the City of Duncan, District of North Cowichan, and Cowichan Tribes' Councils on matters related to crime reduction, public disorder and community safety in the Trans-Canada Highway Corridor.

At the SWG meetings, panhandling on medians continues to be identified as a major safety concern. Panhandlers are risking harm to themselves and drivers by slowing down, obstructing or impeding traffic. The safety of those engaging in panhandling, as well as the drivers who may be distracted by their activities, has caused the SWG to recommend that signage be installed at the four main intersections where panhandling is occurring:

- Trunk Road and Trans-Canada Highway
- Cowichan Way and Trunk Road
- Coronation Avenue and Trans-Canada Highway
- Drinkwater Road and Trans-Canada Highway

Drinkwater Road is in the District of North Cowichan.

The SWG has reviewed examples of this type of signage that have been installed in other communities and has recommended that signs using the same messaging be installed at four intersections in Duncan, Cowichan Tribes, and North Cowichan. The SWG recommendation will also be forwarded to Duncan and Cowichan Tribes Councils. Cowichan Way and Trunk Road is on the boundary of Duncan and Cowichan Tribes, so if both Councils are supportive of the installation, City staff will fabricate and install the signage at this intersection.

The SWG has recommended installing the sign at the above listed intersections. North Cowichan and Cowichan Tribes, subject to Council approval, will include their logos on the signs that are installed in their jurisdictions:



Discussion

The signs would be installed on a separate post on the median, a certain distance back from the intersection to attempt to reduce vandalism of the signs. Staff are proposing that this sign be installed at the Drinkwater Road and Trans-Canada Highway intersection.

Staff contacted the following municipalities that have installed similar signage:

- Abbotsford
- Chilliwack
- Kamloops
- Kelowna
- Langley City
- Langley Township
- Surrey
- Vernon

Feedback received from these municipalities is that the signage has been somewhat effective or very effective in deterring panhandling at intersections. A few municipalities also suggested including an information campaign to educate the public on why they shouldn't give money to panhandlers due to safety concerns and provide information on how to donate to local agencies. Staff were also made aware of a vehicle accident in Calgary last year that resulted in the death of a panhandler at a busy city intersection.

Options

The following options are presented for Council's consideration:

Option 1 – Staff Recommendation

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

Option 2 – Alternate Recommendation

That Council direct staff to refer the Safer Working Group recommendation on Panhandling Signage to the Committee of the Whole for further discussion.

Option 3 – Alternate Recommendation

That Council direct staff not to proceed with installing panhandling signage at the Drinkwater Road and Trans-Canada Highway intersection.

Implications

Financial:	Cost of installing signage is approximately \$300-\$400
Policy/Legislation:	<i>Safer Streets Act</i>
Strategic Priority:	Strong community connections and a safe, healthy community
Communication:	Subject to Council approval, staff will conduct an information campaign in conjunction with installing panhandling signage.
Staffing Implications:	The Manager of Fire and Bylaw Services co-chairs the Safer Working Group. Public Works oversees signage and can accommodate the installation.

Recommendation

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

Council Report

Date January 29, 2020

File: 0340.10

To Council

From Nelda Richardson, Deputy Corporate Officer

Endorsed:



Subject Flag Protocol Policy

Purpose

To provide Council with options, procedures and a recommendation that sets out District of North Cowichan policy for flying flags at all District owned properties and facilities, and to ensure that all flags at District operated properties and buildings are flown and displayed in a consistent and appropriate manner.

Background

At the May 1, 2019 Regular Meeting of Council, Council made the following motion;

"That staff be directed to prepare a report on establishing a flag policy."

Discussion

Following Council's direction, staff reviewed policies and procedures of North Cowichan's neighbouring local government partners pertaining to the National Flag of Canada (Canadian Flag) and requests received to fly guest flags, Government of Canada rules and guidelines pertaining to the Canadian Flag, and current processes undertaken by North Cowichan staff at District owned properties and facilities.

There are rules and guidelines on how to display the Canadian Flag. Particularly when flown with provincial or territorial flags, or those of organizations and other nations. The Canadian Flag is always flown on its own pole. District staff follow the Government of Canada rules for flying the Canadian Flag. The District does not display a municipal flag.

Staff reviewed the following neighbouring municipality's flag policies:

- Town of Ladysmith – At the direction of Council, the Town will fly the flags of other sovereign nations, non-profit societies and other local organizations upon request.
- City of Duncan – At the direction of the Chief Administrative Officer, the City will display the flag of a non-profit or charitable organizations upon request.
- Cowichan Valley Regional District – Do not have a policy/do not display guest flags.
- Town of Lake Cowichan – Do not have a policy/do not display guest flags.

Flags Flown at District owned Properties and Facilities:

There is one flag pole at Municipal Hall fronting the Trans-Canada Highway. The District permanently displays the Canadian Flag on this pole.

There are three flag poles at the Cowichan Aquatic Centre in front of the hockey stick next to the Spirit Pole at Spirit Square. The District permanently displays the Canadian Flag and the provincial flag on two poles. The third pole is reserved for flying guest flags at the direction of Council or the General Manager of Community Services.

There is one flag pole at all North Cowichan Fire Halls. The North Cowichan Fire Department permanently displays the Canadian Flag on each Fire Hall pole.

There is one flag pole at Mountain View Cemetery. The District permanently displays the Canadian Flag on this pole.

There is one flag pole at the Crofton Old School Museum. The District permanently displays the Canadian Flag on this pole.

There is one flag pole at the RCMP Detachment. The Detachment permanently displays the Canadian Flag on this pole.

Half-Masted Flags:

The Canadian Flag is flown at the half-mast position at District owned properties and facilities as a sign of respect and mourning on the following days:

- April 28 – Workers' Mourning Day;
- June 23 – National Day of Remembrance for Victims of Terrorism;
- Second Sunday in September - Firefighters' National Memorial Day;
- Last Sunday in September – Police and Peace Officers' National Day of Mourning;
- November 11 – Remembrance Day; and
- December 6 – National Day of Remembrance and Action on Violence Against Women.

The Chief Administrative Officer (CAO) in consultation with the Mayor, may designate the Canadian Flag to be flown at half-mast in other circumstances deemed appropriate. A recent example is the downing of the Ukrainian jetliner that killed all passengers on board, including 57 Canadians.

Guest Flags:

On limited occasions, the District has displayed a guest flag following Council's direction at the Cowichan Aquatic Centre or as deemed appropriate by the General Manager of Community Services. The pride flag was displayed on the third pole at the Cowichan Aquatic Centre from May 14 to June 28, 2019, following a Council motion at the May 1, 2019 Regular Council meeting.

Options

The following options are presented for Council's consideration:

Option 1 – Staff Recommendation

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

Option 2 – Alternate Recommendation

1. That Council direct staff to amend the Flag Protocol Policy attached to the January 29, 2020 staff report to prohibit the District from displaying guest flags at the Cowichan Aquatic Centre; and
2. That Council adopt the Flag Protocol Policy as amended.

Option 3 – Alternate Recommendation

1. That Council not adopt the Flag Protocol Policy attached to the January 29, 2020 staff report; and
2. That Council direct staff to continue with status quo.

Recommendation

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

Attachments (4)

Attachment 1 – Flag Protocol Policy

Attachment 2 – Flag Protocol Procedure

Attachment 3 – Rules for half-masting the National Flag of Canada

Attachment 4 – British Columbia Rules for Half-Masting

FLAG PROTOCOL POLICY

1. PURPOSE

To set out the District of North Cowichan's policy and procedures for flying flags at all District owned properties and facilities, and to ensure that all flags at District operated properties and buildings are flown and displayed in a consistent and appropriate manner.

2. SCOPE

The jurisdiction of flag protocol in the District of North Cowichan falls under the directive of the Office of the Mayor and Chief Administrative Officer (CAO).

3. DEFINITIONS

"Flag" – the National Flag of Canada (Canadian Flag) as approved by Parliament and proclaimed by her Majesty Queen Elizabeth II, Queen of Canada, on February 15, 1965.

"Half-mast" – the position of the Flag when flying at half-mast will depend on its size, the length of the mast and its location; but, as a general rule, the centre of the Flag should be half-way down the mast. When hoisted to or lowered from half-mast position, a flag should be first raised to the masthead.

"Rules" – the rules for half-masting the National Flag of Canada.

"Guest Flag" – flags of local non-profit societies and other local organizations.

4. POLICY

All flags displayed at District of North Cowichan (District) properties and buildings must be in good condition, free of tears and tattered edges. Where there is only one flag pole, the Canadian Flag shall be flown. The Canadian Flag must always be displayed in the position of priority and on its own pole. All flags are to be displayed on separate poles. The RCMP Detachment is exempt from this policy.

5. HALF-MASTING

Ensuing the rules, the Flag at all District properties and facilities is flown at the half-mast position as a sign of mourning and respect in recognition of the following:

Days:

- April 28 – Workers' Mourning Day;
- June 23 – National Day of Remembrance for Victims of Terrorism;
- Second Sunday in September - Firefighters' National Memorial Day;
- Last Sunday in September – Police and Peace Officers';
- November 11 – Remembrance Day; and
- December 6 – National Day of Remembrance and Action on Violence against Women.

Deaths:

- A Sovereign or a member of the Royal Family related in the first degree to the Sovereign;
- The Governor General of Canada, Prime Minister, Lieutenant Governor of British Columbia or the Premier, Member of Parliament or a Member of the Legislative Assembly representing any portion of the District of North Cowichan;
- Death of the current or a former Mayor;
- Death of a current Councillor or a former Councillor;
- Death of a Freeman of the Municipality; and
- Death of a current North Cowichan employee if the death is a direct result of the employee performing their duties at the District.

When half-masting the Flag is deemed appropriate, the CAO or designate will notify by email, the Mayor and Council, Executive Management Team, the Manager of Communications and Engagement, the Managers of each facility, and the remainder of District staff, for information.

The Mayor or CAO, may designate the Flag to be flown at half-mast in other circumstances they deem appropriate. The North Cowichan Fire Department may lower the Flag when deemed appropriate to commemorate fallen fire fighters in other jurisdictions.

6. GUEST FLAGS

- At the direction of Council, the District will display the flags of local non-profit societies and other local organizations upon request.
- Only one guest flag will be displayed at a time.
- Parties wishing to have their flags displayed by the District are required to supply the flag. Flags must be in good condition.
- Guest flags will only be displayed at the Cowichan Aquatic Centre on the third pole.

RELATED POLICIES & PROCEDURES

Administrative Procedure - Flag Protocol

APPROVAL HISTORY

WRITTEN BY: Nelda Richardson, Deputy Corporate Officer, Legislative Services Department	APPROVED BY: Council	DATE: Click here to enter a date.
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FLAG PROTOCOL

1. PURPOSE

To set out the procedures and responsibilities for flying flags at all District owned properties and facilities, and to ensure that all flags at District operated properties and buildings are flown and displayed in a consistent and appropriate manner.

2. SCOPE

This procedure applies to all employees and volunteers of North Cowichan.

3. DEFINITIONS

"Flag" – the National Flag of Canada (Canadian Flag) as approved by Parliament and proclaimed by her Majesty Queen Elizabeth II, Queen of Canada, on February 15, 1965.

"Half-mast" – the position of the Flag when flying at half-mast will depend on its size, the length of the mast and its location; but, as a general rule, the centre of the Flag should be half-way down the mast. When hoisted to or lowered from half-mast position, a flag should be first raised to the masthead.

"Rules" – the rules for half-masting the National Flag of Canada.

"Guest Flag" – flags of local non-profit societies and other local organizations.

4. PROCEDURE

4.1 Ensuing the rules, the maintenance of flags is the responsibility of the Community Services Division. This excludes the Fire Department and the North Cowichan Duncan RCMP Detachment.

- (a) Operations staff will be responsible for the keeping, raising and lowering of the Flag at Municipal Hall, Mountain View Cemetery and the Crofton Old School Museum; and
- (b) Facility maintenance staff will be responsible for the keeping, raising and lowering of flags at the Cowichan Aquatic Center and Fuller Lake Arena.

5. HALF-MASTING

5.1 Ensuing the rules, staff will lower the Flag at all District properties and facilities at the half-mast position as a sign of mourning and respect in recognition of the following;

Days:

- April 28 – Workers' Mourning Day;
- June 23 – National Day of Remembrance for Victims of Terrorism;
- Second Sunday in September - Firefighters' National Memorial Day;
- Last Sunday in September – Police and Peace Officers';
- November 11 – Remembrance Day; and
- December 6 – National Day of Remembrance and Action on Violence against Women.

Deaths:

- A Sovereign or a member of the Royal Family related in the first degree to the Sovereign;
- The Governor General of Canada, Prime Minister, Lieutenant Governor of British Columbia or the Premier, Member of Parliament or a Member of the Legislative Assembly representing any portion of the District of North Cowichan;
- Death of the current or a former Mayor;
- Death of a current Councillor or a former Councillor;
- Death of a Freeman of the Municipality; and
- Death of a current North Cowichan employee if the death is a direct result of the employee performing their duties at the District.

6. GUEST FLAGS

6.1 At the direction of Council, the District will display the flags of local non-profit societies and other local organizations upon request.

- (a) Only one guest flag will be displayed at a time.
- (b) Parties wishing to have their flags displayed by the District are required to supply the flag to the Manager of Recreation. Flags must be in good condition.
- (c) Guest flags will be displayed at the Cowichan Aquatic Centre on the third pole.
- (d) Facility maintenance staff will be responsible for the raising and lowering of guest flags at the Cowichan Aquatic Center.

RELATED POLICIES & PROCEDURES

Council Flag Protocol Policy

APPROVAL HISTORY

WRITTEN BY: Nelda Richardson, Deputy Corporate Officer, Legislative Services Department	APPROVED BY: Ernie Mansueti, General Manager, Community Services	DATE: January 23, 2020
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Rules for half-masting the National Flag of Canada

- [Objectives](#)
- [Definitions](#)
- [I. Mandatory Half-masting](#)
- [II. Discretionary Provisions](#)
- [III. Discretionary Authority of the Prime Minister](#)
- [IV. Procedures](#)

Objectives

The half-masting of national flags is a well-established procedure whereby countries bestow an honour and express a collective sense of sorrow. Given that such flags are recognized as paramount symbols of their nations, the act of half-masting is a dramatic visual statement that speaks to the sense of loss that is shared by all their citizens.

It is in this context that the Government of Canada wishes to further develop the principles that will determine the half-masting policy relative to the National Flag of Canada as well as the precise arrangements to be put in place and exercised in a consistent and appropriate manner. Therefore, the Government of Canada has adopted the rules hereto attached.

Definitions

Unless the context otherwise requires it, the following terms shall mean:

"Flag"

the National Flag of Canada as approved by Parliament and proclaimed by Her Majesty Queen Elizabeth II, Queen of Canada, on February 15, 1965.

"Half-mast"

the position of the Flag when flying at half-mast will depend on its size, the length of the mast and its location; but, as a general rule, the centre of the Flag should be exactly half-way down the mast. When hoisted to or lowered from half-mast position, a flag should be first raised to the masthead.

"Rules"

the Rules for Half-masting the National Flag of Canada.

I. Mandatory Half-masting

1. The Sovereign, the Governor General and the Prime Minister

Upon the death of the Sovereign, the current Governor General or the current Prime Minister, the Flag is flown at Half-mast on all federal buildings and establishments in Canada and abroad, including the Peace Tower, from the time of notification of death until sunset on the day of the funeral or the memorial service.

2. Sovereign's Family

Upon the death of the Sovereign's spouse, the Heir to the Throne or the Heir of the Heir to the Throne, the Flag is flown at Half-mast on all federal buildings and establishments in Canada and abroad, including the Peace Tower, from the time of notification of death until sunset on the day of the funeral or, if there is to be a memorial service, the Half-masting should take place from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service.

3. Former Governor General

Upon the death of a former Governor General, the Flag is flown at Half-mast on all federal buildings and establishments in Canada, including the Peace Tower, from the time of notification of death until sunset on the day of the funeral or, if there is to be a memorial service, the Half-masting should take place from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service.

4. Former Prime Minister

Upon the death of a former Prime Minister, the Flag is flown at Half-mast on all federal buildings and establishments in Canada, including the Peace Tower, from the time of notification of death until sunset on the day of the funeral or, if there is to be a memorial service, the Half-masting should take place from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service.

5. Chief Justice of Canada and Members of the Canadian Ministry

Upon the death of the current Chief Justice of Canada or a current member of the Canadian Ministry, the Flag is flown at Half-mast on all federal buildings and establishments in Canada, including the Peace Tower, from the time of notification of death until sunset on the day of the funeral or, if there is to be a memorial service, the Half-masting should take place from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service.

6. Lieutenant Governors

Upon the death of a current Lieutenant Governor, the Flag is flown at Half-mast on all federal buildings and establishments in the affected Province and on the Peace Tower, from the time of notification of death until sunset on the day of the funeral or, if there is to be a memorial service, the Half-masting should take place from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service.

7. Privy Councillors and Senators

Upon the death of a Privy Councillor, who is not a current member of the Canadian Ministry, or a current Senator, the Flag is flown at Half-mast:

- on all federal buildings and establishments in his or her place of residence, excluding the Peace Tower if the place of residence is Ottawa, from the time of notification of death until sunset on the day of the funeral or the memorial service;

- on the Peace Tower from sunrise to sunset on the day of the funeral or the memorial service, as the case may be.

8. Members of the House of Commons

Upon the death of a current member of the House of Commons, the Flag is flown at Half-mast:

- on all federal buildings and establishments in his or her riding, excluding the Peace Tower if the riding is in Ottawa, from the time of notification of death until sunset on the day of the funeral or the memorial service;
- on the Peace Tower from sunrise to sunset on the day of the funeral or the memorial service, as the case may be.

9. Accredited Heads of Mission to Canada while in Canada

Upon the death of an accredited Head of Mission to Canada (High Commissioner or Ambassador) while in Canada, the Flag on the Peace Tower is to be half-masted on the day of the funeral/memorial service or, should there be no such service scheduled, on the day that the remains depart Canada. (Should a service be scheduled on a date different from the one that will witness the departure, half-masting would take place on the day of the service and not on the day that the remains depart Canada).

10. Half-Masting Initiated by a Province or Territory

When a Province or Territory Half-masts its provincial or territorial flag for a reason other than one provided for in the Rules, the Flag will be Half-masted within that Province or Territory, except on the Peace Tower if the Province is Ontario, to the same geographical extent and for the same duration as the Province or Territory Half-masts its flag. The Flag will only be Half-masted in the said Province or Territory upon notification to the Manager responsible for the administration of the Rules within the Department of Canadian Heritage by the Chief of Protocol of that Province or Territory of the reason, geographical extent and duration of the said Half-masting.

11. Special Days

The Flag will be Half-masted on all federal buildings and establishments in Canada, including the Peace Tower, from sunrise to sunset on the following days:

- April 28, Day of Mourning for Persons Killed or Injured in the Workplace (Workers' Mourning Day);
- June 23, National Day of Remembrance for Victims of Terrorism;
- Second Sunday in September, Firefighters' National Memorial Day, unless Half-masting occurs near the place where a memorial is being observed, then Half-masting can occur according to the prescribed order of service, until sunset;
- Last Sunday in September, Police and Peace Officers' National Memorial Day, unless Half-masting occurs near the place where a memorial is being observed, then Half-masting can occur according to the prescribed order of service, until sunset;
- November 11, Remembrance Day, unless Half-masting occurs at the National War Memorial or a place where remembrance is being observed, then Half-masting can occur at 11:00 or according to the prescribed order of service, until sunset;

- December 6, National Day of Remembrance and Action on Violence Against Women.

In addition, the Flag will be Half-masted on the Peace Tower:

- from sunrise to sunset on April 9, Vimy Ridge Day; and
- for the duration of the annual Memorial Service on Parliament Hill to remember deceased Parliamentarians.

II. Discretionary Provisions

12. Foreign Heads of State or Heads of Government - Half-masting Abroad

Upon the death of a current foreign head of state or a foreign head of government, the head of the local embassy, high commission or permanent mission may Half-mast the Flag in the host country, consistent with the practice adopted by the government of the host country.

Foreign Affairs, Trade and Development Canada will inform the Manager responsible for the administration of the Rules within the Department of Canadian Heritage of the occurrence of the event and the Half-masting measures taken in the affected country. The Director General responsible for the implementation of the Rules within the Department of Canadian Heritage will in turn inform the Privy Council Office.

13. Special Circumstances in a Foreign Country

To commemorate prominent citizens of a host country, or a resident of that country who had made a significant contribution to Canada, or special events affecting the host country, the head of the local embassy, high commission or permanent mission may Half-mast the Flag in the host country consistent with the practice adopted by the government of the host country.

Foreign Affairs, Trade and Development Canada will inform the Manager responsible for the administration of the Rules within the Department of Canadian Heritage of the occurrence of the event and the Half-masting measures taken in the affected country. The Director General responsible for the implementation of the Rules within the Department of Canadian Heritage will in turn inform the Privy Council Office.

14. Employees of the Federal Government

When an employee of a federal department, agency or Crown corporation dies in the line of duty or by reason of the position he or she occupies within that federal department, agency or Crown corporation, the Minister responsible for that organization may decide to Half-mast the Flag. Half-masting in such circumstances can only be carried out on those buildings and establishments affiliated to the organization. The Minister may decide on the geographical extent of the Half-masting and its duration. The decision must be shared immediately with the Manager responsible for the administration of the Rules within the Department of Canadian Heritage, and the Director General responsible for the implementation of the Rules within the Department of Canadian Heritage will in turn inform the Privy Council Office.

The Department of National Defence's internal protocol on half-masting

In the event of the death of a member of the Canadian Forces who is deployed on operations to a special duty area, unless special instructions are received, flags will be half-masted as follows:

- All flags within the task force to which a member is assigned at the time of death will be half-masted from the day of death until sunset the day of the funeral;
- All flags at the home base/station of the member will be half-masted from the day of death until sunset the day of the funeral;
- All flags within the environment (sea, land or air) to which the member was assigned will be half-masted from sunrise to sunset on the day of the funeral, and;
- All flags at National Defence Headquarters and at the headquarters of the operational command to which a member is assigned at the time of death will be half-masted from the day of death until sunset the day of the funeral.

III. Discretionary Authority of the Prime Minister

15. Foreign Heads of State or Heads of Government - Half-masting in Canada

Upon the death of a current foreign head of state or a foreign head of government, and after consideration of his/her stature and the relation of that country with Canada, the Prime Minister may approve the Half-masting of the Flag on the Peace Tower on the advice of Foreign Affairs, Trade and Development Canada and Canadian Heritage, and the recommendation of the Clerk of the Privy Council.

16. Exceptional Circumstances

In exceptional circumstances, and on the advice of the Department of Canadian Heritage and the recommendation of the Clerk of the Privy Council, the Prime Minister may approve the Half-masting of the Flag on the Peace Tower, and/or on all or some federal buildings and establishments in Canada or abroad, that is not provided for in the Rules.

17. Delegation of Authority

In the event that the Prime Minister is not available to consider the recommendations pursuant to Section 15 or 16 on an urgent basis, the Clerk of the Privy Council shall have the delegated authority to decide.

18. Information from the Department of Canadian Heritage

The Director General responsible for the implementation of the Rules within the Department of Canadian Heritage will provide information regarding past instances of Half-masting and recommendations as to the geographical extent and duration of any Half-masting under consideration pursuant to Sections 15 and 16.

IV. Procedures

19. Legal Holidays

If the Flag is Half-masted anywhere in Canada or abroad in accordance with the Rules, it must nonetheless be flown at full-mast on the following legal holidays created under the Holidays Act (R.S.C. c. H-5): Victoria Day and Canada Day.

20. Visiting Foreign Head of State or Head of Government

If the Flag is Half-masted on the Peace Tower in accordance with the Rules, it must nonetheless be raised to full-mast while a foreign head of state or foreign head of government is visiting Parliament.

21. Exceptions to Sections 19 and 20

Sections 19 and 20 do not apply if the Flag is Half-masted for the death of the Sovereign, but the Flag is flown at full-mast on the day on which the accession of the new monarch is proclaimed. Sections 19 and 20 also do not apply if the Flag is Half-masted for the death of the current Governor General or the current Prime Minister.

22. Half-Masting Notice

Upon the occurrence of an event provided for in Sections 1 to 11 or upon the approval of the Prime Minister pursuant to Section 15 or 16, the Department of Canadian Heritage will send a notice to all relevant authorities instructing them to Half-mast the Flag. The notice will stipulate the reason, geographical extent and duration of the Half-masting. A brief biography must also accompany the notice when Half-masting is carried out upon the death of a person.

23. Coming into Effect

The Rules, as amended, are effective as of June 2, 2003, and replace any previously existing rules developed through practice or articulated in Sections 12 and 13 of the General Rules for Flying and Displaying the Canadian Flag and Other Flags in Canada (1966).

British Columbia Rules for Half-Masting – see separate policy for half-masting at offices abroad

Procedures:

Flags are flown at the half-mast position as a sign of respect and mourning for an individual of precedence.

The position of the flag, when flying half-mast will depend on its size, the length of the flagstaff and its location. As a general rule, the centre of the flag should be exactly halfway down the flagstaff or pole. The flag must be lowered at least to a position recognisably “half-mast” to avoid the appearance of a flag that has accidentally fallen away from the top of the mast/staff owing to a loose flag rope.

The flag is brought to the half-mast position by first raising it to the top of the mast/pole and then immediately lowering it slowly to the half-mast position.

On occasions requiring that one flag be half-masted, all flags flown together should also be half-masted. Where the direction is to lower the National (Main) Flag and only the Provincial Flag is flying, the notice shall apply to the Provincial Flag. Flags will only be half-masted on those flagpoles fitted with halyards and pulleys. Some buildings fly flags from horizontal or angled poles, without halyards, to which flags are permanently attached; flags positioned as such will not be half-masted.

Flags are not normally half-masted in British Columbia for the death of a current or former foreign or Commonwealth Head of State or Government as they are recognised by Federal jurisdiction; nor for Federal Ministers, Senators or Members of Parliament who are not from British Columbia. (However, the Premier has discretionary provisions in these cases.)

As soon as the Department of Canadian Heritage is advised of the death of a person mentioned below, or of a person whom it is desired to honour, they will inform all federal agencies and the British Columbia Office of Protocol. The Protocol office will then inform, by E-mail and if necessary, by phone or facsimile, all Province of British Columbia offices, Crown Corporations and Agencies, Courts and other Government Institutions through the British Columbia Buildings Corporation, which provides direction to BLJC WSI (Brookfield Lepage Johnson Controls Workplace Solutions Incorporated).

In regards to half masting the **Canadian Flag**: it is at the discretion of whomever owns the flag pole and/or the property on which the flag pole resides.

Statutory Holidays, Heads of State Visits and Death of the Sovereign:

During periods of half-masting, the flag is raised to full-mast on all Provincial Government buildings including the Legislative Building on the following legal holidays Victoria Day, Canada Day and British Columbia Day. It is also raised to full-mast at the Legislative Building while a Head of State is visiting British Columbia. These procedures do not apply while flags are half-masted for the death of the Sovereign when they are only raised to full-mast for the day on which the accession of the new Monarch is proclaimed.

Flags will be flown at half-mast at all provincial government buildings, Crown corporations and agencies, courts and institutions in British Columbia on the following special days and in the case of the death of certain people as indicated below:

Special days flags are half-masted:

<ul style="list-style-type: none"> • April 9 – Vimy Ridge Day (at Leg only) • April 28 – Workers' Mourning Day • June 23 – National Day of Remembrance for Victims of Terrorism • Second Sunday in September – Firefighters' National Memorial Day • Last Sunday in September – Police and Peace Officers' National Memorial Day • November 11 – Remembrance Day • December 6 – National Day of Remembrance and Action on Violence Against Women 	<p>Location: Within the Province of British Columbia on all Provincial Government Buildings, including the Legislative Building</p> <p>Duration: From sunrise to sunset on the designated day. Same for Police and Peace Officer's National Memorial Day and Remembrance Day unless half-masting occurs near cenotaph or place where remembrance or memorial is being observed, then half-masting can occur at 11: 00 am or according to the prescribed order of service, until sunset.</p> <p>Discretion: no Initiated by: the Federal Government</p>
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Days the Union Jack is flown (should be 4.5X9)

<ul style="list-style-type: none"> • Dec 11 – Anniversary of the proclamation of the Statute of Westminster • The second Monday in March – the date of the official observance of Commonwealth Day* 	<p>Location: Where physical arrangements allow, be flown along with the Provincial and Canadian flag thin the Province of British Columbia at the Legislative Building only on Courtesy Flagpole #4 *Exception is Commonwealth Day in which it should be flown within the Province of British Columbia on all Provincial Government Buildings, including the Legislative Building</p> <p>Physical arrangements means the existence of at least two flag poles. The Canadian flag will always take precedence and will not be replaced by the Union Jack. Where only one pole exists, no steps shall be taken to erect an additional pole.</p> <p>Duration: From sunrise to sunset on the designated day.</p> <p>Discretion: no Initiated by: the Federal Government</p>
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Deaths where flags are half-masted:

	EVENT	HALF-MASTING PROTOCOL FOR BC
1	<ul style="list-style-type: none"> Death of a Sovereign Death of the Sovereign's spouse, heir to the Throne and heir of the Sovereign's heir to the Throne Death of the current or a former Governor General Death of the current or a former Prime Minister Death of the Chief Justice of Canada Death of a Federal Cabinet Minister from a British Columbia Constituency 	<p>Location: Within the Province of British Columbia on all Provincial Government Buildings, including the Legislative Buildings.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service.</p> <p>Discretion: no</p> <p>Initiated by: the Federal Government</p>
2	<ul style="list-style-type: none"> Death of a member of the Royal Family other than those related in the first degree to the Sovereign 	<p>Half-masting not explicitly recommended but general discretionary powers of Prime Minister could be invoked when necessary.</p> <p>Discretion: yes (Prime Minister then Premier*)</p> <p>Initiated by: the Federal Government</p>
3	<ul style="list-style-type: none"> Death of the current or a former Lieutenant Governor of British Columbia Death of the current or a former Premier of British Columbia Death of serving Speaker of the Legislative Assembly Death of a member of the Executive Council of the Government of British Columbia Death of the Leader of the Opposition of British Columbia 	<p>Location: Within the Province of British Columbia on all Provincial Government Buildings, including the Legislative Building.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset the following day and from sunrise to sunset on the day of memorial service.</p> <p>Discretion: no</p> <p>Initiated by: the Provincial Government</p>

3a	<ul style="list-style-type: none"> • Death of the current or former Chief Justice of the Appeal Court British Columbia • Death of the current or former Chief Justice of the Supreme Court of B.C. 	<p>Location: Within the Province of British Columbia on all Provincial Courthouses.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset the following day and from sunrise to sunset on the day of memorial service.</p> <p>Discretion: no</p> <p>Initiated by: the Provincial Government</p>
4	<ul style="list-style-type: none"> • Death of a member of The Queen's Privy Council for Canada** residing in British Columbia • Death of a Senator from British Columbia • Death of a member of the House of Commons from a British Columbia constituency 	<p>Location: On all provincial buildings and establishments in the community of his or her place of residence (riding in the case of a member of the House of Commons), excluding the Parliament Buildings if the place of residence is Victoria.</p> <p>Duration: from the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service. At the Legislative Building only from sunrise to sunset on the day of the funeral or memorial service.</p> <p>Discretion: no</p> <p>Initiated by: the Federal Government</p> <p>Note: Decision to half-mast at the Legislative Building should be reviewed as well as half-masting everywhere in the community or just a place of residence (i.e. office in that community)</p>

5	<ul style="list-style-type: none"> Death of a senior representative within the Province of British Columbia, of the house of faith. 	<p>Location: Only at place of residence on buildings owned by the individual house of Faith.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset the following day and from sunrise to sunset on the day of memorial service.</p> <p>Note: Flags are not half-masted on any Province of British Columbia Building or at the Legislative Building.</p>
6	<ul style="list-style-type: none"> Death of a Justice of the Court of Appeal of British Columbia Death of a Puisne Justice of the Supreme Court of British Columbia Death of the Chief Judge of the Provincial Court of British Columbia 	<p>Location: Provincial Government buildings at the place of residence only where Justice presided.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service.</p> <p>Discretion: no</p> <p>Note: Flags are not half-masted on any other Province of British Columbia Building or at the Legislative Building.</p>
7	<ul style="list-style-type: none"> Death of a Member of the Legislative Assembly in office 	<p>Location: At the Legislative Building and at Provincial Government buildings in the member's constituency.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service</p> <p>Discretion: no</p> <p>Initiated by: the Provincial Government</p>

8	<ul style="list-style-type: none"> Death of the Commander Maritime Forces 	<p>Location: Flag to be flown half-mast at the Discretion of the Armed Forces Command.</p> <p>Note: Flags are not half-masted at the Legislative Building or at Provincial Government Buildings.</p> <p>Initiated by: the Federal Government</p>
9	<ul style="list-style-type: none"> Death of a member of the Canadian Forces <p>CF Policy - A. All flags within the task force to which a member is assigned at the time of death shall be half-masted from the day of death until sunset the day of the funeral b. All flags at the home base/station of the member shall be half-masted from the day of death until sunset the day of the funeral c. All flags within the environment (sea, land or air) to which the member was assigned shall be half-masted from sunrise to sunset on the day of the funeral and d. All flags at ndhq (101 colonel by drive only) shall be half-masted from the day of death until sunset the day of the funeral</p>	<p>Location: Provincial Government buildings at the place of residence only where the member resided.</p> <p>Duration: From sunrise to sunset on the day of the memorial service taking place in B.C.</p> <p>Discretion: no</p> <p>Note: Flags are not half-masted on any other Province of British Columbia Building or at the Legislative Building.</p>
10	<ul style="list-style-type: none"> Death of a Mayor of a City or Municipality within British Columbia 	<p>Location: At Provincial Government Buildings within the city or municipality, excluding the Legislative Building if the city is Victoria.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset of the following day and from sunrise to sunset on the day of the memorial service.</p>

		<p>Discretion: no</p> <p>Initiated by: the City/Municipality</p>
11	<ul style="list-style-type: none"> Death of one of the Chancellors of a B.C. University (5) 	<p>Location: At the University only.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset of the following day and from sunrise to sunset on the day of the memorial service</p> <p>Note: No half-mast at Province of British Columbia Buildings or at the Legislative Building.</p> <p>Initiated by: the University.</p>
12	<ul style="list-style-type: none"> Death of a special person as designated by the Premier of British Columbia and in instances not provided for and which warrant half-masting for “special consideration” 	<p>Location: The Premier of British Columbia* may determine to have flags at half-mast (for this one occurrence only) at either all Provincial Buildings or at the Legislative Building only.</p> <p>No anniversary of this occurrence.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset of the following day and from sunrise to sunset on the day of the memorial service.</p> <p>Discretion: yes (Premier)</p> <p>Initiated by: the Provincial Government</p>
13	<ul style="list-style-type: none"> Death of a current or former Commonwealth Head of Government or State Death of a current or former Head of State other than the Commonwealth 	<p>Flags are not normally half-masted in British Columbia for the death of a current or former foreign or Commonwealth Head of State or Government as they are recognised by Federal jurisdiction.</p>

	of Countries	Discretion: yes (Premier)
14a)	<ul style="list-style-type: none"> Death of a senior permanent officer of the Legislature, while in service of the Legislative Assembly of British Columbia 	<p>Location: The main flag pole at the Legislature only.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset of the following day and from sunrise to sunset on the day of the memorial service.</p> <p>Discretion: yes (Speaker on behalf of the Legislative Assembly)</p> <p>Initiated by: the Legislative Assembly</p>
14 b)	<ul style="list-style-type: none"> Death of an employee, while in the service of government, of the Province of British Columbia 	<p>Location: On those buildings and establishments affiliated to the concerned Ministry, Agency, Crown Corporation in British Columbia and at the place of work of the employee.</p> <p>Duration: From the time of notification of death until sunset on the day of the funeral or from the time of notification of death until sunset of the following day and from sunrise to sunset on the day of the memorial service.</p> <p>Discretion: yes (Minister)</p> <p>Initiated by: the Provincial Government</p>
15	<ul style="list-style-type: none"> Death of a City/Municipal Councillor 	<p>Location: At Discretion of the Mayor of the City/Municipality. Generally, for a serving councillor flags are half-masted the place of residence for that councillor (City/Municipal Hall) only.</p> <p>Half-masting for the death of former Mayors or Councillors is at the Discretion of the serving Mayor and Council. It should be noted that a decision to half-mast in a particular situation can set precedence and should be carefully reviewed.</p>

16	<ul style="list-style-type: none"> Death of an accredited head of consular post in Vancouver while in British Columbia (i.e. Consul General) 	<p>Location: At the Legislative Building only.</p> <p>Duration: From sunrise to sunset on the day of the funeral/memorial service or, should there be no such service scheduled, on the day that the remains depart Canada. (Should a service be scheduled on a date different from the one that will witness the departure, half-masting would take place on the day of the service and not on the day that the remains depart Canada.)</p> <p>Discretion: yes</p> <p>Initiated by: the Provincial Government</p>
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Notes:

No half-masting for former members of Executive Council of British Columbia, for former leaders of the opposition of British Columbia, or for former Chief Justices of the Appeal or Supreme Courts of British Columbia.

*** In areas where the Premier has discretion, the process for making a recommendation to the Premier is by the Director and Chief of Protocol through the Deputy Minister of Intergovernmental Relations.**

**** The Queen's Privy Council for Canada** – On the advice of the Prime Minister, the Governor General appoints new ministers to the Queen's Privy Council before they are sworn in as ministers. The Prime Minister of the day may choose to recommend the appointment of other persons of distinction as a special form of honour. The Queen's Privy Council for Canada thus includes not only members of the present ministry (cabinet) but also former ministers and other distinguished persons.

Should a half-masting need to be commenced on a weekend or statutory holiday, in addition to an e-mail being sent out by the Office of Protocol, Security at the Parliament Buildings 387-5516 and at Government House 387-2079 will be telephoned. Flags are permitted to be lowered on the Friday evening prior to the half-masting date and raised again on the morning of the next business day in order to avoid high overtime costs.

Original dated June 11, 2004
Updated December 2012

Municipality of North Cowichan First Nations Relations Committee MINUTES

**December 16, 2019, 2:00 p.m.
Municipal Hall - Maple Bay Meeting Room**

Members Present Councillor Debra Toporowski, Chair
Mayor Al Siebring

Members Absent Councillor Kate Marsh

Staff Present Ted Swabey, Chief Administrative Officer (CAO)
Terri Brennan, Recorder
Shaun Mason, Municipal Forester
Megan Jordan, Manager, Communications and Public Engagement
Morgan McLeod, Development Planner

1. CALL TO ORDER

There being a quorum present, the Chair called the meeting to order at 2:00 p.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That the Committee approve the December 16, 2019 agenda, as amended to consider the following items in closed meeting under the authority of section 90(2)(b) of the *Community Charter*:

- **Item 4.3 Halalt Memorandum of Understanding;**
- **Item 4.4 Stoney Hill Road Naming;**
- **Item 4.5 First Nations Firewood Donation;**
- **Item 4.6 Naming of Parks;**
- **Item 4.7 Boys Road Improvements.**

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:

That the Committee adopt the minutes of the meeting held July 5, 2019.

CARRIED

4. BUSINESS

4.1 Committee Terms of Reference and Mandate

The Committee Chair distributed the draft Terms of Reference and the following amendments were made:

1. On the title page: add 'Terms of Reference';
2. In section 2.0 b): Change 'The Committee will appoint a Chair.' to 'The Mayor will annually appoint a Chair.';
3. In section 3.0: remove the extra words 'will be'; and
4. The Corporate Officer to confirm if the statement in section 4.0 e) is applicable, if not, it will be removed.

It was moved and seconded:

That the Committee recommend that Council adopt the Draft Terms of Reference as amended, as outlined at the December 16, 2019 Committee meeting.

CARRIED

4.2 First Nations Protocols and Communications

The Committee Chair expressed interest in arranging a luncheon session between the School District, the Cowichan Valley Regional District, the Municipality of North Cowichan, Cowichan Tribes and other Tribe community members to meet as a local government in an informal setting. The Chair to have further detailed discussion with the Chief Administrative Officer.

5. NEW BUSINESS

None.

6. CLOSED SESSION

It was moved and seconded:

That the Committee close the meeting at 2:18 p.m. to the public on the basis of section 90(2)(b) of the *Community Charter* [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

7. ADJOURNMENT

The Committee rose without report and ended the meeting at 2:55 p.m.

Signed by Chair

Certified by Acting Corporate Officer



FIRST NATIONS RELATIONS COMMITTEE TERMS OF REFERENCE

PREAMBLE

The District of North Cowichan spans the traditional territories of over 6 First Nations. The First Nations Relations Committee is a standing committee established by North Cowichan that supports Council in building strong government-to-government relationships with First Nations, providing advice and direction to Council on matters that directly or indirectly affect those relationships.

The Committee's official name is to be:

First Nations Relations Standing Committee

1.0 PURPOSE

- a) The mandate of the Committee includes providing advice and making recommendations to Council regarding the following functions relating to First Nation governments:
 - i. Seek means to improve communications and initiate and engage in programs and activities that foster, maintain and strengthen relationships with local First Nations;
 - ii. Understand and provide advice to Council on the implications of the BC Treaty process where it intersects with local government interests;
 - iii. Make recommendations to Council on membership and participation of First Nation governments on matters of Council interest;
 - iv. Engage with senior levels of government and provide representation on an intergovernmental working group, as required;

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to Council; and,
- b) The Mayor will annually appoint a Chair.

3.0 COMPOSITION

- a) Committee members will consist of Councillors and will be appointed by the Mayor.

4.0 PROCEDURES

- a) The Committee shall meet quarterly and hold special meetings as required;
- b) The agenda shall be finalized in consultation between staff and the Committee Chair and any Committee member may request that a matter be placed on the agenda;
- c) With the approval of the Committee Chair and Mayor committee matters of an urgent or time sensitive nature may be forwarded directly to Council for considerations;
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The Chief Administrative Officer will provide strategic support and serve as the principal point of contact for Committee members.
- b) Minutes and agendas are prepared and distributed by Legislative Services.

Approved _____

Report

Date	December 16, 2019	File:
To	First Nations Relations Committee	
From	Morgan McLeod, Development Planner	Endorsed: 
Subject	Renaming Stoney Hill and Murchie Road in the Hul'q'umin'um Language	

Purpose

To provide the First Nations Relations Committee with information and a recommendation that Council approve renaming Stoney Hill Road and Murchie Road to Hul'q'umin'um road names. The inclusion of the Hul'q'umin'um naming serves to emphasize the significance of the peninsula to the indigenous culture.

Background

In 2017, staff provided a recommendation to Council that Meentunup be selected for the proposed new road name of Stoney Hill Road since it is the exact translation and Tatum' Road be proposed the road name for Murchie Road, which is yet to be fully constructed.

In November 2017, a letter was sent to Cowichan Tribes indicating Council's desire to provide Hul'q'umin'um road names for the Stoney Hill area. Tribes staff and Elders worked together to come up with the proposed names using their island dialect of Hul'q'umin'um which is a Coast Salish language. "Meentunup" is Hul'q'umin'um for *stoney ground or Stoney Hill* and "Tatum'" is Hul'q'umin'um for *lukewarm*, which describes the breeze on Stoney Hill. See letter in ATTACHMENT 1.

Cowichan Tribes provided a copy of their band Council resolution dated October 9, 2019 in support of the road names suggested by then Mayor Lefebure, see Council resolution in ATTACHMENT 2.

Canada Post Policy

Canada Post Addressing Guidelines state that punctuation should not be used unless it is part of a proper name, such as in "ST. JOHN'S", in this case the street name Tatum' requires an apostrophe after the "m" for proper punctuation in the Hul'q'umin'um language, according to Chuck Seymour, Cultural Coordinator of Cowichan Tribes.

Discussion

As part of North Cowichan's relationship and acknowledgement that North Cowichan is on the unceded territory of Cowichan Tribes, staff propose to replace the road names with Hul'q'umin'um language street signs to honour the Cowichan Tribes history and culture in the Stoney Hill area.

Staff considered bilingual signage, but Canada Post discourages bilingual directional street signs and only uses bilingual signs for gateway signs, highways or university lands with their own mailing distribution, not for individual properties with a mailing address. Bilingual First Nations signage are used in a number of Canadian provinces and cities. (see Table 1). Canada Post states that official street names may only have one name and should not be translated on the sign in order to prevent confusion, particularly for emergency vehicles.

Table 1

City/Province	Location(s)	Languages
Victoria, BC	Community gateway points	English and Tsilhqot'in
British Columbia	Select highway directional signs in Squamish and Cariboo	English, Ucwalmicwts and Tsilhqot'in
University of B.C. (Point Grey Campus)	Street directional signs	English and Hənq̓əminəḥm
Halifax, NS	Select gateway signs	English, French and Mi'kmaq

On October 15, 2019, the City of Port Alberni also incorporated traditional First Nations street names. Catalyst Paper suggested the name Nuupts' ikapis Way. This name was not on the Port Alberni Council approved street name list, however, their Council approved it.

Options

1. **[RECOMMENDED]** That the First Nations Relations Committee recommend that Council approve the Cowichan Tribes suggested road names and direct staff to prepare a bylaw for the change in road names and install appropriate signage.

Advantages

- Completing the bilingual signage change immediately will provide the least disruption to addressing.
- Recognition of the Cowichan Tribes connection to Stoney Hill.
- Fulfilling the promise to Cowichan Tribes from previous discussions with Mayor and staff in 2017.

Disadvantages

- Re-addressing six existing properties on Stoney Hill and Murchie Roads. All properties do have P.O. Box numbers and mail would not need to be redirected; only the directional street name would change.
2. That the First Nations Relations Committee reject the suggested road names and maintain status quo.

Implications

Financial

- Minimal cost to North Cowichan for designing, making and installing signs. Funds will come out of the 2020 Operational Budget. Sign posts and sign blades are in place now with Stoney Hill Road.
- There may be push from landowners to have the municipality pay for readdressing costs (estimated to be about \$50 through Canada Post, not including time for residents to update information such as credit cards and driver's licences)

Personnel

- Minimal staff hours required.

Environmental

- No impact.

Social

- Developing better relations between North Cowichan and Cowichan Tribes.
- Provides insight to language and interpretation.

Communication

- The languages intended for inclusion are based on previous Council direction stemming from discussions with the Cowichan Tribes in 2017.

Recommendation

That the First Nations Relations Committee recommend that Council approve the Cowichan Tribes suggested road names and direct staff to prepare a bylaw for the change in road names and install appropriate signage.

Attachment(s): (4)

Attachment 1 - Letter to Cowichan Tribes

Attachment 2 - Cowichan Tribes Band Council Resolution

Attachment 3 - Location Map

Attachment 4 - Example photos of First Nations Street Signs



7030 Trans-Canada Highway | Box 278
Duncan, BC V9L 3X4 Canada
www.northcowichan.ca
T 250.746.3100
F 250.746.3133

November 30, 2017

HAND DELIVERED

Chief Chip Seymour
Cowichan Tribes
5760 Allenby Road
Duncan, BC V9L 5J1

Dear Chief Seymour:

RE: Stoney Hill Road Names

Thank you for referring our letter regarding road names on Stoney Hill to the Elders and forwarding their recommendations on the names Tatum, Meentunup and Sheshuq'um.

I would like to be able to recommend to North Cowichan Council that one section of the road be named Tatum, and the main section of Stoney Hill Road be renamed Meentunup, as indicated on the accompanying map. This would result in the least disruption to current addresses.

I would also commit to approaching the CVRD Board with the proposal to name either the new trail to Sansum Narrows Regional Park "Sheshuq'um Trail" (relatively simple to do) or rename the Sansum Narrows Regional Park as "Sheshuq'um Regional Park."

Before I take any further action, I would appreciate your consideration and recommendation on these suggestions.

Sincerely

A handwritten signature in blue ink. The first part of the signature is a stylized "Jon" with a horizontal line above it. The second part is "Lefebure" written in a cursive script.

Jon Lefebure
Mayor
enc:

mayor@northcowichan.ca



BAND COUNCIL RESOLUTION

Chronological no.
2019/2020-185
File reference no.

NOTE:

The words “from our Band Funds” “capital: or “revenue”, whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

The council of the							Cowichan Tribes		Cash free balance			
Capital Account							\$					
Date of duly convened meeting							D	M	Y	Province		
0							9	1	0	20	19	BC
Revenue Account							\$					

DO HEREBY RESOLVE:

BE IT RESOLVED, the Chief and Council of Cowichan Tribes is in support of the renaming of two sections of Stoney Hill Road to Tatum and Meentunup, as recommended by our elders.

Quorum 5

(Chief)

Nancy Wilson
(Councillor)

Daniel Gray
(Councillor)

Eric Reid
(Councillor)

Bob
(Councillor)

Craig George
(Councillor)

Don
(Councillor)

Andy
(Councillor)

John
(Councillor)

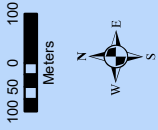
Robert
(Councillor)

Stephen Atleo

[Signature]

Ch. Chen

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Act Section)	Source of funds o Capital o Revenue	Expenditure	Authority (Indian Act Section)	Source of funds o Capital o Revenue
Recommending officer			Recommending Officer		
Signature		Date	Signature		Date
Approving Officer – Approuvé par			Approving Officer		
Signature		Date	Signature		Date



Sansum Narrows

Stoney Hill Rd

Stoney Hill Rd to
Meetunup Rd

Murchie Rd to
Tatum' Rd

Birds Eye Cove

Genoa Bay Rd

ATTACHMENT 4

Examples of First Nation Street Names in other Municipalities

Port Alberni Nuu-chah-nulth street name¹



City of Vancouver and Musqueam Reserve street name²



¹ <https://www.albernavalleynews.com/news/port-albernis-newest-street-gets-nuu-chah-nulth-name/>

² <https://fnbc.info/news/vancouver-musqueam-band-sign-agreement-city-services>

APPLICATION TO NAME PARK, OPEN SPACE, FEATURE OR FACILITY

(please refer to attached policy excerpt)

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of processing this application. Should you have any questions about the collection of personal information, please contact the Privacy Coordinator, (250) 746-3100, 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

Applicant (Individual or Group Name): _____

Address: _____

Telephone: _____ Email: _____

Location of park, open space, park feature or facility to be named: _____

Proposed Name*: _____

* **Note:** Applicants must attach background information describing the accomplishments and/or legitimacy of the name designation along with letters of endorsement supporting the application.

For Internal Use:

Date application received: _____

- ☐ Forward proposal to local neighbourhood association or community group for comments:

- ☐ Forward proposal to donor for comments (if land or facility was gifted to the Municipality):

- ☐ Staff to conduct historical review prior to recommendation of approval
Staff member conducting review: _____ Due date: _____
- ☐ Nominee (or legal representative/ family if nominee is deceased) in agreement with naming proposal
Person/representative contacted: _____ In agreement? ☐ Yes ☐ No
- ☐ Naming proposal placed on website for 30 calendar days seeking written comments from the public
Dates placed on website: _____ to _____, 20____
- ☐ Circulate to all Municipal departments and external agencies that have jurisdiction over the amenity for comments:

- ☐ Director of Parks and Recreation to submit report including application, historical background and comments received to a Closed Parks and Recreation Advisory Committee meeting for consideration and a recommendation to Council
- ☐ Applicant notified of Council's decision

POLICY EXCERPT

NAMING OR RENAMING PARKS, OPEN SPACES, FEATURES OR FACILITIES

1. Definition of Terms

The following terms are provided for greater clarity:

Component Feature/Facility - means all substantial structures or recreational aspects of a park which includes, but is not limited to, such things as: sport fields, ball diamonds, hard surface courts, playgrounds, tennis courts, lawn bowling greens, bocce courts, gardens, washrooms/changerooms/fieldhouses and skateboard park facilities, etc.

Commemorative Naming - naming rights granted to honour outstanding achievement, distinctive service, or significant community contribution. Commemorative naming will not be tied to a financial contribution.

Individual and Community Organization Commemorative Naming - naming rights granted to an individual, group of individuals, family foundation, or a non-profit community organization in recognition of significant philanthropy.

Open Space - includes, but is not limited to, trails, pathway systems, utility features such as stormwater management ponds, and other similar structures under the jurisdiction of the Municipality of North Cowichan.

Parkland - means all parkland designations including, but not limited to, dedicated parkland, parks, community parks, neighbourhood parks, etc. owned by and/or under the jurisdiction of the Municipality of North Cowichan.

Significant Financial Gifts - means a monetary donation reflective of the total capital cost or appraised value of the amenity being considered for naming.

2. Criteria

1.0 Commemorative Name Designation Associated with Functional Use

This is based on geographical location, historical or cultural significance, distinctive natural or geological features, and the wishes of the community in which it is located.

- 1.1 Staff may assign a name based on the adjacent street, functional use, geographic feature, community name or historic significance. Examples include: Sherman Road Park - adjacent to Sherman Road; Chemainus Ball Park – Chemainus.
- 1.2. Chosen names within this designation shall be assigned by Staff and may remain unchanged until a formal request for a name change has been approved by Council.
- 1.3 Generally, chosen names shall reflect the adjacent street name (i.e: Herd Road Park - majority of street frontage on Herd Road). This is to ensure continuity and minimize conflicts for emergency services.

2.0 Commemorative Name Designation Associated in Honour of Individuals or Groups

- 2.1 This section applies to any request for:
 - a) naming; or,
 - b) renaming a park/open space, or component feature in honour of individuals or groups.
- 2.2 Council shall approve all names in honour of individuals or groups. All requests for naming, designating or renaming in honour of individuals or groups shall be submitted in writing, with supporting explanation and/or justification to the Chair of the Parks & Recreation Advisory

Committee, c/o the Director of Parks and Recreation. The Director will forward a report with the Committee's recommendations to Council for consideration.

- 2.3. Names for consideration shall be those of distinguished persons, organizations, corporations, foundations or families:
- a) where there has been significant contribution to the quality of life or well being of the Municipality of North Cowichan;
 - b) where the person/group is perceived as a role model and open to close scrutiny relative to their character, integrity and values;
 - c) demonstrated excellence, courage or exceptional service to the citizens of the Municipality of North Cowichan;
 - d) to memorialize or otherwise recognize substantial gifts and significant donors, individuals designated by donors, or individuals who have made exemplary or meritorious contributions to the Municipality of North Cowichan;
 - e) where there is a strong historical or cultural connection to the Municipality and has a major contribution to the historical or cultural preservation of the Municipality;
 - f) where there is a strong contribution toward environmental preservation, conservation or enhancement of the Municipality;
 - g) where there is a major contribution made to the acquisition, development or conveyance of land or building in question and/or its subsequent development; or
 - f) where there is a direct relationship or association that exists between the place or former place of residence of the person or group and the facility/park to be named.
- 2.4 Naming in honour of elected or appointed public officials, Municipality of North Cowichan officials, or staff shall normally occur only after the public service or Municipal employment has concluded.
- 2.5 Notwithstanding the above, Council, by resolution, may approve a name or name change in honour of individuals or groups when circumstances justify such action. Council may also remove the original name designation when circumstances justify such action.

3.0 Commemorative Names of Provincial, National or International Significance

- 3.1 Council may approve a name or name change in honour of individuals or groups who have made an outstanding contribution provincially, nationally, or internationally.
- 3.2 In such instances, and prior to approving the use of any name of individuals or group, staff shall investigate any protocol and/or requirements of any provincial, national or international agency or organization.

4.0 Names Derived from Significant Financial Contributions

- 4.1 In selected instances where a naming request has been proposed as a result of receiving a unique and extraordinary financial, or other significant contribution, towards the acquisition, creation or redevelopment of a property or park consideration will be given to the sponsorship contribution being provided. The merits and value of each such naming will be evaluated on a case-by-case basis. It should not be assumed that a financial contribution guarantees that a park is named after the service club/business/individual/organization.

5.0 Renaming Existing Parks

- 5.1 Renaming of parks and open spaces carries with it a much greater burden of process compared to initial naming. Tradition and continuity of name and community identification are important

community values. Each application must meet the criteria in this policy, but meeting all criteria does not automatically ensure renaming.

- 5.2** Critical examination will be conducted to ensure that renaming the park will not diminish the original justification for the name or the prior contributors. Renaming will follow the same procedures as naming a park/open space, or component feature:
- a) Only parks and facilities named for geographic location, outstanding feature or subdivision should be considered for renaming. Parks that have been named by deed restriction shall not be considered for renaming.
 - b) Parks and facilities named after individuals shall not be changed unless it is found that because of the individual's character the continued use of their name would not be in the best interest of the community.
- 5.3** Existing names will not be changed without the consideration of:
- a) the historical significance of the existing name;
 - b) the impact on the individual or organization associated with the existing name; and
 - c) the cost and impact of changing existing signage, rebuilding community recognition and updating records (data bases, maps, promotional materials, etc.).
- 5.4** Only nominations having a direct relevance to the park/open space, or a component feature within the space in question will be considered for renaming.
- 5.5** Renaming of a park/open space, or component feature may occur if:
- a) the policy criteria are met;
 - b) a valid justification for renaming the facility is provided;
 - c) changing the name will not cause undue confusion within the community; and
 - d) an appropriate level of community support exists.

6.0 Inventory of Names

- 6.1** The Parks & Recreation Department shall be responsible for maintaining an inventory of names for parks/open spaces, and component features/facilities.
- 6.2** Practices to be avoided:
- a) naming a park after a nearby, but not immediately adjacent, school or institution that may lead to confusion regarding their respective locations;
 - b) use of existing (or similar) names of parks within the Municipality, to avoid duplication and confusion
 - c) names that are meaningful only to a few members of the community; and
 - d) the proposal suggests a name after a specific builder, developer or real estate company.

7.0 Signage

- 7.1** The Municipality will be responsible for coordinating the public presentation of signage to acknowledge the naming/renaming designation. Costs associated with naming/renaming of a park/open space or component feature as outlined in this policy will be assumed by the Municipality of North Cowichan.
- 7.2** The Municipality will have final approval for the selection and location of any signage, including text and design.
- 7.3** The Municipality of North Cowichan will bear the responsibility of ongoing maintenance for the signage.

Crofton Community Centre Society



June 25, 2019



To Municipality of North Cowichan, Parks and Recreation.

Dear Mayor and Council:

Please find the attached application from the Crofton Community Centre Society to re-name Crofton Beach Park to **"E.J. HUGHES PARK at CROFTON BEACH"**

The Municipality of North Cowichan was recently preparing to cover the utility kiosks in the Crofton Beach Park with vinyl art. Director Ed Lebitschnig made a suggestion that we use E.J. Hughes artworks, and Director Dan Robin took it upon himself to see if that could be done. He contacted the E.J. Hughes estate and Suzan Kostiuk, owner of Excellent Frameworks, who have allowed the use of 2 pieces from the E.J. Hughes collection.

Artist E.J. Hughes is well known and highly respected in the Cowichan Valley. Many Crofton residents have fond memories of watching him paint local scenes. The selected pieces were painted while sitting right there at the Crofton beach.

The two works used will be "An Arbutus Tree at Crofton Beach" and "Osborne Bay". As well, an image of E.J. Hughes holding one of these works will be placed on a podium with an explanation of his significance to Crofton and the Cowichan Valley.

Director Dan Robin during this time had the idea to rename the park, and brought it to the Crofton Community Centre Society. All present were heartily in favour and they chose the name "E.J. Hughes Park at Crofton Beach" to be presented to the MNC for consideration.

E.J. Hughes talents are considerable and recognized throughout the world. As well as his extensive collection of west coast artworks, he served in WWII, starting out as a gunner, progressing to the position of Official War Artist. He was awarded with Honourary Doctorates from the University of Victoria and the Emily Carr Institute of Art and Design. He has received both the Order of Canada and the Order of British Columbia for his accomplishments.

There are no permanent public sites that are dedicated to him at this time. As his work was and still is so important and recognizable for its style and west coast flair, we hope you agree it would honour his memory, his family and our regard for him to give us the privilege to rename the park in his name.

Sincerely,

Tracey Donnelly,
President of and on behalf of the
Crofton Community Centre Society

FILE No. _____	CAO	<input type="checkbox"/>
Council _____ <input type="checkbox"/>	GM People & Bus. Service	<input type="checkbox"/>
COW _____ <input type="checkbox"/>	GM Fin. & Protective Services	<input type="checkbox"/>
Com. _____ <input type="checkbox"/>	GM Dev. Eng. Services	<input type="checkbox"/>
Info Pack _____ <input type="checkbox"/>	GM Comm. Services	<input checked="" type="checkbox"/>
	Other <i>Director of Parks & Rec</i>	<input checked="" type="checkbox"/>
	For Action	<input type="checkbox"/>

APPLICATION TO NAME PARK, OPEN SPACE, FEATURE OR FACILITY

(please refer to attached policy excerpt)

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of processing this application. Should you have any questions about the collection of personal information, please contact the Privacy Coordinator, (250) 746-3100, 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

Applicant (Individual or Group Name): CROFTON COMMUNITY CENTRE SOCIETY

Address: BOX 406, 8104 MUSGRAVE ST. CROFTON, BC V0R 1R0 - alt. email-tgdonnelly@shaw.ca

Telephone: 250-246-3009 Email: contactus@croftoncommunitycentre.ca

Location of park, open space, park feature or facility to be named: CROFTON BEACH PARK, CROFTON, BC

Proposed Name*:

E.J. HUGHES PARK AT CROFTON BEACH

* **Note:** Applicants must attach background information describing the accomplishments and/or legitimacy of the name designation along with letters of endorsement supporting the application.

For Internal Use:

Date application received: _____

- ☐ Forward proposal to local neighbourhood association or community group for comments:

- ☐ Forward proposal to donor for comments (if land or facility was gifted to the Municipality):

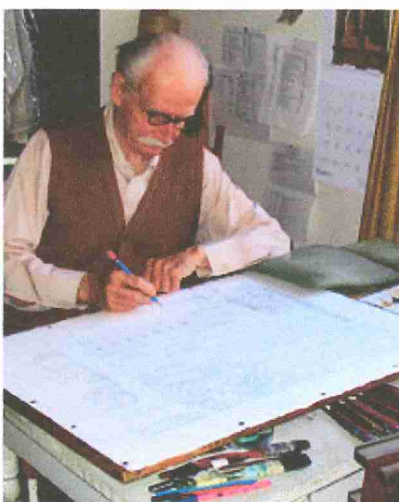
- ☐ Staff to conduct historical review prior to recommendation of approval
Staff member conducting review: _____ Due date: _____
- ☐ Nominee (or legal representative/ family if nominee is deceased) in agreement with naming proposal
Person/representative contacted: _____ In agreement? ☐ Yes ☐ No
- ☐ Naming proposal placed on website for 30 calendar days seeking written comments from the public
Dates placed on website: _____ to _____, 20____
- ☐ Circulate to all Municipal departments and external agencies that have jurisdiction over the amenity for comments:

- ☐ Director of Parks and Recreation to submit report including application, historical background and comments received to a Closed Parks and Recreation Advisory Committee meeting for consideration and a recommendation to Council
- ☐ Applicant notified of Council's decision

About E. J. Hughes

A true son of British Columbia, Hughes' stylized realism has earned him a unique place in the history of Canadian art. His 2003 exhibition included work from the 1930s to 2000 and highlighted evocative symbols of life on the west coast – ferries crossing the Georgia Strait, picturesque fishing villages and farm houses, flaming arbutus trees and imposing coastal mountains.

The E.J. Hughes exhibition was curated by Ian Thom, Senior Historical Curator, Vancouver Art Gallery and the national authority on E.J. Hughes' paintings. Ian Thom is also the author of a book, entitled E.J. Hughes, which catalogues the exhibition, and was co-published with Douglas and McIntyre.



E.J. Hughes at Work

Hughes remarkable career as an artist, spans 70 years and encompasses his work as a gifted printmaker, successful muralist, outstanding Canadian war artist and prolific painter. His paintings depict land, sea and small moments of daily life with a rare clarity and vividness. Hughes has a distinguished reputation for work underscored by a passion for the beauty of the west coast of Canada.

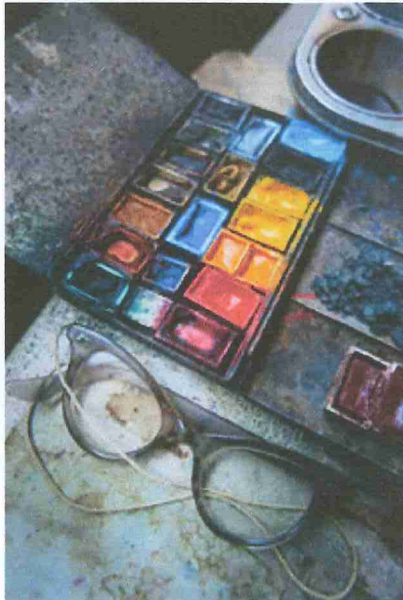
"Hughes is at his best depicting British Columbia's unique beauty", said Ian Thom. "Hughes has a deep affection for the British Columbian landscape and a vision that is unmistakably his own."

Despite the changing face of the visual arts, Hughes has remained steadfast in his exploration of a unique and personal approach to realism. The artist's distinct style, marked by the use of flattened space, skewed perspective and simplified shapes, defies parallels with other artists or easy categorization within artistic genres.

"The Vancouver Art Gallery first exhibited the work of E.J. Hughes in 1935, acquired its first Hughes painting in 1949 and organized the first retrospective of his work in 1967," said Kathleen Bartels, Director, Vancouver Art Gallery. "It is therefore a great privilege for the Gallery to produce the largest exhibition of his work to date."

The Vancouver Art Gallery has the most significant holding of E.J. Hughes work in public hands. It is also the only public collection that contains a complete record of the development of a painting from sketch, to cartoon to final canvas. This exhibition offered visitors the first retrospective look at E.J. Hughes work in more than 20 years.

Born in North Vancouver in 1913, E.J. Hughes studied under Charles H. Scott, Jock Macdonald and Frederick Varley at the Vancouver School of Applied Art and Design. After graduating in 1933, and following two years of post-graduate studies, Hughes undertook print and mural projects with fellow art students. In 1939, Hughes joined the military and spent six years expanding his artistic skills as an official war artist. After his discharge from the military in 1946 he returned to the west coast of Canada, settled in Shawnigan Lake on Vancouver Island with his wife Fern and began a lifelong study of the province and its landscape as a professional artist.



Always a quiet achiever, Hughes was the inaugural recipient of an Emily Carr Scholarship on the recommendation of Group of Seven member Lawren Harris. By 1951, Hughes was represented in public collections in Ottawa, Toronto and Vancouver – an achievement unmatched by his contemporaries at the time. For more than thirty-five years he was represented by Max Stern of the Dominion Gallery in Montreal. In 2001 E.J. Hughes received the Order of Canada and in 2005 he was awarded the Order of British Columbia. His achievements and rare success are due to his singular approach to representing Canada with passion and originality.

E.J. Hughes lived on Vancouver Island where he continuously refined his vision of life in the place that has been his inspiration and home for so long.

"I have painted in the Cowichan Valley for fifty years and it is the most beautiful place on earth"



dan robin <danrobin9@gmail.com>

Seawalk Hughes Wraps

dan robin <danrobin9@gmail.com>

Fri, Jun 14, 2019 at 10:03 AM

To: Excellent Frameworks <ExcellentFrameworks@outlook.com>, JUNE SIMPSON <junesimpson@shaw.ca>

Cc: Don Stewart <don.stewart@northcowichan.ca>, "GEORGE L. DONNELLY" <tgdonnelly@shaw.ca>, John de Jong <john@alleykatsigns.com>

Update on the park project.

Last night, it was unanimously voted on at our regular meeting of the Crofton Community Centre Society, to apply to North Cowichan to rename the park. The submitted name will be:

E.J. Hughes Park at Crofton Beach

This was determined to hold Dr. Hughes name and let people know, and GOOGLE, where it actually is if anyone searches the name. Now it goes through a process set out by law on renaming existing parks. The criteria is lengthy but this application fits perfectly with that criteria. I am confident it will pass and a dedication ceremony will be planned for. We hope that a representative from the estate can be present when that date happens. It will be for sure in the news and good for all parties involved.

Podium- Dr. Hughes holding print of Osborne Bay Acrylic #26

Small Kiosk- Acrylic #26

Large Kiosk- An Arbutus Tree at Crofton Beach

I have spoken with Jon from Alley Kat Designs in Victoria today and now that the images are selected and received, they can progress the artwork vinyl into production. The kiosks have been refurbished with paint in preparation for application of the artwork and should be in place early July. Not sure how long the rename process will take but will keep you apprised of the progress.

Thank you for your support on this amazing project and we look forward to seeing it completed!

Kind regards,

Dan Robin
Director CCCS

[Quoted text hidden]



dan robin <danrobin9@gmail.com>

E.J. Hughes Park Renaming

JUNE SIMPSON <junesimpson@shaw.ca>
To: dan robin <danrobin9@gmail.com>

Sun, Jun 2, 2019 at 4:05 PM

Dear Dan,

Thank you so much for your email of May 28th.

What an honour it would be to have the installation of the two artworks and the park named after my uncle, E.J.Hughes.

Please accept this email as a letter of permission on behalf of the Estate of Dr.E.J.Hughes for you to move ahead on the application and apply to council for the renaming of the park.

I wish you luck and thank you for your interest and dedication to this project. Please keep us informed from time to time as the project moves along and I will pass the information on to the Estate.

Kindest regards,

June Simpson

(On behalf of the Estate of Dr.E.J.Hughes.)

From: "dan robin" <danrobin9@gmail.com>

To: junesimpson@shaw.ca

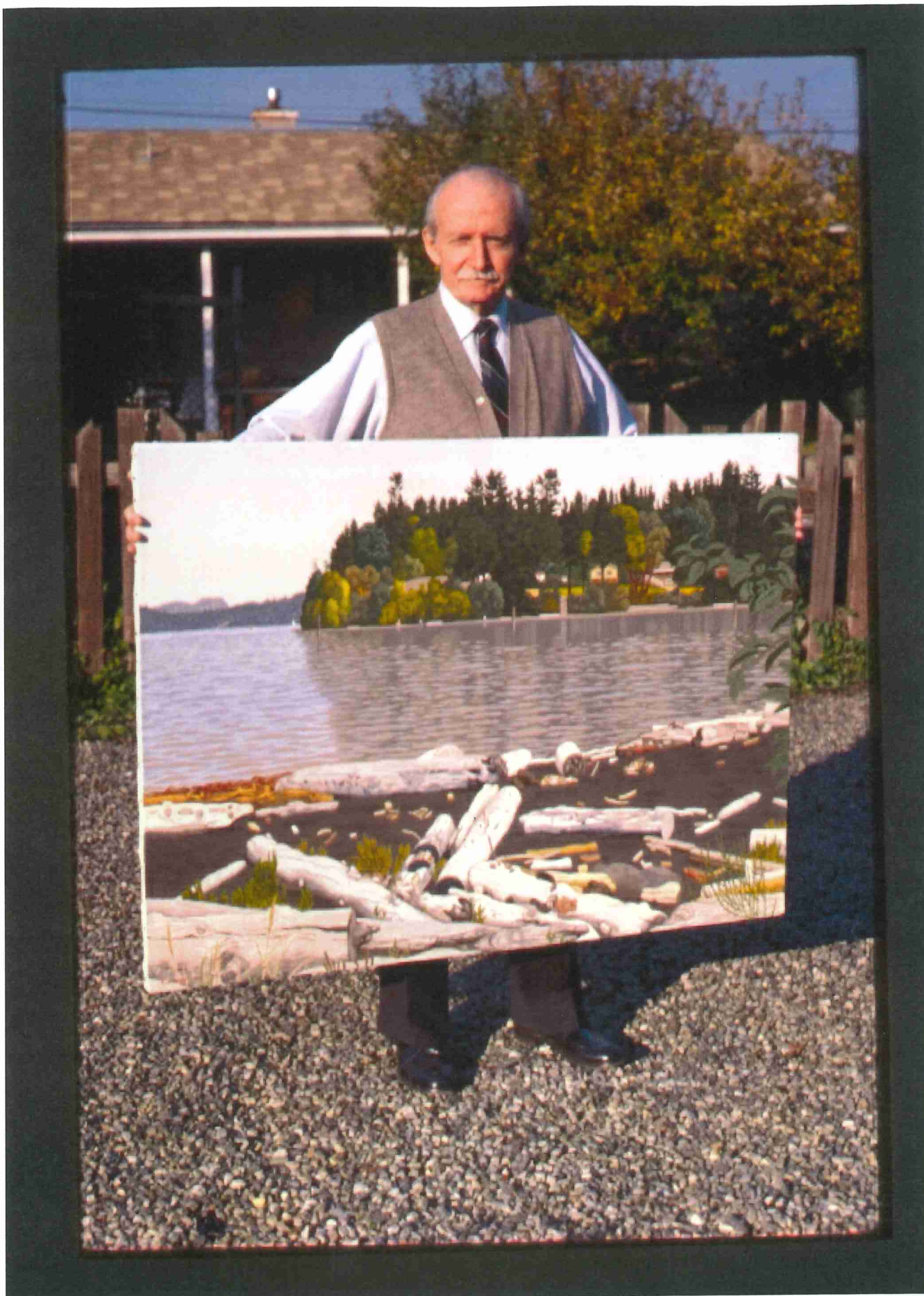
Sent: Tuesday, May 28, 2019 9:23:09 AM

Subject: E.J. Hughes Park Renaming

[Quoted text hidden]







September 17, 2019

File: 0110.01

Via email: tgdonnelly@shaw.ca

Tracey Donnelly, President
Crofton Community Centre Society
8104 Musgrave Street
PO Box 406
Crofton BC V0R 1R0

Dear Ms. Donnelly:

Re: Request to Re-name Crofton Beach Park to "E. J. Hughes Park at Crofton Beach"

I wish to advise that Council, at its September 4, 2019 Closed Council meeting, considered the Crofton Community Centre Society's request to re-name Crofton Beach Park to "E. J. Hughes Park at Crofton Beach." During the discussion, Council members noted that as it will be embarking on an overall review of naming rights; therefore, they did not want to consider requests in isolation of the process at this time. As such, Council passed the following resolution:

"That staff be directed to respond to the Crofton Community Centre Society thanking them for their suggestion but to convey that North Cowichan is not in a position to support name changes to any parks at this time as North Cowichan is pursuing the larger issue of naming rights generally."

On behalf of Council, we thank you for putting forward this suggestion.

Should you have any questions regarding above, please contact Ernie Mansueti, General Manager of Community Services at 250.746.3110 or by email: ernie.mansueti@northcowichan.ca.

Sincerely,



Karen Robertson, Corporate Officer
Karen.robertson@northcowichan.ca

NR\kr
ec: Information Package
Ernie Mansueti, General Manager of Community Services

Report

Date November 6, 2019

To Council

From Larissa Barry-Thibodeau, Development Planner

Subject "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019"

Prospero No. ZB000118

Folio No. 08694-002

File No. 3360-20 19.13

Endorsed:



Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding a site-specific zoning bylaw amendment application for 1038 Herd Road. A Bylaw to amend the Residential Rural Zone (R1) to permit two residential buildings, with a maximum of two dwelling units for the purpose of short-term accommodation (Bed and Breakfast).

Background

On April 17, 2019, Council denied a zoning amendment application to permit two detached residential buildings, with a maximum of two dwelling units, at 1038 Herd Road. Prior to the meeting, new information was made available to staff which confirmed the presence of an unauthorized secondary suite (second kitchen) in the existing single-family dwelling. "Zoning Bylaw No. 2950, 1997" does not permit two kitchens in a single-family dwelling. The kitchen has since been removed bringing the single-family dwelling into compliance with the R1 zone. The applicant is re-applying to request permission for their original proposal which is to permit a second, detached residential building to the rear of the property for the purpose of short-term accommodation rental (Bed and Breakfast).

Site Context

The subject property is a 0.43 Ha (1.08 acre) lot located at 1038 Herd Road. The Rural Residential (R1) parcel (see Attachment 7) is developed with a single family dwelling, accessory building, and Quonset hut accessory building. Site photos are included in Attachment 4.

Land Use Context

Direction	Land Use	Zone
North	Single-Family Dwelling	A5 (Rural Residential Zone)
South	Single-Family Dwelling	R1 (Residential Rural Zone)
East	Single-Family Dwelling	R1 (Residential Rural Zone)
West	Single-Family Dwelling	R1 (Residential Rural Zone)

The surrounding neighbourhood generally consists of one and two storey rural residential homes on properties of about 0.4 ha (1 acre) and larger in size.

Proposal

The applicant is proposing to regularize an unlawfully converted 63 m² (676 ft²) accessory building on the property to serve as a residential building for a Bed and Breakfast, while retaining the principal single-family dwelling (Attachment 5). The existing access is to be shared by both the principal dwelling and the accessory building. The applicant has provided a current BCLS prepared site plan and confirmation of septic capacity in support of this application.

The Residential Rural (R1) Zone permits a two-family residence, which is defined as two (2) dwelling units within one (1) residential building. With this application, the applicant requests permission for two (2) dwelling units within two (2) residential buildings, i.e., an existing single-family dwelling and the proposed second 63 m² (676 ft²) building, to allow for the permitted use of Bed and Breakfast to be operated in a separate residential building.

Discussion

Official Community Plan

The following policy considerations are relevant to this application:

HOUSING & SERVICES in RURAL AREAS:

- Policy 2.1.5.1 *The Municipality will discourage any relaxation of subdivision and zoning standards that have the effect of increasing net density in rural areas ...*
- Policy 2.1.5.5 *All rezoning applications in rural areas are required to consider policy 2.1.5.6.*
- Policy 2.1.5.6 *The Municipality may consider rezoning applications in rural areas to allow additional residential units if all the following provisions are met:*
- i) *The proposal demonstrates how the applicant will produce, complement or expand rural economic development activity ... and incorporate provision for the long-term security of the land (e.g., through an Agriculture Land Reserve (ALR) designation or a covenant on use); and*
 - ii) *Rural views from public areas will be maintained*
 - iii) *Any adjacent agricultural or other resource use (e.g., forestry, gravel removal) will be appropriately buffered from the residential units; and*
 - iv) *The extension of municipal services is not anticipated or, should service extension be required, the proposed development will cover the full cost of installing, maintaining and operating the additional services; and ...*

Staff are satisfied that this application is consistent with these guidelines, as the proposal complements rural economic activity, does not impact rural views, and will not impact agricultural activity as the subject property is not adjacent to agricultural lands. Further, the accepted septic filing demonstrates capacity to support the proposed use, such that service extension is not anticipated.

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

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

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

- a) Located in an existing 63 m² (676 ft²) accessory building.
- b) Located to the rear of the 0.43 (1.08 acre) Subject Property, behind the existing single-family dwelling.
- c) Largely obscured from public view by the existing single-family dwelling.
- d) Located at a distance of approximately 40 m (131 ft) to the closest neighbouring residence.

Zoning Bylaw – R1 (Residential Rural) Uses

The R1 zoning provisions permit two-family dwellings (i.e. duplexes, secondary suites). No increase in the number of dwelling units is proposed, the permitted density is reallocated from one detached residential building to two. Bed and Breakfast is a permitted use in a residential building in the R1 zone.

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

Servicing and Infrastructure

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

Building Permit

A Building Permit application has been submitted for the interior renovations to the accessory building, subject to a successful zoning amendment application.

Analysis & Conclusion

This proposal is generally consistent with the policies of the Official Community Plan (OCP) for the development of additional residential units in rural areas, as well as for sensitive and appropriate building siting. While the applicant has stated the intent of operating a Bed and Breakfast, should they be successful in their application, they could also use the building as a second dwelling unit for long term occupancy.

It is the opinion of staff that the balance of policies in support of maintaining the allowable number of dwelling units and permitted uses, providing complementary economic activity options in rural areas, and potential alternative housing options, and at the same time preserving rural viewsapes and demonstrating servicing feasibility, have reasonably been met with this proposal.

Communications and Engagement

Should Council choose to provide 1st and 2nd readings to “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019”, the application will proceed to the Public Hearing stage, at which time the general public will be provided with an opportunity to have input on “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019”. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as per the requirement of the *Local Government Act*.

The Maple Bay Community Association was notified of this proposal.

Options

Staff Recommendation:

That Council give first and second reading to “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019” in order to permit two residential buildings, with a maximum of two dwelling units; and

That a Public Hearing be scheduled for “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019” and notification be issued in accordance with the requirements of the *Local Government Act*.

Alternate Recommendation:

Option 2: That Council deny “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019” to permit a second residential building at 1038 Herd Road.

Implications

If Council denies “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019”, the applicant could develop within the existing provisions of the R1 Zone. For example, the applicants could maintain an office/studio space with washrooms, but no cooking facilities in the accessory building. They could not operate a Bed and Breakfast in it, nor have a kitchen. They would be permitted to operate a Bed and Breakfast in the existing residence with the proper permits in place.

If Council adopts “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019”, the applicant would be permitted to have a dwelling unit in the accessory building. They could operate this dwelling unit as short-term accommodation, but could also use the building as a second residence for long term occupancy.

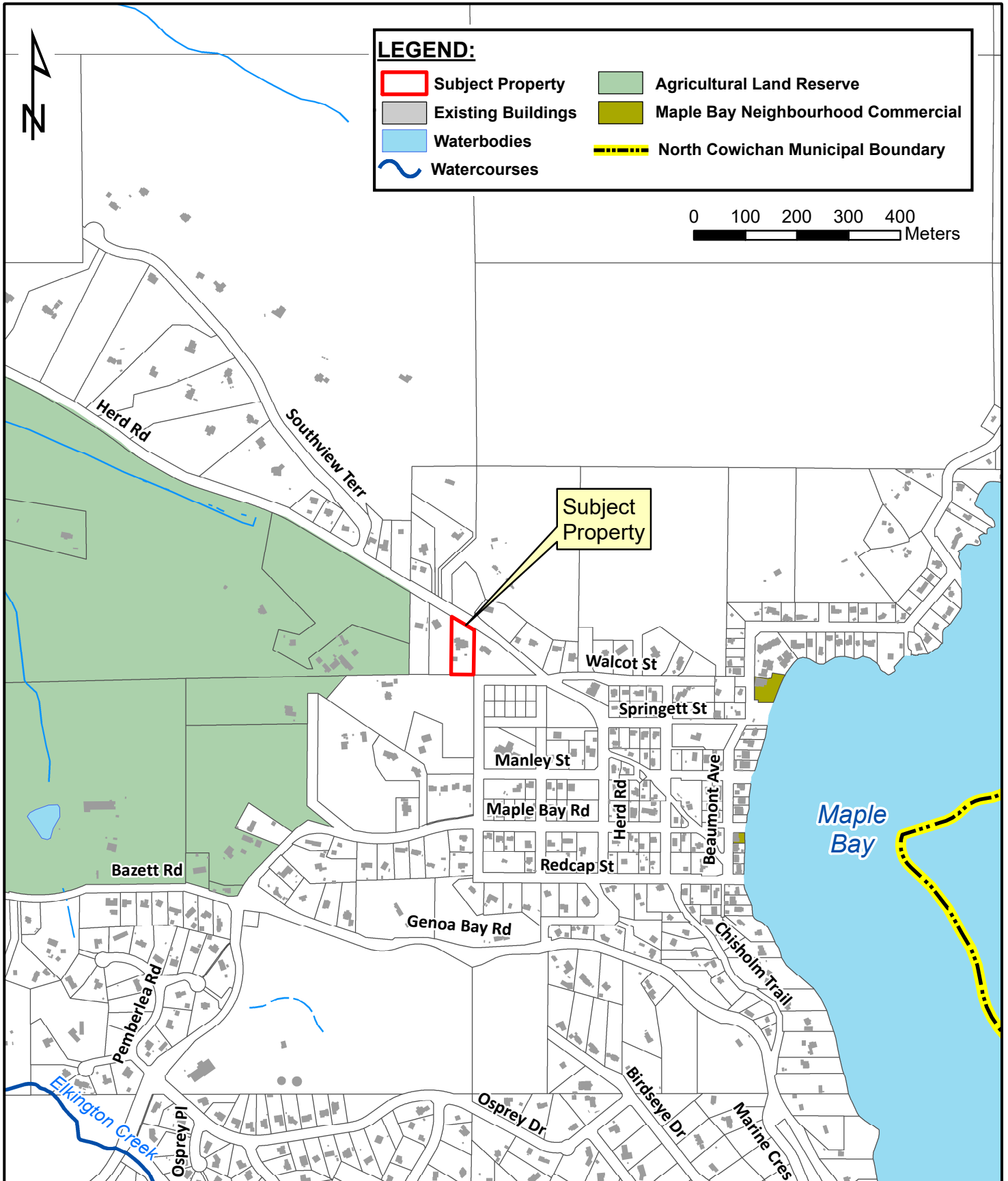
Recommendation


That Council give first and second reading to "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" in order to permit two residential buildings, with a maximum of two dwelling units; and,

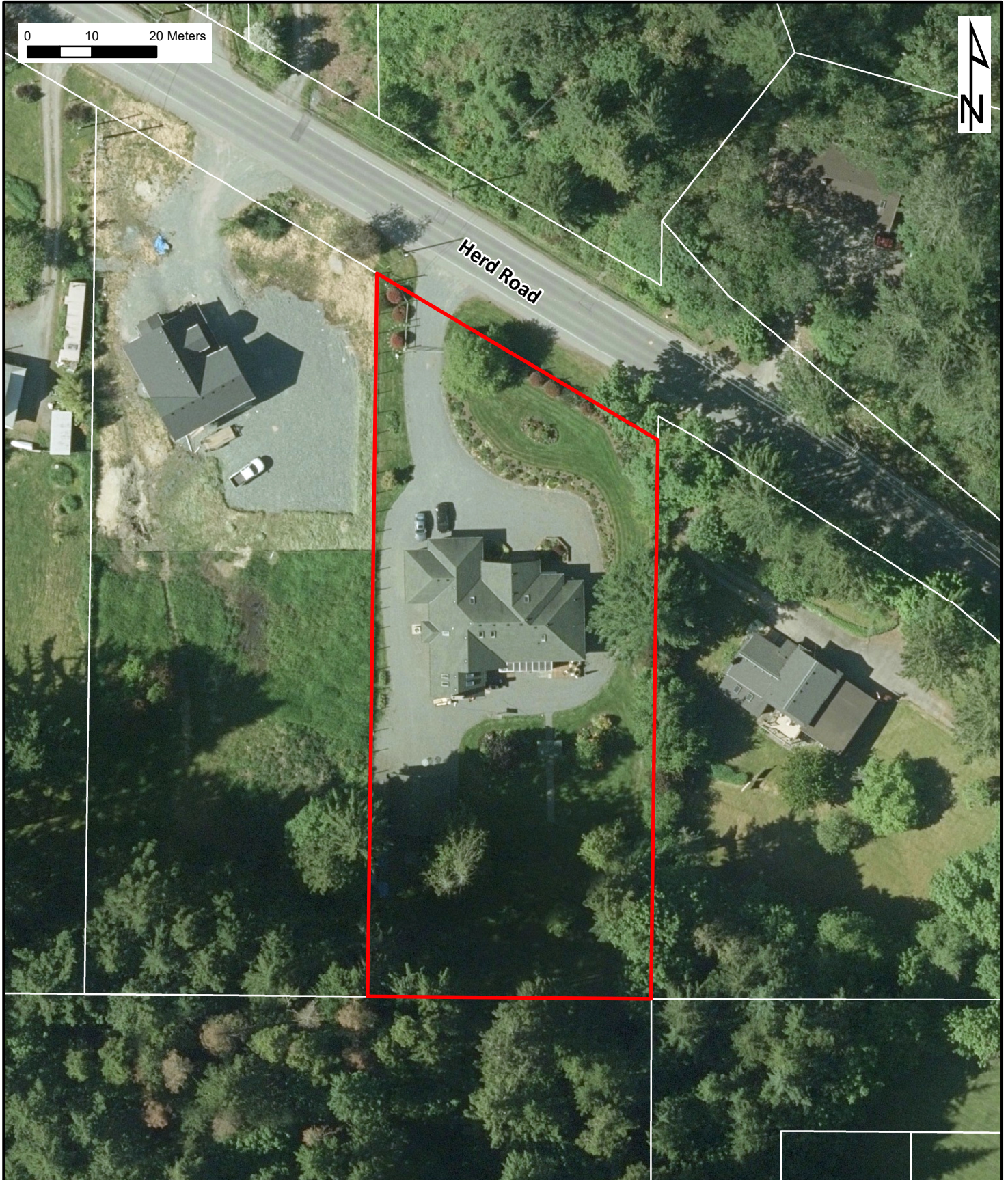
That a Public Hearing be scheduled for "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" and notification be issued in accordance with the requirements of the Local Government Act.

Attachments:

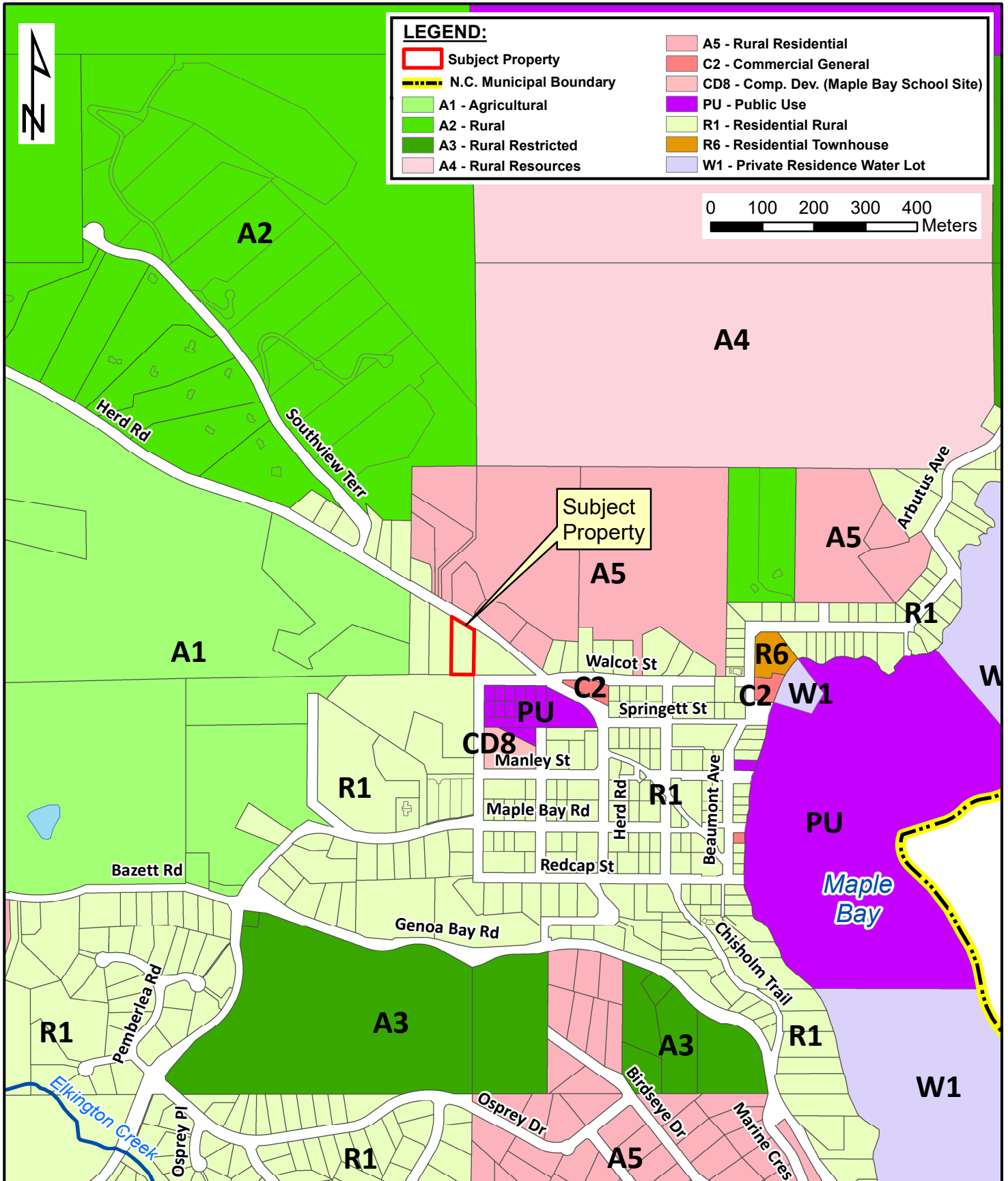
1. Location Map
2. Orthophoto
3. Zoning
4. Site Photos
5. Rationale
6. Site Plan
7. Rural Residential Zone (R1)
8. Proposed Bylaw No. 3766



	LOCATION MAP		DATE:	October 1, 2019
	1038 Herd Road		TYPE:	Zoning Amendment
			FILE#:	ZB000118



	ORTHOPHOTO MAP (Orthophoto is from 2017 aerial photography)	DATE: October 1, 2019
	1038 Herd Road	TYPE: Zoning Amendment
		FILE#: ZB000118



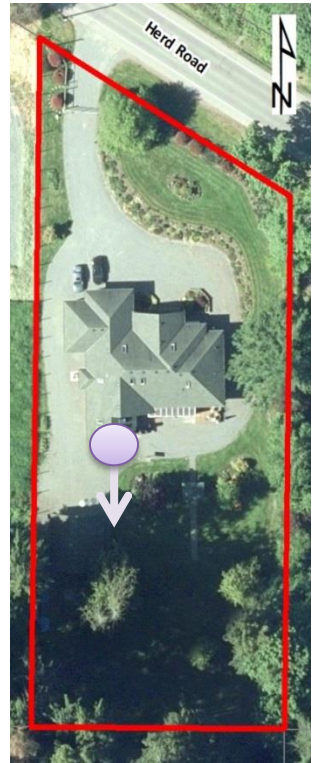
	ZONING MAP		DATE:	October 1, 2019
	1038 Herd Road		TYPE:	Zoning Amendment
			FILE#:	ZB000118



Principal residence and shared driveway access with neighbour's principal dwelling oriented closest to the front property line. Accessory building is located behind.



Accessory building with parking area for proposed short term accommodation.



Accessory building for proposed short term accommodation.

**1038 Herd Rd
Duncan B.C.
V9L 5W9
Phone 778-455-2181
Fax 778-455-5000
Cell 250-734-3801**

**Municipality of North Cowichan
Development Services
7030 Trans-Canada Highway
Duncan, BC, V9L6A1**

16 September 2019

Dear Sir or Madame

Re: Rational Letter for Zoning Amendment

**Ref: A: Rationale Letter dated 5 Dec 2018 (attached)
B: Your letter dated April 29, 2019
C. Council Meeting April 17, 2019
D. Zoning Amendment Application dated Dec 7, 2018
E: My letter of 17 June 2019 (attached)
F: Your letter of September 10, 2019 (attached)**

The planning amendment for the property is to allow the conversion of the 2 car garage (accessory building) to a carriage house for accommodation usage.

Background

A previously rezoning application (Ref D) was denied at Reference B because our property had purportedly a secondary suite installed. In fact the property had a second kitchen installed which is allowed by BC Building Code but not authorized by North Cowichan bylaws. The second kitchen has been decommissioned and the residence is now effectively a single family dwelling. (Ref F refers)

Current Situation

The auxiliary building is presently nearing completion as a studio/office under permit. My letter at Ref E (attached) explains the current situation. The second kitchen has been decommissioned as confirmed at Ref F. We are now making application to amend the zoning to allow the building to be used as an accommodation. Septic upgrades will be undertaken once the rezoning application is approved.

Sincerely

Neil Sorsdahl

REF: A.

1038 Herd Rd
Duncan B.C.
V9L 5W9
Phone 778-455-2181
Fax 778-455-5000
Cell 250-734-3801

5 December 2018

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

Rationale Letter – Rezoning 1038 Herd Rd

The property above was purchased in May 2017 by my wife, son and myself as a retirement property. The property had a detached 2 car garage/workshop which we considered could be used as a mortgage helper if converted to an accommodation space. The unit was of little use to us as a garage as we already had 3 car garage in the main house.

Some changes were made to the unit to convert it to an accommodation without permit which was identified in May 2018 as being not in compliance and all work stopped as of that date. It was also identified at that time that the previous owner had not completed the garage/workshop and further inspections were required. These have now been completed.

We have been in discussion with the development services to ascertain the requirements to complete this project and have identified issues to be resolved to do so.

The Project

The present structure (2 car garage/workshop) is being converted to a studio which does not require rezoning but will be constructed to a level where it could be used for accommodation (with permit). There is no change to the present footprint on the property, just a change of usage of the building. To make the building usable as an accommodation the property will need to be rezoned to allow 2 residential buildings on the property. Permit guidelines have been established with the planning department and a building permit will be issued once this zoning amendment is submitted. The building will not be used for accommodation until rezoning is approved.

I operated a Bed and Breakfast for the past 16 years in Nanaimo prior to moving to Maple Bay. This area is a superb tourist area and having more accommodation for tourists in this area would be beneficial not only to us but for the local community as well.

Neil Sorsdahl

April 29, 2019

Prospero No: ZB000103

Folio No: 08694-002

File: 3360-20 18.29

Neil Sorsdahl
1038 Herd Road
DUNCAN BC V9L 5W9

Dear Mr. Sorsdahl

Re: Zoning Amendment Bylaw No. 3743 for 1038 Herd Road¹

This is to advise that the Municipal Council, at its April 17, 2019 Regular Council meeting passed the following motion regarding your Zoning Bylaw Amendment application:

It was moved, seconded and carried that Council deny Zoning Amendment Bylaw No. 3743 (1038 Herd Road) to permit a second residential building at 1038 Herd Road.

As Council did not support your application, please follow up with the Building Department no later than May 29, 2019 to determine next steps in regularizing or decommissioning the unpermitted secondary suite in the basement, concluding your Building Permit application for the accessory building in the rear of the property, and regularizing your Quonset Hut.

Please contact me directly at 250-746-3260 or by email to larissa.barrythibodeau@northcowichan.ca if you have any questions.

Sincerely



Larissa Barry-Thibodeau, B.A.
Planning Technician
Development and Engineering Services Division | Planning Department

/fb

¹ LOT B SECTION 8 RANGE 4 COMIAKEN PLAN VIP61806 - PID: 023-168-501

REF: E

1038 Herd Rd
Duncan B.C.
V9L 5W9
Phone 778-455-2181

June 17, 2019

Council Members of
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L6A1

References: A. Zoning Amendment Bylaw No. 3743 for 1038 Herd Rd
B. Your letter dated April 29, 2019
C. Council Meeting April 17, 2019
D. Zoning Amendment Application dated Dec 7, 2018

Dear Sirs and Madame's:

My request to rezone at Reference D to allow a second residential building at 1038 Herd Rd was denied at Reference C and officially communicated to me at reference B. During the meeting on April 17 I was asked to choose if I wanted to go ahead with the rezoning or regularize my secondary suite. Having chosen to regularize the secondary suite at that moment made it obvious to you that I could not be rezoned, and thus the denial.

As a result of the denying of my rezoning request, Reference B indicated to me that I must regularize or decommission my secondary suite in the basement. Discussions with your building inspector has resulted in my inability to regularize the secondary suite. The previous owner of the building designed and constructed the house to accommodate his paraplegic son which included ramps and wide doors throughout the house. To regularize the secondary suite would include installing a separate heating system, fire door, fire and smoke sensor changes, a second exit, to name a few. This makes the regularization of the secondary suite untenable. I have undertaken to decommission the kitchen and return the home to a single family dwelling.

The public hearing on April 17 provided public input into the rezoning that would not affect the approval of the application. Had I chosen to decommission the kitchen at that time I can only assume that I would have been approved. I respectfully request that a second review of my request be considered given the investigation and information provided to me by your building inspector.

Thank you.

Sincerely


Neil R Sorsdahl

September 10, 2019

Folio No. 08694-002
File No. CIB00614

SORSDAHL, NEIL R
SORSDAHL, LESLIE C
1038 HERD RD
DUNCAN BC V9L 5W9

Dear Mr. Sorsdahl

Re: LT B SEC 8 RGE 4 COM PL VIP61806 - 1038 HERD RD

As discussed, this letter is to confirm the removal of the 220-volt power supply and domestic cooking range from the lower floor kitchen area. The building no longer contains two domestic cooking facilities. The building is a single tenancy (single-family dwelling).

I have received and saved a copy of the *electrical permit application* and *final inspection report* that you have supplied.

I have also added a photo of the cabinet that has replaced the range to our records.

Sincerely



Lane Killick
Chief Building Inspector R.B.O.
DEVELOPMENT SERVICES | Building Department

**B. C. LAND SURVEYOR'S
CERTIFICATE OF LOCATION FOR**

**LOT B, SECTION 8, RANGE 4,
COMIAKEN DISTRICT,
PLAN VIP61806.**

Note: Lot B lies within the Corporation of the District of North Cowichan and is Zoned R-1. Bylaw setback requirements are as follows:

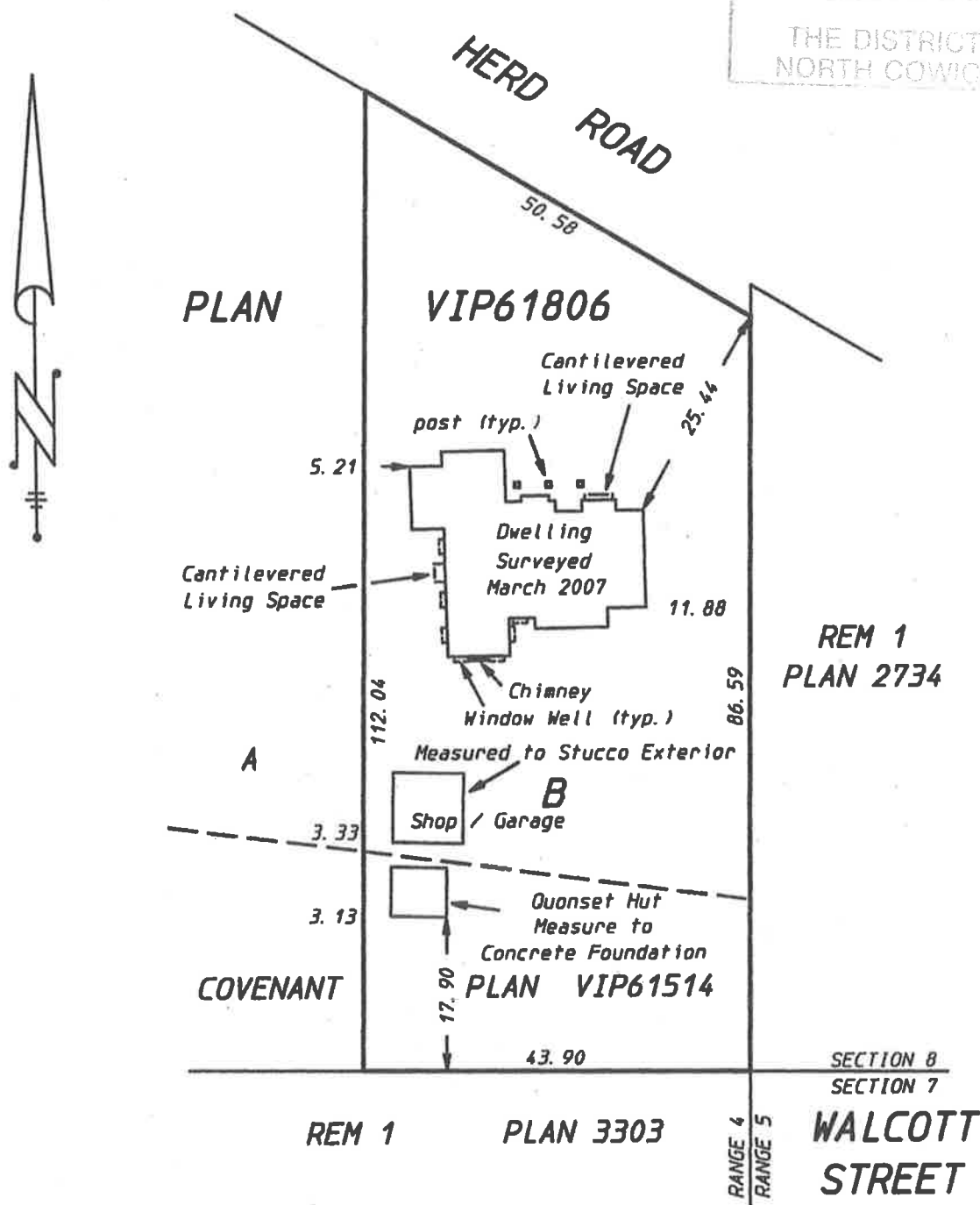
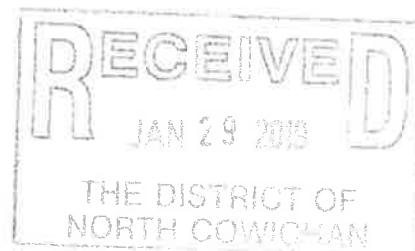
Principal Buildings		Accessory Buildings	
Front	6.0 m	Front	6.0 m
Side	3.0 m	Side	3.0 m
Rear	8.0 m	Rear	3.0 m

Minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m.

SCALE 1 : 750



All distances are in metres.



All clearance distances are shown to 270 accuracy of plus or minus 0.05 metres.

Residential Rural Zone (R1)

Permitted Uses

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

Minimum Lot Size

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

Minimum Frontage

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

Density

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

Maximum Lot Coverage

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

Minimum Setbacks

- (6) The minimum permitted setbacks for the R1 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 3.0 m (9.84')
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

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

Conditions of Use

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



The Corporation of the District of North Cowichan

Bylaw No. 3766

Zoning Amendment Bylaw (1038 Herd Road), 2019

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

1 Title

This Bylaw may be cited as "Zoning Amendment Bylaw No. 3766 (1038 Herd Road), 2019."

2 Administration

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

2.1 ***Section 56 (4) [Density in the Residential Rural (R1) Zone], is amended by adding the following paragraph.***

2.1.1 Despite Section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1038 Herd Road (PID: 023-168-501).

READ a first time on November 6, 2019

READ a second time on November 6, 2019

CONSIDERED at a Public Hearing on November 20, 2019

CONDIDERED at a Public Hearing on

READ a third time on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



Date November 6, 2019

File: ZB000119

To Council

From Larissa Barry-Thibodeau, Development Planner

Endorsed:



Subject Setbacks for All Other Principal Buildings on Agricultural Lands

Purpose

To provide Council with proposed changes and an amendment zoning bylaw for side, rear, and front yard setbacks for farm uses in all other principal buildings, other than residential buildings, on agricultural lands.

Background

At its regular meeting on September 4, 2019, Council directed staff to prepare an amendment to "Zoning Bylaw No. 2950, 1997" to reduce front, rear, and side yard setbacks for 'all Other Principal Buildings' in Agricultural Zones (A1, A2, and A3) (Attachment 1). The following zoning amendment is presented for Council's consideration for first and second reading.

Communication and Engagement

This proposal was initially referred to the Ministry of Agriculture for comment. Should Council approve 1st and 2nd reading of "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019", and in absence of an Agricultural Advisory Committee, Staff recommend that external referrals be sent to the following local non-government organizations: the BC Young Agrarians, the Cowichan Agricultural Society, and the Cowichan Green Community.

Options

The following options are available to Council.

Staff recommendation:

Option 1:

1. That Council approve first and second reading of "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019"; and,
2. That referrals be sent to the BC Young Agrarians, the Cowichan Agricultural Society, and the Cowichan Green Community, and that referral agencies be given a minimum of 30 calendar days to provide a response before a public hearing is held; and,
3. That a Public Hearing be scheduled for "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019" and notification issued in accordance with the requirements of the *Local Government Act*.

Alternate recommendations:

Option 2:

1. That Council approve first and second reading of "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019"; and,
2. That a Public Hearing be scheduled for "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019" and notification issued in accordance with the requirements of the *Local Government Act*.

Option 3:

That the proposed "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019" be abandoned, and that the issue of setbacks for farm uses in all other principal buildings, other than residential buildings, on agricultural lands be considered as part of the OCP and Zoning Bylaw review process.

Recommendation

- 1. That Council give first and second reading to "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019"; and,**
- 2. That referrals be sent to the BC Young Agrarians, the Cowichan Agricultural Society, and the Cowichan Green Community, and that referral agencies be given a minimum of 30 calendar days to provide a response before a public hearing is held; and,**
- 3. That a Public Hearing be scheduled for Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019", and notification issued in accordance with the requirements of the *Local Government Act*.**

Attachments:

1. Bylaw No. 3767
2. Staff Report-September 6, 2019

Report

Date September 4, 2019

File: SPP00067

To Council

From Larissa Barry-Thibodeau, Development Planner

Endorsed:



Subject Setbacks for All Other Principal Buildings on Agricultural Lands

Purpose

To provide Council with information, analysis, and recommendations for side, rear, and front yard setbacks for farm uses in All Other Principal Buildings, other than residential buildings, on agricultural lands.

Background

At its meeting on May 15, 2019, in response to concerns raised by a local resident, Council requested that Staff provide a report to explore the implications of reducing setbacks requirements for ancillary buildings from 46 meters to 25 meters. Staff note that All Other Principal Buildings, not 'ancillary buildings', are subject to the 46 m meter front, rear, and side yard setback in the Agricultural (A1) Zone. Therefore the purpose of this report is to provide Council with information, analysis, and recommendations on setbacks for farm uses in 'All Other Principal Buildings' on agricultural lands (A1, A2, and A3).

Discussion

Community Context

One quarter of the Municipality's land area is designated as Agriculture Land Reserve (ALR), and there are also a large number of parcels in agricultural zones which are not in the ALR but are zoned to permit agricultural uses. The Strategic Agricultural Plan (2001) indicates the most common farm size in North Cowichan (63%) is between 0.4 ha to 8.0 ha (1-20 acres), and of the 6,250 hectares in the ALR, 75% is actively farmed. Agricultural sector growth has increased over the last 20 years by 14.5% (farm gate sales, adjusted for inflation) while over the same period the area farmed has decreased (SAP, 2001, p. 2-4). The Climate Action and Energy Plan (2011) provides additional comment, and states that the most recent State of the Industry Report [at the time] indicates a trend towards smaller, more intensive and organic farms along with a livestock industry in decline (due to rising input costs, reduced processing capacity and increased regulations). Both plans identify small farm holdings as an important part of North Cowichan's agricultural base.

More recent regional data from the 2016 Census confirms the trends above, indicating that the number of farms, and farmland in use in hectares has declined in the Cowichan Valley Region District as a whole, however the number of employees has increased, as well as total farm receipts (Agriculture in Brief- Cowichan Valley, 2016). It should be noted however, "the accuracy of data for total farms in operation and farm size could be compromised by non-reporting, and that direct sales at farm gates and at farmers' markets are not tracked, resulting in the potential for an incomplete picture of total farm receipts" (CVRD State of the Environment, 2014, p. 8). As mentioned, this data is not specific to the Municipality of North Cowichan, but indicates more recent regional trends.

Zoning Bylaw

Zoning Bylaw 2950 permits Agriculture in seven zones (A1, A2, A3, R1, R3, C7, CD7) and Agricultural Storage, in three zones (A1, A2, & A3). The focus of this report are the A1, A2, and A3 zones which have the largest number of additional permitted uses related to agriculture (ATTACHMENT 4) and the storage of agricultural products, and the most restrictive setbacks.

"Agriculture" means the use of land, buildings and structures: (a) to raise livestock, (b) to grow, rear, produce, and harvest agricultural products, (c) to process crops grown on the land, (d) to store or repair farm equipment used on the land, (e) to sell agricultural products, (f) for aquaculture, (g) for horticulture, (h) for mariculture, and (i) for silviculture, but does not include the operation of feedlots, fur farms, piggeries, poultry farms, or mushroom farms.

The latter uses, excluded from the definition of agriculture under (i), are permitted only in the Agricultural (A1) Zone, and on any other parcel in the Agricultural Land Reserve, regardless of zoning. Noted above, buildings used for agriculture on A1, A2, and A3 properties, which include greenhouses, barns to store crops, poultry barns, etc., are subject to more extensive setbacks than residential uses (between 30-46 meters depending on the zone). Slaughterhouses are the most restricted farm use in terms of siting and are subject to 92 meter setbacks.

Ministry of Agriculture's Guide for Bylaw Development in Farming Areas

North Cowichan's setback requirements for buildings for farm uses are generally inconsistent with the *Ministry of Agriculture's Guide for Bylaw Development in Farming Areas*, which sets out maximum setback requirements and also differentiates between different types of farm uses. More intensive agriculture uses such as facilities to grow mushroom, poultry, game, livestock, and milking facilities have recommended maximum setbacks of between 15-30 m, while greenhouses, barns for tractors/crop storage, and riding rings have recommended maximum setbacks of between 4.5-7.5 m (ATTACHMENT 1). The Ministry of Agriculture has provided comments in support of the proposal to reduce setback requirements, and highlight that reductions for slaughterhouses also be addressed (ATTACHMENT 3).

Setback requirements for Cowichan Valley Regional District, Comox Valley Regional District, District of Sooke, District of North and Central Saanich, and Village of Pemberton were reviewed for the purpose of this research, as they are jurisdictions with significant amounts of farmland. In general, the District of North Cowichan's setback regulations are more stringent for farm uses than comparative jurisdictions, particularly for side and rear yard requirements (ATTACHMENT 2).

Table 1. Setbacks Requirements in Agricultural Zones

Agricultural Zones	Setback Requirements for Farm Uses	Consistent with MOA Guide (See ATTACHMENT 1)
Agriculture Zone (A1)	All Other Principal Buildings Front, Side, and Rear-46 m (150.91')	No
	Slaughterhouse Front, Side, and Rear-92 m (301.84')	
Rural Zone (A2)	All Other Principal Buildings Front, Side, and Rear-30m (98.42')	No
Rural Restricted Zone (A3)	All Other Principal Buildings Front, and Rear-30m (98.42') Side-15m (49.21') ⁶	No

Official Community Plan

The following Objectives, Policy Directions/Commitments, and Policies lend support to reducing barriers to farming on agricultural lands.

2.1.1 Agriculture

Objective: Sustain and increase agricultural activity through policies that support and strengthen the role of agriculture in North Cowichan's social and economic fabric, enhance food security through greater support for farmers, and protect the agricultural land base.

Policy Direction/Commitment: The Municipality will protect the agricultural land base, strengthen the economic vitality of farming, and promote the importance of local agriculture.

2.1.1.4 The Municipality will take a regional approach to protecting, enhancing and supporting agriculture, working with other jurisdictions to resolve common issues that interfere with the economic vitality of farming. Such issues include drainage problems and the need for irrigation water to promote food production.

2.1.1.6 The Municipality will work to remove barriers to economic viability for farmers by supporting direct marketing opportunities, innovations in agricultural product development, and the development of food processing and/or storage at a commercial scale.

2.1.1.8 It is a municipal priority that North Cowichan's urban residents understand the contributions of agriculture to North Cowichan's quality of life, and that we ensure that the Municipality understands the concerns of farmers.

2.1.1.9 As part of its commitment to food security, the Municipality will strive to reduce regulatory barriers to increase agricultural and food production.

2.4.2 Rural and Environmental-Based Economic Opportunities

Objective: Encourage and promote economic activities that support the values of the rural and natural environment

Policy Direction/Commitment: The Municipality will encourage new, and support existing, rural- and environmental-based businesses.

Strategic Agricultural Plan (SAP)

Goals: Support and Enhance the Small Farm Sector; Reduce Costs and Regulatory Barriers.

The SAP emphasizes the importance of smaller agricultural parcels in the Cowichan Valley, between 0.4-8 hectares in size, and identifies buffering/urban edge planning as key to lessening the conflicts between urban and non-urban land uses. Setbacks for permitted agricultural uses are not specifically identified in the SAP, however the plan emphasizes reducing regulatory barriers for farm enterprise.

Council's Strategic Plan

Council has stated that it will act to maintain and strength North Cowichan as an economically thriving and sustainable community of unique and inclusive towns and neighbourhoods; preserving our agricultural rural countryside, and stewarding healthy forests, rivers, and lakes. Council has stated that it will take action to support small scale innovative agriculture, as well as continued action to encourage the use of arable land.

Climate Action and Energy Plan (CAEP)

The CAEP recommends that an Agricultural Development Centre be established for the purpose of training farmers, making farmland available, and producing and selling local food. The CAEP identifies establishing a local food initiative to encourage more organic and local food sales, and highlight that local good production and consumption can generate significant GHG emission reductions. The 33% reduction in GHG emissions to 2007 levels by 2020 is linked to increases in farming and farm production, specific actions include designating 23% more farmland area, as well as increasing the percentage of local food production to from a baseline of 20% to a baseline of 60%. While the Municipality cannot directly increase local food production, it can participate by reducing regulatory barriers to farming.

Conclusion

In general, the Municipality's regulations for setbacks requirements on agricultural lands are more restrictive than best practices set by the Ministry of Agriculture, and relative to regulations from neighbouring jurisdictions. The Ministry of Agriculture recommends maximum setback requirements as a strategy to all farmers to cluster farm buildings to preserve arable land. Overall, local governments have taken the approach of implementing more restrictive setback requirements for intensive agricultural uses like chicken and mushroom barns due to inherent conflicts between residential and agricultural uses. Possible implications for reducing setbacks are increased impacts on adjacent properties and increased complaints related to permitted farm uses.

In 2001, the majority of farms were between 0.4 ha- 8 ha (SAP, 2001). With the prevalence of smaller lots used for agricultural purposes in North Cowichan, we can expect that farm uses on these types of lots may be challenged to comply with present setback requirements, creating excessive regulatory barriers to farming, and unanticipated implications, such as the fragmentation of productive soils.

The Official Community Plan explicitly supports and prioritizes agriculture and farming practices, and rural economic development. The SAP provides direction to reduce regulatory barriers to provide easier access to agricultural production, particularly with respect to smaller agricultural holdings, and the CAEP provides direction to encourage local food production and farming. These objectives and goals are seen by Staff as potential outcomes of reducing setbacks requirements. Council's Strategic Plan lends support to changes which will positively impact small scale innovative agriculture, and use of arable land. The reduction of setback requirements will reduce regulatory barriers and make the placements of farm related buildings more feasible on smaller and unusually configured agricultural parcels. This reduction will be of benefit to both large scale and small scale farms.

Therefore it is the recommendation of Staff that the setback requirements for agricultural uses be reduced for front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m for to 25 m for front, and from 46 to 15 m for side and rear yard setbacks in the A1 Zone; from 30 m to 25 m for front, and from 30 m to 15 m for side and rear yard setbacks in the A2 Zone; and from 30 m to 25 m for front, and from 30 m to 15 m for rear yard setbacks in the A3 Zone; except, that 'All Other Principal Buildings' on A1 and A2 lands abutting residentially zoned properties are subject to 30 m setbacks from the abutting property line.

Options

The following options are available to Council.

Staff recommendation:

1. That a zoning amendment bylaw be prepared to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m for to 25 m for front, and from 46 to 15 m for side and rear yard setbacks in the A1 Zone; from 30 m to 25 m for front, and from 30 m to 15 m for side and rear yard setbacks in the A2 Zone; and from 30 m to 25 m for front, and from 30 m to 15 m for rear yard setbacks in the A3 Zone; except, that 'All Other Principal Buildings' on A1 and A2 lands abutting residentially zoned properties are subject to 30 m setbacks from the abutting property line.

Alternate recommendations:

2. That a zoning amendment bylaw be prepared to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m to 25 m for front, and from 46 m to 15 m for side and rear yard setbacks in the A1 Zone.
3. That no amendment bylaw to the setbacks for 'All Other Principal Buildings' in agricultural zones be pursued at this time, and that the issue be considered as part of the OCP and Zoning Bylaw review.

Recommendation

That a zoning amendment bylaw be prepared to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m for to 25 m for front, and from 46 to 15 m for side and rear yard setbacks in the A1 Zone; from 30 m to 25 m for front, and from 30 m to 15 m for side and rear yard setbacks in the A2 Zone; and from 30 m to 25 m for front, and from 30 m to 15 m for rear yard setbacks in the A3 Zone; except, that 'All Other Principal Buildings' on A1 and A2 lands abutting residentially zoned properties are subject to 30 m setbacks from the abutting property line.

Attachment(s):

1. Ministry of Agriculture Guide to Bylaw Development in Farming Areas
2. Comparative Local Government Setbacks for Agricultural Uses
3. Comments from the Ministry of Agriculture
4. Permitted Uses in A1-A2-A3 Zones

Table 1 Maximum* Setbacks for Farm Buildings, Structures, and Facilities**

Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
Principal Farm Buildings, Animal Containment, and Storages			
<i>Greenhouse (nursery, specialty wood & turf crops): including boiler room, header house, machine storage</i>	7.5 m	4.5 m	30 m
Tree, vine, field, and forage crop storage; granary	7.5 m	4.5 m	
Apiculture: Bee hive; <i>honey house</i>	7.5 m	7.5 m	
Mushroom: barn	15 – 30 m *	7.5 m	
<i>Livestock, poultry, game, or fur: barn, brooder house; fur farming shed; hatchery; livestock shelter; milking facility; stable, confined livestock area</i>	15 – 30 m *	15 – 30 m *	
Free range poultry at a density of less than one animal unit	0 m	0 m	
Medical Marihuana Production Facilities	15 - 30 m	15 - 30 m	
Accessory buildings, structures and facilities			
Incinerator; silo	30 m	30 m	30 m
Generator shed	15 m	15 m	
<i>Detention pond</i>	7.5 m	4.5 m	
Grain and hay storage; silage storage in plastic bags; straw storage (non-composting materials)	7.5 m	4.5 m	
<i>Machine storage and shelters, and accessory buildings, structures and facilities which are low risk for being potential sources of pollution</i>	4.5 m	4.5 m	
Feeding area location in <i>seasonal feeding area****</i>	n/a	n/a	
Boilers or walls with fans – all uses	15 m	15 m	
Horse riding rings and exercise yards where no feeding of animals occurs and where a vegetated buffer is provided in the form of a hedge between the ring or yard and neighbouring properties	0 m	0 m	n/a
Horse riding rings and exercise yards where no feeding of animals occurs and where no vegetated buffer is provided	4.5 m	4.5 m	n/a

Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
Marketing, Processing, and Product Preparation Structures and Facilities			
<i>Direct farm marketing</i>	7.5 m	4.5 m	30 m
<i>On-farm processing, on-farm product preparation</i>	7.5 m	7.5 m	
Winery and Cider processing facility	7.5 m	4.5 m	
<i>On-farm soil-less medium production</i>	15 m	15 m	
<i>Soil-less medium storage, wood waste storage</i>	7.5 m	7.5 m	
Waste and Chemical Handling			
<i>Agricultural liquid or solid waste storage facility; solid agricultural waste (field storage**)</i>	30 m	30 m	30 m
<i>Compost storage; on-farm composting</i>	30 m	30 m	
Chemical storage	7.5 m	7.5 m	
<i>Composting materials (non-manure storage)</i>	15 m	15 m	
Medical Marihuana Production Facilities (MMPF)			
Setbacks from Parks and Schools	150 metre maximum setback from MMPFs to Parks and Schools		
Setbacks from non-ALR Residential Uses	30 metre maximum setback from MMPFs to non-ALR Residential Uses with a buffer, or 60 metre maximum setback if a buffer is not employed.		
<p>* Range in setback distance allows for <u>reductions</u> for enclosed animal facilities and for narrower walls that are oriented to lot lines. Current bylaws may have setbacks within the range and thus, could remain unchanged and be consistent with these guidelines.</p> <p>** Field storage for more than 2 weeks.</p> <p>*** Local government zoning or development permit area criteria usually stipulate the “minimum setback” distance - which is the closest to the object a building or <i>structure</i> may be situated. An applicant may choose to locate his feature farther back. In order to minimize the effects on farming, these guidelines give the MAXIMUM setback distance that a local government should use in its bylaws. The dimensions are referred to as – “the setback distance”.</p> <p>**** <i>Seasonal feeding areas</i> are predominately covered by productive vegetation during the growing season.</p>			

Local Government	Setback Requirements for Farm Uses
Cowichan Valley Regional District	Area A and C: 15 m front, rear, side Area D: Marine, 15 m front, rear, side; Upland 30 m front and exterior side, and 15 interior side and rear, 15 m adjoining ALR Area E: 30 m front, and 15 m rear and side. Area F: 30 m front and exterior side, and 15 interior side and rear Area G: 15 m front, 7.5 rear and side Area H: 15 m front, rear, side Area I: 30 m front, 15 m rear and side
Comox Valley Regional District	7.5 m front and rear; 7.5 m side abutting a road and 3.5 m side not abutting a road
District of Central Saanich	Livestock, Manure Storage Buildings 30 m abutting a residential zone; Other Agricultural uses front 7.5 m, rear and side 1.5 m, side exterior 6 m.
District of North Saanich	7.6 m front, rear, side
Regional District of Nanaimo	30 m Intensive Agriculture front, rear, side; 8 m front, rear, side other Ag. Buildings
District of Sooke	Intensive Agriculture 30 m front, rear, side; Non-Intensive Farm Building or Structure 15 m front, rear, side
Village of Pemberton	7.5 front, rear, side



Thu 6/27/2019 4:07 PM

Pepper, Doug AGRI:EX <Doug.Pepper@gov.bc.ca>

FW: Municipality of North Cowichan -Reducing Setbacks in Agricultural Z

To Larissa Barry Thibodeau

 You replied to this message on 6/27/2019 4:29 PM.

Hello Larissa,

Myself and my colleague, Reed Bailey (Agri Land Use Planner), have both reviewed the proposed setbacks. Reed's comments below best articulate the position of AGRI.

"As described in the Report to Council titled "Setbacks for Principal Buildings on Agricultural Lands" dated July 17, 2019, the Ministry is encouraged to see that the Municipality of North Cowichan staff are recommending a reduction in the minimum setbacks for Principal Buildings for agricultural uses within the A1, A2 and A3 zones. Despite this positive change, the Ministry encourages the Municipality to consider further reductions in the minimum setbacks for Principal Buildings for agricultural uses or consider adopting maximum setbacks in line with those described in the Ministry's Guide to Bylaw Development in Farming Areas. Reducing the minimum setbacks for Principal Buildings for agricultural uses will ensure that more land is available for agricultural production on parcels where agricultural is a permitted use.

While it appears to be out of scope in the context of this particular bylaw amendment, the Ministry would nonetheless like to acknowledge the unreasonably large minimum setback (92 metres) for slaughterhouses within the A1 zone. Within the Ministry's Guide to Bylaw Development in Farming Areas, slaughterhouses are considered a type of on-farm processing building/facility where the maximum setback from front, side and rear lot lines is 7.5 metres. The Ministry encourages the Municipality to consider reducing the minimum setback for slaughterhouses within the A1 zone to better reflect the standard in the Ministry's Guide to Bylaw Development in Farming Areas."

If you have any further questions, please let me know.

Thank you,

Doug

	Agriculture Zone (A1)	Rural Zone (A2)	Rural Restricted Zone (A3)
Permitted Uses	Agricultural Exhibition and Fairground Agriculture Agricultural Storage Assisted Living Bed and Breakfast Craft Distillery Community Care Facility Feedlot Forestry Use Fur Farm Greenhouse Home-based Business Kennel Large Animal Hospital Manufactured Home Mushroom Farm Piggery Poultry Farm Riding Stable Single-Family Dwelling Slaughterhouse Supportive Housing Temporary Mobile Home Two-Family Dwelling	Accessory Dwelling Unit Agriculture Agricultural Storage Assisted Living Bed and Breakfast Community Care Facility Craft Distillery Forestry Use Greenhouse Home-based Business Kennel Manufactured Home Riding Stable Single-Family Dwelling Supportive Housing Temporary Mobile Home Two-Family Dwelling	Agriculture Agricultural Storage Assisted Living Bed and Breakfast Community Care Facility Greenhouse Home-based Business Modular Home Single-Family Dwelling Supportive Housing Temporary Mobile Home Two-Family Dwelling



The Corporation of the District of North Cowichan

Bylaw No. 3767

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

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

1 Title

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

2 Administration

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

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

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

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

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

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

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

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

CORPORATE OFFICER

PRESIDING MEMBER