

# Municipality of North Cowichan

## Council - Regular and Public Hearings

### AGENDA

Wednesday, October 21, 2020, 1:30 p.m.  
Electronically

Pages

#### 1. CALL TO ORDER

This meeting, though electronic, is open to the public and all representations to Council form part of the public record. At this time, due to the COVID-19 Pandemic, public access to Council Chambers is not permitted, however, this meeting may be viewed on the District's lived stream webcast at [www.northcowichan.ca/agendas](http://www.northcowichan.ca/agendas).

#### 2. APPROVAL OF AGENDA

Recommendation:

That Council adopt the agenda, as circulated [or as amended].

#### 3. CONSENT AGENDA

Note: Council may adopt all recommendations appearing on the Consent Agenda in one motion. Council may request that an item be removed from the Consent Agenda; for debate or discussion; or when declaring a conflict of interest with an item. Items removed from the Consent Agenda will be placed under New Business.

That the following items on the Consent Agenda be adopted by consent:

##### 3.1. CORRESPONDENCE

##### 3.1.1. Request for a letter of support from the Oak Park Heritage Preservation Society

7 - 7

Purpose: The Oak Park Heritage Preservation Society is seeking a letter of support from Council to submit with their application for a British Columbia Community Economic Recovery Infrastructure Program (CERIP) grant.

Recommendation:

That the Mayor be authorized to write a letter of support for the Oak Park Heritage Preservation Society to include in their application for a British Columbia Community Economic Recovery Infrastructure Program (CERIP) grant to preserve and restore Elkington house at 1241 Maple Bay Road.

### **3.1.2. Request for a Letter of Support from The Raptors**

8 - 8

Purpose: The Raptors is seeking a letter of support from Council to submit with their application for a British Columbia Community Economic Recovery Infrastructure Program (CERIP) grant.

Recommendation:

That the Mayor be authorized to write a letter of support for The Raptors to include in their application for a British Columbia Community Economic Recovery Infrastructure Program (CERIP) grant to help run programs year round and to open the parrot area.

## **4. ADOPTION OF MINUTES**

### **4.1. Regular Council meeting held October 7, 2020 for adoption**

9 - 15

Recommendation:

That Council adopt the minutes of the Regular Council meeting held October 7, 2020.

### **4.2. Special Council meeting held October 8, 2020 for adoption**

16 - 17

Recommendation:

That Council adopt the minutes of the Special Council meeting held October 8, 2020.

## **5. MAYOR'S REPORT**

## **6. PRESENTATION**

### **6.1. Joint Utility Board Sewage Treatment Plant Outfall Relocation Project: Project Update**

18 - 28

Purpose: To provide Council with an update on the JUB Sewage Treatment Plant Outfall Relocation Project and what the next steps to be taken are.

## **7. PUBLIC INPUT**

The Mayor to acknowledge receipt of submissions circulated to Council prior to the meeting to [Agenda@northcowichan.ca](mailto:Agenda@northcowichan.ca) and state the agenda item the public input is in relation to on this agenda.

## **8. BYLAWS**

### **8.1. Council Remuneration Amendment Bylaw No. 3780 for adoption**

29 - 30

Purpose: To consider adoption of Council Remuneration amendment Bylaw No. 3780, which received first three readings at the October 7, 2020 Regular Council meeting.

Recommendation:

That Council adopt Council Remuneration Amendment Bylaw 2020, No. 3780.

**8.2. Respectful Spaces Bylaw No. 3796 for adoption** 31 - 43

Purpose: To consider adoption of Respectful Spaces Bylaw No. 3796, which received first three readings at the October 7, 2020 Regular Council meeting.

Recommendation:

That Council adopt Respectful Spaces Bylaw No. 3796, 2020.

**9. REPORTS**

**9.1. Temporary Use Permit Amendment No. TUP00022 (2 - 6380 Lakes Road)** 44 - 67

Purpose: To provide Council with information, analysis and recommendations regarding an application for a Temporary Use Permit (TUP) Amendment to extend the use of wedding venue for the subject property by 12 months, from October 31, 2020 to October 31, 2021.

Recommendation:

That Temporary Use Permit Amendment Application TUP00022 (2-6380 Lakes Road) to extend the term of Temporary Use Permit 00011 to October 31, 2021 be denied.

**9.2. Climate Action and Energy Plan (CAEP) Remodeling next steps** 68 - 71

Purpose: To seek direction from Council regarding proceeding with modelling economic aspects of emissions reductions for updating the CAEP.

Recommendation:

That Council direct staff to proceed with modelling the costs and benefits of various greenhouse gas emissions reduction initiatives identified to-date and report back to Council with the results.

**9.3. Committee of the Whole Recommendation** 72 - 105

Purpose: To consider the recommendation from the October 13, 2020 Committee of the Whole meeting regarding Inclusion.

Recommendation:

That staff be directed to include an update on diversity and inclusion in the Council Strategic Plan quarterly reporting.

**9.4. Committee of the Whole Recommendation** 106 - 106

Purpose: To consider the recommendation from the October 13, 2020 Committee of the Whole meeting regarding Public Input on Agendas.

Recommendation:

1. That Council will only take formal public input on agenda items up until noon on the day before the meeting for the duration of COVID related meetings.
2. That Council continue the present public input practice - that Council will be assumed to have read the public input and that there is no need for a staff summary during the public input portion of the agenda.

10. NOTICES OF MOTIONS

11. UNFINISHED AND POSTPONED BUSINESS

12. NEW BUSINESS

12.1. Request to Reinstate the Environmental Advisory Committee 107 - 108

Purpose: So that Councillor Justice may move the motion he introduced and gave notice on at the October 7, 2020 regular meeting.

Recommendation:

That North Cowichan reinstate its Environmental Advisory Committee as an advisory body to serve at the will of Council and to work with staff and help Council 1) develop and integrate practical CAEP policies and programs through both the pending CAEP and OCP processes, and 2) to provide council with advise on other environmental issues, such as natural areas, watershed protection, air quality, climate adaptation and so on, as directed by Council.

12.2. Climate Action and Energy Plan Targets and Alignment with the Official Community Plan 109 - 109

Purpose: So that Councillor Justice may move the motion he introduced and gave notice on at the October 7, 2020 regular meeting.

Recommendation:

WHEREAS the Intergovernmental Panel on Climate Change has concluded that it is imperative that we achieve net zero emissions by 2050 and the BC provincial government's climate plan also has as a target the achieving of net zero by 2050.

AND WHEREAS Council has been assured that further adjustments or refinements to the CAEP project (and report) will not add significantly to our understanding of how to reduce our emissions but may rather delay the OCP process (where those CAEP-derived understandings will be translated into policy).

AND WHEREAS going forward, it is the intention of staff to work with both SSG and Modus to ensure that there is harmony or alignment between the CAEP-derived understandings and the OCP policies, and to use the new CAEP modelling tool to ensure that OCP policies, including growth management scenarios, will result in the meeting of our emissions reductions target.

NOW THEREFORE Council directs that the 2050 emissions reductions target of 80% be changed to a target of achieving net zero by 2050 and that subsequent modelling for the Official Community Plan aspires to develop policy which achieves net zero by 2050.

12.3. Letter from Jennifer Woike, Farmer Bens Eggs 110 - 112

Purpose: This correspondence is included in the agenda at the request of Councillor Justice.



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

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

Recommendation:

That the meeting be adjourned at \_\_\_\_\_ p.m. to reconvene at 6:00 p.m. this evening via electronic means.

**14. PUBLIC HEARING AT 6:00 P.M.**

Mayor Siebring to provide an explanation of the public hearing process and to advise members of the public that no further verbal or written presentations can be received by any member of Council following the closure of the public hearing. Written submissions received between 1:00 p.m. on Friday, October 16, 2020 and the holding of the public hearing will be provided to Council when they are received and are available for review by the public on the municipal website. Following the close of the public hearing, Council may give the bylaw further consideration.

The order of the public hearing shall be as follows:

- Mayor Siebring to call the Public Hearing to order.
- Corporate Officer to provide a summary of the correspondence received as well as acceptance of any petitions or late correspondence.
- Planning staff to introduce the application.
- Presentation by the applicant.
- Call for submissions from the public.
- Final call for submissions by the public (Mayor Siebring will ask 3 times)
- Public Hearing will be closed following the consideration of Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve), 2020, No. 3797.

**14.1. Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve), 2020, No. 3797**

113 - 132

Purpose: To provide all persons who believe that their interest in property is affected by Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve), 2020, No. 3797 which proposes zoning regulations to limit cannabis production in the Agricultural Land Reserve (ALR) to soil-based production only and draft policy to establish criteria for non-soil-based cannabis production facilities on a case-by-case basis.

Mayor Siebring closed the public hearing and resumed the Council meeting at \_\_\_\_\_.

**15. PUBLIC HEARING BYLAW FOR CONSIDERATION**

**15.1. Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve), 2020, No. 3797**

133 - 134

Purpose: To consider third reading of Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve), 2020, No. 3797 following the close of the public hearing. The motion provided below (under Recommendation) is intended for Council's consideration, staff has not put forth a recommendation.

Recommendation:

That Council give third reading to "Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve), 2020" No. 3797.

**16. QUESTION PERIOD**

A 10-minute recess to be provided to give the public an opportunity to submit their questions by email to [QP@northcowichan.ca](mailto:QP@northcowichan.ca) regarding the business discussed at this meeting. Questions will be read out in the order they are received.

**17. CLOSED SESSION**

**18. RISE AND REPORT**

**19. ADJOURNMENT**

Recommendation:

That Council adjourn the meeting at \_\_\_\_\_ p.m.

## Oak Park Heritage Preservation Society

October 6, 2020

Dear Mayor and Councillors,

On behalf of the Oak Park Heritage Preservation Society, I would like to request a letter of support from the mayor and council for the Society's application for a British Columbia Community Economic Recovery Infrastructure Program grant (CERIP). The Society is applying for a grant to undertake the work of preserving and restoring the historic Elkington house at 1241 Maple Bay Road. The Elkington house is the only officially designated heritage house in North Cowichan.

The Heritage Branch, Prov. of BC, recently funded an updating of the Statement of Historical Significance and Condition Assessment documents for the Oak Park (Elkington) property. The Condition Assessment document describes the critical repair work required in the first stage of a restoration program for the house. The Society is applying for a CERIP grant that will fund this initial repair program. No funds are being sought from North Cowichan to carry out this restoration work.

Our Society feels that the time is finally here for rescuing the Elkington house. There is support for the goals of the Society from the Heritage Branch, Prov. of BC, and from Heritage BC. The community has always been interested in this historic building, and we expect much support as restoration proceeds. A restored heritage house in such a beautiful setting, open to the public, will be a wonderful asset for the municipality. The Oak Park Heritage Preservation Society is committed to making this possible, and asks for your support for our CERIP grant application.

Paul Gowland

Director, Oak Park Heritage Preservation Society

## Tricia Mayea

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**Subject:** FW: Letter of support for The Raptors  
**Attachments:** image.png

**From:** Robyn Radcliffe <[robyn@the-raptors.com](mailto:robyn@the-raptors.com)>  
**Date:** October 13, 2020 at 1:36:24 PM PDT  
**To:** Al Siebring <[mayor@northcowichan.ca](mailto:mayor@northcowichan.ca)>  
**Subject:** Letter of support for The Raptors

Hello Al,

We are in the midst of applying for some funding (CERIP) in partnership with our non-profit, the Raptor Rescue Society. We are definitely struggling - as so many are - with revenue loss this year due to covid, and we are hoping to obtain some funding to help move towards programs we can run year round, and opening our parrot area (we have rescue parrots under our rescue wing - the goal being to raise awareness of the massive damage to biodiversity via exotic pet trade).

I was wondering if you might consider writing us a short letter of support, just stating that we are a positive attraction in the Cowichan Valley (we have over 20,000 visitors annually, although not this year!) and that we draw in tourism into the valley as well as support the local economy (both in tourism \$ but also in job provision, we have up to 15 local employees). Additionally, the Raptor Rescue provides an important service in rescuing and rehabilitating injured raptors/birds in the valley, and also provides local jobs (up to 3-4 at a time) and volunteer positions, as well as important education on protecting our wildlife/birds.

If you would like more information or details, please let me know.

If you would be willing to write something for us, we would be very grateful. I would need it by the 27th of October if at all possible.

Thanks again,  
Robyn

Robyn Radcliffe  
Director of Operations, The Raptors  
1877 Herd Rd. Duncan, BC  
Office. 250-746-0378  
Cell. 250-732-2024

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# **Municipality of North Cowichan**

## **Regular Council**

### **MINUTES**

**October 7, 2020, 1:38 p.m.**  
**Electronically**

Members Present	Mayor Al Siebring Councillor Christopher Justice Councillor Tek Manhas Councillor Kate Marsh Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Councillor Rob Douglas
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Sarah Nixon, Deputy Chief Administrative Officer (D/CAO) Mark Frame, General Manager, Financial and Protective Services Clay Reitsma, Senior Manager, Engineering Don Stewart, Director, Parks and Recreation Rob Conway, Director of Planning and Building Shawn Cator, Director, Operations George Farkas, Director, Human Resources and Corporate Planning Dave Preikshot, Senior Environmental Specialist Jason Birch, Chief Information Officer Megan Jordan, Manager, Communications and Public Engagement Shaun Mason, Municipal Forester Michelle Martineau, Corporate Officer Tricia Mayea, Deputy Corporate Officer

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

There being a quorum present, Mayor Siebring called the meeting to order at 1:38 p.m.

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

Two Late Items were added to the Closed Session on the basis of the following sections of the *Community Charter*:

- Agenda Item 14.6 - 90(1)(f) law enforcement; and
- Agenda Item 14.7 - 90 (1)(c) labour matter.

IT WAS MOVED AND SECONDED:

That Council adopt the agenda as amended.

CARRIED

#### **3. ADOPTION OF MINUTES**

##### **3.1 Regular Council meeting held September 16, 2020 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Regular Council meeting held September 16, 2020.

CARRIED

### **3.2 Special Council meeting held September 30, 2020 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Special Council meeting held September 30, 2020.

CARRIED

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

Mayor Siebring provided a verbal update on meetings and activities he recently attended.

## **5. DELEGATIONS AND PRESENTATIONS**

None.

## **6. PUBLIC INPUT**

Council received 14 submissions via email prior to the meeting as follows:

- 11 in relation to item 8.5 [Pause on Public Engagement on the Future of the Municipal Forest Reserve]
- 1 in relation to item 7.1 [Respectful Spaces Bylaw No. 3796 for first three readings], and item 7.2 [Council Remuneration Amendment Bylaw No. 3780 for first three readings]
- 1 in relation to item 8.3 [Council Correspondence], and item 8.5 [Pause on Public Engagement on the Future of the Municipal Forest Reserve], and item 9.1 [Notice of Motion submitted by Councillor Justice regarding the Environment Advisory Committee]
- 1 in relation to item 8.1 [Council Strategic Plan: Quarter 3 Update]

## **7. BYLAWS**

### **7.1 Respectful Spaces Bylaw No. 3796 for first three readings**

IT WAS MOVED AND SECONDED:

That Council gives first, second and third readings to Respectful Spaces Bylaw No. 3796, 2020.

CARRIED

### **7.2 Council Remuneration Amendment Bylaw No. 3780 for first three readings**

IT WAS MOVED AND SECONDED:

That Council gives first, second and third readings to Council Remuneration Amendment Bylaw 2020, No. 3780.

CARRIED

## **8. REPORTS**

### **8.1 Council Strategic Plan: Quarter 3 Update (July 1 to September 30, 2020)**

IT WAS MOVED AND SECONDED:

That Council accept the 2020 Quarter 3 Update on the 2019-2022 Council Strategic Plan as presented by the Director, Human Resources and Corporate Planning.

CARRIED

## **8.2 Community Resiliency Investment Funding Application 2021**

IT WAS MOVED AND SECONDED:

That Council authorize staff to submit an application to the Community Resiliency Investment 2021 FireSmart Community Funding and Supports Program for grant funding to oversee and hire a qualified professional to conduct detailed treatment prescriptions in the high risk areas including critical infrastructure; fuel reduction treatments around critical infrastructure as per the approved treatment prescriptions; and development of a Wildfire Development Permit Area. CARRIED

## **8.3 Council Correspondence**

IT WAS MOVED AND SECONDED:

That the following motion:

- 1. That Council authorize a Consent Agenda to be presented at the beginning of a meeting, allowing items to be removed from the Consent Agenda on the request of any member; and that items not removed may be adopted by general consent without debate, and further that removed items may be taken up either immediately after the Consent Agenda or placed on the regular meeting agenda under New Business at the discretion of Council.*
- 2. That Council direct staff to permanently cease distribution of the Council Info Package.*
- 3. That the Council@northcowichan.ca email is automatically redirected to each member of Council and copied to the Executive Assistant.*

be amended to strike out the words "may be taken up either immediately after the Consent Agenda or", and the words "at the discretion of Council" CARRIED

IT WAS MOVED AND SECONDED:

1. That Council authorize a Consent Agenda to be presented at the beginning of a meeting, allowing items to be removed from the Consent Agenda on the request of any member; and that items not removed may be adopted by general consent without debate, and further that removed items are placed on the regular meeting agenda under New Business.
2. That Council direct staff to permanently cease distribution of the Council Info Package.
3. That the Council@northcowichan.ca email is automatically redirected to each member of Council and copied to the Executive Assistant. CARRIED

## **8.4 Cowichan Valley Regional District - Osborne Bay Park Lease Agreement**

IT WAS MOVED AND SECONDED:

That Council give notice of its intention to terminate the lease agreement between the Cowichan Valley Regional District (CVRD) and the Corporation of the District of North Cowichan regarding the maintenance of Osborne Bay Regional Park, effective January 1, 2021, in accordance with Article 6, Clauses 3 and 4 of the agreement, as attached as Schedule A to CVRD Bylaw No. 1795. CARRIED

Councillor Toporowski declared a conflict on the next item of business stating the reason being her affiliation and role on Cowichan Tribes Council and she left the meeting at 3:01 p.m.

**8.5 Pause on Public Engagement on the Future of the Municipal Forest Reserve**

IT WAS MOVED AND SECONDED:

That Council extend the pause on the public engagement until an agreed upon way of moving forward is reached during the First Nations consultation process. CARRIED

Councillor Toporowski returned to the meeting at 3:20 p.m.

**9. NOTICES OF MOTIONS**

**9.1 Notice of Motion submitted by Councillor Justice regarding the Environmental Advisory Committee**

Councillor Justice introduced the following motion which he intends to move at the October 21, 2020 regular meeting for debate and consideration by Council:

That North Cowichan reinstate its Environmental Advisory Committee as an advisory body to serve at the will of Council and to work with staff and help Council 1) develop and integrate practical CAEP policies and programs through both the pending CAEP and OCP processes, and 2) to provide Council with advise on other environmental issues, such as natural areas, watershed protection, air quality, climate adaptation and so on, as directed by Council.

**9.2 Notice of Motions submitted by Councillor Justice regarding the Climate Action & Energy Plan Targets and Alignment with the Official Community Plan**

Councillor Justice introduced the following motions which he intends to move at the October 21, 2020 regular meeting for debate and consideration by Council:

1. WHEREAS Council recognizes that the point of the Climate Action and Energy Plan (CAEP) is to discover ways the Municipality of North Cowichan can act to reduce GHG emissions, and that the business at present (BAP)1 scenario assumptions should reflect what will most likely occur, even if the municipality were to take no action at all as opposed to assuming the current situation will remain unchanged; AND WHEREAS Council recognizes that most of our community's GHG emissions reductions will require policy and actions from higher levels of government; and that our 'Big Moves', as identified in the CAEP report, should be focused on those policies and action which the municipality has the ability to change or influence; NOW THEREFORE Council directs that: (1) the 2050 emissions reductions target of 80% be re-evaluated in light of the findings to date from the CAEP remodeling process and the Intergovernmental Panel on Climate Change, and that any subsequent modeling and community planning aspires to achieve net zero by 2050 for emission sources over which the municipality has control or influence; (2) targets be set, in four year intervals, for both corporate and community GHG emissions to achieve the 2050 objectives, and that reporting coincides with the Council term of office; (3) a second Low Carbon Scenario be modeled using a new emissions target which assumes a more conservative estimate of e-vehicle uptake and other assumptions as



determined by Sustainable Solutions Group, the consultant, and municipal staff to identify actions that could result in a 'most probable' outcome by 2050.

2. That Council direct staff to prepare a report that outlines how the Official Community Plan (OCP) and Climate Action and Energy Plan (CAEP) can be aligned, to avoid any inconsistencies between the two plans with respect to the policies and/or actions required to achieve the Municipality of North Cowichan's GHG reduction targets.
3. That the growth scenarios considered by the public, as part of the OCP engagement process, include achieving the Municipality's GHG reductions targets as a primary concern informed by the findings of the CAEP remodeling process.

**10. REVIEW OF COMMITTEE MINUTES**

None.

**11. UNFINISHED AND POSTPONED BUSINESS**

None.

**12. NEW BUSINESS**

**12.1 Anticoagulant Rodenticides**

IT WAS MOVED AND SECONDED:

1. That Council recognizes the harmful impacts of anticoagulant rodenticide use and directs staff to prepare a report outlining options available to ban their use by, and in the Municipality of North Cowichan; and that staff communicate to the public the harmful impacts of anticoagulant rodenticide and the alternatives that are available.
2. That Council request that the Mayor write, on behalf of Council, to the Premier of British Columbia, appropriate ministers, and copying Members of the Legislative Assembly in the Cowichan Valley, requesting that the Province of British Columbia ban the use of anticoagulant rodenticides.

CARRIED

**12.2 Petition requesting speed bumps be installed on Indian Road**

IT WAS MOVED AND SECONDED:

That the following motion:

*That staff be directed to bring back a report to the October 21, 2020 Regular Council meeting detailing proposed traffic calming measures on Indian Road.*

be amended to remove the words "to the October 21, 2020".

CARRIED

IT WAS MOVED AND SECONDED:

That staff be directed to bring back a report detailing proposed traffic calming measures on Indian Road.

(OPPOSED: Toporowski, Marsh and Sawrie)

DEFEATED

IT WAS MOVED AND SECONDED:

That the question of renaming Indian Road be referred to the First Nations Relations Committee.

CARRIED

**12.3 Petition requesting speed bumps and signs be installed on Beaumont Avenue**

IT WAS MOVED AND SECONDED:

That staff be directed to conduct a study of safety related measures on Beaumont Avenue.

CARRIED

**12.4 Request for a Letter of Support from the Halalt First Nation**

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write a letter of support for the Halalt First Nation to submit with their grant application under the Federation of Canadian Municipalities' Green Municipal Fund to make their gymnasium and community hall more energy efficient.

CARRIED

**13. QUESTION PERIOD**

Mayor Siebring called for a recess at 4:00 p.m. to allow viewers to submit questions via email on the matters discussed during the meeting. One question had been submitted when the meeting reconvened at 4:10 p.m.

**14. CLOSED SESSION**

IT WAS MOVED AND SECONDED:

That Council close the meeting at 4:19 p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(c) - labour relations or other employee relations;
- 90(1)(e) - the acquisition, disposition or expropriation of land or improvements, which council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(1)(f) - law enforcement, which the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- 90(1)(j) - information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the [Freedom of Information and Protection of Privacy Act](#); and
- 90(1)(m) - a matter that, under another enactment, that being section 16 of the [Freedom of Information and Protection of Privacy Act](#), is such that the public may be excluded from the meeting.

CARRIED

**15. RISE AND REPORT**

**RCMP Facility Construction Change of Method**

Council rose and reported on this item:

IT WAS MOVED AND SECONDED:

That Council approve the project change for the construction of the RCMP facility from mass timber to structural steel to reduce the impact on the capital budget created by the increased construction costs related to mass timber.

CARRIED

**16. ADJOURNMENT**

Council adjourned the meeting at 6:31 p.m.

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Certified by Corporate Officer

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Signed by Mayor

# **Municipality of North Cowichan**

## **Special Council**

### **MINUTES**

**October 8, 2020, 6:00 p.m.**  
**Electronically**

Members Present	Mayor Al Siebring Councillor Christopher Justice Councillor Tek Manhas Councillor Kate Marsh Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Councillor Rob Douglas
Staff Present	Ted Swabey, Chief Administrative Officer (CAO)

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

There being a quorum present, Mayor Siebring called the meeting to order at 6:08 p.m.

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

IT WAS MOVED AND SECONDED:

That Council approve the agenda as circulated.

CARRIED

#### **3. CLOSED SESSION**

IT WAS MOVED AND SECONDED:

That the October 8, 2020 Special Council meeting be closed to the public at 6:08 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)(c) labour relations or other employee relations; and
- 90(1)(l) – discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report].

CARRIED

**4. ADJOURNMENT**

IT WAS MOVED AND SECONDED:

That Council adjourn the Special Council meeting at 8:50 p.m.

CARRIED

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Certified by Corporate Officer

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Signed by Mayor



# Joint Utility Board Sewage Treatment Plant Outfall Relocation Project: Project Update

## **Presentation for:**

Municipality of North Cowichan

## **By:**

Clay Reitsma, M.Eng., P.Eng.  
Senior Manager, Engineering  
District of North Cowichan

**October 21, 2020**



# Presentation Outline

2

- Update on project, including outfall location and proposed pipe routes
- Update on continued First Nations consultations
- Provide information on stakeholder and public engagement processes

# Update

3

- 2015 consultations identified outfall site in Cowichan Bay (green triangle)
- 2018 – 2020 consultations established new outfall location (red dot) based on:
  - Scientific studies (Stage 2 EIS Outfall Report)
  - Indigenous knowledge
  - Consultations with local First Nations (ongoing)
- Ministry of Environment and Climate Change now consulting with First Nations
- Receiving Environment Monitoring Program (REMP) design; pre-discharge monitoring underway





# Next Steps: Determine routing for pipe from treatment plant to outfall

- Marine routing:
  - Options based on scientific study (Stage 2 EIS Marine Pipeline Route)
  - Four routes studied
  - Preference for pipe to lay on seabed
- Land routing:
  - 2 major options with variations
  - Pipe underground mostly in road rights-of-way
- In process of hiring design consultants – multiple studies yet to take place

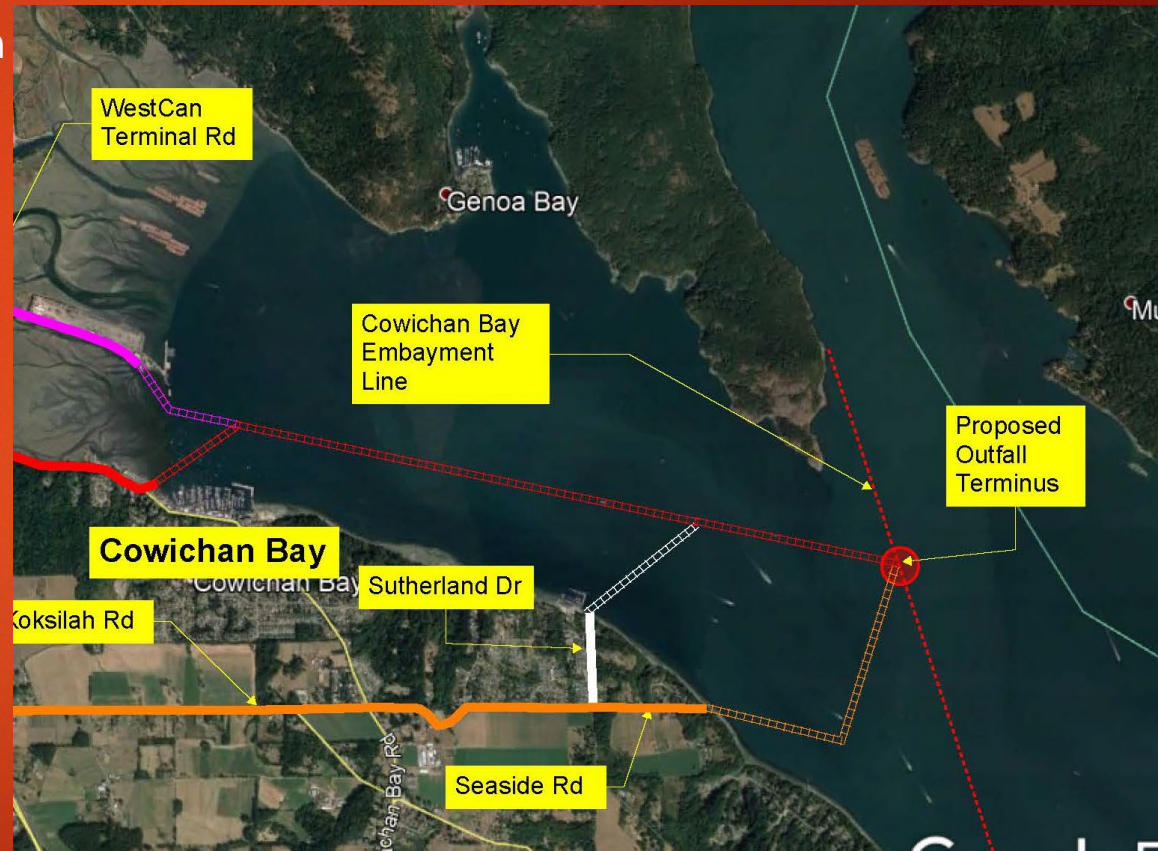




# Next Steps: Marine pipeline options

5

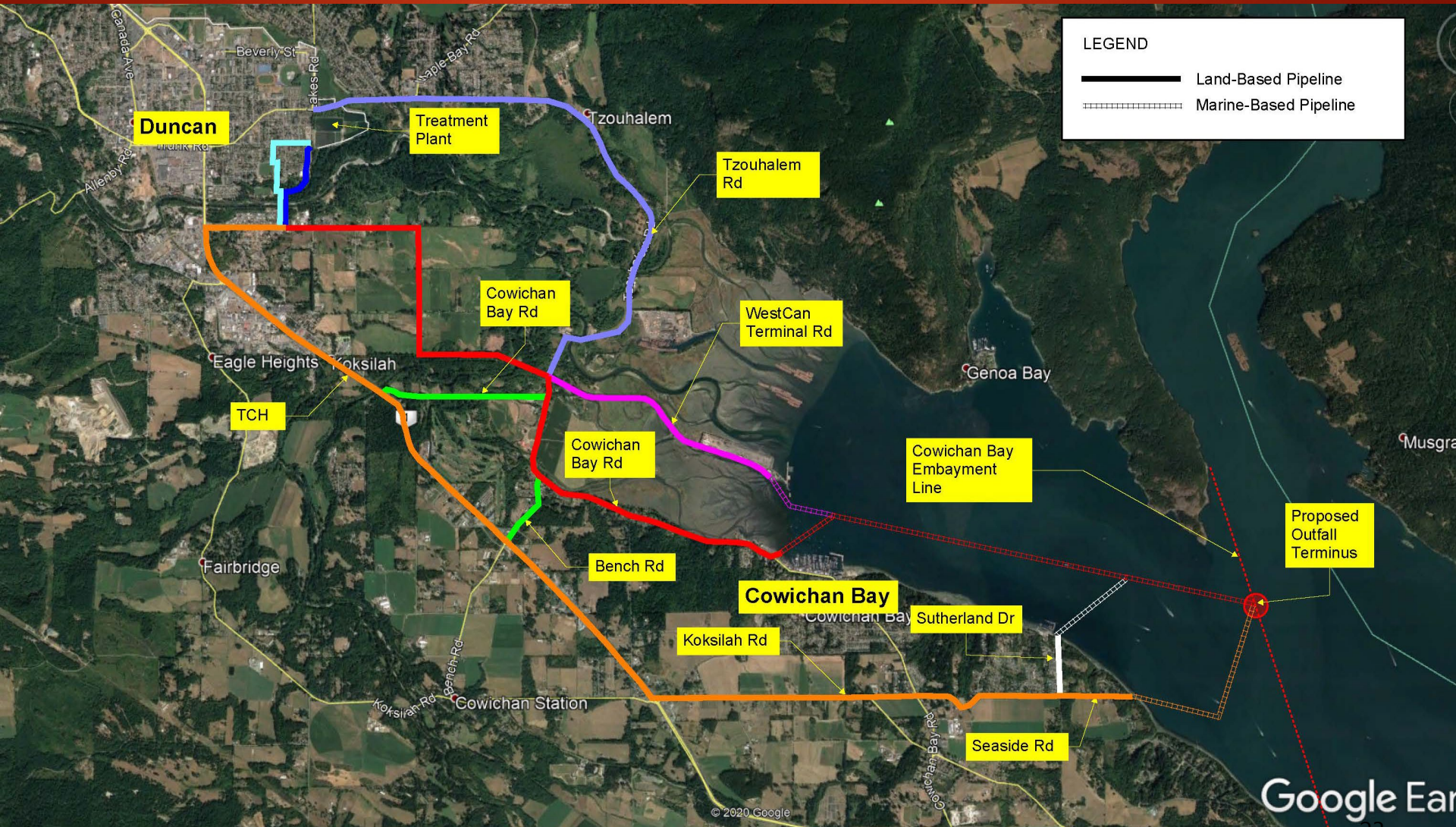
- Four options studied
  - Westcan Terminal Road
  - Hecate Park boat launch
  - Sutherland Drive
  - Seaside Road
- Full report (Stage 2 EIS Marine Pipeline Route) available on project website





# Next Steps: Terrestrial pipeline options

6





# Next Steps: Pipe Routing

7

- Need to study further:
  - Engineering constraints
  - Environmental and archeological assessments
  - Cost
- Will look for co-benefits
  - Working closely with Cowichan Tribes

# Next Steps: Engagement and consultation

8

- COVID - safe approaches
- Ongoing consultation with local **First Nations**
- Ongoing **stakeholder** engagement through online meetings, emails
- Notification to MPs and MLAs
- **Public engagement** will take place mid-November to end of January 2021
  - Inform the public on where we started, what we have been doing.
  - Consult the public on the terrestrial and marine pipeline routes.





# Public Engagement

9

Information out:

- Website: [www.northcowichan.ca/jub](http://www.northcowichan.ca/jub)
- Video: “online open house”
- Advertising (media and social media)
- Information on PlaceSpeak
- Mailer to Cowichan Bay area (TBD)

Feedback provided by:

- Discussion on PlaceSpeak
- Emails and mail



- Links and information on how to engage
- All reports available
- Frequently asked questions

## Joint Utility Board Sewage Treatment Plant Outfall Relocation Project

### 1. Background

The Joint Utility Board Sewage Treatment Plant is a hybrid secondary/tertiary treatment plant that treats wastewater from North Cowichan, Duncan, Cowichan Bay, Eagle Heights and Cowichan Tribes. The Plant is located on Cowichan Tribes' lands near Duncan. The Plant is operated by the District of North Cowichan and discharges highly treated effluent into the Cowichan River. The Outfall Project proposes to relocate the outfall to a new location in Satellite Channel.

The current outfall more than meets provincial standards, but there are several reasons to relocate the outfall to Satellite Channel:

- The treatment plant is on land leased from Cowichan Tribes. The lease

#### Related Links

[Climate Action and Energy Plan](#)

[Curbside Collection](#)

[Utilities](#)



#### Spotlight





# Questions? Comments?

11







The Corporation of the District of North Cowichan

**Council Remuneration Amendment Bylaw, 2020**

Bylaw No. 3780

Whereas, the Council of the Corporation of The District of North Cowichan has adopted the Council Standards of Conduct Policy;

And Whereas, the costs associated with hiring a Third Party Investigator under the Policy can be significant;

And Whereas, Council deems it fair and appropriate that, where a member of Council has been found to have breached the Policy, the member contribute towards the costs of the Third Party Investigator;

Now Therefore, The Council of The Corporation of The District of North Cowichan enacts as follows:

**Title**

- 1 This bylaw may be cited as "Council Remuneration Amendment Bylaw 2020, No. 3780".

**Administration**

- 2 Council Remuneration Bylaw 2018, No. 3709 be and is hereby amended by inserting the following new subsection under Section 1:

- "(8) Where a member of Council has been found by a Third Party Investigator appointed under the Council Standards of Conduct Policy, as amended or replaced from time to time, to have breached the Policy, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be adjusted in accordance with the following:*
- (a) where the member of Council has been found to have breached the Policy for a first time, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be reduced by 10%, for a period of 12 months from the date of the breach;*
  - (b) where the member of Council has been found to have breached the Policy for a second time, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be reduced by 15%, for a period of 12 months from the date of the second breach;*
  - (c) where the member of Council has been found to have breached the Policy for a third or subsequent time, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be reduced by 25%, for a period of 12 months from the date of third or subsequent breach;*

*(d) for certainty, where a member of Council has been found to have breached the Policy more than once in a 12-month period, the reductions in the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be cumulative for any period of overlap in the duration of each reduction (e.g., if a member of Council is found to have first breached the Policy on January 1 of a calendar year, and is subsequently found to have breached the Policy again on July 1 of that year, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be reduced by 10% from January 1 to June 30 of that year, by 25% from July 1 to December 31 of that year, by 15% from January 1 to June 30 of the following year, and thereafter be fully reinstated."*

READ a first time on October 7, 2020  
READ a second time on October 7, 2020  
READ a third time on October 7, 2020  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER



The Corporation of the District of North Cowichan

## **Respectful Spaces Bylaw, 2020**

Bylaw 3796

### *Contents*

- 1 Citation
- 2 Severability
- 3 Definitions
- 4 Interpretation
- 5 Scope
- 6 Respectful Behaviour
- 7 Responding to Incidents
- 8 Appeal Process
- 9 Probationary Period and Subsequent Suspensions
- 10 Offence and Penalty

### Schedules

Appendix A – Incident Procedures: Incidents Originating from the Public

Appendix A.1 – Incident Procedures: Incidents Originating from Municipal Staff

Appendix B – Inappropriate Behaviour Enforcement Guidelines

Appendix C – Appeal Procedure

WHEREAS the District of North Cowichan wishes to provide an inclusive environment whether it be in municipal facilities or the delivery of municipal services in which all individuals have the right to be free of harassment, bullying, intimidation, violence, and discrimination, and where they are treated with mutual respect and dignity;

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

### **Citation**

- 1 This Bylaw may be cited as "Respectful Spaces Bylaw No. 3796, 2020".

### **Severability**

- 2 If any provision of this Bylaw is, for any reason, found invalid by a court of competent jurisdiction, the provision must be severed and the remainder of the Bylaw left valid and enforceable.

## Definitions

3 In this Bylaw:

**“Abusive Language”** includes:

- profane, obscene, abusive, threatening, derogatory, or discriminatory language,
- language that may be perceived as inciting violence, or
- words that are intended to or may be perceived to abuse or do violence towards another party’s integrity;

**“Charter of Rights and Freedoms”** means the *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11;

**“Chief Administrative Officer”** means the municipal officer appointed by Council under section 147 [Chief administrative officer] of the *Community Charter*, SBC 2003 c. 26;

**“Code of Conduct”** means a document posted in a Municipal Facility that outlines the roles, rights and responsibilities of Municipal Staff and patrons;

**“Council”** means the Council of The Corporation of the District of North Cowichan;

**“Director”** means the director of the department of the Municipality involved in the Incident;

**“Harassment”** means conduct, actions or behaviour that a person knew or reasonably ought to have known would cause another person to be humiliated or intimidated or would be objectionable and unwelcome;

**“Human Rights Code”** means the *Human Rights Code*, RSBC 1996 c. 210;

**“Inappropriate Behaviour”** means behaviour that obstructs or interferes with the lawful free use and enjoyment of Municipal Facilities or participation in Municipal Services, programs or events, or that compromises the safety and well-being of others, including Municipal Staff, volunteers and members of the public. For the purposes of this Bylaw, Inappropriate Behaviour includes:

- Abusive Language,
- Vandalism,
- Violence,
- Harassment,
- possession of weapons,
- theft of property, and
- contravention of Codes of Conduct or posted rules;

Inappropriate Behaviour does not include decisions made by Bylaw enforcement staff made in the course of their duties.

**“Incident”** means any occurrence involving one or more individuals engaging in Inappropriate Behaviour;

**“Manager”** means a person employed by the Municipality as the manager in the relevant department of the Municipality involved in the Incident;

**“Municipality”** means The Corporation of the District of North Cowichan;

**“Municipal Facility”** means facilities owned, leased, rented, allocated, programmed, operated or managed by the Municipality, intended for public or Municipal Staff use. This includes, but is not limited to, parks and trails, recreation facilities, staff offices and workspaces, meeting rooms, community meeting spaces, Municipal Hall, and spaces where Municipal Services are provided, but does not include facilities or portions thereof that are occupied by the RCMP or police department;

**“Municipal Services”** means all services provided by the Municipality. This includes but is not limited to, utility services, waste collection, bylaw enforcement, building inspections, front counter services, and volunteer events, but does not include the RCMP and other police services and Municipal Staff employed for the purpose of supporting the RCMP and other police services;

**“Municipal Staff”** means a person employed by the Municipality and includes volunteers and contractors authorized to act on behalf of the Municipality, appointed representatives (committees appointed by Council), and the Mayor and Council members;

**“Supervisor”** means the person employed by the Municipality as a supervisor in the relevant department of the Municipality involved in the Incident;

**“Suspension”** means the prohibition of an individual from entering all or specified Municipal Facilities for a specified duration of time;

**“Vandalism”** means the malicious, wilful or deliberate destruction, damaging or defacing of Municipal Facilities or other Municipal-owned property, including equipment, vehicles, materials and furniture; and,

**“Violence”** includes:

- throwing articles or objects in a deliberate or aggressive manner that may endanger or cause injury or damage to any persons or property,
- physically aggressive or threatening behaviour,
- threats or attempts to intimidate, and,
- attempts to goad or incite violence.

## **Interpretation**

- 4** In this Bylaw, a reference to the Chief Administrative Officer, Director, Manager, and Supervisor includes a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.

## **Scope**

### **5**

- (1) This Bylaw applies to all persons, including members of the public and Municipal Staff. This Bylaw also applies within Municipal Facilities and any space in which Municipal Services are provided and where Municipal programs or events are being held. Allegations of Inappropriate Behaviour originating from Mayor and Council shall be dealt with in accordance with the Council Standards of Conduct Policy.
- (2) This Bylaw applies to Incidents that either originate from the public or from Municipal Staff in their dealings with the public.
- (3) This Bylaw does not apply to RCMP detachment or staff, including Municipal Staff employed for the purpose of supporting the RCMP and other police services.
- (4) This Bylaw does not apply to Incidents between Municipal Staff.

## **Respectful Behaviour**

### **6**

- (1) All persons using Municipal Facilities have a duty to:
  - a. treat others with respect, courtesy, fairness, and equality;
  - b. use Municipal Facilities and equipment in a safe and respectful manner; and
  - c. comply with all posted policies and rules regarding the use of Municipal Facilities and equipment.
- (2) A person must not commit or engage in Inappropriate Behaviour in a Municipal Facility.
- (3) A person must not commit or engage in Inappropriate Behaviour in any space in which Municipal Services are provided.

## **Responding to Incidents**

### **7**

- (1) When a member of the public witnesses an Incident and wishes to bring the Incident to the attention of the Municipality, they must follow the procedures set out in Appendix A of this Bylaw.
- (2) When Municipal Staff witness or receive a report regarding Inappropriate Behaviour originating from a member(s) of the public, they must follow the procedures set out in Appendix A of this Bylaw.
- (3) When a member of the public witnesses or is subject to Inappropriate Behaviour originating from Municipal Staff and wishes to make a complaint, they must follow the procedures set out in Appendix A.1 of this Bylaw.
- (4) The Manager of Fire and Bylaw Services is authorized to issue a Suspension to any person who is not in compliance with this Bylaw for a period of up to eighteen (18) months or issue a fine of up to \$1000 per Incident, or issue both a suspension and fine. In exercising their discretion under this section, the Manager of Fire and Bylaw

Services must consider the factors set out in Appendix B of this Bylaw.

- (5) A person that is subject to a Suspension under this Bylaw must not access, enter or use any Municipal Facility included in the Suspension, subject to the terms and conditions of the Suspension.
- (6) All Municipal Staff will exercise their power and authority under this Bylaw fairly and equitably and in accordance with the *Human Rights Code*, the *Charter of Rights and Freedoms*, and all other applicable enactments.
- (7) The Municipality is responsible for providing a safe work environment for Municipal Staff, in accordance with the General Safety Regulations of WorkSafeBC and the British Columbia Occupational Health and Safety Act. This includes providing a safe work environment within Council meetings. If the Chief Administrative Officer or the Corporate Officer believes the health or safety of Municipal Staff is at risk in a Council meeting due to Inappropriate Behaviour, either of those senior officials may direct Municipal Staff to leave a Council meeting.

## **Appeal Process**

### **8**

- (1) A person subject to a Suspension under this Bylaw may request a review of the decision by the Chief Administrative Officer. Requests for review of a Suspension must be made in writing and must be delivered to the office of the Chief Administrative Officer within ten (10) business days of the date the notice of Suspension was issued.
- (2) In exercising their discretion under this section, the Chief Administrative Officer must consider the factors set out in Appendix B of this Bylaw.
- (3) Appeal hearings will be held by the Chief Administrative Officer in accordance with Appendix C of this Bylaw.
- (4) The decision of the Chief Administrative Officer with regards to a Suspension is final.

## **Probationary Period and Subsequent Suspensions**

### **9**

- (1) Once a Suspension has been completed, regardless of the duration, the person subject to the Suspension will be subject to a six (6) month probationary period with the following conditions:
  - a. if an Incident occurs during the probationary period, the Manager of Fire and Bylaw Compliance will impose a subsequent Suspension of equal or greater duration than the initial Suspension;
  - b. a subsequent Suspension issued under this section may be for a duration of up to three (3) years;
  - c. a subsequent Suspension under this section must be issued by the Manager of Fire and Bylaw Services or the Municipality's Legal Counsel in writing; and,

- d. notwithstanding section 8 (1) of this Bylaw, a person subject to a subsequent Suspension under this section is not entitled to appeal that Suspension, regardless of whether the person requested an appeal of the initial Suspension.

## **Offence and Penalty**

### **10**

(1) Every person who violates a provision of this Bylaw or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw is guilty of an offence and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.

(2) Every person who commits an offence is liable on summary conviction to a fine or imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

## **SCHEDULES**

Appendix A – Incident Procedure – Incidents Originating from the Public

Appendix A.1 – Incident Procedure – Incidents Originating from Municipal Staff

Appendix B – Inappropriate Behaviour Enforcement Guidelines

Appendix C – Appeal Procedure

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READ a first time on October 7, 2020

READ a second time on October 7, 2020

READ a third time on October 7, 2020

ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER



## **Appendix A – Incident Procedures**

### **Incidents Originating from the Public**

1. This procedure is to be followed by members of the public who observe an Incident or by Municipal Staff when Municipal Staff observe an Incident, have reason to believe that an Incident has occurred in a Municipal Facility, or receive a complaint of an Incident by a member or members of the public.
2. The Municipality's primary concern is the safety of members of the public and Municipal Staff. If at any time Municipal Staff feel that the safety of any person is at risk, they will request police assistance. Municipal Staff are not expected to jeopardize their safety or that of others in responding to an Incident.
3. Municipal Staff are expected to act in accordance with this Bylaw fairly and equitably and in accordance with the *Human Rights Code*, the *Charter of Rights and Freedoms*, and all other applicable enactments.
4. Where possible, Municipal Staff will attempt to explain to the person or persons engaging in the Inappropriate Behaviour that their behaviour is unacceptable and ask that the behaviour cease. Municipal Staff may also attempt to de-escalate the situation, where appropriate.
5. If the Inappropriate Behaviour continues, and depending on the severity of the Inappropriate Behaviour, Municipal Staff may require the person to leave the Municipal Facility immediately and the Supervisor may issue the person a temporary suspension of up to ten (10) days. If the person refuses to leave the Municipal Facility, Municipal Staff may request police assistance.
6. If the Incident involves alleged Inappropriate Behaviour by a minor, Municipal Staff will make reasonable attempts to notify the parent(s) or guardian of the minor as soon as reasonably possible following the Incident.
7. As soon as is reasonably possible following the Incident, Municipal Staff will complete an Incident Report which will include the following:
  - a. details of the Incident;
  - b. the names and contact information of the person(s) who engaged in the Inappropriate Behaviour;
  - c. the names and contact information of any witnesses; and,
  - d. any written statement provided by any witnesses.Municipal Staff will submit the completed Incident Report to their Supervisor who will provide a copy to their Manager and to the Director of Human Resources.
8. If the complainant of Inappropriate Behaviour is a member of the public, the

complainant must contact a Manager and explain the Incident in as much detail as possible. The details should include, but are not limited to, the time and location of the Incident. The complainant must also provide as many details of the Inappropriate Behaviour as well as sufficient details for the Municipality to identify the individual(s) engaged in the Inappropriate Behaviour.

9. All Incidents will be reviewed and investigated. When a Manager receives an Incident Report, they will consult with the Director of Human Resources and Corporate Planning. If the Director of Human Resources and Corporate Planning is aware of previous Incidents involving the person, the Director of Human Resources and Corporate Planning may consult with the Municipal Staff who reported or were involved in the previous Incidents. After considering the Incident Report and other available information as well as the Guidelines set out in Appendix B of this Bylaw, the Director of Human Resources and Corporate Planning and Manager will jointly take such action as they consider appropriate in the circumstances, which may include:
  - a. determining that the Incident did not constitute a violation of this Bylaw and take no further action;
  - b. determining that the Incident constituted a violation of this Bylaw but decide that no further action is required in the circumstances;
  - c. determining that the Incident constituted a violation of this Bylaw and take further action, including:
    - i. issuing a written warning letter or letter of expectation;
    - ii. requiring that the person meet with the Manager or the Director, including that the person not enter or use any Municipal Facility until they meet with the Manager or Director; and
    - iii. recommending that the Manager of Fire and Bylaw Services impose a fine, Suspension, or both a fine and a Suspension.
10. If the Director of Human Resources and Corporate Planning and Manager believe that a fine and/or a Suspension is appropriate, they will compile and forward all information gathered during their investigation to the Manager of Fire and Bylaw Services. The Director of Human Resources and Corporate Planning will make recommendations to the Manager of Fire and Bylaw Services regarding the proposed scope and duration of the Suspension and any terms and conditions.
11. The Manager of Fire and Bylaw Services will review the information and take such action as they consider appropriate after considering the factors set out in Appendix B of this Bylaw. The Manager of Fire and Bylaw Services may refuse to impose a fine and/or a Suspension or, if a Suspension is imposed, establish the scope and duration of the Suspension and any terms and conditions.
12. If a Suspension is issued, the Manager of Fire and Bylaw Services or the Municipality's legal counsel must notify the person in writing of the terms and conditions of the Suspension and of their right to appeal under this Bylaw.

13. Once an investigation is completed, the complainant must be notified that a formal investigation has been carried out.
14. If a Suspension is issued, a confidential memorandum regarding the Suspension will also be sent from the Director of Human Resources and Corporate Planning to Municipal Staff for whom the information is necessary for the performance of their duties. Further confidential memoranda may be issued to notify Municipal Staff of changes to or extensions of the Suspension and upon completion of the Suspension.
15. Except where prohibited by law, the Director of Human Resources and Corporate Planning may, pursuant to any information sharing agreements between the Municipality and other local governments, public bodies, RCMP and police, share the confidential memorandum and any information involved in the investigation.
16. The Manager of Fire and Bylaw Services may extend the duration of a Suspension where the person breaches the terms and conditions of the Suspension or where there are further Incidents involving the person.

## **Appendix A.1 – Incident Procedures**

### **Incidents Originating from Municipal Staff**

1. For the purposes of this Appendix:  
**“Committee”** means the employer of the Respondent, the direct supervisor of the Respondent, and the Director of Human Resources and Corporate Planning or their designate;  
**“Employer Decision Report”** means a report prepared by the Committee outlining the complaint, the Committee’s findings and decision, and further actions to be taken; and,  
**“Respondent”** means the member of Municipal Staff who is the subject of the complaint.
2. Inappropriate Behaviour (as defined in this Bylaw) originating from Mayor or Council will be deemed to be a contravention of Section 2 of the Council Standards of Conduct Policy. Complaints that are raised by members of the public about Inappropriate Behaviour originating from Mayor or Council members must be brought forward by the Director of Human Resources and Corporate Planning and the complaint must be reviewed in accordance with section 10 of the Council Standards of Conduct Policy.
3. If a member of the public believes that they have been subject to Inappropriate Behaviour originating from Municipal Staff other than the Mayor or Council members, they will follow the process set out below.
4. A complaint must be made in writing and delivered to the Director of Human Resources and Corporate Planning. Once a formal written complaint of Inappropriate Behaviour is made, the Director of Human Resources and Corporate Planning must review the complaint and decide whether it is appropriate to commence an investigation. Formal Investigations may include the engagement of an external investigator.
5. If a member of the public makes a verbal complaint to a Supervisor or Manager, the Supervisor or Manager must inform the complainant that they must make a written complaint to be delivered to the Director of Human Resources and Corporate Planning. The Supervisor or Manager must advise the Department of Human Resources immediately of any verbal complaint.
6. All persons interviewed by the investigator may be accompanied by a representative (union representative or representative from the Municipality’s Human Resources Department) should they wish to be accompanied. At the conclusion of the investigation, the investigator must document their findings and any recommendations for the resolution of the Inappropriate Behaviour. Findings must be presented to the Committee. The Committee will review the findings and decide, based on the factors

set out in Appendix B of this Bylaw, whether the findings indicate that the Respondent engaged in Inappropriate Behaviour. The Committee must then prepare an Employer Decision Report. The severity and duration of the Inappropriate Behaviour will be considered in determining appropriate corrective action, up to and including dismissal for just cause.

7. A copy of the Employer Decision Report must be provided to the Respondent on a confidential basis. Information collected and retained during the course of the investigation process is confidential and must not be disclosed to a complainant or witnesses except as otherwise may be required by law.
8. Once an investigation is completed, the complainant must be notified that a formal investigation has been carried out.
9. Unionized employees may dispute the Employer Decision Report under the provisions of the appropriate collective agreement under the grievance process.
10. Non-unionized employees may appeal the Employer Decision Report within fifteen (15) days of the Decision to the Chief Administrative Officer. The Chief Administrative Officer (or designate) must review the appeal, determine whether the decision of the Committee to make a finding of Inappropriate Behaviour was reasonable (taking into consideration the factors in Appendix B of this Bylaw), and issue a decision. The Decision of the Chief Administrative Officer (or designate) on the appeal is final.
11. If a complaint is found to be filed for malicious or vexatious purposes, the Director of Human Resources and Corporate Planning may determine that the person making the complaint has engaged in Inappropriate Behaviour under this Bylaw. Complaints filed for malicious or vexatious purposes may include, but are not limited to, complaints regarding decisions of Bylaw enforcement staff which the complainant seeks to overturn.

## **Appendix B – Inappropriate Behaviours Enforcement Guidelines**

In determining the appropriate measures to deal with a contravention of this Bylaw, Municipal Staff will consider the following factors:

1. the nature and severity of the Inappropriate Behaviour;
2. whether the Inappropriate Behaviour was a single or repeated act;
3. whether the person was told that the behaviour was inappropriate and nonetheless continued the behaviour;
4. the impact of the Inappropriate Behaviour on members of the public and Municipal Staff;
5. the person's acknowledgement of wrongdoing; and
6. the person's history of other contraventions.

## **Appendix C – Appeal Procedure**

1. Requests for review of a Suspension under this Bylaw must be made in writing and must be delivered to the office of the Chief Administrative Officer within ten (10) business days.
2. Within ten (10) business days of receiving a request for review under section 8(1) of this Bylaw, the Chief Administrative Officer will notify the person subject to the Suspension of the date for their hearing.
3. The person appointed as the District of North Cowichan's Privacy Officer will provide the person subject to the Suspension with copies of all materials that will be considered by the Chief Administrative Officer a minimum of ten (10) business days prior to the hearing. The materials will be redacted as necessary to comply with the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 and any other applicable enactments.
4. The person subject to the Suspension may attend the hearing and may be accompanied by a representative of their choice, including legal counsel.
5. The Director of Human Resources and Corporate Planning will attend the hearing on behalf of Municipal Staff.
6. The Chief Administrative Officer may request the attendance of any other person at the hearing, including a member of Municipal Staff or Municipal legal counsel.
7. At the hearing, the person subject to the Suspension will have ten (10) minutes to address the Chief Administrative Officer. This time may be extended if deemed necessary by the Chief Administrative Officer due to the complexity of the issues or the severity of the allegations.
8. The Chief Administrative Officer will notify the person subject to the Suspension of their decision in writing within ten (10) business days of the hearing.
9. The decision of the Chief Administrative Officer with regards to a Suspension is final.
10. The Chief Administrative Officer will notify the Mayor and Council of appealed Suspensions.

# Report

Date October 21, 2020  
To Council  
From Glenn Morris, Development Planning Coordinator

Prospero No. TUP000011  
Folio No. 05390-003  
File No. 4520-35 18.04



Subject Temporary Use Permit Amendment No. TUP00022 (#2 – 6380 Lakes Road)

## Purpose

To provide Council with information, analysis and recommendations regarding an application for a Temporary Use Permit (TUP) Amendment to extend the use of wedding venue for the subject property by 12 months, from October 31, 2020, to October 31, 2021.

## Background

### Property Details:

The 2.47 ha (6.1 ac) subject property is located at #2-6380 Lakes Road (Attachment 1 and 2). This property is zoned Rural (A2) Zone and is not in the Agricultural Land Reserve. Set in a vineyard, property ownership is shared through a building strata and contains two detached single-family dwellings, a washhouse servicing the wedding venue and a detached barn structure. One dwelling, the barn and washhouse are owned by the applicant, while the second dwelling is owned by the second landowner who is not part of the TUP application. This strata ownership is a building strata arrangement where the structures are individually owned, and the land is shared in common between each owner in the form of limited common property and common property. (Attachment 3).

As the property is shared between two owners, the acknowledgement/authorization of both strata owners was supplied with this application. The extension has been requested because wedding events that were planned in 2020 were not possible due to the COVID-19 pandemic.

### Land Use Context

North:	Large lot rural zoning	A2 Zone
South:	Large lot rural zoning	A2 Zone
East:	Large lot rural zoning	A2 Zone / ALR
West:	Small lot rural zoning	R1 Zone



### Temporary Use Permit 00011

On August 23, 2018, Council issued a TUP, for a period of 18 months – with wedding operations to commence May 1, 2019, and cease on October 31, 2020. As the permit is due to expire, the applicants seek a one-time renewal. A copy of the original 2018 temporary use permit, including terms and conditions of the permit, is provided in Attachment 4.

### Proposal

The current TUP provides the applicants associated with Strata Lot 2 authorization to host weddings on a temporary and conditional basis.

Following the August 2018 issuance of the TUP by Council, the applicant has improved the property and renovated the barn interior to serve as a wedding event and reception venue with a capacity of 120 persons. They have constructed a separate wash-house building (through a building permit) to provide toilet facilities for wedding guests along with an additional food preparation area. The TUP limits the applicants to a maximum of 14 weddings between May 1, 2019, to October 31, 2020, and operational hours set from 8am - 12:00am.

The supplied on-site parking number is approximately 65 stalls with additional handicapped parking adjacent to the barn entrance (Attachment 4).

### **Discussion**

#### Temporary Use Permit TUP00011 (Attachment 8)

The applicants are requesting a one-year extension (October 31, 2020 – October 31, 2021) to their TUP application to permit 14 wedding events stating the impact of the COVID-19 pandemic has resulted in the cancellation of those weddings booked for the 2020 summer season (Attachment 5). A copy of the staff report for the original TUP application is provided in Attachment 6.

Several weddings and other events (including high school graduation celebrations, cookie decorating and Christmas wreath making workshops and baby showers) have been held within the original permit period. The five wedding events already held (viewed on the Oak and Vine Estates Facebook Page) would alter the number of events remaining under the permit from 14 to 9. The permit itself does not allow for uses other than weddings. Events held outside of weddings amount to a violation of the original terms of the permit for weddings only and as agreed to between the applicant and Council.

### Parking – Access and Egress

Parking, access and egress for wedding events has been organized and maintained on the applicant's property in accordance with the TUP.

### Washhouse

An accessory washhouse building was constructed to provide facilities for wedding guests. A wastewater treatment system services two toilets incorporated into the washhouse to accommodate up to 120 guests. The washhouse building was authorized by a building permit and is in compliance with Island Health regulations.

### Events Calendar

One condition of TUP00011 was that an events calendar be maintained on the Oak and Vine Estates Wedding Venue website so that that adjacent property owners and residents would have some advanced notice of wedding events. The events calendar was noted as absent through recent staff review but has been reinstated as of August 2020.

### Record of Complaints

A complaint has been filed with the Bylaw Compliance Department with allegations that weddings and other events (including high school graduation celebrations, cookie decorating and Christmas wreath making workshops, and baby showers) have been occurring on the subject property out of compliance with TUP00011.

In response to another complaint, Municipal staff investigated an illegal suite located within the second storey of the barn. The suite was, at the time, being advertised as accommodation for wedding packages. A confirmation has been received from the Building Department that the suite has been decommissioned as of August 2020 through a building permit and inspection process with the Municipality.

### Change of Building Use from Accessory Building to Assembly Use

The barn structure was originally constructed as an accessory building in 2006. In April 2018, a permit was obtained for a roof extension. Notes in the permit indicate that the applicant advised the building inspector during an inspection that the intention was to develop the barn as a wedding venue. At that time, the building inspector advised the applicant that a change of use permit would be required to upgrade the building use from an accessory building to an assembly occupancy use. The BC Building Code and North Cowichan's Building Bylaw require that building permits be obtained, and any necessary upgrades be undertaken to change the structure from an agricultural or accessory residential use to an assembly use. The permitting process ensures that requirements for health, safety and other code requirements are addressed.

Requirements for the permit and a professional architect's involvement are described in the September 13, 2019 correspondence to the applicants from the Chief Building Inspector (Attachment 7). This letter summarizes the discussion with the applicant detailing the requirement to convert the barn during the original TUP application with the Building Department and before the TUP issuance on August 23, 2018, by Council. Upon issuance of the August TUP the applicant was required to submit a building permit informed by an architect to convert the barn to assembly use from an agricultural building before being used for any events.

The Chief Building Inspector advises that the applicants are working to submit the Building Permit at the writing of this report. Prior to issuance of both a building permit and occupancy for assembly use, any use of the barn for weddings or other assembly uses is a violation of Building Bylaw No. 3172, including the weddings and events that have occurred in the barn to date.

### **Summary and Conclusion**

TUPs allow local governments to permit transient-type uses that are not expected to occur on the land indefinitely and allow uses to occur on a trial basis to see how compatible they are with surrounding land uses before considering them on a more permanent basis through a zoning amendment.

The investment that has occurred on the subject property to develop it as a wedding venue has been substantial but was made with the knowledge that the building permitting and use of the property for weddings would need to cease if the TUP is not extended. Staff are concerned that the investment made in the property to date has created an economic incentive or necessity for the owners to operate the business out of compliance with the TUP and that continued investment will further entrench what is meant to be a temporary use.

Since the TUP was issued in August of 2018, wedding events have been occurring on the property in violation of the terms and conditions of the TUP and building permit requirements.

The owners indicated intent to make efforts to bring the property into compliance when contacted by Municipal staff, and this has involved considerable investment of staff time. Most concerning is that weddings and other events have occurred within a structure that is not certified for public assembly use, and as a result, the health and safety of the public may have been put at risk. The owners may ultimately bring the property into compliance if the TUP is extended, but staff cannot give any assurance at this time as to how and when that would occur or if it will occur at all.

The applicant's stated rationale for requesting the TUP extension because of the COVID-19 pandemic is understandable. If not for neighbourhood disturbance (complaints) and building safety issues with the wedding venue's operation cited in this report, staff would be recommending approval of the extension. However, due to the history of non-compliance, the associated risks to the public, and impacts on neighbours, staff are compelled to recommend against the application.

## Communications and Engagement

Neighbouring properties within a 60m radius of the subject property have been notified of this application, as well as the date, time and location where Council will consider issuance of the TUP. An advertisement was also placed in the local newspaper. Correspondence received in response to the notification will be provided to Council before consideration of the application.

## Implications

Should Council deny the TUP extension, the wedding venue will be required to cease operation as the use is not permitted through the A2 zoning.

Should Council grant the TUP extension, use of the property for weddings would not be permitted until an building permit and occupancy permit are issued. Staff advise Council to approve this permit only on the condition that the applicant obtains assembly occupancy for the barn in the first three months of the permit extension. Any continuation of unauthorized use of the barn for public assembly is a bylaw enforcement issue. Failure to obtain occupancy will mean the complete collapse of the permit for holding weddings on the site.

## Options

### Recommended Option:

Option 1: That Temporary Use Permit Amendment Application TUP00022 (#2-6380 Lakes Road) to extend the term of Temporary Use Permit 00011 to October 31, 2021, be denied.

### Alternate Option:

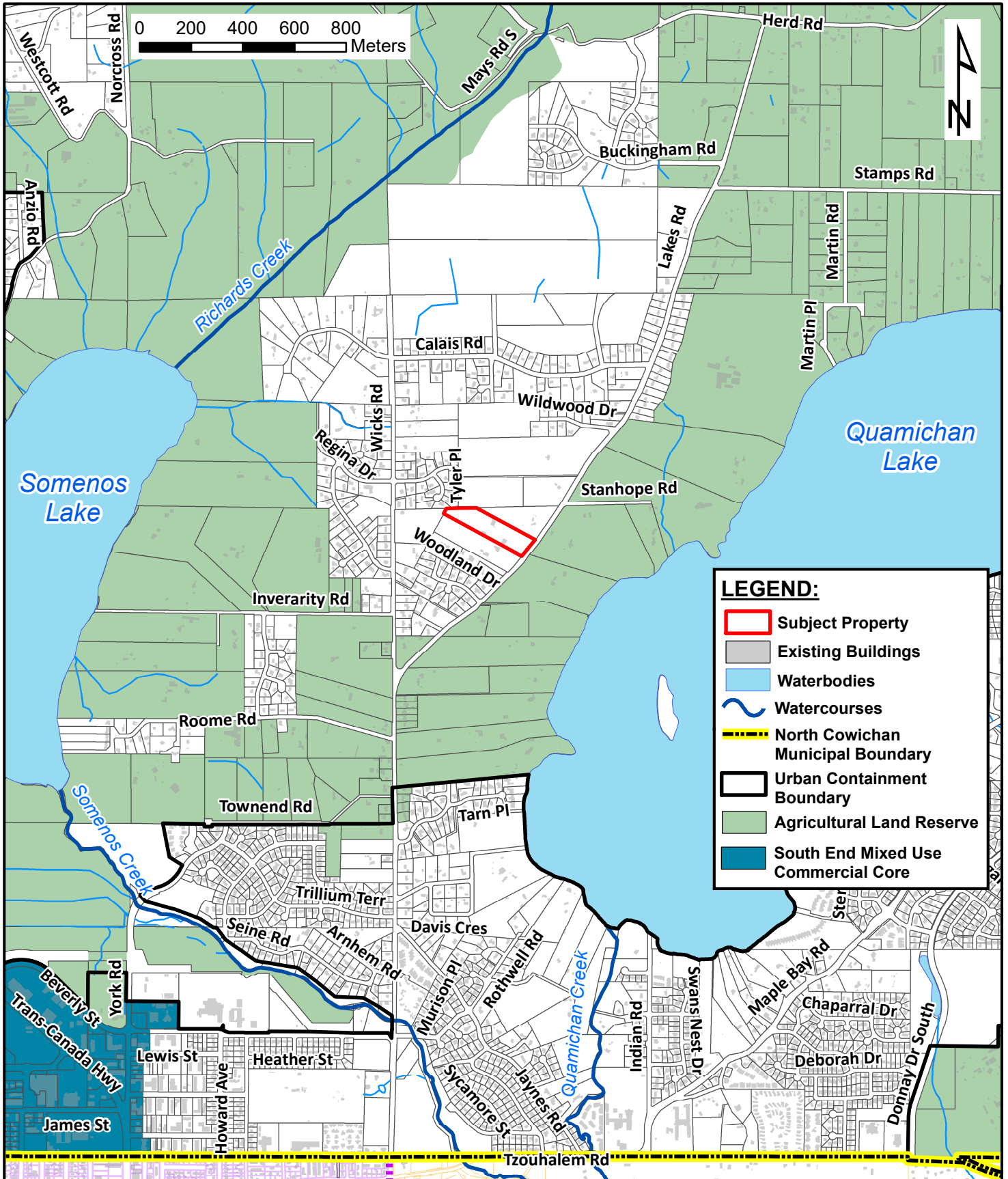
Option 2: That Temporary Use Permit Amendment Application TUP00022 (#2-6380 Lakes Road) to extend the term of Temporary Use Permit TUP00011 to October 31, 2021, be approved on the condition that the applicant obtains an occupancy permit for an assembly use by January 31, 2021.

## Recommendation

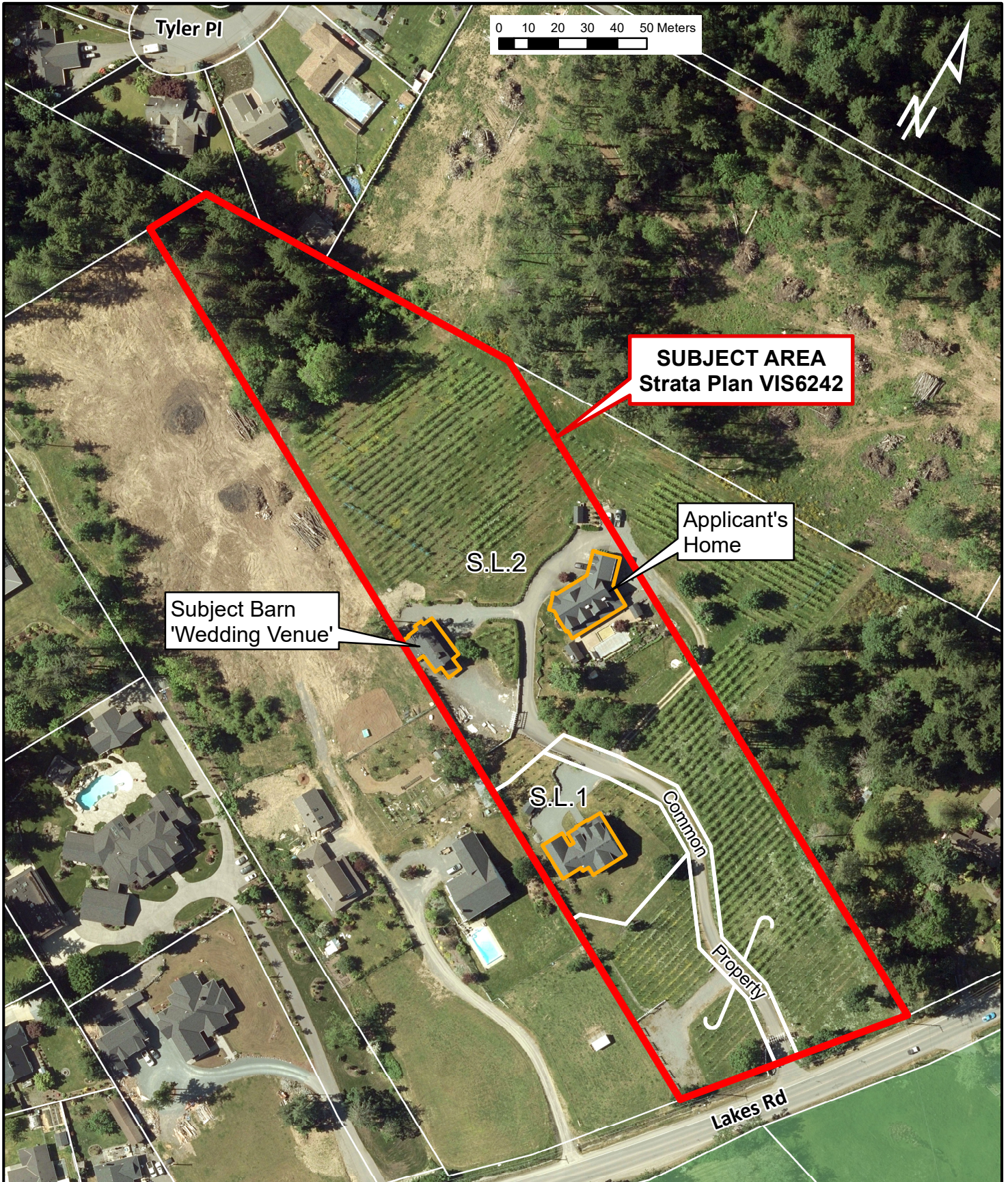
That Temporary Use Permit Amendment Application TUP00022 (#2-6380 Lakes Road) to extend the term of Temporary Use Permit 00011 to October 31, 2021, be denied.

### Attachments:

1. Location Map
2. Orthophoto
3. Strata Plan
4. Temporary Use Permit, issued August 23, 2018
5. Letter of Rationale
6. Original TUP Report
7. Letter from Chief Building Inspector dated September 13, 2019
8. Draft Temporary Use Permit Amendment







	<b>ORTHOPHOTO MAP</b>		DATE:	October 21, 2020
	( Orthophoto is from 2017 aerial photography)		TYPE:	Temporary Use Permit
	2-6380 Lakes Road		FILE#:	TUP00011







## Temporary Use Permit

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**Permit No:** TUP00011/18.04

**Registered Owner:** Cameron Woods

**Subject Property:** 2-6380 Lakes Road **Folio:** 05390 - 003

**Description of Land:**

Parcel Identifier: 027-013-944

Legal Description: Strata Lot 2, Section 3, Range 8, Somenos District, Strata Plan VIS6242 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V

**Proposal:** **Temporary Commercial Use for Wedding Venue**

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**Conditions of Permit:**

1. This permit is issued subject to compliance with all relevant Municipality of North Cowichan bylaws, except as specifically varied or supplemented by this Permit.
2. This permit applies to the lands described above, and any buildings, structures, and other development thereon (hereinafter called 'the Lands').
3. Pursuant to Section 493 of the *Local Government Act* (RSBC 2015, c. 1), this permit authorises the Lands to be used for a wedding venue for up to 14 weddings over a 18 month term commencing May 1, 2019 and ending October 31, 2020.
4. This permit will expire on October 31, 2020 at which time the right granted under this permit will cease.
5. This permit is not a building permit or a sign permit.

**Wedding /Events Venue**

6. The temporary wedding venue on the Lands, including parking, is limited to the areas identified on SCHEDULE 1 of this Temporary Use Permit.
7. Access to and egress from the Lands is limited to Lakes Road, as shown on SCHEDULE 2.
8. All parking is to be accommodated on-site as per the parking areas outlined in SCHEDULE 2.





9. Onsite parking for the event must be clearly marked, flagged and otherwise identified on the ground during the event.
10. The maximum number of persons permitted at any time on the property is restricted to 120 per event.
11. The hours of operation will be limited to between 8am and 12am for 'event' days.
12. A calendar of events including dates and times accessible to the public is to be maintained on the business website
13. Onsite sewage collection must be accommodated using either event designated washroom facilities (supported by septic disposal fields), 'porta-potties' or some combination thereof. Onsite sewage generated by 'porta potties' must be disposed of at a disposal location and facility designed and approved for that purpose.
14. All refuse generated from the event must be removed from the Lands immediately after the event.
15. Signage associated with the event must be maintained on-site in compliance with the Municipal Sign Bylaw.

**Date of Temporary Use Permit Approval/Issue by Council or its Delegate:**

This permit was approved **August 15, 2018** and issued on **August 23, 2018**

This permit expires on **October 31, 2020.**

The Corporation of the District of North Cowichan



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**Designated Municipal Officer**

## Site Plan – Midway Event

## Parking Areas



# OAK & VINE

ESTATE . EST . 2015

June 3, 2020

Dear Mayor and Council,

On August 15th, 2018 we presented to council our proposal for a Temporary Use Permit to use our land and vineyard as a commercial wedding venue. We were granted an 18 month permit to operate from May 1st, 2019 to October 31st 2020 with 14 weddings able to commence during that time.

Upon receiving our permit we started the long process of renovating the existing structure on our property to act as a reception space. With every step of the way we worked with an architect to ensure all building, fire, assembly, and handicap codes were adhered to. Extensive soundproofing measures were also put into place. We carefully planned every detail to make this space unlike any other wedding venue in British Columbia.

Our beautiful all white barn combined with our lush green vineyard, expansive views of Mt Prevost, Quamichan Lake, and Mt Tzouhalem make this venue the perfect spot for any couple to celebrate their union. With 17 years experience in the wedding industry we were able to use the knowledge we've gained from working over 500 weddings to anticipate issues that could happen at a wedding venue and take steps to remedy them before they even occur. We are confident we have taken every precaution necessary to build a structure that meets not only North Cowichan Municipality regulations, but will also please the apprehensions of any community members.



Here at Oak & Vine Estate our weddings have a strict end time of 11:00pm to adhere to North Cowichan Municipal bylaws. All guests must vacate the property by 12:00pm. After 9pm all doors on our venue are shut to restrict sound travel. DJ's must not increase music over 90db inside the venue space, which we monitor with a decibel reader during the

reception. A maximum of 90 attendees are permitted at the venue, which is considered on the smaller side for wedding gatherings.

During the 2019 wedding booking season we were in the middle of our construction period which created difficulties attaining any wedding booking as our venue was not completed during tours. Therefore, only 2 weddings took place during the 2019 wedding season with the remaining

permitted weddings booked for 2020. These 2 weddings were very successful with amazing feedback from our clients and also our surrounding neighbourhood. As you are aware, on March 11, 2020 a worldwide pandemic was declared. With travel bans in place and event gathering restrictions we currently have had 10 of our 12 weddings booked for the 2020 season postpone



to the 2021 summer season. This of course has created a serious predicament as our current permit does not extend to that timeframe. We went from being very excited to finally see weddings happen at our business we've worked so hard to open, to our books and revenue being cleared for the entire year. Financially and emotionally, this has been devastating. If these weddings should have to cancel due to our business not having an active permit, it would not only effect our business, but would also be detrimental to the many local vendors hired for each wedding, the multiple local hotels booked for guest accommodations, and would be crushing to the couple who envisioned their wedding day at our establishment.

Since we are only able to renew our Temporary Use Permit one time before applying for a permanent zoning amendment, we do not feel it is the best course of action to use our one renewal to host the same weddings that were previously approved by council for our existing permit. Our current TUP was a very lengthy and expensive process and it's



extremely upsetting to not be able to use it due to circumstances out of our control. We are asking for an extension of one year to our current permit to be able to operate and host these previously permitted weddings.



This business is not just a business to us, but is also a dream come true and a goal achieved. In only 6 months time from the completion of our reception space, we were featured in the international wedding magazines WedLuxe and Rocky Mountain Bride. Along with other local wedding venues we are putting the Valley on the map as a destination wedding location. Sadly, two Cowichan Valley wedding venues have already succumbed to the hardships of the pandemic and have closed their doors forever. Please help us keep our business and our dream alive by allowing us to continue to operate under the terms that we were originally approved for.

Sincerely yours,

Masika and Cameron Woods



# Report

Date	July 24, 2018	Prospero No. TUP000011
To	Council	Folio No. 05390-003
From	Glenn Morris, Development Planning Coordinator	File No. 4520-35 18.04
Subject	Temporary Use Permit Application No. TUP00011 for 2 – 6380 Lakes Road	

## Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding an application for a Temporary Use Permit to add the use of wedding venue for the subject property.

## Background

### Property Details:

The 2.47 ha (6.1 acre) subject property is located at no. 2-6380 Lakes Road **(see Appendices 1,2,3 and 4)** This property is zoned Rural Zone A2 and is not in the Agricultural Land Reserve ALR. Set in a vineyard, property ownership is shared through a building strata and contains two detached single family dwellings and one detached barn structure. Each dwelling and the one barn are independently owned while the land is shared in common between each owner in the form of limited common property LCP and common property CP. Strata lot 2 represents the applicant's home and barn intended for the wedding / events venue. Strata lot 1 represents the dwelling and second owner sharing the strata.

As the property is shared, the acknowledgement / authorization of both strata owners was supplied with this application.

### Land Use Context

North:	Large lot rural zoning	A2 Zone
South:	Large lot rural zoning	A2 Zone
East:	Large lot rural zoning	A2 Zone / ALR
West:	Small lot rural zoning	R1 Zone

### Proposal

The applicant proposes to utilize their portion of the shared property associated with the home (part strata lot 2), barn (part strata lot 2), both within (limited common property – strata lot 2) for the purpose of hosting weddings.



The intent is to renovate and soundproof the barn interior to serve as a wedding event and reception venue with a capacity of 120 persons **(see Appendix 5 – Barn Plan)**. Event projections supplied by the applicant at this time are limited to 14 weddings per season (summer months) with operational hours capped at 12:00am **(see Appendix 7 - letter of rationale)**.

Events planned for the winter months are smaller in scale and include photography shoots and floral workshops. The supplied on-site parking number approximately 65 stalls with additional handicapped parking adjacent the barn entrance. **(Appendix 6 – parking area)**.

## Discussion

### Temporary Use Permit

Appendix 6) c) of the Official Community Plan OCP permits a temporary non-agricultural use on agricultural land as a means of supplementing farm incomes. Before issuance of the permit Council must be satisfied that the temporary use:

- b) will not adversely affect adjacent or surrounding properties, public streets or public spaces by creating pollution, odour, noise, light, screening, traffic, parking or loading problems;
- c) will not give the permit holder a competitive advantage over similar businesses already operating in locations where the use is permitted;
- d) can be mitigated, and the land returned to a condition that permits future uses; and
- e) for rural areas, is temporary in nature.

The A2 zoning does not permit the use of a wedding venue. The applicant wishes to proceed with a TUP which if granted is valid for a period of time not to exceed three years. The TUP will offer the opportunity for the applicant to demonstrate the long term suitability of a wedding / events venue for this property and provide for operational fixes when and as needed **(see Appendix 8 – site photos and Appendix 9 – Temporary Use Permit)**.

It must be understood by all parties that Municipal Bylaws will be observed at all times (for example noise bylaw) and upon expiry of the TUP application (if granted) that operation as a wedding and events venue will cease unless:

- Extended by a second TUP application granted by Council for a period of time not to exceed three years,
- Permitted as a permanent use through a successful zoning amendment application.

## Options

The following options are available to Council:

### Recommended Option:

**Option 1:** Approve a temporary use permit for use as a wedding and events venue for a 16 month term not to exceed 14 events per year and 120 persons per event.

Other Options:

**Option 2:** Approve a temporary use permit for use as a wedding and events venue for a period of time decided by Council, for a maximum of a three-year term not to exceed 14 events per year and 120 persons per event.

**Option 3:** Not approve a temporary use permit for the use as a wedding and events venue.

**Implications**

Implications of the recommended option:

*Regional* – None

*Personnel* – None

*Interdepartmental* – None

*Environmental* – None

*Social*

Should Council choose to approve the Temporary Use Permit, the applicant will be permitted to host weddings and events within the barn and on their portion of the property (part LCP2, SL2 and CP).

The Official Community Plan OCP states that a temporary use permit may be issued for temporary uses not otherwise permitted within the Zoning Bylaw, provided Council is satisfied that the temporary use will not adversely affect surrounding residential properties, public streets or public spaces with for example noise, odour, pollution, light, parking or traffic problems etc. and that the land may be returned to conditions that permits future use.

Staff are supportive of the proposal as the applicant will be given the opportunity to demonstrate the operational compatibility of the proposed use for the location, test the viability of a new business and make adjustments when and as needed should negative effects be noted by the community.

The Temporary Use Permit may be extended by Council through the request of the applicants for a period of time not to exceed three years.

*Financial* – None

**Communications and Engagement**

Neighbouring properties within a 60 m radius of the subject property have been notified of this application, as well as the date, time and location where Council will consider issuance of the Temporary Use Permit. An advertisement was also placed in an issue of the local newspaper.

## Recommendation

That Council issue Temporary Use Permit No. TUP00011 to Cameron Woods and Masika Allan, for number 2-6380 Lakes Road, for the use of their property and barn as a wedding and events venue, for a temporary 16 month term not to exceed 14 events per year and 120 persons per event.

### Appendices:

1. Location Map
2. Orthophoto
3. Zoning Map
4. Strata Common Property Plan
5. Barn Plan
6. Parking Area
7. Rationale Letter
8. Site Photos
9. Temporary Use Permit

September 13, 2019

Folio No: 05390-003

File No: CIB00636

WOODS, CAMERON C  
2-6380 LAKES RD  
DUNCAN BC V9L 5V6

Dear Mr. Woods

**Re: 2 6380 LAKES RD  
LT 2 SEC 3 RGE 8 SOM PL VIS6242**

As mentioned on our site meeting September 06, 2019 I have completed a review of all files related to your accessory building. The review is to determine how to proceed with the conversion of the building to an A-2 Occupancy.

There are four files related to the building.

1. **2006 - Building Permit** a building permit for the accessory building/barn had been, issued, built and completed.
2. **2015 - Compliance File** (CIB00185) in 2015 due to a compliance inspection, it was determined that the upper floor of the accessory building/barn had been converted without a building permit into a dwelling. The building was then non-compliant with the zoning bylaw and had to be decommissioned by fully removing the kitchen. The kitchen was then fully removed and witnessed by the inspector at that time. A building contravention notice was registered on the property title for the work that had been completed without a building permit and the file closed.
3. **April 2018 - Temporary Use Permit** I reviewed the Temporary Use Permit TUP00011 for the purpose of holding weddings. The file contains documents including emails that detailed discussions regarding the building permit required, that also discussed an Architectural design and supervision to convert the barn to assembly occupancy. Included in the emails, was a code review from the Architect provided by Cameron. The code review states that the proposed use will be Assembly on the main floor with washroom and office space (not public) on the upper floor to provide office space for the business.

4. **April 2018 - Building Permit** I reviewed an active building permit file for the addition of a roof extension to the accessory building/barn. A document in the file states that it was explained that the permit only pertained to the roof extension and that a permit would be required for the proposed assembly use of the building, including Architectural design and supervision.

### **To conclude**

There is no building permit for the changes to the building other than the roof extension.

The building at this time contains a kitchen and is non-compliant with the zoning bylaw, removal of the kitchen is required to bring the building into compliance. A building permit will be required for the removal of the newly added second storey kitchen. This is the same requirement as per the order to decommission in December 2015. (I can provide a copy of the document for clarity if needed)

### **For the approval of A-2 Assembly occupancy**

A Building permit is required for the conversion from accessory building/barn to A-2 Assembly Occupancy including Architectural design and supervision.

Note: At the time of the temporary use permit process, the upper floor was proposed in the submitted Architect's code review, as office space. If you intend to provide sleeping accommodation in the upper floor area, please provide that information as part of your building permit design drawings.

I have attachment, building permit application and building permit guide. The forms are also available on our web site.

Feel free to contact me if you have any questions.

Sincerely,



Lane Killick  
Chief Building Inspector  
Development & Engineering Services Division | Building Department

ec: Rob Conway, Director, Planning  
Glenn Morris, Development Planning Coordinator  
Tim Byron, Building Inspector

## Temporary Use Permit

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**Permit No:** TUP00011/18.04

**Registered Owner:** Cameron Woods

**Subject Property:** 2-6380 Lakes Road **Folio:** 05390 - 003

**Description of Land:**

Parcel Identifier: 027-013-944

Legal Description: Strata Lot 2, Section 3, Range 8, Somenos District, Strata Plan VIS6242 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V

**Proposal:** **To Amend Temporary Use Permit No. TUP00011 by changing the expiry date to October 31, 2021 and the terms and conditions.**

---

**Conditions of Permit:**

1. This permit is issued subject to compliance with all relevant Municipality of North Cowichan bylaws, except as specifically varied or supplemented by this Permit.
2. This permit applies to the lands described above, and any buildings, structures, (with the express exception of the Barn Reception Building prior to occupancy) and other development thereon (hereinafter called 'the Lands').
3. Pursuant to Section 493 of the *Local Government Act* (RSBC 2015, c. 1), the lands shall be used in accordance with the **Temporary Use Permit No. TUP00011** issued on **August 23, 2018 (CA701784)** except as amended to:
  - a. extend the expiry date until October 31, 2021,
  - b. prohibit use of the Barn Wedding Reception Building unless and until occupancy has been granted for assembly use by the North Cowichan Building Inspection Department,
  - c. allow the Lands to be used for a wedding venue for up to 9 weddings until permit expiry on October 31, 2021.

**Date of Temporary Use Permit Approval/Issue by Council or its Delegate:**

This permit was approved **date of approval** and issued on **date issued**.

This permit expires on **October 31, 2021**.

The Corporation of the District of North Cowichan

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**Designated Municipal Officer**

# Report

Date October 21, 2020

File:

To Council

From Dave Preikshot, Senior Environmental Specialist

Endorsed:



Subject Climate Action and Energy Plan (CAEP) Modelling Update

## Purpose

To seek direction from Council regarding proceeding with modelling the economic aspects of emissions reductions for updating the CAEP.

## Background

The CAEP modelling update was initiated in the summer of 2019. Staff and consultants from Sustainability Solutions Group (SSG) began working on developing assumptions and parameters for estimating emissions in 2020 and forecasting trajectories based on three scenarios:

- Business as Planned (BAP) (previously referred to as 'Business as Usual' in the original CAEP) is the assumption that emissions patterns for the Municipality remain relatively stable and are only affected by changes in population and expected changes in technology.
- CleanBC, which assumes that only changes within provincial CleanBC program standards are applied to emissions.
- Low Carbon (L.C.) which assumes that all feasible modifications are made to community emissions sectors, in addition to those anticipated to federal and provincial policy to achieve 80% reductions of 2007 baseline emissions by 2050.

The target for emissions reductions in the L.C. scenario was based on the goal adopted by Council on January 20, 2020, which directed 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."*

As part of the CAEP modelling update, staff and SSG held an extensive public engagement period in which the community was asked to review and comment on model assumptions and data. This engagement began with a comprehensive review by environmental organizations, stewardship groups, the business community, other local governments and First Nations. After getting feedback from these groups, staff and SSG updated the model assumptions and parameters to reflect concerns and take advantage of specific and high-quality local knowledge.



## Discussion

In presentations to the public, both staff and our consultant have focused on the BAP and L.C. scenarios. The main motivation behind providing contrasting scenarios is to focus on the scale of changes necessary to meet our carbon reduction target.

Staff and SSG also have results from the CleanBC scenario, but the difference between its projection and the BAP scenario was relatively modest. We decided to present the contrast of the BAP and L.C. scenarios as a more informative way to examine policy choices in presentations to Council and the public. Results from all three scenarios will be presented in the final CAEP update report.

Public consultation on emissions modelling demonstrated an overall acceptance of the methodology. Several suggestions from the public were incorporated in the model to improve assumptions regarding likely population and housing growth, to better consider the degree of compact growth required in the low carbon scenario, to better highlight carbon sequestration options, and to be more explicit about land use policies that may arise from the emissions analysis.

Public consultation and feedback from Council have shown that there remains some concern over four matters in particular:

- The public believes that the presentation of two scenarios representing pessimistic and optimistic assumptions are insufficient.
- The public believes that the assumptions regarding the uptake of electric vehicles by the community are too optimistic.
- The public believes that including the agricultural and small-scale industry in emissions estimates is inappropriate.
- The public is concerned that land use is not sufficiently prominent when accounting for emissions.

As described above, there has been some discussion on the potential of modelling alternative emissions scenarios. For example, many municipalities are adopting the new Paris Agreement target of net-zero by 2050 or a carbon budget target, which is typically net-zero by 2030 to 2035. While such explorations are possible, modelling more complex policy mixes will require significantly more time and resources on parameter development. However, the original terms of reference of the CAEP update were to remodel the three scenarios from the original CAEP. Our consultant, SSG, has been working with a budget and timeline to achieve that goal. Therefore, modelling any further scenarios will require a separate modelling contract and a separate process to identify scenarios for modelling.

We also received feedback that people were surprised that small scale industry and agriculture are now included in our emissions estimates. Emissions from these sectors are now included because they are considered to be in scope following the best practices of professionals in the emissions tracking community. The emissions accounting in the new CAEP adheres to the Global Protocol being used by countries, including Canada, which have signed on to the Paris Accord.

The agricultural and resource based history of North Cowichan has contributed significantly to our economy and is now part of our emissions accounting mandate. Concerns have been raised that recognition of agricultural and small scale industrial emissions might detract from our commitments to policies developed under the original CAEP or diminish our attention regarding emissions in other sectors. Staff's position on this assertion is that we need to have a full accounting of our emissions, and it is entirely appropriate to consider such emission sources.

Staff emphasized that the new modelling in no way detracts from the value of policies developed under the original CAEP. The recognition of other emissions sectors improves the quality of the modelling by allowing us to account for all emissions within our community and the scale of emissions reductions required for those sectors. The challenge of reducing emissions in small scale industry and agriculture will be met by working with federal, provincial and First Nations partners. North Cowichan will be able to make a far more compelling case for partnerships if we have our information in order and a clear plan to attain emissions reductions.

Many of our housing policies have a surprisingly small effect on emissions due to the size of the existing house stock relative to our housing stock's expected growth over the next 30 years. Further, there are limited opportunities to achieve emissions reductions with our housing stock due to the prevalence of electric heating (hydro power has a low emissions factor, being a renewable energy source).

Through the modelling, we also found that transportation emissions are heavily influenced by the thousands of trips per day made by North Cowichan citizens to jobs, shopping and recreational destinations in Victoria and Nanaimo. These trips are not readily addressed by residential land use changes within North Cowichan.

The combination of low housing emissions with high vehicular emissions is atypical compared to other B.C. municipalities. It is the single largest contributor to the small effect that housing and land use appears to have on emissions forecasts under any scenario. While there are many co-benefits associated with reducing the areas where future growth can occur, it does not have a large impact on the community's emissions due to the reasons noted above.

## Options

Option 1 (Recommended): That Council direct staff to proceed with modelling the costs and benefits of various greenhouse gas emissions reduction initiatives identified to-date and report back to Council with the results.

Option 2: That Council direct staff to have consultants create a third scenario, with a more modest emissions reduction goal and more moderate assumptions regarding E.V. uptake, reductions in industrial emissions and development in the urban containment boundary, and that Council direct staff to obtain a cost estimate to develop and run this scenario. Upon completion of this scenario staff would commence modelling costs and benefit scenarios of carbon emissions reduction strategies

Option3: That Council provide alternate emissions reductions scenario(s) for staff and that Council direct staff to obtain a cost estimate to develop and run these scenario(s).

## Implications

- Given that the LC and BAP spectrum of emissions have been set, the costs and benefits of all policy options can now be fully examined. This will not limit the information regarding the viability of policies and implementation actions.
- Creating more scenarios with various policy mixes could lead to confusion about the effect of specific policies under specific scenarios.
- Creating weaker targets may limit community resolve to pursue ambitious policies.
- Developing and parameterizing new scenarios will require additional funding for modelling. This will likely require several months and have a significant cost. Pursuing more modelling scenarios also assumes that consulting firms will be immediately available for additional work.
- One of the business reasons which contributed to Council's decision to rewrite the Official Community Plan (OCP) is the misalignment between the 2011 OCP and the 2013 CAEP. A delay in developing and parameterizing new scenarios will delay the OCP project's timeline, as the remodelled CAEP will inform OCP policy development.
- An unintended consequence of developing and parameterizing new scenarios will be that environmental services staff resources will continue to be allocated to an expanded scope CAEP remodel. This will detract from staff capacity to focus on other environmental priorities of Council.
- New emissions reductions scenarios may add detail to our analysis of policy options but will not likely improve our ability to assess different results from any policy choices either in total emissions or the cost/benefit analysis.

## Recommendation

That Council direct staff to proceed with modelling the costs and benefits of various greenhouse gas emissions reduction initiatives identified to-date and report back to Council with the results.

# Report

Date October 21, 2020

File:

To Council

From Tricia Mayea, Deputy Corporate Officer

Endorsed:



Subject Committee of the Whole Recommendation

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## Purpose

To consider the recommendation from the October 13, 2020 Committee of the Whole meeting regarding Inclusion.

## Background

The Committee of the Whole met virtually on October 13, 2020, where they participated in an Inclusion Workshop to clarify Council's vision for an inclusive community before adopting the following motion:

IT WAS MOVED AND SEONDED:

That staff be directed to include an update on diversity and inclusion in the Council Strategic Plan quarterly reporting.

## Recommendation

That staff be directed to include an update on diversity and inclusion in the Council Strategic Plan quarterly reporting.

Attachment: Diversity and Inclusion Workshopt

# Inclusion Workshop

Committee of the Whole  
October 13, 2020



# Workshop Objectives

1. Explore the high-level meaning of inclusion (and related concepts) generally, and in the context of local government;
2. Reflect on the current state of inclusion in North Cowichan;
3. Consider what types of new initiatives could be undertaken at North Cowichan;
4. Help Council unpack their collective thinking and discuss practical implications of any potential direction to staff on initiatives toward inclusion; and,
5. Create an opportunity for CoW to make a decision respecting any potential future inclusion initiatives, or direction to staff, if desired.

# Background

Why are we here?



# Notice of Motion – July 15, 2020

Purpose statement from July 15, 2020 Council Agenda:

*Councillor Justice gave notice he intends to bring forward a motion to consider issues of inclusion, in particular how to foster a culture of inclusion and respect and establish responsibilities for diversity and equality in the corporation and consider what we might be able to do with respect to fostering the same in the community with the goal that North Cowichan is welcoming to all.*

# Council Motion – August 19, 2020

That Council resolves:

1. *As part of 2021 business planning, staff consider what may be further required to achieve Council's vision for an inclusive community and,*
2. *Toward that end, that a Committee of the Whole be scheduled for the fall of 2020 to clarify Council's vision for an inclusive community and,*
3. *That staff report back to Council with a proposal in early 2021.*

# Business Planning

- Staff are in the midst of finalizing draft 2021 budgets and business plans for presentation to Council and the public in November
  - *At this juncture Council may wish to:*
    - Provide staff with direction at the conclusion of today's workshop to ensure consideration of new work in the 2021 budgets and business plans; or,
    - Ask staff to return with a proposal in early 2021 based on the discussion today.
- A decision today drives alignment with resource allocation decisions

# Strategic Alignment

## Council's 2018-2022 Vision Statement

"Council will act to maintain and strengthen 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."



# Strategic Alignment

- **Community** is a strategic priority in the 2018-2022 Council Strategic Plan.
- The plan defines community as “We have safe *inclusive* and inspiring neighborhoods.”
- The majority of strategic projects directed by Council under this pillar look to achieve this priority through current and long-range land-use planning and development-focused activities.



# Strategic Alignment (Continued)

- The projects identified in Council's plan to support achievement of the **Community** strategic priority include:

Rewrite the OCP	Update the Subdivision Bylaw
Renew the Zoning Bylaw	Improve pedestrian safety on Boys Road
Encourage appropriate development charges/amenities	Incent growth close to the existing core
Lobby Province to locate offices in North Cowichan	Review need for a heritage protection policy

# Terminology and Concepts

## Introduction

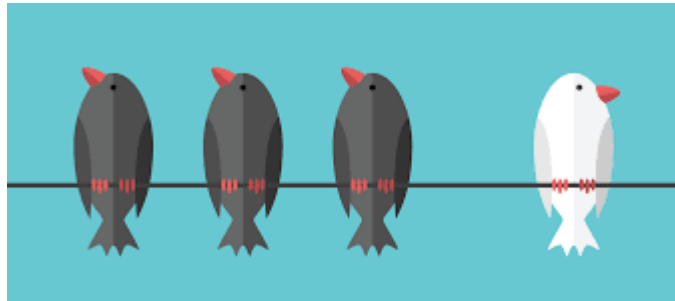


# Discrimination



*"Discrimination refers to bad treatment based on a characteristic like race."*

—Words and Phrases Used in Human Rights, BC Human Rights Tribunal



# Prohibited grounds for discrimination under the BC Human Rights Code

*Race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity, gender expression, age of a person or class of persons.*



# Diversity

*"The unique and varied backgrounds and characteristics of individuals. This may include race, ethnicity, age, Indigeneity, sex, gender, sexual orientation, religion, ability and lived experience."*

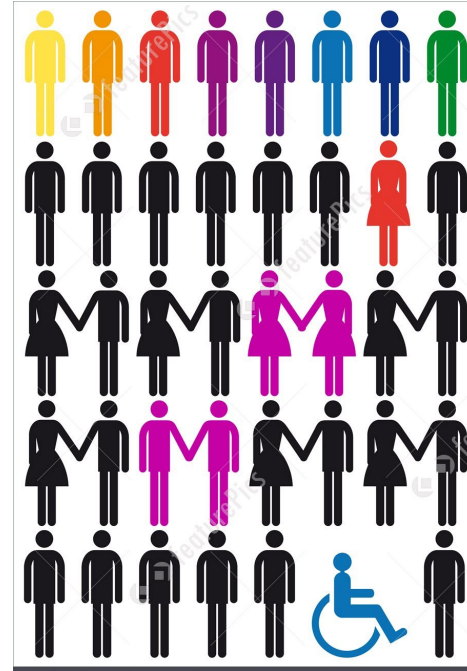
—@Work and BC's Framework for Accessibility Legislation, Government of British Columbia



# Inclusion

*"...making sure that all children and adults are able to participate as valued, respected and contributing members of society. It is about closing physical, social and economic distances separating people, rather than about eliminating boundaries or barriers between us and them."*

–Laidlaw Foundation, Study on Immigrant Settlement and Social Inclusion, 2010



# Indigenous Cultural Safety

*"Cultural safety is about fostering a climate where the **unique** history of Indigenous peoples is recognized and respected in order to provide appropriate care and services in an equitable and safe way, without discrimination."*

– San'yas Indigenous Cultural Safety Training, Provincial Health Services Authority in BC



# Inclusion in North Cowichan

# Are we a diverse community?

- Age Diversity
  - 0-14 years- 14.6%
  - 15-64 years- 60.4%
  - 65+ years- 24.9%
- Language Most Spoken at Home
  - English- 97.2%
  - French- 0.2%
  - Non-official languages-2.6%
- Aboriginal Population
  - Aboriginal Identity- 8.2%
  - Non-Aboriginal Identity- 91.8%
- Visible Minority Population
  - Visible Minority- 7.1%
  - Non-Visible Minority- 92.9%



-Census Profile, 2016 Census



# Are we a diverse organization?

- Proudly diverse Council!
- Staff Diversity (as of June 2020)

- *Gender Diversity*

- Male- 59%
- Female- 41%

- *Age Diversity*

- Under 25 years- 13.6%
- 25-39 years- 22.5%
- 40-54 years- 37.0%
- 55-64 years- 22.3%
- 65+ years- 4.6%

- *Family Status*

- Single- 4.6%
- Family- 39.5%
- Unknown- 55.9%



# Are we inclusive?

- Even harder to “know” or measure....

What can local governments do to promote inclusion?



# What is North Cowichan already doing to foster inclusion?

## Bylaw and policy work

- Respectful Spaces Bylaw (first three readings)
- Council Remuneration Bylaw Amendment (first three readings)
- Council Standards of Conduct Policy
- Council Oath of Office
- Staff Standards of Conduct Policy

## Grow resident, Council and staff competency

- Diversity and Inclusion Training for staff planned for 2021 (carried forward from 2020 due to COVID-19)
- Mandatory Standards of Conduct e-learning course for all staff at hire

# What is North Cowichan already doing to foster inclusion? (continued)

## **Support community groups supporting inclusion**

Grants-in-aid to:

- Cowichan Neighbourhood House Association
- Cowichan Valley Intercultural and Immigrant Aid Society
- Red Willow Womyn's Society
- Clement Centre Society
- Crofton Seniors Society
- Cowichan Volunteer Society

## **Create inclusive and accessible public spaces**

- Council Flag Policy
- Support for James Street Pride Crosswalk
- Municipal Facilities Capital Planning (accessibility)
- IT Capital Planning (accessibility)



# What is North Cowichan already doing to foster inclusion? (continued)

## Create inclusive and accessible recreation facilities

- Endorsement of the Rick Hanson Foundation to perform an inclusion audit on accessibility. Incorporating the recommendation in the Capital Budgets annually
- Fees & Changes Bylaw to support greater access to the CAC for the Cowichan Tribes family
- Universal Change rooms at the CAC for all to access. The latest renovation added a second fully-equipped change/shower area for persons with disabilities
- 2021 Capital Budget request for a Universal Change room area at The Fuller Lake Arena
- The Crofton Outdoor Pool has had three years of minor capital work done, including improved accessibility through ramps into the facility, as well as a change room re-design

# What is North Cowichan already doing to foster inclusion? (continued)

## **Communicate Council, organization support and belief**

- Review of Council Proclamations practices
- Council Strategic Plan priority to: develop strong relationship with Indigenous Peoples
- Established First Nations Relations Committee
- Joint Council Meetings with Cowichan Tribes

## **Community events, communications and engagement**

- Social Media coverage of Orange Shirt Day and Pink Shirt Day
- Social Media Coverage of Pride Flag Raising at the CAC
- Building inclusion into the Public Engagement Framework (in development)
- Reaching out to diverse stakeholder groups to ensure engagement with all peoples

# What is North Cowichan already doing to foster inclusion? (continued)

## Indigenous cultural safety

- 47 employees completed *"Understanding the Village"* training facilitated by Social Planning Cowichan in 2014, and approximately 30 additional staff members completed this training in 2018
- Council Members and senior staff took Hul'qumi'num language training
- Tribes Elders' Luncheon
- Acknowledgement of Traditional First Nations Territories at Council meetings

## Recruitment and retention

- Human Resources Policy Audit
- Corporate value of Inclusion: *"Our behaviours and actions foster a culture where all staff feel accepted, welcome and safe..."* (2019-2022 Operational Strategic Plan)
- Employee Performance Planning goals aligned with corporate value of inclusion

# General COW Discussion



# Discussion Questions

- How does this work already underway align or not align with Council's vision for an inclusive community?
- What do you think of the work already completed and/or underway toward inclusion?
- What gaps are urgent to address?
- What gaps are important but not urgent?
- What are we missing to round out our work to support inclusion in North Cowichan?

# Considering Potential Staff Direction

- Would Committee of the Whole like to give direction in relation to preparation of 2021 budgets and business plans?
  - *Will work through a series of discussion questions designed to help Council answer this question.*



What might Committee of the Whole like to direct staff to do toward fostering inclusion in North Cowichan?

What are Committee of the Whole's timeline expectations for this work? 2021? 2022 and beyond? Leave it open-ended for staff to recommend timelines?

What is Committee of the Whole prepared to support for supplementary budget required to undertake this work (if any)?

# How could this work be prioritized in relation to other 2021/2022 Council priorities?

- What seems like less of a priority in comparison to inclusion given the events of 2020 (versus late 2018/early 2019)?
- What, if any, work would staff be authorized to defer to 2022 and beyond?

# Potential CoW Decision?

- Opportunity for CoW to craft a motion based on the previous discussion if desired.

# Report

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Date            October 21, 2020  
To                Council  
From            Tricia Mayea, Deputy Corporate Officer  
Subject         Committee of the Whole Recommendation

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File:

Endorsed:



## Purpose

To consider the recommendation from the October 13, 2020 Committee of the Whole meeting regarding Public Input on Agendas.

## Background

The Committee of the Whole met virtually on October 13, 2020, where they discussed the administration of the Public Input portion of the agenda during WebEx online meetings, before adopting the following motions:

IT WAS MOVED AND SECONDED:

That Council will only take formal public input on agenda items up until noon on the day before the meeting for the duration of COVID related meetings.

IT WAS MOVED AND SECONDED:

That Council continue the present public input practice - that Council will be assumed to have read the public input and that there is no need for a staff summary during the public input portion of the agenda.

## Recommendations

1. That Council will only take formal public input on agenda items up until noon on the day before the meeting for the duration of COVID related meetings.
2. That Council continue the present public input practice - that Council will be assumed to have read the public input and that there is no need for a staff summary during the public input portion of the agenda.

Attachment:     None.



## Council Member Motion

Notice given on: Wednesday, October 7, 2020

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Meeting Date      Wednesday, October 21, 2020  
From                Councillor Justice  
Subject             Reinstating an Environmental Advisory Committee

---

### Background

In July 2018 (just a few months before the municipal election), an all day facilitated retreat was held to consider the CAEP remodelling and to reflect on and determine the optimal role and scope for the Environmental Advisory Committee (EAC) going into the future. The session included members of the EAC, relevant staff, and five out of seven members of the previous council.

After considerable reflection and discussion, it was recognised that the EAC should have a key role in helping Council develop and integrate practical CAEP policies and programs through both the pending CAEP and OCP processes. It was further recognised that the EAC mandate could, if the new council thought it appropriate, extend beyond the CAEP to include natural areas, watershed protection, air quality, climate adaptation and so on, if and when directed. Specifically, the minutes show that the group concluded the EAC should do the following:

- Respond to requests of Council regrading CAEP-related matters
- Assess and report on CAEP implementation to Council
- Recommend CAEP programs and projects (with a business case) to Council
- Develop and monitor CAEP success indicators and reduction targets
- Suggest areas to Council for CAEP-related policy development
- Prepare CAEP-related policies as requested for Council consideration

In general terms, an EAC would aid the process of effective and efficient governance in two main ways: 1) making available the resources of expertise, specialised environmental knowledge and insight available in the community to complement the judgment of the council and professional staff and; 2) providing more available forums and opportunities for community engagement, including opportunity for deeper reflection than is allowed by traditional community engagement processes or presentations to Council, assisting staff in preparing broader community engagements, assisting staff and Council in the anticipation and resolution of environmental conflict, and assisting in enhancing community awareness of environmental issues.

We are now at the end of a two year experiment governing the community without an EAC. We have arguably suffered without one, both in terms of the breadth of ideas that might have been brought to bear on a variety of files and in missing the perspective that comes from intimate knowledge of the community context. Though we now have a Senior Environmental Specialist to compliment the other significant environmental expertise amongst North Cowichan municipal staff, issues are often multidimensional and have social and even emotional dimensions. Our community is replete with people with strong knowledge in environmental matters, their own environmentally-relevant professional skills, and deep understanding of the fabric of the community. It is certainly the case that our collective community brain can add significant value if we create an appropriate structure and process for that to happen.

It is also probable that we have suffered for the lack of an EAC in terms of our trust relationship with the community which might have been in large part diluted if we had had an EAC. It is clear to us all that many in the community feel suspicious of the way some decisions are made about and some projects and policy is developed. Knowing there is a group of citizens having input and observing the process more closely likely gives the community more faith in how decisions are made and for what reasons. Certainly an EAC can promote communication and community feedback on policy and program development which we all understand will improve trust and faith in our municipal system.

We have made a commitment to engagement with the public for very good reasons. An EAC is an effective method of engagement, providing a dedicated and knowledgeable group of citizen volunteers whom we can hear from whenever necessary with minimal lag time and effort. Compared to other forms of engagement, an EAC is cost efficient requiring some staff time, but not requiring formal engagements, hiring of consultants or expensive surveys etc. When we do need to engage a wider swath of the community, as we are doing for the OCP and forestry, an EAC would add value at no cost to the planning of such engagements.

### **Recommendation**

That North Cowichan reinstate its Environmental Advisory Committee as an advisory body to serve at the will of Council and to work with staff and help Council 1) develop and integrate practical CAEP policies and programs through both the pending CAEP and OCP processes, and 2) to provide council with advise on other environmental issues, such as natural areas, watershed protection, air quality, climate adaptation and so on, as directed by Council.

Attachment(s): None

## Council Member Motion

Notice given on: Wednesday, October 7, 2020

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Meeting Date      Wednesday, October 21, 2020  
From                Councillor Justice  
Subject             Climate Action & Energy Plan Targets and Alignment with Official Community Plan

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### Background

No background information.

### Recommendations

WHEREAS the Intergovernmental Panel on Climate Change has concluded that it is imperative that we achieve net zero emissions by 2050 and the BC provincial government's climate plan also has as a target the achieving of net zero by 2050

AND WHEREAS Council has been assured that further adjustments or refinements to the CAEP project (and report) will not add significantly to our understanding of how to reduce our emissions but may rather delay the OCP process (where those CAEP-derived understandings will be translated into policy)

AND WHEREAS going forward, it is the intention of staff to work with both SSG and Modus to ensure that there is harmony or alignment between the CAEP-derived understandings and the OCP policies, and to use the new CAEP modelling tool to ensure that OCP policies, including growth management scenarios, will result in the meeting of our emissions reductions target

NOW THEREFORE Council directs that the 2050 emissions reductions target of 80% be changed to a target of achieving net zero by 2050 and that subsequent modelling for the Official Community Plan aspires to develop policy which achieves net zero by 2050

Attachment(s): None.

**From:** [Info](#)  
**To:** [REDACTED]; [Council](#)  
**Subject:** RE: Letter  
**Date:** Thursday, August 27, 2020 1:38:46 PM

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Hello Jen,

I wish to confirm receipt of your email and thank you for taking the time to write to us. Your email, along with this reply, will be shared with Mayor and Council for their information and consideration.

Sincerely,

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Megan Jordan  
Manager, Communications and Public Engagement  
Municipality of North Cowichan

7030 Trans-Canada Highway  
Duncan, BC V9L 6A1 | Canada  
[www.northcowichan.ca](http://www.northcowichan.ca)  
[megan.jordan@northcowichan.ca](mailto:megan.jordan@northcowichan.ca)  
T 250.746.3156

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**From:** Jen [REDACTED] *FOIPPA Section 22(1)*  
**Sent:** Monday, August 24, 2020 11:13 AM  
**To:** Council <[council@northcowichan.ca](mailto:council@northcowichan.ca)>  
**Subject:** Letter

Dear (Mayor and Council/Chair and Board):

Thank you for your ongoing efforts to deal with the Covid-19 emergency. In times of crisis we rely on our local governments for support and leadership.

We felt compelled to get a message out there that we also want to know the same answers as our friends who letter was received under this title” **Local Governments Urged to Focus Attention on Climate Change**” as the undersigned believe there must be a healthy balance in between the environment and business. Which is why our messaging and our asks are similar in nature.

In the face of Covid-19 our attention became focused on the health and well being of our families, our friends and our neighbours and the potential implications that we did, and continue to, face as our numbers rise again.

In the face of this pandemic we cannot forget what it is that has kept our community pressing forward and thriving in its own way. Local Businesses.

Our local businesses and those who own, operate, are employed and, most of all, those who support them, are what has kept the Cowichan strong.

We do not see an end to the pandemic anytime soon; but we are grateful to live, WORK and play in the Cowichan Valley. A place where local means something and supporting one another means something.

Many industries have remained strong through the past 6 months, including agriculture, food producers, real estate, contractors, builders, and professions that support businesses. Many adapted to what was needed and, in some cases, even expanded, including hiring people.

Today we are writing to you to ask for your support. We want to ask the question – What is our local government doing or planning to do to ensure the success of our communities by enticing new business and supporting growth and development in our region? What is our local government doing or planning to do to keep the Cowichan Valley a leader in Economic Development on Vancouver Island?

We ask that the answers to our questions be in writing and shared publicly so that all local citizens can be both informed and educated about how our local government plans to support its business, agriculture, contractors and developers in the future.

We thank you for your leadership,

Jennifer & Ian Woike – Farmer Bens Eggs/ Running W Egg Farm Ltd \*Co Chair Cowichan Works

Ann & Brian Danyliw – The Agency Cowichan \*Co Chair Cowichan Works

Bruce Muir – Elmworth Construction Ltd.

Rob Winter

Cam Drew – Thermoproof

John Butler

Rafer Strandlund – President Transtide Kingsview Development Ltd.

Balbir Parhar – Parhar Group

Terry Pearson – Nikon Developments

Chris Clement

Brian Locher, P.Eng., LL.B. Senior Project Manager BV Developments Management Corp.

David & Carol Messier Maple Bay Marina and Modern Coastal Homes

Mike Cooper – Warm Valley Construction

Margo Young -My Accountant CPA Ltd.

Joanne & Keith de Lure – Retired Forestry Industry

Jas Bains

Konrad Louis – Coast Roofing

Marcel Stemkens – Most Project Management

Andrew Gudmundseth- Greencoast Electric Solar Installation Company

Keith Tennert – Nikon Development

Don Bahen – Island Fibre Ltd.

Blair Hebert – Owner/Broker Royal LePage Duncan Realty

**Sequoia Management Group Inc.**

Nick Woywitka – Nikon Developments

JBL Custom Homes

Brian Wallis – Retired Professional Forester

Sprott Road Business Park – Randy Young

Dr Rachelle Young

Mariya Young CPA  
Wiersma Masonry  
Donnay Developments  
Roger & Vicki Walker  
Gabor and Lisa Horvath – Seaside Computers  
Holly Lalande – Tall Tree Lumber  
Duncan Cowichan Chamber of Commerce and Membership  
Maria Rose  
Can EcDev Corp.  
Sonja & Art Milbury  
Pieter Baljet – Discovery Honda  
Doug Taylor  
Julie Scurr, CPA CMA Coast Salish Insurance  
Wally Smith Past President dairy Farmers of Canada  
Doug Taylor  
Shana Marie – Admin Neighbourhood Watch Cowichan  
Rick Hogg – Licensed Mechanic  
Kathryn Belsher – RMT  
Wendy Wilson – Wilson Interior Design  
Susan Plester – Quest Consulting  
Deborah Powers – Manager Sherwood House  
Hatton Insurance  
Bruce Findlay – SureFire Properties Inc.  
Lion Rampant Pub & Private Liquor Store  
Savory Construction  
Johnston Contracting  
Joan Green  
Jessica Castle – Real Estate Agent The Agency  
Joe Kinrade  
Pam Stover

Sent from [Mail](#) for Windows 10

## **PUBLIC HEARING INFORMATION PACKAGE**

**Digital Version**

### **Zoning Amendment Bylaw 3797**

### **(Cannabis Production in the Agricultural Land Reserve)**

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#### ***Public Hearing Notice & Related Documents***

- 1 Notice of Public Hearing for **October 21, 2020** at **6:00 p.m.**
- 2 Draft Bylaw No. 3797
- 3 1<sup>st</sup> Notice of Public Hearing Advertisement – October 8, 2020
- 4 2<sup>nd</sup> Notice of Public Hearing Advertisement – October 15, 2020

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#### ***Staff Reports & Presentations***

- 1 Staff Report to Council dated August 19, 2020

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#### ***Minutes***

- 1 Excerpt from August 19, 2020 Council Minutes (1<sup>st</sup> & 2<sup>nd</sup> Reading)

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#### ***Public Input***

- 1 Email dated October 15, 2020 from Karen McClinchey - In Support



# PUBLIC HEARING NOTICE

North Cowichan Council will hold a Public Hearing at **6:00 p.m.** on **Wednesday, October 21, 2020** to allow Council to receive public input on Bylaw 3797 which proposes to amend "Zoning Bylaw 1997," No. 2950. Due to the COVID-19 Pandemic, this hearing will be held electronically in accordance with Ministerial Order M192 and members of the public will be provided an opportunity to be heard by submitting their comments in writing or calling in to the Teleconference line. To view the hearing as it is streamed live go to [www.northcowichan.ca/Agendas](http://www.northcowichan.ca/Agendas), and click on the 'Live Stream Viewer' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

**BYLAW 3797 - "Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve), 2020"** proposes to amend "Zoning Bylaw 1997," No. 2950 to limit cannabis production in the Agricultural Land Reserve (ALR) to soil-based production only.

## **Public Input**

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council before the **1:00 p.m. deadline** on **Monday, October 19, 2020**, using any of the in writing methods identified below. Comments may be shared verbally by calling into the teleconference line and following the instructions provided.

### **1. In Writing:**

Written submissions will be accepted by:

- Email: to [publicmeetings@northcowichan.ca](mailto:publicmeetings@northcowichan.ca)
- Mail: to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1
- Fax: 250-746-3133
- In Person: can be deposited through the mail slot at the Municipal Hall, Main Entrance

### **2. Verbally by Teleconference:**

To provide comment during the Public Hearing you may call in to our Teleconference line. The phone number and access code for the Teleconference will be available at least one week prior to the Hearing at

[www.northcowichan.ca/PublicHearings](http://www.northcowichan.ca/PublicHearings) or by calling our automated Public Hearing Info Line at 250-746-3264.

**Please Note:** Submissions should reference the bylaw number and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual's name and any other personal information, such as phone numbers, will form part of the public record and will be published on North Cowichan's website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions). Any submission after the conclusion of the Public Hearing will not be accepted.

Copies of the bylaw and related documents, including public comments received in writing, will be available to inspect online at [www.northcowichan.ca/PublicHearings](http://www.northcowichan.ca/PublicHearings) until the close of the Public Hearing.

Rob Conway, Director of Planning and Building

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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 administering the Public Hearing. Please direct any questions about personal information to North Cowichan's Privacy Officer by Phone: 250-746-3116, Email: [privacy@northcowichan.ca](mailto:privacy@northcowichan.ca) or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

7030 Trans-Canada Highway, Duncan BC V9L 6A1  
T: 250-746-3100 F: 250-746-3133 [www.northcowichan.ca](http://www.northcowichan.ca)





The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw, 2020**  
**(Cannabis Production in the Agricultural Land Reserve)**

Bylaw 3797

*Contents*

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

**Title**

- 1 This bylaw may be cited as "Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve) No. 3797, 2020".

**Amendment**

- 2 Section 12 [Definitions] of Zoning Bylaw 1997, No. 2950, is amended by
  - a. deleting the definition of "ALR cannabis production facility"
  - b. adding the following new definitions:

"ALR non-soil-based cannabis production facility" means a cannabis production facility which does not qualify as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve;

"ALR soil-based cannabis production facility" means a cannabis production facility which qualifies as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve.
- 3 Zoning Bylaw 1997, No. 2950 is amended by deleting Section 40.3 and inserting in its place the following:

**Cannabis Production within the BC Agricultural Land Reserve (ALR)**

- 40.3 (1) ALR soil based cannabis production facility is an additional permitted use on all lands within the ALR that are in an Agricultural or Rural zone.
- (2) Any cannabis production facility in the ALR must be setback a minimum of:
  - (i) 30 m from a watercourse,
  - (ii) 15 m from all property lines,
  - (iii) 30 m from residentially zoned land, where a minimum 15 m buffer is provided on the adjacent residentially zoned land,
  - (iv) 60 m from residentially zoned land, where no minimum 15 m buffer is

- provided on the adjacent residentially zoned land,
- (v) 100 m from the urban containment boundary established in the Official Community Plan, (vi) 100 m from the Agricultural Land Reserve boundary, and
- (vii) 150 m from land dedicated, zoned, or otherwise identified as public parkland, Public Use (PU) Zone, or Public Conservation (PC) Zone;

READ a first time on August 19, 2020

READ a second time on August 19, 2020

This bylaw was advertised in the Cowichan Valley Citizen on the \_\_\_\_ day of \_\_\_\_\_, 2020 and the \_\_\_\_ day of \_\_\_\_\_, 2020 and was posted on the municipality's website and notice board on the \_\_\_\_ day of \_\_\_\_\_, 2020

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED on

---

CORPORATE OFFICER

---

PRESIDING MEMBER

DRAFT

# Report

Date	August 19, 2020	File: SPP00071
To	Council	
From	Chris Hutton, Community Planning Coordinator	Endorsed: 
Subject	Regulation of Cannabis Production Facilities in the Agricultural Land Reserve	

## Purpose

To present proposed zoning regulations to limit cannabis production in the Agricultural Land Reserve (ALR) to soil-based production only, and a draft Council Policy to establish criteria for non-soil-based cannabis production facilities on a case-by-case basis.

## Background

On June 17, 2020 Council passed the following resolution:

*That Council direct staff to draft zoning regulations to limit cannabis production to soil-based production only in accordance with the Agricultural Land Reserve use regulation; Further that Council direct staff to draft a Non-Soil-Based Agricultural Land Reserve Cannabis Production Facility Council Policy for Council's consideration.*

## Discussion

Staff have prepared a draft zoning amendment bylaw (Attachment 1) to:

1. delete the current definition of "ALR cannabis production facility" and establish new definitions for "ALR non-soil based cannabis production facility" and "ALR soil based cannabis production facility";
2. include "ALR soil based cannabis production facility" as a permitted use on lands designated as within the BC Agricultural Land Reserve, and that are in an Agricultural or Rural zone (i.e. A1, A2, A3, A4, A5); and,
3. Amend Section 40.3 to remove maximum lot coverage and building height regulation for cannabis production facilities.

The proposed amendments recognize that soil-based cannabis production on ALR land is a farm use that can't be prohibited. By establishing a non-soil based cannabis production facility use in the Zoning Bylaw, it also establishes a framework for Council to consider applications for non-soil based cannabis production facilities on a case-by-case basis.

Setback requirements for cannabis production facilities on land in the ALR that are presently in Section 40.3 of the Zoning Bylaw remain unchanged, other than the terminology is updated based on the definitions. Regulations for lot coverage and building height specific to cannabis production facilities in the ALR have been removed because regulations for those matters exist in the individual zones.

A draft Council Policy for Cannabis Production Facilities in the ALR has been prepared (Attachment 2) that provides guidelines for location, structures, and application procedures for Zoning Bylaw amendment applications for non-soil based cannabis production facilities including soil quality considerations and impacts on neighbouring parcels in and out of the ALR

### **Recommendation**

1. That Council give first and second readings to Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve) No. 3797, 2020;
2. That a public hearing be scheduled for Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve) No. 3797, 2020 in accordance with the *Local Government Act*; and,
3. That Council adopt the ALR Non-Soil Based Cannabis Production Facility Policy.

#### Attachment(s):

1. Bylaw No. 3797
2. ALR Non-Soil Based Cannabis Production Facility
3. Cannabis Production in the ALR Policy Options Council Report dated June 17, 2020



The Corporation of the District of North Cowichan  
**Zoning Amendment Bylaw, 2020**  
**(Cannabis Production in the Agricultural Land Reserve)**

Bylaw 3797

*Contents*

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

**Title**

- 1 This bylaw may be cited as "Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve) No. 3797, 2020".

**Amendment**

- 2 Section 12 [Definitions] of Zoning Bylaw 1997, No. 2950, is amended by
  - a. deleting the definition of "ALR cannabis production facility"
  - b. adding the following new definitions:

"ALR non-soil-based cannabis production facility" means a cannabis production facility which does not qualify as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve;

"ALR soil-based cannabis production facility" means a cannabis production facility which qualifies as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve.
- 3 Zoning Bylaw 1997, No. 2950 is amended by deleting Section 40.3 and inserting in its place the following:

**Cannabis Production within the BC Agricultural Land Reserve (ALR)**

- 40.3 (1) ALR soil based cannabis production facility is an additional permitted use on all lands within the ALR that are in an Agricultural or Rural zone.
- (2) Any cannabis production facility in the ALR must be setback a minimum of:
  - (i) 30 m from a watercourse,
  - (ii) 15 m from all property lines,
  - (iii) 30 m from residentially zoned land, where a minimum 15 m buffer is provided on the adjacent residentially zoned land,
  - (iv) 60 m from residentially zoned land, where no minimum 15 m buffer is

- provided on the adjacent residentially zoned land,
- (v) 100 m from the urban containment boundary established in the Official Community Plan, (vi) 100 m from the Agricultural Land Reserve boundary, and
- (vii) 150 m from land dedicated, zoned, or otherwise identified as public parkland, Public Use (PU) Zone, or Public Conservation (PC) Zone;

READ a first time on

READ a second time on

This bylaw was advertised in the Cowichan Valley Citizen on the \_\_\_\_ day of \_\_\_\_\_, 2020 and the \_\_\_\_ day of \_\_\_\_\_, 2020 and was posted on the municipality's website and notice board on the \_\_\_\_ day of \_\_\_\_\_, 2020

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER

DRAFT



## COUNCIL POLICY

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### ALR NON-SOIL BASED CANNABIS PRODUCTION FACILITY

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#### 1. PURPOSE

To guide property owners, applicants, staff and Council when preparing and reviewing applications to amend Zoning Bylaw 2950 to permit ALR Non-Soil Cannabis Production use. This policy does not fetter Council's discretion when considering individual applications.

#### 2. SCOPE

The *Agricultural Land Reserve Use Regulation*, BC Reg 30/2019 includes Cannabis Production as a "farm use" that cannot be prohibited if the cannabis is produced:

- (a) outdoors in a field;
- (b) inside a structure that has a base consisting entirely of soil; or
- (c) in a structure constructed or under construction before July 13, 2018 for the purpose of growing crops.

Bylaw 3797 established new uses for cannabis production facilities within the ALR to differentiate between cannabis production facilities that are a "farm use" and cannot be prohibited ("ALR soil-based cannabis production facility") and those that are prohibited unless explicitly permitted in the Zoning Bylaw ("ALR non-soil based cannabis production facility"). This policy applies to zoning amendment applications for ALR non-soil-based cannabis production facilities.

#### 3. DEFINITIONS

**"ALR non-soil based cannabis production facility"** means a cannabis production facility which does not qualify as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve;

**"ALR soil-based cannabis production facility"** means a cannabis production facility which qualifies as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve.

#### 4. POLICY

### Location

Locate ALR cannabis production:

- a. On lands currently used for farming where the cannabis production facility supports current and future non-cannabis related agricultural activities;
- b. On lands that have low agricultural potential, as determined by a professional agrologist;
- c. In proximity to existing farm structures and farm infrastructure to reduce land alterations and loss of agricultural land;
- d. Away from creeks, wetlands and other environmentally sensitive features.

### Structures

- a. Applicants are expected to provide development concept plans with the zoning amendment application to confirm the location, size and form of all structures and associated development;
- b. Proposed structures for ALR non-soil based cannabis production facilities are to be designed to accommodate alternative agricultural uses.

### Application Process

In addition to the Municipality's standard zoning amendment application process, the following additional procedures will be required for applications for ALR non-soil based cannabis production facilities:

- a. Applications will be referred to the Agricultural Land Commission, School District #79, the North Cowichan RCMP and any jurisdiction neighbour within 300 metres of subject property.
- b. Applications will be forwarded to the Cowichan Agricultural Society and registered or selected community associations for information and comment.

## **5. ROLES & RESPONSIBILITIES**

Applicants will be expected to demonstrate compliance with this policy in the zoning amendment application.

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

### **APPROVAL HISTORY**

WRITTEN BY:	APPROVED BY:	DATE: <a href="#">Click here to enter a date.</a>
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# Report

Date June 17, 2020  
To Council  
From Chris Hutton, Planner

Prospero No.SPP00071  
Folio No. 05338-002  
File No.

Endorsed:



Subject Regulation of Cannabis Production Facilities in the Agricultural Land Reserve

## Purpose

To provide policy or regulatory options to assess applications for non-soil-based cannabis production facilities on a case-by-case basis.

## Background

On May 6, Council passed the following:

*That Council direct staff to prepare a report on a policy and/or regulations to assess applications for non-soil-based cannabis production facilities on a case-by-case basis.*

On May 8, 2019, the Agricultural Land Commission (ALC) clarified that, under the new legislation, all forms of cannabis production are considered a farm use, including cannabis grown inside buildings with concrete and other non-soil based floors (see ATTACHMENT 1.) This is a departure from the regulations introduced in July 2018 that limited cannabis production to being grown outdoors in a field, in a structure with a base entirely of soil, or a pre-existing structure or one under construction for crop production.

Previously, any proposed cannabis production that did not meet these conditions required a non-farm use application through the ALC. Under the new legislation, cannabis production in an industrial-type building with a concrete floor would be considered a farm use and would not need additional approval from the ALC.

This most recent change follows several years of evolving federal and provincial regulations, which have led to changes in how North Cowichan defines and regulates cannabis production. These changes are summarized below.

Timing	Regulatory Change	Government
July 2002	Medical cannabis legalized	Federal
January 2014	Medical cannabis production permitted in the ALR (added to Regulation in May 2015)	Provincial
April 2014	Medical cannabis regulations changed	Federal
October 2013	Defined medical cannabis production facilities added to the Zoning Bylaw and permitted in industrial zones	North Cowichan Zoning Bylaw Amendment

July 2017	Restricted cannabis production in the ALR and regulates siting, coverage, and height.	North Cowichan Zoning Bylaw Amendment
July 2018	Cannabis production designated as a farm use in the ALR in limited conditions	Provincial
May 2019	Cannabis production facility regulations amended to align with federal licensing definitions and expands micro-production to Service Commercial (C3) zone	North Cowichan Zoning Bylaw Amendment
February 2019	Cannabis production considered a farm use in the ALR without conditions	Provincial

The question of what ability and to what extent can Council regulate cannabis production in the ALR was explored extensively in 2017, when it adopted amendments to the Zoning Bylaw to regulate cannabis production to the greatest extent possible, while complying with guidelines provided by the Ministry of Agriculture.

Council also directed staff to “draft appropriate development permit guidelines for medical marijuana facilities and other intensive farming operations in the ALR for Council’s consideration.” This was seen as a more comprehensive look at seemingly similar concerns regarding large-scale agricultural production (e.g. chicken barns, greenhouses, mushroom farming structures, etc. have a similar impact).

This project was not initiated before the adoption of the 2018-2022 Council Strategic Plan. It could be further explored as a major theme of the action to “Update the Agricultural Implementation Plan and encourage the use of arable land.”

## Discussion

The most recent change in legislation puts the responsibility on local governments to decide if or how to regulate cannabis production in the ALR in their communities. The Municipality can regulate farm uses provided it is consistent with the *ALC Act* and associated regulations.

In order to obtain the ability to assess non-soil-based cannabis production facilities, Council would first need to change the Zoning Bylaw to prohibit non-soil based cannabis production facilities. Following this, Council could consider a number of tools to aid in assessing cannabis production facilities.

## Considerations for Cannabis Production

Several considerations should be made in exploring a possible rationale for further regulating cannabis production to identify which regulatory tools are appropriate.

### *Servicing & Utilities*

Cannabis production facilities have significant and unique servicing requirements, particularly around energy, water, and wastewater. FortisBC indicates that cannabis production facilities have requested annual energy supplies of up to 22 megawatts for electricity and up to 300,000 gigajoules for natural gas. This level of demand far exceeds typical industrial or agricultural uses and may require substantial upgrades to bring the necessary utilities to properties intending to produce cannabis. For reference, 45% of Denver's increase in energy demand since the legalization of cannabis is for electricity to power cannabis facilities; Cannabis production also has higher water demand than many agricultural uses. It is estimated that a cannabis plant needs 22 litres of water per day while a wine grape plant needs 12 litres.

Effluent from cannabis production may contain growth nutrients, pesticides, brine, and other contaminants. Most properties in the ALR are not connected to the Municipality's sanitary sewer system and rely on septic systems for wastewater management.

### *Ancillary Uses*

Processing of cannabis in the ALR falls under other farm product processing regulations defined in the ALR Use Regulation, namely that 50% of the farm product must be produced on the property or by a cooperative association to which the property owner belongs. Other uses ancillary to cannabis production could include agri-tourism, gatherings for events, and farm retail sales in accordance with the ALC regulations and the Zoning Bylaw.

It should be noted that cannabis production and processing is not considered a qualifying agricultural use for a property being classified as a farm by the BC Assessment Authority.

Some uses permitted under the ALR Use Regulation, such as agri-tourism and gatherings for events, require that a property be classified as a farm, which could be achieved with other agricultural uses.

### Policy and Legislative Considerations:

#### *Federal Licencing*

All cannabis production, processing, and sales operations must have a licence from Health Canada, in addition to the required provincial and local approvals. As of May 2019, new applicants for federal licences must now have a fully built facility before submitting their application. This presents a risk that fully constructed facilities may not meet licencing requirements.

### *Minister of Agriculture's Advisory Committee for Revitalizing the ALR and the ALC*

The Minister of Agriculture formed an independent committee in 2018 to provide recommendations to the provincial government to revitalize the ALR and the ALC. In its interim and final reports, the Committee identified cannabis as an item of significant concern for the protection of land in the ALR. Committee members heard from stakeholders and the public calling for restrictions on cannabis production in the ALR. Key concerns raised by the Committee include:

- Unknown impacts of a relatively new industry;
- Speculation of ALR land, increasing costs for farmers;
- Lack of knowledge about 'normal' cannabis production practices as it relates to farming; and,
- Proliferation of ancillary activities, including substantial processing facilities, agri-tourism, and farm retail sales.

The Committee's recommendation regarding cannabis in the ALR is found in ATTACHMENT 2.

### *OCP2011*

Section 2.1.1 of the OCP addresses agriculture policy and direction. This section can be found in ATTACHMENT 3 and contains numerous guiding policies for Council's consideration in regulating cannabis production in the ALR.

Agricultural policy direction is to protect the agricultural land base, strengthen the economic vitality of farming, and promote the importance of local agriculture. Success in the agriculture sector is measured by stability or an increase in the number of farms and farm revenues.

The OCP acknowledges the importance of the ALR and seeks to protect it and other agricultural lands.

### *Strategic Agricultural Plan, 2001*

The North Cowichan Strategic Agricultural Plan (SAP) was created in 2001. It was developed in concert with the development of OCP Bylaw 2002 and is the product of an issues identification process, led by a steering committee, and extensive policy and background reviews and public and industry engagement.

The plan centres on a vision statement:

#### **The Vision:**

*The agricultural sector in the Cowichan Valley will be healthy economically, socially and environmentally. It will consist of a medium scale farm component that markets through traditional commodity systems, and a small-scale farm component that markets both basic production and value added products to local and regional markets. The industry will be noted for its diversity and its support for, and from the community.*

This vision is expressed through six strategic goals:

GOAL 1: Improve the Planning Framework for Agriculture .....
GOAL 2: Support and Enhance Small Farm Sector .....
GOAL 3: Expand Local Marketing Opportunities .....
GOAL 4: Improve Communications with the Community .....
GOAL 5: Improve Land and Water Stewardship, Conservation and Management .....
GOAL 6: Reduce Cost and Regulatory Barriers .....

The 2001 plan does not address cannabis production. Still, the vision and strategic goals do provide some guidance in considering the varying and sometimes competing interests that Council might consider in determining how to move forward in regulating cannabis production.

#### *Council Strategic Plan*

Council has established through its Strategic Plan, a direction to review the SAP to encourage the use of arable land. This project has not been initiated, but the work will require consultation with the producers, agricultural sector stakeholders, and residents to identify attitudes towards emerging topics that affect agriculture.

A revised SAP could provide a stronger policy rationale to safely facilitate a particular scale of cannabis production in appropriate sitings within the ALR. Regardless of what action, if any, Council takes, the emergence of cannabis production will likely be a topic of interest in this process.

#### Current Regulations

##### *Zoning Bylaw*

As part of the zoning changes adopted in summer 2017, a property used for cannabis production in the ALR must adhere to the requirements referenced in this excerpt from the Zoning Bylaw:

#### **Cannabis Production Facility**

- 40.3** (1) Subject to subsection (2), an ALR cannabis production facility is an additional permitted use on land in the Agricultural (A1) or Rural (A2) zones. [BL3741]
- (2) An ALR cannabis production facility under subsection (1) must
- (a) be setback a minimum of
    - (i) 30 m from a watercourse,
    - (ii) 15 m from property lines,
    - (iii) 30 m from residentially-zoned land, where a minimum 15 m buffer is provided on the adjacent residentially-zoned land,
    - (iv) 60 m from residentially-zoned land, where no minimum 15 m buffer is provided on the adjacent residentially-zoned land,
    - (v) 100 m from the urban containment boundary established in the Official Community Plan,
    - (vi) 100 m from the Agricultural Land Reserve boundary, and
    - (vii) 150 m from land dedicated, zoned, or otherwise identified as public parkland, Public Use (PU) Zone, or Public Conservation (PC) Zone;
  - (b) have a maximum lot coverage of 35%; and
  - (c) have a maximum building height of 15 m. [BL3597; BL3741]



These standards reflect the 2017 Zoning Bylaw Amendment to restrict cannabis production to the greatest extent possible at that time.

The May 2019 amendments to cannabis production replaced the broad use definition, “medical marihuana” to “cannabis production facility,” “micro-cannabis production facility,” and “ALR cannabis production facility.” It is an untested assumption that local governments are not permitted to regulate by licensing type in the ALR.

## Options

Given the concern expressed about cannabis production facilities and their resource needs, the orderly and efficient use of ALR lands must address many variables, including soil quality and impacts on neighbouring parcels in and out of the ALR.

Other factors to consider when determining a minimum impact on the agricultural land base include access, concentration on existing “home-plate” development, as well as security and other requirements in the permitting process for cannabis production facilities.

### Option 1: Allow All Forms of Cannabis Production

This option would be taking no action. Only the existing development regulations for siting, setbacks, site coverage, etc. for structures related to cannabis production and processing already in the Zoning Bylaw would apply.

This option would allow producers to pursue any form of cannabis production license. Some small-scale producers have expressed an interest in this option to supplement farm income, but there would be no control over the licensing type or siting beyond existing zoning regulations.

This also opens up opportunities for cannabis-related agri-tourism activities and processing facilities in the ALR. For example, North Cowichan would have limited oversight over gatherings for events, tourist accommodations (e.g., bed and breakfasts, short-term rentals), and agri-tourism activities catering to cannabis tourism.

### Option 2: Limit Cannabis Production to Soil-Based Production Only as per the ALR Use Regulation – Recommended Option

This option would generally restrict cannabis production in the ALR to those identified in section 8 of the ALR Use Regulation: soil-based production outdoors in a field, in a structure with a base entirely of soil, or in a pre-existing structure constructed for crop production. This option provides an additional layer of regulation that was not available when the 2017 amendments were made.

Executing this option will require defining soil-based structures and determining the appropriate regulations. Few structures meet the requirement to have a base consisting entirely of soil, as this includes both footings and foundation.

Council might also consider that a soil-based structure does not mean the crop is being grown in native soil, and this could include production scenarios where cannabis is grown in planters or other means that are outside of the regulatory intent for soil-based cannabis production to take place on productive agricultural land.

If cannabis production were limited to soil-based production only, property owners would still have the option to apply for a zoning amendment to permit other forms of cannabis production.

#### *Develop a Non-Soil-Based ALR Cannabis Production Facilities Policy*

An additional option to assessing non-soil-based production facilities would be to consider development of a guiding Council Policy. Such a policy would be similar to the Cannabis Retail Sales Policy, and used to provide guidance to Council, staff, and prospective cannabis producers in determining site suitability in rezoning applications. If of the policy options, this policy could serve those as well.

Policies on their own are limited in their ability to require suitable development approval information and to provide clarity around siting, if they are applied only to rezonings. Additionally, there would be less clarity around servicing plans and building siting. The result would likely be a strong reliance on covenants and other mitigative tools applied at rezoning.

#### Option 3: Require Development Permitting and Development Approval Information for Cannabis Production in the ALR

Council asked staff to draft appropriate development permit guidelines for cannabis production and other intensive farming operations in the ALR for Council's consideration, in 2017. A development permit area (DPA) is the most robust tool for site planning of development to ensure that it respects farmland and farming practices. DPAs allow site-specific requirements for development over and above basic zoning regulations.

In addition, a well-crafted DPA can provide clear direction to Council, staff, and producers on when development approval information (DAI) should be required to aid in sound consideration of the merits of a given agricultural site for cannabis production development.

Creation of a DPA/DAI regulatory scheme on ALR lands for cannabis production facilities could address such matters of public interest by requiring the provision of:

- an agrologist report to demonstrate that the proposal minimizes impact on high-quality soils, addresses edge planning concerns, and follows best practices for agricultural site planning;
- hydro-geologist reports to ensure sufficient availability and protection of groundwater sources and identifying development impacts; and,
- that access to services and run-off has a minimal tertiary impact on quality agricultural lands.

Applicants could be required to provide detailed plans for items such as servicing (e.g., hydro, water, and wastewater), scale of production, ancillary uses, parking, and site context to be considered. The specific details of a proposal could be reviewed against North Cowichan policies, guidelines, and regulations.

It is strongly recommended that consideration of creating an ALR Cannabis DPA be deferred until after the Strategic Agricultural Plan review has been completed to better inform such a regulation.

## **Conclusion**

Regulation of cannabis production in the ALR is somewhat challenging, given the dynamic regulatory environment at senior level governments. Locally, there is an opportunity now to consider moving ahead with Option 2 and considering further action related to Option 3 in the future.

- The Official Community Plan Update will provide current, broad agricultural policy based on community input;
- Review of the 19-year-old Strategic Agricultural Plan is anticipated in 2021. It would be the best opportunity to explore effective, supportable approaches to protecting farmland and making space for best practices in cannabis production development.
- The “start-up” period in cannabis manufacturing has largely passed at the national and local scale, and large-scale producers have moved primarily to inventory management. This means a softer market for cannabis production in general.

For this reason, staff recommend Option 2 above and allow the community to focus strategically on agricultural planning in the Strategic Agriculture Plan review, including cannabis production.

## **Recommendation**

That Council direct staff to draft zoning regulations to limit cannabis production to soil-based production only in accordance with the ALR use regulation.

Further that Council direct staff to draft a Non-Soil-Based ALR Cannabis Production Facility Council Policy for Council’s consideration.

### **Attachments:**

1. Information Bulletin 04 (Cannabis Production in the ALR), May 8, 2019
2. Minister of Agriculture’s Advisory Committee for Revitalizing the ALR and the ALC Cannabis Recommendation
3. Section 2.1.1 of the North Cowichan Official Community Plan

**4. MAYOR'S REPORT**

Mayor Siebring provided a verbal update on meetings and activities he recently attended.

**5. DELEGATIONS AND PRESENTATIONS**

None.

**6. PUBLIC INPUT**

Council received 4 submissions via email prior to the meeting regarding agenda items 8.3, 8.5, 8.6 and 11.2. A summary of those submissions was read out in the meeting.

**7. BYLAWS**

**7.1 Building Amendment (BC Energy Step Code) Bylaw No. 3795, 2020**

IT WAS MOVED AND SECONDED:

That Council adopt Building Amendment (BC Energy Step Code) Bylaw No. 3795, 2020.

CARRIED

**7.2 Zoning Regulation of Cannabis Production Facilities in the Agricultural Land Reserve**

IT WAS MOVED AND SECONDED:

1. That Council give first and second readings to Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve) No. 3797, 2020;
2. That a public hearing be scheduled for Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve) No. 3797, 2020 in accordance with the *Local Government Act*; and,
3. That Council adopt the ALR Non-Soil Based Cannabis Production Facility Policy.

CARRIED

**8. REPORTS**

**8.1 RCMP Detachment Net-Zero Feasibility Study and Federation of Canadian Municipalities Capital Grant**

IT WAS MOVED AND SECONDED:

That Council receive the ReNu Engineering July 8, 2020, Net Zero Energy Analysis – Feasibility Study;

And that Council authorize staff to apply for a Federation of Canadian Municipalities Capital Grant - New Construction Energy-Efficient Municipal Facilities.

CARRIED

**8.2 RCMP Service Review Scope**

IT WAS MOVED AND SECONDED:

1. That Council authorize staff to engage in an RCMP financial service review focusing on value for money.
2. That Council authorize staff to hire a consultant to conduct a Gap Analysis study of Protective and Community Services to determine, by January 31, 2021:

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, October 15, 2020 7:11 PM  
**To:** Public Meetings  
**Subject:** Zoning Amendment No 2950

Dear North Cowichan,

I support the bylaw amendment that would limit cannabis production in the ALR to soil based production only.  
I do not support cannabis production that involves paving over ALR land and using greenhouses.

Thank you,  
Karen McClinchey  
6324 Westlock Road  
[REDACTED]

Sent from my iPhone



The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw, 2020**  
**(Cannabis Production in the Agricultural Land Reserve)**

Bylaw 3797

*Contents*

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

**Title**

- 1 This bylaw may be cited as "Zoning Amendment Bylaw (Cannabis Production in the Agricultural Land Reserve) No. 3797, 2020".

**Amendment**

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- provided on the adjacent residentially zoned land,
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- (vii) 150 m from land dedicated, zoned, or otherwise identified as public parkland, Public Use (PU) Zone, or Public Conservation (PC) Zone;

READ a first time on August 19, 2020

READ a second time on August 19, 2020

This bylaw was advertised in the Cowichan Valley Citizen on the 8 day of October, 2020 and the 15 day of October, 2020 and was posted on the municipality's website and notice board on the 2 day of October, 2020

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER