

Municipality of North Cowichan

Council - Regular and Public Hearings

AGENDA

Wednesday, April 21, 2021, 1:30 p.m.
Electronically

Pages

1. CALL TO ORDER

This meeting, though electronic, is open to the public. All representations to Council will form part of the public record. Proceedings will be streamed live and archived at www.northcowichan.ca. Members of the public may join this online meeting and participate virtually during the Public Input and Question Period portions of the agenda.

- To join by computer, smartphone, or tablet, visit northcowichan.ca/virtualmeeting for instructions.
- To join by telephone, dial 1.844.426.4405, enter the meeting ID# 133 941 9811, and then press # to join the meeting.

2. APPROVAL OF AGENDA

2.1. Approval of Consent Agenda

12 - 160

Purpose: To adopt all recommendations appearing on the Consent Agenda in one motion. Any item may be moved out at the request of any Council member for discussion or debate, before the agenda is approved. Items removed from the Consent Agenda will be placed under New Business.

Recommendation:

That the Consent Agenda be approved.

2.2. Approval of Regular Agenda

Purpose: To consider any items of business not included in the Agenda, that are of an urgent nature, must be introduced and approved at the time the agenda is adopted. Matters must be taken up in the order that they are listed unless changed at this time.

Recommendation:

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

3. ADOPTION OF MINUTES

3.1. Regular Council meeting held April 7, 2021 for adoption 161 - 167

Purpose: To consider if there were any errors or omissions prior to adopting the minutes.

Recommendation:

That Council adopt the minutes of the Regular Council meeting held April 7, 2021.

4. MAYOR'S REPORT

5. DELEGATIONS AND PRESENTATIONS

5.1. Cynthia Montgomery - Quamichan Lake Neighbourhood Association 168 - 172

Purpose: On behalf of Quamichan Lake Neighbourhood Association, to present their request to Council regarding Tree Bylaw.

6. PUBLIC INPUT

Public Input is an opportunity for the public to provide their feedback on matters included on the agenda. The maximum number of speakers to be heard during the public input period is limited to five, with a maximum of three minutes allotted to each speaker. To be added to the speakers list, please:

- click on the 'raise your hand' button, if participating by computer, smartphone, or tablet, or
- dial *3 on your phone

7. BYLAWS

7.1. Zoning Bylaw Amendment Application No. ZB000145 (Lot A, Skinner Road) – Rental Apartment Building 173 - 217

Purpose: To introduce Zoning Amendment Bylaw, 2020, No. 3824, which proposes a site-specific zoning amendment to permit the use and construction of a purpose-built rental apartment building on a vacant lot at Skinner Road and Cowichan Lake Road.

Recommendation:

That Council give first and second readings to Zoning Amendment Bylaw (Rental Apartment Building – 3824 Skinner Road), 2020, No. 3824 and;

That a Public Hearing be scheduled for Zoning Amendment Bylaw (Rental Apartment Building – Skinner Road), 2020, No. 3824 and notification be issued following requirements of the *Local Government Act*

7.2. Financial Plan and Property Tax Rates Bylaws 218 - 227

Purpose: To introduce Five Year Financial Plan Bylaw No. 3826, 2021 (Attachment 1) and Tax Rates Bylaw No. 3827, 2021 (Attachment 2).

(Note: As these bylaws are consistent with the direction given by the Committee of the Whole on April 13, 2021, the recommendation "that Council direct staff to distribute the 2.5% tax increase equally across all classes net of new construction" has not been included in the agenda for endorsement.)

Recommendation:

That Council give first, second and third readings to:

1. Five Year Financial Plan Bylaw, No. 3826, 2021; and
2. Tax Rates Bylaw No. 3827, 2021.

7.3. Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021

228 - 231

Purpose: To introduce Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021 to provide two additional months for taxpayers who cannot meet the July 2 deadline to pay without penalty.

(Note: As these bylaws are consistent with the direction given by the Committee of the Whole on April 13, 2021, the recommendation "that Council direct staff to prepare an Alternative Municipal Tax Scheme Bylaw extending the tax penalty date to September 1, 2021" has not been included in the agenda for endorsement.)

Recommendation:

That Council give first, second and third readings to the Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021.

7.4. Amendments to Controlled Substance Bylaw No. 3803

232 - 264

Purpose: To consider amendments to Controlled Substance Bylaw No. 3803, 2020 as requested by the Medical Health Officer, Environmental Health Officer, RCMP and the Residential Tenancy Branch.

Recommendation:

1. That Council rescind third reading of Controlled Substance Bylaw No. 3803, 2020.
2. That Council amend Controlled Substance Bylaw No. 3803, 2020 by:
 - a. Striking out "*health, safety or protection*" in the first whereas clause and inserting in its place "*protection, promotion or preservation of the health or, safety*";
 - b. Inserting "*to ensure*" between property and current in the second whereas clause;
 - c. Inserting "*not living under conditions that may pose a health risk to the*" between are and persons at the end of the second whereas clause;
 - d. Striking out "*a Peace Officer*" under the definition of Inspector under section 3.1;
 - e. Inserting "*that an Inspector considers may pose a risk to the health of present or future occupants*" at the end of subsection 4.1(h);
 - f. Inserting "*which the Inspector considers may pose a risk to the health of present or future occupants*" in section 6.3 following a Hazardous Substance or mould;
 - g. Inserting "*that may pose a risk to the health of present or future occupants*" in section 6.4 following a Hazardous Condition exists on a Parcel;
 - h. Striking out "*the District gives the Owner and Occupier of the Parcel*" at the beginning of subsection 8.1(a) and inserting in its place "*the District gives all Owners and Occupiers of the Parcel connected to the water service*";
 - i. Inserting "*Where a Parcel has multiple residential dwellings that are connected to the same water service as an Unauthorized Drug Production Facility, water service to that Parcel shall not be discontinued due to the use of the part of the Parcel as an Unauthorized Drug Production Facility*" as section 8.3; and
 - j. Inserting "*Where an Owner of a Parcel or Building has delivered a notice to end tenancy to a tenant living in a dwelling being used in contravention of this Bylaw and where that notice to end tenancy has been disputed by the tenant, the Owner of the Parcel or Building may make written representation to Council to request an extension under subsection 9.1(b)*" as 9.2.
3. That Council give Controlled Substance Bylaw No. 3803, 2020 third reading as amended.

7.5. Amendments to Municipal Ticket Information Systems and Fees & Charges Bylaws

265 - 285

Purpose: To introduce amendments to the Municipal Ticket Information System Bylaw No. 3464 ("MTI Bylaw 3464") and the Fees & Charges Bylaw No. 3784 ("F&C Bylaw 3784"). These amendments will enable the Controlled Substance Bylaw No. 3808 to be enforced by municipal ticket and for fees to be established for remedial work completed by the District upon adoption.

Recommendation:

That Council give first, second and third reading to:

- a. Fees and Charges Amendment Bylaw No. 3829, 2021; and
- b. Municipal Ticket Information System Amendment Bylaw No. 3830, 2021.

8. REPORTS

8.1. REPORTS FOR DECISION

8.1.1. Bank Signing Authorities

286 - 287

Purpose: The purpose of this report is to update the RBC Signing Authorities for the District of North Cowichan. (Note: this report was updated and replaced on April 19, 2021).

Recommendation:

That Council authorize the following individuals as signing authorities :

- Mayor, Albert Siebring;
- Chief Administrative Officer, Edward Swabey;
- Deputy Chief Administrative Officer, Sarah Nixon;
- Director, Financial Services, Talitha Soldera;
- Senior Manager, Financial Services, Walter Wiebe;
- Manager, Legislative Services, Michelle Martineau; and
- Deputy Corporate Officer, Tricia Mayea

8.2. REPORTS FOR INFORMATION

9. NOTICES OF MOTIONS

Purpose: So that Councillor Justice may introduce the following motion which he intends to move at the May 5, 2021 Regular Council meeting.

WHEREAS a sustainable and resilient future for our community requires an approach to fostering business, industry and employment opportunities which BOTH contribute to the prosperity all community members reducing social and economic inequality AND lead to the achieving of environmental and climate protection and regeneration goals

AND WHEREAS within our community there is likely a wealth of collective knowledge and ideas for how local government can better create conditions which support and foster local businesses, industries and employment that support climate mitigation, the stewarding of our local environment, and prosperity for all citizens

AND WHEREAS local knowledge and ideas are particularly important at this time when we are developing a new Official Community Plan to guide policy for the next couple of decades AND as we are dealing with and planning an emergence from the Covid 19 pandemic

AND WHEREAS there are a number of possibilities for processing written submissions received from stakeholders which may be minimally onerous on Staff, including: a Staff produced "What we heard" summary; an analysis done by members of the Committee of the Whole and/or members of the EAC and OCP Advisory committees: or through the hiring of a Consultant

NOW THEREFORE BE IT RESOLVED that Council seek the advice and recommendations from key stakeholders representing existing business, agricultural, industrial, labour and other relevant 'think tanks' on the (examples of which include: Cowichan Works, the Cowichan Agricultural Society, the Chemainus BIA, the relevant Chambers of Commerce, our local labour unions – to be determined by Council) on the following questions:

- 1. What can local government do to develop and retain the necessary talent to foster local socially and environmentally sustainable jobs and businesses?*
- 2. How can conditions be created to help existing businesses and industries prosper while increasingly contributing to the community's resiliency and sustainability goals?*
- 3. What types of sustainable businesses and green industries might be particularly suited to North Cowichan (eg given our location, resources, supporting businesses, and likely social licence)?*

Purpose: So that Councillor Marsh may introduce the following motion which she intends to move at the May 5, 2021 Regular Council meeting:

That the District Municipality of North Cowichan adopt a Council policy for Communication Tower/Systems Approval;

And further that the policy establishes the preferences of Council for enhanced public consultation and location & design guidelines in the Antenna System approval process, taking into account the Government of Canada's guidelines on antenna sitings.

10. UNFINISHED AND POSTPONED BUSINESS

10.1. Response regarding proposed cell tower on Mount Tzouhalem motion referred to the Committee of the Whole

Purpose: To consider the recommendation from the Committee of the Whole in response to the motion referred to them by Council at the April 7, 2021 regular meeting in relation to Consent Agenda Item 2.6 (Proposed cell tower on Mount Tzouhalem).

April 7, 2021 Motion

MOVED AND SECONDED:

That Council instruct staff to offer Rogers an alternate location for their proposed cell tower on Mount Tzouhalem that is at least 500 metres from homes or existing or possible future zoning for homes.

Recommendation:

That Council postpone consideration of the motion until such time as Rogers Communications has completed their public consultation process as outlined in their February 2, 2021 presentation to Council, and until Council has had an opportunity to review the summary of that consultation.

11. NEW BUSINESS

11.1. Policy Development Related to Street Trees

300 - 306

Purpose: So that Councillor Douglas may move the motion he gave notice on at the April 7, 2021 Regular Council meeting.

Recommendation:

That Council direct staff to introduce policies and regulations to expand the number of street trees and shade trees in residential and commercial developments and public works projects, as part of the new Official Community Plan, Zoning Bylaw, Subdivision Bylaw, Biodiversity Strategy and any other relevant initiatives planned or underway.

11.2. Vancouver Island Integrated Major Crime Unit (VIIMCU) Expansion

307 - 308

Purpose: To express continued interest in participating in an integrated major crime investigation unit and possibly offset the costs incurred by VIIMCU calls within North Cowichan (as previously endorsed by Council on March 2, 2016).

Recommendation:

That Council direct the Mayor to write to the Attorney General to advise that the North Cowichan/Duncan Detachment is still interested in participating in the Vancouver Island Major Crimes Unit or similar organization and in obtaining more information on the funding formula associated with this, subject to clarification on what expenses would or would not be covered.

11.3. Attendance at FCM's Annual Convention

309 - 328

Purpose: To consider waiving the limit of the Mayor and one Councillor (Councillor Sawrie was randomly selected to attend in 2021) under section 3.1 of the Council Conference Attendance Policy to allow all Councillors to attend the 2021 Federation of Canadian Municipalities (FCM) virtual conference as there will be no travel costs incurred this year.

(Note: The cost in 2019, the last in-person conference in Quebec City was \$7,500)

Recommendation:

That Council waive the limit for the number of Council members permitted to attend the Federation of Canadian Municipalities annual conference in 2021 and allow all Councillors to attend the virtual conference in addition to the Mayor.

11.4. COVID-19 Restart Funding for Local Governments, Strengthening Communities Services Program

329 - 339

Purpose: To consider submitting an application, on behalf of the Cowichan Housing Association, for approximately \$2.5 million under the Union of B.C. Municipalities' (UBCM) "COVID-19 Restart Funding for Local Governments, Strengthening Communities Services" program, with funds envisioned to be spent throughout the Cowichan Region, but mostly in "the core" of Duncan and North Cowichan. The deadline for applications has been extended to the end of April 2021.

Recommendation:

That Council direct staff to work with the Cowichan Housing Association to submit a grant application to the COVID-19 Restart Funding for Local Governments stream under the Strengthening Communities Services Program in an amount up to \$2.5 million;

And That should the application be successful, the Cowichan Housing Association be required to enter into an Agreement with the Municipality with respect to the use of the funds.

12. QUESTION PERIOD

Question Period is an opportunity for the public to ask brief questions regarding the business discussed during the meeting. To be added to the speakers list, please:

- click on the 'raise your hand' button, if participating by computer, smartphone, or tablet, or
- dial *3 on your phone

13. CLOSED SESSION

Recommendation:

That Council close the April 7, 2021 Regular Council closed meeting at ____ p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(e) the acquisition, disposition or expropriation of land or improvements, which the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(1)(m) a matter that, under another enactment, that being section 16(1)(a)(iii) of the Freedom of Information and Protection of Privacy Act related to intergovernmental relations or negotiations with an aboriginal government, is such that the public may be excluded from the meeting; and
- 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

13.1. Minutes from the April 7, 2021 Closed meeting for adoption

13.2. Closed under sections 90(1)(m) negotiations with an aboriginal government and 90(2)(b) information received in confidence

13.3. Closed under section 90(1)(e) land and 90(1)(m) negotiations with an aboriginal government

14. 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.

15. PUBLIC HEARINGS 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 hearings. Written submissions received between 1:00 p.m. on Friday, April 16, 2021 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 hearings, Council may give the bylaws further consideration.

**15.1. Public Hearing for Agricultural Land Reserve (ALR) Exclusion Application
ALR00029 (Chemainus River Campground - 8682 Trans-Canada Highway)**

340 - 393

Purpose: The purpose of the Public Hearing is to allow the applicant and the public to make representations to Council respecting matters contained in Agricultural Land Reserve (ALR) Exclusion Application for (Chemainus River Campground - 8682 Trans-Canada Highway), which proposes to exclude 8682 Trans-Canada Highway from the Agricultural Land Reserve in accordance with Agricultural Land Commission requirements.

The order of the Public Hearing, following the Call to Order and explanation of the Public Hearing process, shall be as follows:

- Acceptance of petitions and late correspondence
- Introduction of the proposal
- Summary of correspondence received and published in the Digital Information Package available on the Public Hearings webpage
- Presentation by proponent
- Comments from the public

(Note: The Public Hearing webpage where the Digital Information Packages are published is www.northcowichan.ca/PublicHearings which is updated as submissions are received. Members of Council and the public are encouraged to check the webpage frequently to view all public input.)

**15.2. Public Hearing for Bylaw 3819 Zoning Amendment Bylaw (2772 Herd Road),
2021**

394 - 433

Purpose: The purpose of the Public Hearing is to allow the applicant and the public to make representations to Council respecting matters contained in Zoning Amendment Bylaw No. 3819, which proposes a site-specific zoning amendment at 2772 Herd Road, to permit a second detached dwelling unit in addition to a principal single family dwelling in the Rural (A2) zone..

The order of the Public Hearing, following the Call to Order and explanation of the Public Hearing process, shall be as follows:

- Acceptance of petitions and late correspondence
- Introduction of the proposal
- Summary of correspondence received and published in the Digital Information Package available on the Public Hearings webpage
- Presentation by proponent
- Comments from the public

(Note: The Public Hearing webpage where the Digital Information Packages are published is www.northcowichan.ca/PublicHearings which is updated as submissions are received. Members of Council and the public are encouraged to check the webpage frequently to view all public input.)

16. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS

16.1. Agricultural Land Commission Exclusion Application for 8682 Trans-Canada Highway 434 - 475

Purpose: To provide Council with information and options regarding the Municipality of North Cowichan's application to exclude land from the Agricultural Land Reserve (ALR) at 8682 Trans-Canada Highway.

Recommendation:

That Council forward the application to exclude 8682 Trans-Canada Highway from the Agricultural Land Reserve to the Agricultural Land Commission with a recommendation that the application be approved for reasons outlined in the September 12, 2019 letter to the Minister of Agriculture from Mayor Siebring.

16.2. Zoning Amendment Bylaw (2772 Herd Road), 2021 - to amend bylaw and read for a third time, as amended 476 - 476

Purpose: To correct typo in Bylaw No. 3819 prior to consideration of third reading.

Recommendation:

1. That section 2 of Zoning Amendment Bylaw (2772 Herd Road) No. 3819, 2021 be amended by striking out subsection number (x) and replacing it with (xvii).
2. That Council read for a third time Zoning Amendment Bylaw (2772 Herd Road) No. 3819, 2021 as amended.

17. ADJOURNMENT

Recommendation:

That Council adjourn the meeting at _____ p.m.

Municipality of North Cowichan

Consent Agenda

April 21, 2021

CONSENT AGENDA groups correspondence received by Council, which may require a response or action, into one agenda item called the consent agenda (Roberts Rules of Order calls it a "consent calendar"). This allows Council to publicly acknowledge receipt of those items in a unanimously agreed to vote instead of filing multiple motions. Any item may be moved out of the consent agenda at the request of any Council member, before approval of the agenda. Items removed from the Consent Agenda will be placed under New Business.

Pages

1. Draft Committee Minutes

Recommendation:

That the following draft minutes be received for information purposes only:

- | | | |
|------|--|-------|
| 1.1. | March 26, 2021 Sub-Group of OCP Advisory Group | 3 - 4 |
|------|--|-------|

2. Correspondence

Recommendation:

That the following correspondence is received for information purposes only:

- | | | |
|------|--|----------|
| 2.1. | March 21, 2021 email received from resident regarding Building Permit Application BP009146 | 5 - 9 |
| 2.2. | March 31, 2021 email received from Cathy Peters, BC Anti-human Trafficking Educator thanking Council for the letter of support and follow-up on what Ontario Schools are doing | 10 - 10 |
| 2.3. | April 1, 2021 letter from resident regarding the Bell McKinnon Road Local Area Plan | 11 - 11 |
| 2.4. | April 4, 2021 email from resident regarding the projected tax increase for 2021 | 12 - 13 |
| 2.5. | April 5, 2021 email from resident regarding Diamond Head Consulting's tree protection recommendation | 14 - 14 |
| 2.6. | April 7, 2021 email from Alexa Young of Government and Public Affairs regarding "Contributing to a Better BC" - 2019 Forest Industry Economic Impact Study | 15 - 50 |
| 2.7. | April 8, 2021 email and letter from City of Port Moody to BC Municipalities requesting endorsement for the Help Cities Lead Campaign | 51 - 110 |

| | | |
|-------|--|-----------|
| 2.8. | April 8, 2021 email from Coexisting with Carnivores Alliance requesting a letter of support on a moratorium on recreational wolf hunting on Vancouver Island | 111 - 115 |
| 2.9. | April 8, 2021 email from resident regarding the future use of the current Cowichan District Hospital | 116 - 116 |
| 2.10. | April 13, 2021 email from resident regarding Duncan/North Cowichan's drug addictions, mental health and homelessness issue | 117 - 119 |
| 2.11. | April 13, 2021 email from resident regarding trash pickup on Drinkwater and North Roads | 120 - 120 |
| 2.12. | April 14, 2021 email from resident regarding noise complaint along 49th Parallel Grocery Store in Chemainus | 121 - 122 |
| 2.13. | April 14, 2021 email from resident regarding proposed cell tower at Evans Park | 123 - 124 |
| 2.14. | April 14, 2021 from resident regarding wolf hunt on southern Vancouver Island | 125 - 125 |
| 2.15. | Proposed Cell Tower on Mount Tzouhalem | 126 - 146 |
| | 2 emails were received from residents in relation to the proposed cell tower on Mount Tzouhalem. | |
| 2.16. | April 13, 2021 Letter from City of Penticton to UBCM requesting a letter be sent to Premier Horgan regarding BC Government's Use of Provincial Paramountcy | 147 - 149 |

**Municipality of North Cowichan
Official Community Plan Advisory Group
Growth Management Working Group
MINUTES**

**March 26, 2021, 3:30 p.m.
Electronically**

Members Present Cam Campbell
Chris Crowther
Mona Kaiser
David Messier
Shannon Waters

Staff Present Rob Conway, Director of Planning and Building
Chris Hutton, Community Planning Coordinator
Mairi Campeau, Community Planner

Consultants Present Rob Barrs, MODUS
Suzy Lunn, MODUS

1. CALL TO ORDER

There being a quorum present, staff called the meeting to order at 3:30 p.m.

2. APPROVAL OF AGENDA

IT WAS MOVED AND SECONDED:

That the Official Community Plan Advisory Group Growth Management Working Group approve the agenda as circulated. CARRIED

3. BUSINESS

3.1 Introduction/Roles/Purpose/Appointment of Chair

Nominations and a call for interest to act as the Chair for this subgroup was opened. Mona Kaiser volunteered and was approved as Chair.

3.2 Review of memo / maps

A presentation of the memo, maps and updated information was provided by the consultant.

3.3 Discuss approach for growth scenarios

Subgroup members were asked to think about the following two questions:

1. What do you like about this revised approach?

2. How can it be improved?

A question and answer period and general discussion on growth scenarios took place.

3.4 Detailed discussion of scenario

3.5 Next steps and expectations

The sub-group felt comfortable with the additional work that had been completed, and agreed to move forward with the current approach to growth scenarios. They requested staff to prepare a workshop in three weeks to finalize these discussions and bring the results back to the OCP Advisory Group.

IT WAS MOVED AND SECONDED:

That the OCP Advisory Growth Management Working Group reconvene on April 16 at 3:30 p.m., online to have a workshop.

CARRIED

4. NEW BUSINESS

5. ADJOURNMENT

The meeting ended at 5:45 p.m.

Signed by Chair

Certified by Recording Secretary

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Wednesday, March 31, 2021 3:03 PM
To: Council
Subject: Fwd: Building permit application BP009146

To whom it may concern;

I live in Crofton, which as stated on the website, offers dramatic views and panoramic vistas... We bought a house here to be near to my wife's father, [REDACTED], a long time Crofton resident.

FIPPA s. 22(1)

A building plan was authorized for the piece of land next to my home, and while I expected someone to build there, I didn't expect to have all of my windows completely obscured by whatever was built.

The new building runs more than the entire length of my home, and will be higher than the upstairs windows where my sons' bedrooms are.

I feel like no consideration was given to the planning of the house by the builder, and no consideration was given to existing residents by whoever approved the plans.

I asked about process, as you can see from the below forwarded email, and was told there was nothing I can do. I feel that question wasn't answered.

I also feel that if houses are built with complete disregard for neighbouring properties, then tension is going to exist before anyone even moves in.

If a process allows a house to eclipse the nextdoor property without even so much as a consultation, I feel it is deeply flawed.

I appreciate your time reading what I have to say, and any help you can give.

Thank you

[REDACTED] FIPPA s. 22(1)

[REDACTED], Crofton.

----- Forwarded message -----

From: [REDACTED] FIPPA s. 22(1)
Date: Wed., Mar. 31, 2021, 2:44 p.m.
Subject: Re: Building permit application BP009146
To: Ben Robertson <ben.robertson@northcowichan.ca>

Thanks Ben, I appreciate your reply. If you could answer my question about process, that would be great.

If you can't, I understand, and please escalate to your manager.

All the best,

██████████ FIPPA s. 22(1)

On Wed., Mar. 31, 2021, 2:41 p.m. Ben Robertson, <ben.robertson@northcowichan.ca> wrote:

Hi ██████████ FIPPA s. 22(1)

Unfortunately there is nothing I can do for you. It meets all the zoning requirements as well as the requirements of the building code. Changes in the bylaws is done by mayor and council, perhaps getting in touch with your councilor would be helpful to you.

Regards

Ben Robertson

Building Inspector

DEVELOPMENT SERVICES | Building and Compliance

From: ██████████ FIPPA s. 22(1)

Sent: Wednesday, March 31, 2021 1:07 PM

To: Ben Robertson <ben.robertson@northcowichan.ca>

Subject: Re: Building permit application BP009146

Hey Ben,

I saw the complete plans this morning.

It seems the new build is going to completely obscure the view from the entire side of the house, not just of the ocean, but everything will just be looking at a blank wall.

What is the process for approval? Does it take into account existing properties or is it just making sure numbers are under thresholds?

My wife is devastated about the proposed building, it's basically too big for the plot.

If this is something that needs to be escalated please do so. It seems like no thought was given to adjoining properties when the size and position of this house was drawn up.

Thanks again for your time.

██████████ FIPPA s. 22(1)

██████████ FIPPA s. 22(1)

On Tue., Mar. 30, 2021, 10:36 a.m. ██████████ wrote:

Thanks for the info anyway, Ben.

I spoke with ██████████ and he will be down here tomorrow so we can talk about everything ourselves.

██████████ FIPPA s. 22(1)

Have a great rest of your day.

Hi [REDACTED] FIPPA s. 22(1)

From: [REDACTED] FIPPA s. 22(1)

FIPPA s. 22(1)

Hi [REDACTED] FIPPA s. 22(1)

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, March 29, 2021 3:43 PM
To: Ben Robertson <ben.robertson@northcowichan.ca>
Subject: Re: Building permit application BP009146

Thanks for the quick response, Ben.

Is there any way to tell if that's going to be right outside my windows, or where on the lot the building is going to go?

Thanks again for your help,

[REDACTED] FIPPA s. 22(1)

On Mon., Mar. 29, 2021, 3:40 p.m. Ben Robertson, <ben.robertson@northcowichan.ca> wrote:

Hi [REDACTED] FIPPA s. 22(1)

The zoning requires a maximum building height of 29'6", the proposed residence shows a height of 27 feet.

Regards

Ben Robertson

Building Inspector

DEVELOPMENT SERVICES | Building and Compliance

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, March 29, 2021 10:32 AM
To: Ben Robertson <ben.robertson@northcowichan.ca>
Subject: Fwd: Building permit application BP009146

Hey Ben,

FIPPA s. 22(1)

I am trying to find out more information about permit/planning applications on Lindsay Place in Crofton. I live at [REDACTED] and I'm just hoping that the new place going in next door isn't going to obscure the view from my house too much. I had heard that the plan was for "a rancher with an upstairs addition", and so naturally I am concerned about the building elevation and its situation on the lot.

Is there anything you can tell me about this?

Thanks for your help,

[REDACTED] FIPPA s. 22(1)

[REDACTED], Crofton, BC, V0R1R0

FIPPA s. 22(1)

----- Forwarded message -----

From: [REDACTED] FIPPA s. 22(1)

Date: Mon., Mar. 29, 2021, 9:15 a.m.
Subject: Building permit application BP009146
To: <building@northcowichan.ca>

Good morning,

I live on Lindsay Place in Crofton, and the application BP009146 looks to be for the lot beside my house, and I see there are surveyors outside this morning

I am concerned that building a single-family dwelling with a suite may affect the view from my house, as well as the value of the property, and so I have a couple of questions:

- Is there any way that permits are issued with the proviso that the impact to neighbours is minimal?
- Are the plans for houses available for review prior to them being approved?

The permit application lists SFD+suite, and I think that will be quite a big build, so would hope that the applicants would take into consideration the impact on existing houses.

Is there a review process for plans or any procedure for trying to build considerately?

Thanks for any information you can provide,

[REDACTED] FIPPA s. 22(1)

[REDACTED] Crofton, BC, V0R1R0

FIPPA s. 22(1)

Ginny Gemmell

From: ca.peters@telus.net <cathy@telus.net>
Sent: Wednesday, March 31, 2021 3:50 PM
To: Council
Subject: Thank you for support letter; follow up on what Ontario Schools are doing for Education on Human Trafficking

Good afternoon North Cowichan Council,
Thank you very much for the letter of support.

FYI, this is what Ontario is doing as best practices in Canada to stop Human Trafficking. In contrast BC is the best place to exploit women and children in Canada.

- [Ontario's New Anti-Human Trafficking Strategy | Ontario Newsroom](#)
- last paragraph under **Protecting Victims and Intervening Early**
- Continuing education and prevention efforts geared to children and youth through Ontario schools, building on the school curriculum. Ontario's updated elementary Health and Physical Education curriculum now includes learning that helps protect students from human trafficking, and White Ribbon is developing a new, digitally-based resource on the prevention of sexual exploitation for delivery in Ontario secondary schools. These and other resources will support broader education for students about human trafficking.

FYI, as a follow up of information for BC schools.
This information needs to be shared with the BC Minister of Education.
Sincerely, Cathy Peters
BC anti-human trafficking educator, speaker, advocate
1101-2785 Library Lane, North Vancouver, BC V7J 0C3
604-828-2689

01 April 2021

FIPPA s. 22(1)

We agree with [REDACTED] and are extremely disappointed with the direction North Cowichan Council is taking in regard to the Bell McKinnon Rd Local Area Plan. What is the point in throwing more money and time to undo/redo an awarding winning 50 year LAP that was recently adopted by Council?

My parents bought property and built our family home here on Bell McKinnon Rd in 1965 and after buying property from them, my husband and I built our home right next door in 1990. We are long time residents and have enjoyed living in this area. That is not to say it has been without its challenges. We knew there would be changes to this area when we heard the new hospital property had been secured. So, we tried to get involved, we attended Council Meetings and voiced our opinions and thought finally there was a Bell McKinnon Rd LAP in place. We felt that our neighbourhood could move forward in a positive direction.

We feel duped when realizing that North Cowichan Council may now change their decision and not use the LAP that was researched and adopted. The much needed hospital is coming, change is coming, so please stop dragging your feet and let's move forward.

Sincerely

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Sunday, April 4, 2021 7:41 AM
To: Council
Subject: Projected tax increase for 2021
Attachments: CCE04032021_0001.pdf

Dear Mayor and Council,

The April 1st edition of the Cowichan Valley Citizen quotes Mayor Al Siebring as saying “staff were instructed to try and keep the tax increase for 2021 as low as possible.” The byline to this report indicates “N. Cowichan projecting 2.31% tax increase”. With all respect, I strongly believe Mayor and Council need to give much stronger direction to municipal staff! For your information, the attached Statistics Canada Consumer Price Index Annual review indicates the CPI in 2020 increased .7%. How does Mayor and Council justify a municipal tax increase more than three times greater than the CPI increase last year? Why is the elected Council and staff of our community seem to be incapable of containing tax increases to the same rate as the CPI?

Yours truly,

[REDACTED] FIPPA s. 22(1)



Statistics
Canada

Statistique
Canada

[Home](#) > [The Daily](#)

The Daily



| | | |
|------------------|------------------|---------------------|
| In the news | Indicators | Releases by subject |
| Special interest | Release schedule | Information |

Consumer Price Index: Annual review, 2020

| | | | | |
|----------------------|------------------------|-------------------------------------|----------------------------------|------------------------------|
| Text | Tables | Related information | Previous release | PDF (252 KB) |
|----------------------|------------------------|-------------------------------------|----------------------------------|------------------------------|

Released: 2021-01-20

The COVID-19 pandemic has had an impact on the Consumer Price Index (CPI), both in terms of the shifts in consumer spending patterns and in terms of the special imputation treatments introduced to address missing or unavailable products and prices in 2020. Please refer to the note to readers for more information.

The CPI rose 0.7% in 2020 on an average annual basis, following an increase of 1.9%

in 2019. In 2020, the CPI rose at the slowest pace since 2009, during the economic downturn. Slowing inflation was mostly attributable to a decline in consumer spending related to protective measures to restrict movement and encourage physical distancing during the pandemic. Excluding gasoline, the annual average CPI rose 1.3% in 2020.

Annual Average CPI

137.0
2020

0.7%
(annual change)

Source(s): Table [18-10-0005-01](#).

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, April 5, 2021 12:04 PM
To: Council
Subject: Consultant's tree-protection recommendation

Dear North Cowichan Mayor and Council:

I sure applaud a logical tree-protection bylaw, and tree-management strategy for development projects, recently recommended to council by Diamond Head Consulting.

I also hope this taxpayer-funded report — reported in the March 25, 2021 Citizen — is not simply more greenwash for councillors to now resume business as usual in what some residents rightly call 'North Cowichop'.

While the City of Duncan adopted a tree-protection bylaw years ago, North Cowichan has stubbornly failed to follow Totem Town's lead.

That has tragically led to more cutting of the type lamented by resident Jim Cuthbert after "too many" big firs were removed by B.C. Housing or its supportive-housing project on Drinkwater Road.

Even Rob Conway, North Cowichan's planning director, indicated in the March 25 Citizen that he empathizes with Cuthbert's cogent concerns but "North Cowichan has no tree-protection bylaw."

Why?

Despite years of some residents demanding such a tree bylaw, with teeth, council still retains a frontier atmosphere to accommodate development at the expense of precious trees vital for street character, property-value retention, eco-habitat and biodiversity.

This, despite council espousing its climate-action plan lacking a tree-protection bylaw that is standard in many municipalities of similar size.

I now urge council to partner its environmental bylaws by adopting a tree-protection and management bylaw that's long overdue, before more healthy trees are lost.

Yours truly,

[REDACTED] FIPPA s. 22(1)
Banks Road, North Cowichan

Ginny Gemmell

From: Alexa Young <young@cofi.org>
Sent: Wednesday, April 7, 2021 4:41 PM
Subject: Release of COFI's Forest Industry Economic Impact Study 'Contributing to a Better B.C.'
Attachments: EXECUTIVE SUMMARY_COFI 2019 FOREST INDUSTRY ECONOMIC IMPACT STUDY.pdf;
REPORT_COFI 2019 FOREST INDUSTRY ECONOMIC IMPACT STUDY.pdf

Dear Mayor and Council,

Earlier today, the BC Council of Forest Industries was pleased to release of our new study '**Contributing to a Better B.C.**' – **2019 Forest Industry Economic Impact Study**.

The study confirms that B.C.'s forest industry continues to generate significant economic activity and contributes to a good quality of life for British Columbians in every region of the province.

The study found that in 2019, the provincial forest industry contributed:

- **\$13 billion** to B.C.'s GDP
- **100,000** good jobs for British Columbians
- **\$8 billion** in wages, salaries & benefits
- **\$4 billion** in government revenue to support health, education & more

Importantly, Indigenous communities are vital to B.C.'s forest products industry – as owners, business and stewardship partners and employees. Over **5,300** Indigenous people are directly employed in the forest sector, more than any other resource sector in B.C. And as a previous supply chain study showed – 120 Indigenous Nations and affiliated organizations were active participants in B.C.'s forest industry in 2019, with close to \$250 million flowing to Indigenous communities.

Of interest to you and your colleagues, a regional breakdown is provided in the report for the Cariboo, Thompson/Okanagan, Kootenay, Lower Mainland/Southwest, Vancouver Island/Coast, North Coast, Nechako and Northeast Regions.

For your reference, I have provided links to:

- Today's [news release](#)
- An [executive summary](#)
- A [copy of the report](#)
- A technical report is also available at www.cofi.org

The study materials are also appended as PDFs.

Don't hesitate to reach out if you have any questions or wish to discuss.

Best,

Alexa

Alexa Young
Vice President, Government and Public Affairs

Mobile: 778.229.6885
Email: young@cofi.org



April 8, 2021
8:30am - 12:00pm

[REGISTER HERE](#)

2019 Forest Industry Economic Impact Study

What We Found

SPEND

\$14 billion

invested in B.C. operations
over 10 years

ECONOMIC IMPACT



\$13 billion

to B.C.'s GDP

100,000

good jobs for British Columbians



\$8 billion

in wages, salaries &
benefits

\$4 billion

in government revenue to support
health, education and more



B.C. Forest Products Industry Represents

1 in 25

of all
B.C. jobs

- **14%** of jobs in the Cariboo
- **7%** of jobs in the Northeast
- **7%** of jobs in the Kootenays
- **nearly half** of forestry jobs are in the Lower Mainland/Southwest

KEY FACTS

1 in 5

manufacturing jobs

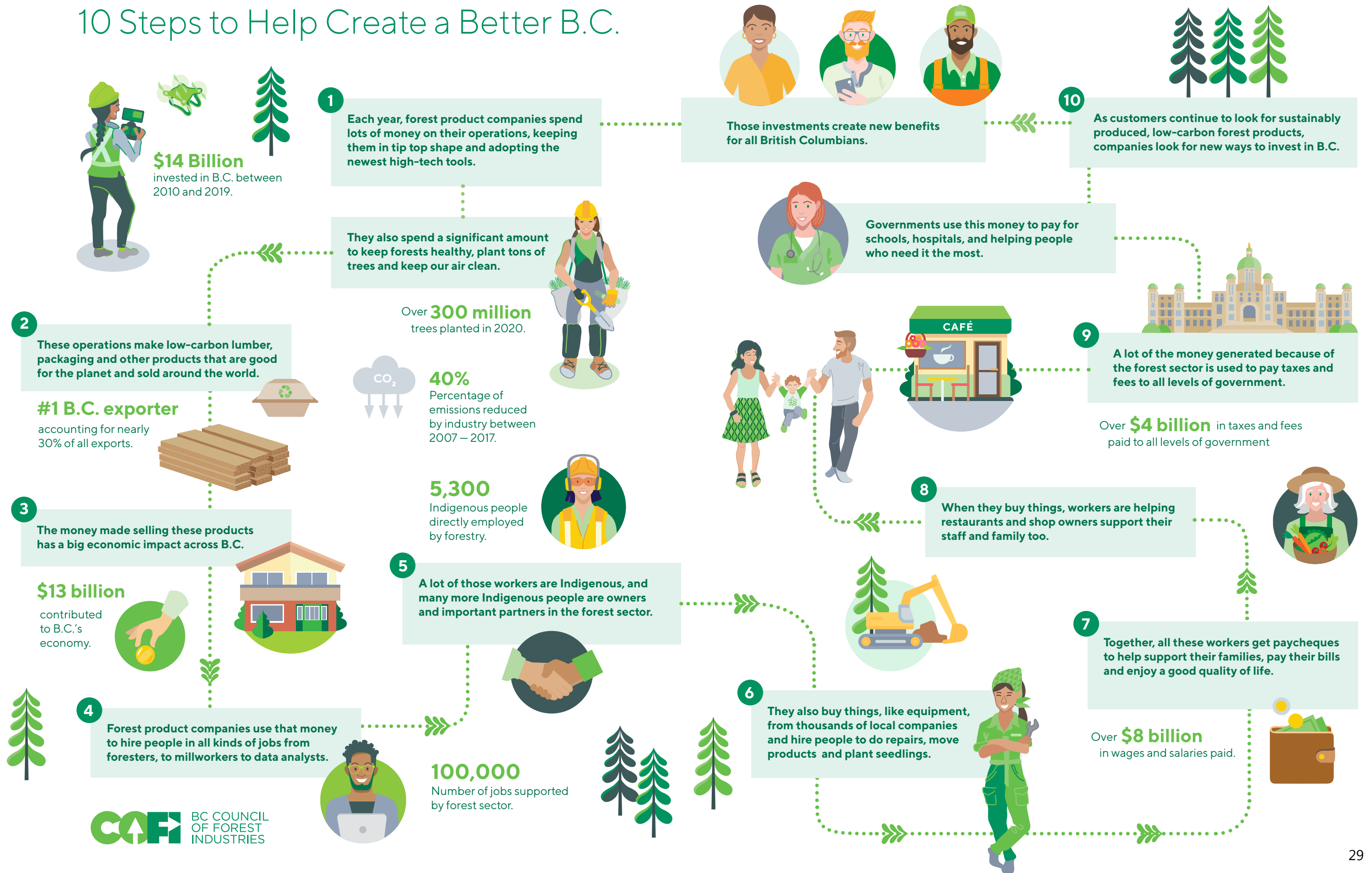
More than **5,300**
Indigenous people
directly employed



BC COUNCIL
OF FOREST
INDUSTRIES

*Other sources: 2019 B.C. Stats; 2016 Census

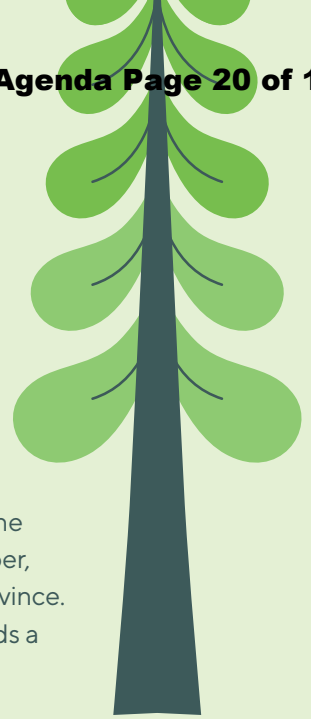
10 Steps to Help Create a Better B.C.



Contributing to a Better B.C.

2019 Forest Industry Economic Impact Study





About the Study

The *2019 Forest Industry Economic Impact Study* was conducted by the **BC Council of Forest Industries (COFI)**, which represents most lumber, pulp and paper, and manufactured wood producers from across the province. The lead author was Kurt Niquidet, Chief Economist at COFI. Kurt holds a Ph.D. in Resource Economics from the University of Groningen and is an Adjunct Professor in the Faculty of Forestry at the University of British Columbia.

PricewaterhouseCoopers conducted a review of the methodology used by COFI to undertake the study and reviewed the results. Based on its review, it concluded that the methodology is consistent with common practices and the calculations are accurate.

The study measured the economic impact of the B.C. forest industry's ongoing operations, employment and capital spending related to forestry and logging, wood product manufacturing, and pulp and paper manufacturing across the province in 2019, including by the following regions:

- **Vancouver Island/Coast**
- **Lower Mainland/Southwest**
- **Thompson/Okanagan**
- **Kootenay**
- **Cariboo**
- **North Coast**
- **Nechako**
- **Northeast**

A copy of the full Technical Report can be found at cofi.org.

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Big Economic Impact, Better Quality of Life for British Columbians

For over a century, British Columbia's forest industry has been foundational to the provincial economy, generating billions of dollars in government revenues, putting paychecks in people's pockets, helping small businesses pay their bills and supporting a better quality of life for British Columbians.

While B.C.'s economy is constantly evolving and diversifying, the *2019 Economic Impact Study* shows us that forestry's role in the economy remains very important to this day, and the future is bright.

What the Study Looked At

ECONOMIC INDICATORS

1. **Output** – The total value (\$) of forest products sold and what consumers paid for those. For example, a mill purchases a log for \$400, produces lumber and sells the lumber for \$600. The output of the forest industry is \$1,000.
2. **Gross Domestic Production (GDP) or Value Add** – Industry's contribution to the value (\$) of all final products made in B.C. For example, a mill purchases a log for \$100, produces lumber and sells it for \$300. The value add is \$200.
3. **Labour Income** – The total amount (\$) of wages and salaries paid to forest industry workers, plus other employer contributions such as pensions.
4. **Employment** – The number of people who work for forest companies, companies who supply the industry with goods and services and businesses like local restaurants who rely on forestry-related paychecks to stay in business.

IMPACTS

1. **Direct Impacts** – The jobs, GDP and taxes attributed to the forest industry. Direct jobs, for example, would include mill workers, loggers, pulp and paper workers and others.
2. **Indirect Impacts** – The economic activity attributed to companies that supply goods and services to the forest industry. For example, a company that does logging services for a forestry company has suppliers that provide it with goods and services. These suppliers also hire workers and pay taxes.
3. **Induced Impacts** – The impacts to businesses like restaurants and shops that are not directly or indirectly involved in forestry but benefit from its activities because of the money it puts in the pockets of direct and indirect workers.

OTHER MEASUREMENTS

1. **Capital Expenditures** – The money spent by the B.C. forest industry on equipment, new technologies, repair and maintenance.
2. **Government Revenues** – The amount of taxes and fees collected from B.C. forest products companies, workers and suppliers by federal, provincial and municipal governments.

2019 Forest Industry Economic Impact Study

What We Found

SPEND

\$14 billion

invested in B.C. operations
over 10 years

ECONOMIC IMPACT



\$13 billion

to B.C.'s GDP

100,000

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- nearly half of forestry jobs are in the Lower Mainland/Southwest

KEY FACTS

1 in 5

manufacturing jobs

More than **5,300**
Indigenous people
directly employed

From Paper Packaging to Mass Timber – B.C. is Growing Low-Carbon Products for the World

British Columbia produces a broad array of forest products – from dimensional lumber and pulp and paper to a wide variety of value-added products including cross laminated mass timber, glulam and veneer.

Whether used in affordable housing, commercial buildings or recyclable packaging, these carbon-storing products – made from our renewable forest resource – are increasingly playing a role in the global fight against climate change.

As customers around the world continue to look for sustainably produced, low-carbon forest products – B.C. forest companies look for ways to continue to diversify their product offerings and build relationships with new global customers.



Investing in B.C.

Each year, forest product companies spend a lot of money on their operations to keep them in tip-top shape and make sure they are keeping up with the latest and greatest in high-tech tools.

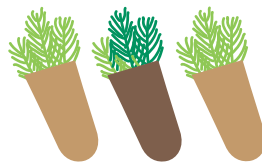
When they invest, companies are able to upgrade equipment to do things better and safer and add capacity to produce more of the sustainably produced, low-carbon products that are in demand around the world. They're also able to

adapt their operations and re-tool mills so that new products can be produced, adding value in the process.

Forest product companies also spend a significant amount of money to keep forests healthy, plant trees and keep our air clean. This includes investing in new technologies that help operations use less energy, fuel and water and reduce their carbon footprint.

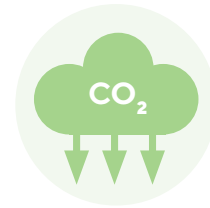


Between 2010 and 2019, B.C. forest product companies invested **\$14 billion** on their operations and in repair and maintenance activities.



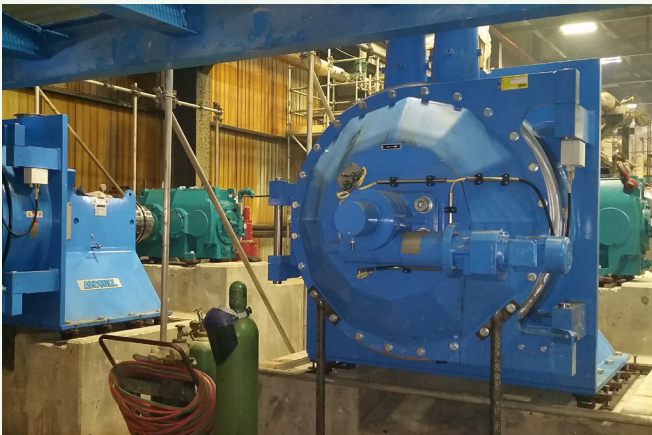
B.C.'s forest industry planted a record-breaking over **300 million trees** in 2020.

* Source: Government of B.C.



The forest sector reduced carbon emissions by **40% between 2007 – 2017.**

* Source: 2020 NRCAN
State of the Forest Report



Canfor spent approximately **\$100 million** between 2017 and 2019 to improve energy efficiency and reduce GHG emissions at its Taylor and Northwood mills.



In 2019, Paper Excellence announced **\$13 million** to be spent to upgrade Port Alberni mill to make fibre-based food packaging – products that are good for the planet.

SPOTLIGHT

Jobs to be Proud Of

Meet Kristal

Kristal Lukas works in Production at Western Forest Products' Cowichan Bay Sawmill on Vancouver Island. Kristal has been working at the sawmill for three years, after a one-year stint at Western's Chemainus Value Added Reman Operation. Her position provides opportunities to work in various jobs, as she continues learning the business.

A Family Affair

You could say the forest industry runs in Kristal Lukas' family. Two of her three brothers, including her twin, George, also work in the forest industry.



George and Kristal Lukas

It's a Good Industry

In fact, George encouraged Kristal to join the sector. "My brother works at another sawmill in town and told me it's a good industry and encouraged me to give it a try. I like it, it's a good union job. We both like being active and this industry offers a lot of hands-on jobs."

Active lifestyle

Born and raised on Vancouver Island, Kristal now calls Duncan home, making the short 10 km commute to nearby Cowichan Bay for work. "We've been active all our lives. George and I did judo for about 10 years and were on Team BC together, travelling all over competing at events across the country. Now we like to get out on Lake Cowichan or go fishing. It's really nice here and we like to be outdoors whenever we can."

A Bright Future

While Kristal is still relatively new to the industry, she thinks it has a bright future. "With the B.C. government and industry working together, planning and investing in the sector, I think I could have a life-long career."

“The forest sector is critically important to B.C.'s economy, and most importantly to the close to 50,000 British Columbians, including 12,000 USW members, who work directly in the sector proudly producing renewable, low-carbon wood products for the world.”



Jeff Bromley Chair,
Wood Council Canada,
United Steelworkers

DIRECT JOBS

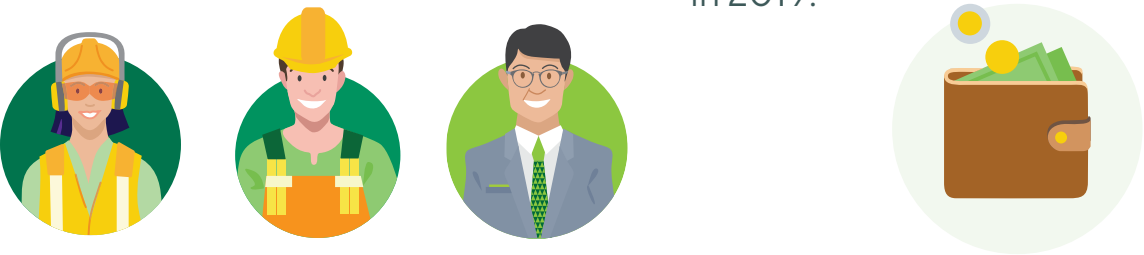
What We Found

B.C. forest product companies hire people to work at their operations in all kinds of jobs from foresters, to millworkers to data analysts.

In 2019, B.C.'s forest product industry supported about **50,000** direct jobs.

These are high-paying jobs, supporting people and families all across the province.

\$8 billion in wages, salaries & benefits were paid to forestry-related workers in 2019.



What kind of jobs are these? **Here are just a few:**

- | | | |
|---------------------|-----------------------------|----------------------------------|
| Biologist | Geomatic Technician | Lumber Grader |
| Computer Engineer | Harvesting Forester | Maintenance Director |
| Custodian | Health & Safety Coordinator | Marketing Agent |
| Crane Operator | Heavy Duty Mechanic | Occupational Health Nurse |
| Data Analyst | Human Resources Manager | Office Manager |
| Drone Operator | Industrial Electrician | Wood Processing Machine Operator |
| Forest Technologist | Log Buyer | Yard Supervisor |



SPOTLIGHT

Local Suppliers Growing Local Jobs

Forestry Supply Chain Connects Us All

What does a forester in Prince George, a drone maker in Vancouver and an environmental consultant in Victoria all have in common?

They all live and work in a forestry community. That's because, in addition to jobs directly tied to forestry operation, thousands of B.C.-based companies – small, medium and large – across the province are in the business of supplying goods and services to the forest industry.

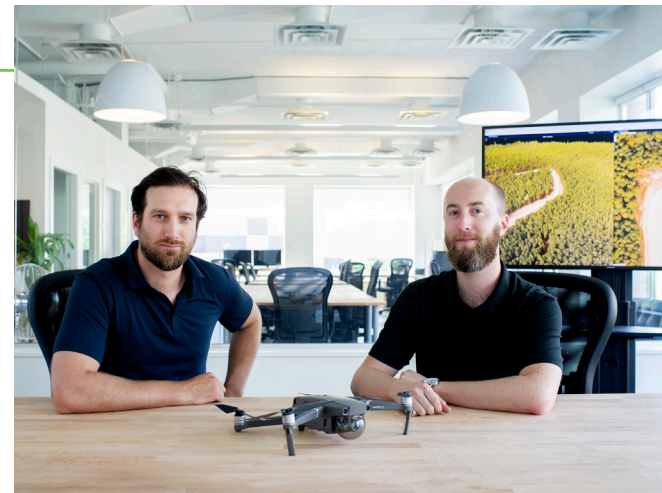
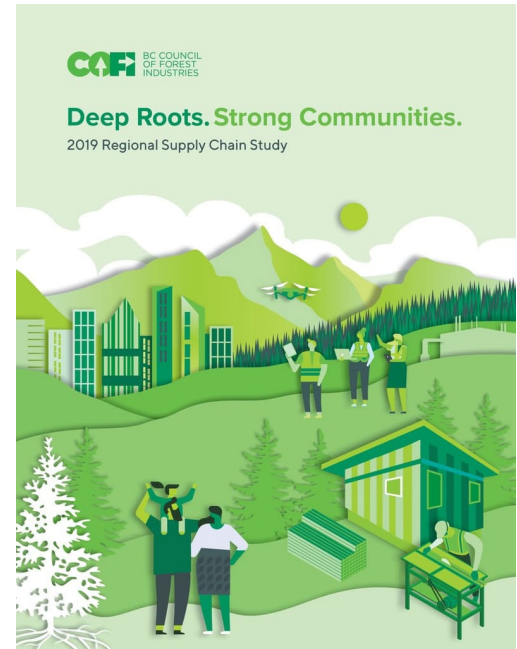
Deep Roots. Strong Communities.

According to a study commissioned by COFI – *Deep Roots. Strong Communities: 2019 Regional Supply Chain Study* – in 2019, its member companies purchased \$7 billion of goods and services from nearly 9,900 suppliers from more than 340 communities, and 120 Indigenous Nations.

Supporting Good Jobs for British Columbians

Suppliers range from manufacturers designing, producing and servicing parts for the equipment used in forestry operations to urban-based tech companies developing digital solutions to improve harvesting, tree planting and regeneration processes. They also include transportation, janitorial, catering and other services to name just a few.

If every one of these companies employs five, 10 or 100 people, that's a lot of British Columbians who also count on the forest industry each day to support their families, pay their bills and enjoy a great quality of life.



Mike Wilcox and Patrick Crawford,
founders of FYBR Solutions

“

Our forest industry partners rely on our drone technology to provide accurate information to make forest and mill operations more efficient and sustainable. Our solutions are being used by foresters and mill operators across North America as a direct result of the success here in B.C.

Mike Wilcox co-Founder
FYBR, Vancouver

”

INDIRECT JOBS

What We Found

Each year, forest product companies buy things – like equipment and high-tech tools – from thousands of local companies. They also hire people working for businesses big and small to provide a whole range of services from doing repairs, to moving their products to providing environmental consulting.

In 2019, B.C.’s forest product industry supported over **30,000** indirect jobs.



What kind of jobs are these? **Here are just a few:**

Accountant

Caterer

Clothing Provider

Digital Solutions Consultant

Education and Training
Provider

Engineers

Environmental & Forest
Management Planner

Fire Protection Technician

GIS Analyst

Health and Safety Consultant

Human Resources Consultant

Information Technology
Provider

Laboratory Assistant

Lawyer

Marketer

Office Supplies Provider

Port Logistics Manager

Road Builder

Soil Management Consultant

Surveyor

Technology Provider

Water and Wildlife Consultant



SPOTLIGHT

Open For Business

The Ideal Café has been a local landmark in Campbell River since the 1940s.

Owned and run by the Bergen family – Lloyd, Audrey and their youngest daughter Stephanie – the restaurant is a popular eatery, not only with the many forest workers in the community, but with families too.

The Bergens purchased Ideal Café in 2011, says Stephanie, and “turned the old greasy spoon into one of Campbell River’s best breakfast-lunch places. But it still retains its retro vibe.”

It’s been serving up diner food favourites like big breakfasts, burgers, home-cut fries, milkshakes and, of course, pies. The last couple of years, the café won people’s choice awards for best breakfast and lunch in Campbell River and Best Burger in Campbell River this year.



Photos: Bluetree Photography/Destination Campbell River

“The forest industry has not only been important to the Ideal Café, but to our family too. Forestry is what fed our family for many years. The Ideal Café will always be about the industry.”

Stephanie Bergen
Ideal Café

Providing Good Family-Supporting Jobs



The café employs about a dozen people in the community – servers, cooks, prep staff and dishwashers. This doesn’t include Lloyd and Audrey who are semi-retired but haven’t gone too far and help out with the books and buying food among other things.

There’s another connection the two have with the café – Audrey was a server there at age 16, and it’s where she met Lloyd, 17 at the time, who worked across the street at a lumber yard, and used to come in for coffee with his brothers. They started dating a few years later.

Forestry Keeps the Lights On

The Bergen’s connection to the forest industry runs deep, says Stephanie. Audrey worked at the Elk Falls pulp and paper mill for 30 years before it shut down in 2010, and Lloyd drove a logging truck for more than 10 years.

INDUCED JOBS

What We Found

Restaurants, corner stores and farmers’ markets are among the many businesses that also rely on a healthy forest sector. That’s because workers employed by forest product companies and industry suppliers spend their paychecks in their local communities – helping the local deli, coffee shop, car wash and clothing boutique—owners support their families and staff too.

In 2019, B.C.’s forest product industry supported about **23,000** induced jobs.



What kind of jobs are these? **Here are just a few:**

- | | | |
|-------------------------|---------------------|-----------------------|
| Bartender | Florist | Museum Security Guard |
| Book Store Owner | Food Truck Worker | Restaurant Owner |
| Cashier | Grocery Store Clerk | Server |
| Clothing Boutique Clerk | Gym Trainer | Shelf Stacker |
| Concert Hall Bouncer | Hotel Concierge | Shopping Mall Janitor |
| Corner Store Owner | Home Designer | Theatre Usher |
| Dishwasher | Ice Cream Scooper | Tour Guide |



SPOTLIGHT

Forestry and the Social Services British Columbians Count On

Keeping British Columbians Healthy

Each year the B.C. Government counts on a steady stream of tax revenues from forestry and other industries to help plan and pay for things like new hospitals, primary care centres, doctors and nurses to keep people safe and healthy.

Between 2020 and 2023, for instance, the Ministry of Health plans to spend over \$6 billion to upgrade health facilities, medical and diagnostic equipment and more.



Educating the Next Generation

Similarly, making sure kids and youth all over B.C. have access to quality education and skills training requires significant amounts of government spending, financed by the taxes and fees they collect. Over that same time period, for example, the provincial government plans to spend nearly \$3 billion to maintain, replace, renovate and expand facilities for kindergarten to grade 12 students. They are also looking to spend over \$3 billion to make sure colleges and universities are equipped to meet future workforce needs in key sectors like health, science, trade and technology.

Creating More Affordable Housing

Taxes and fees collected from forest product companies are also helping support the people and families who need it most. This includes building more affordable housing across B.C. Over a 10-year period, the Government of B.C. plans to spend over \$6 billion to build 114,000 affordable housing units.

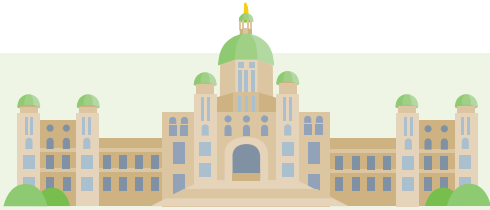
Sources: B.C. Budget 2020, Homes for BC (2018)

Revenues from B.C.'s forest industry help make these things happen.

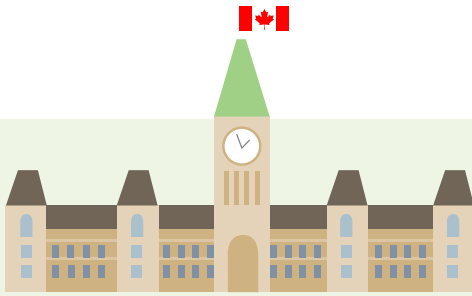
GOVERNMENT REVENUES

What We Found

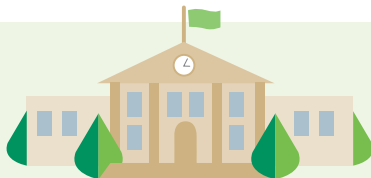
A lot of the money generated because of the forest sector is used to pay taxes and fees to all levels of government. In 2019, this amount totalled over \$4 billion. Governments use this money to pay for schools, hospitals and helping people who need it the most.



Nearly **\$2.5 billion** in taxes/fees to B.C. Government



\$1.5 billion in taxes/fees to Canadian Government



Over \$245 million in taxes/fees to local governments



What does \$4 billion pay for?

To put this in perspective, this is the equivalent of:

- **53,300** elementary and kindergarten teacher annual salaries
- **47,600** nurse salaries

*Source: 2019 annual BC media salary, WorkBC

SPOTLIGHT

Partnering for Success

Partners for a Sustainable Future

On the west coast of Vancouver Island, the Huu-ay-aht First Nations and Western Forest Products are collaborating to help advance reconciliation, support forestry revitalization and create new economic opportunities for Huu-ay-aht citizens and other TFL 44-area First Nations. Both strongly believe that working together will benefit the community, region and forestry sector.

Forestry and Reconciliation in Action

In 2018, the Huu-ay-aht and Western signed a Reconciliation Protocol Agreement, providing a shared vision and including a framework for reconciliation and revitalization of the Alberni Valley forest sector. The framework includes increased participation of area First Nations through tenure ownership, employment and business opportunities, sustained domestic manufacturing, increased training and jobs, effective marketing and valued-added product innovation, and strong environmental stewardship.

Enhanced Decision-Making Supports Stewardship and Economic Opportunities

The Reconciliation Protocol has since led to a historic agreement between Western and the Huu-ay-aht owned, Huumiis Ventures Limited Partnership for the purchase of a majority share in TFL 44 Limited Partnership, the entity that owns Tree Farm Licence 44, and a stake in Western's Port Alberni sawmill over time.

Once complete, the transaction is intended to provide enhanced decision-making to help meet stewardship goals, increased revenue streams for Huumiis with the Huu-ay-aht people directly benefiting from forestry activities, and increased job and training opportunities for community members.



“ This agreement will enable Huu-ay-aht to have more jurisdiction over our ahuuḥi (traditional territory), strengthen the long-term sustainability of the forest sector in the Alberni Region, provide strong environmental stewardship that aligns with Huu-ay-aht's forestry guiding principles, and create more opportunities for First Nations, including our citizens.

Robert J. Dennis Sr.

Chief Councillor,
Huu-ay-aht First Nations

”

INDIGENOUS PARTICIPATION

In B.C.'s Forest Industry

Indigenous communities are vital to B.C.'s forest products industry – as owners, business and stewardship partners and employees.



Members of the Homalco First Nation and Interfor employees paddle together to enhance cultural awareness and understanding.

Over 5,300 Indigenous people directly employed in the forest industry, more than any other resource sector in B.C.



Close to 120 Indigenous Nations or affiliated businesses were active participants in B.C.'s forest industry in 2019.



In 2019, business agreements and stewardship partnerships were equivalent to close to **\$250 million**, with economic benefits flowing to Indigenous communities.

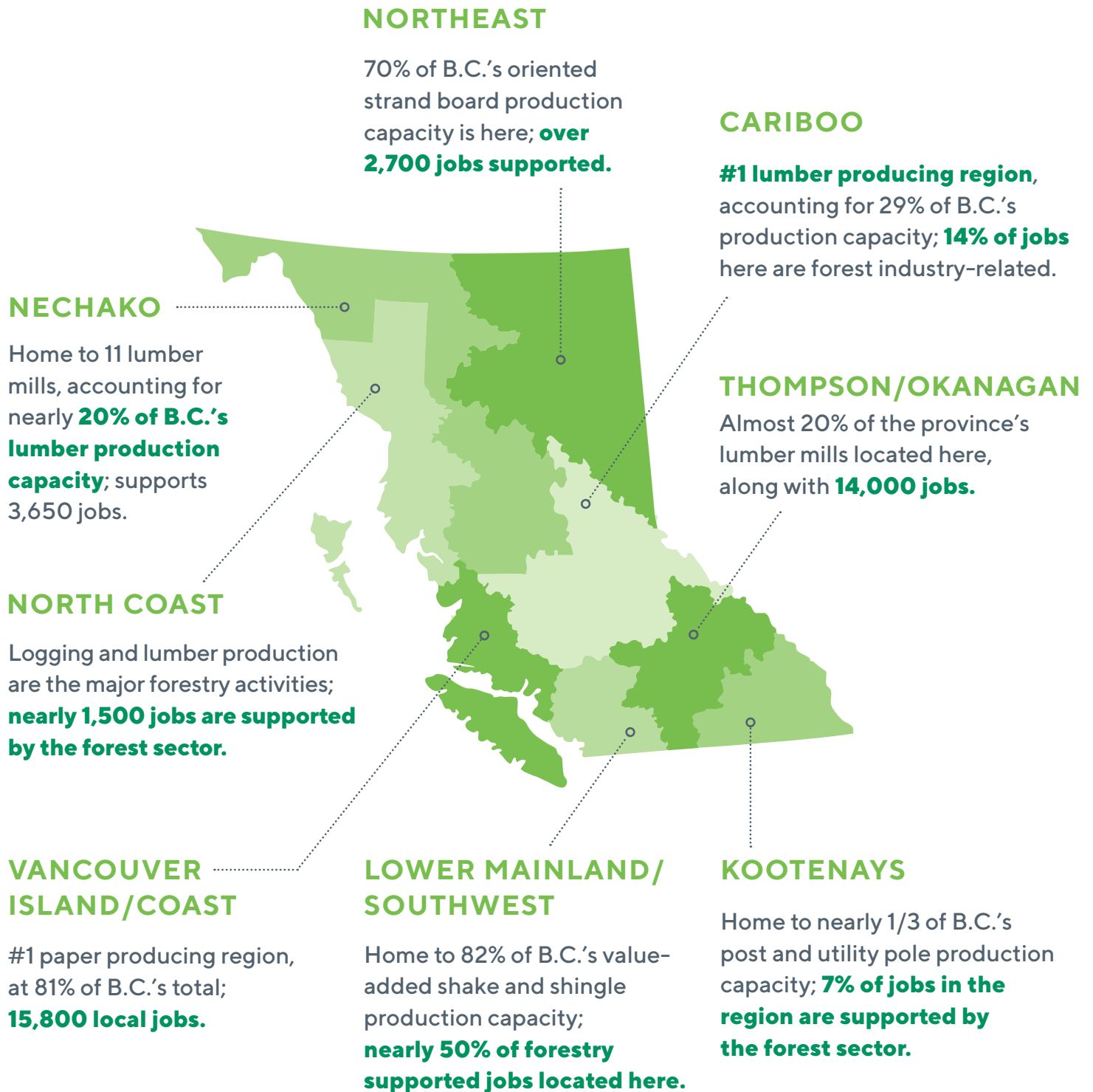
Source: 2016 Census, COFI 2019 Regional Supply Chain Study

Forestry's Economic Reach

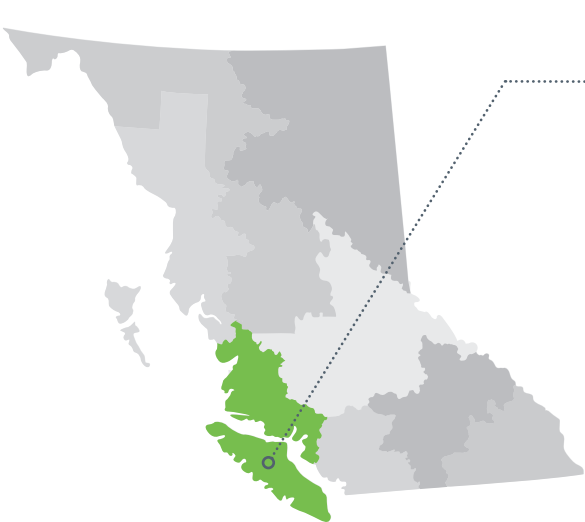


Whether in **downtown Vancouver**, **Campbell River** or **Prince George**, people and businesses big and small across B.C. depend on B.C.'s forest industry to support their families and enjoy a great quality of life.

Benefits all British Columbians



Vancouver Island/Coast

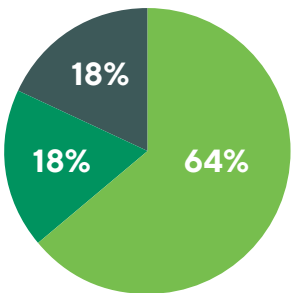


#1 paper producing region,
at 81% of B.C.'s total;
15,800 local jobs.

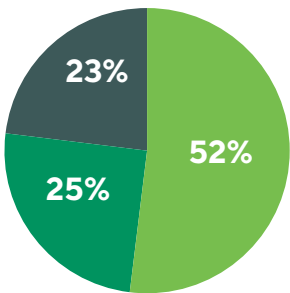
Did you know – Paper Excellence’s Port Alberni paper mill uses over 95% renewable energy to make its paper products and has reduced its carbon footprint by 83% since 1990?*

*Source: Catalyst Port Alberni Mill Fact Sheet

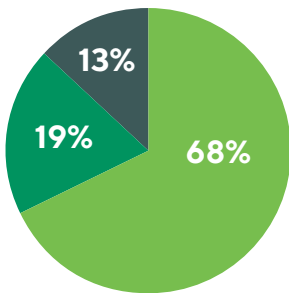
The Vancouver Island/Coast region is home to 22 lumber manufacturing mills, 13 shake and shingle production facilities, seven pulp and paper mills, two utility pole producers and one veneer plant.



GDP
Generates
\$2.16 billion in GDP.



Employment
Employs 15, 864
British Columbians.



Labour Income
Provides \$1.36 Billion
in wages.

● DIRECT
● INDIRECT
● INDUCED



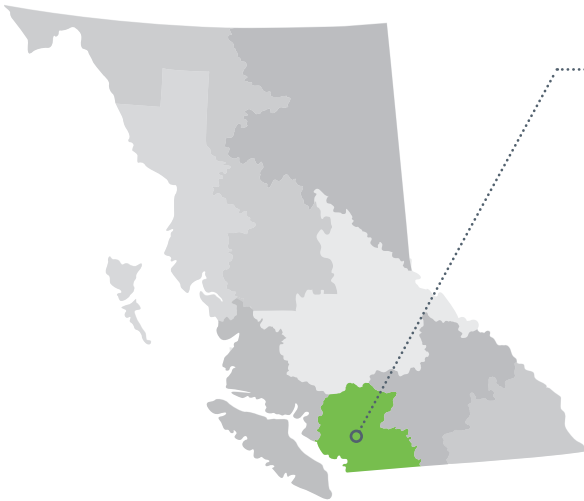
“ The forest industry has long been an important part of our community and region.

It contributes to our economy, provides well-paying jobs that support families and adds to the fabric and well-being of our community.

Mayor Gaby Wickstrom, Port McNeil

”

Lower Mainland/Southwest

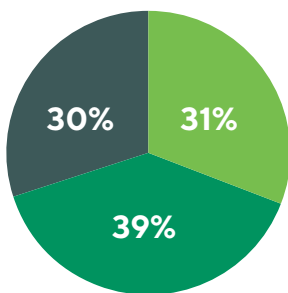


Home to 82% of B.C.'s value-added shake and shingle production capacity; **nearly 50% of forestry supported jobs located here.**

Did you know – In 2019, COFI member companies spent \$2 billion purchasing goods and services from 2,100 Metro Vancouver businesses?*

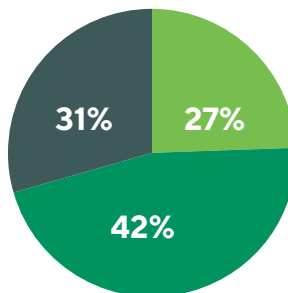
*Source: COFI 2019 Regional Supply Chain Study

Lower Mainland/Southwest is home to 20 shake and shingle producers, 16 lumber mills, six veneer and plywood plants, three log home producers, two pulp and paper mills and two utility pole producers.



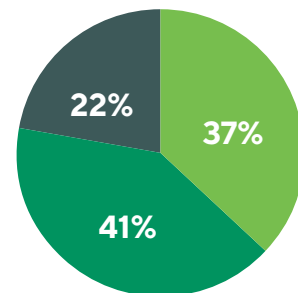
GDP

Generates \$5.65 Billion in GDP.



Employment

Employs 47,829 British Columbians.



Labour Income

Provides \$3.43 Billion in wages.

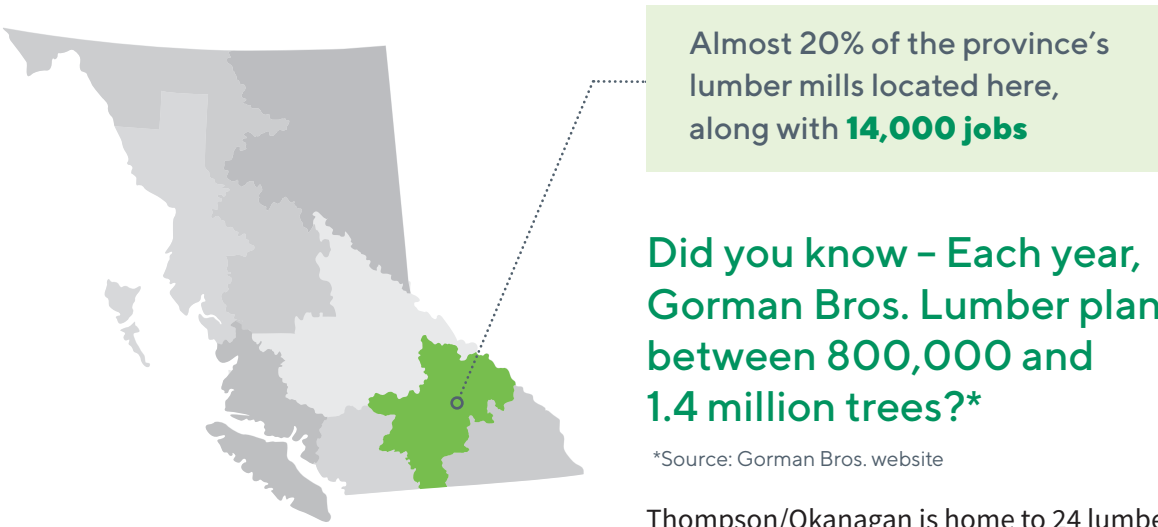
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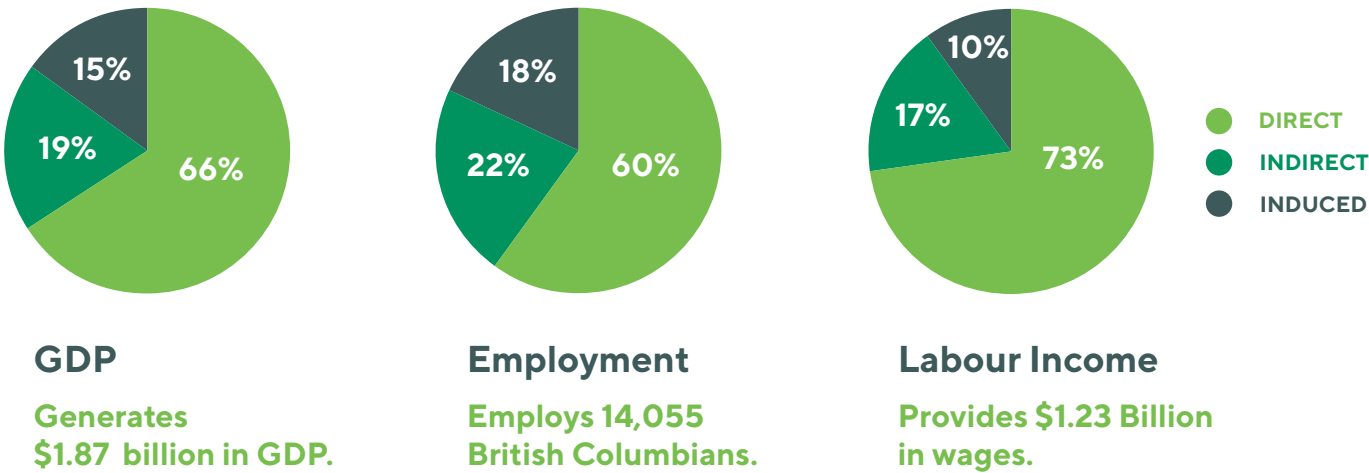
“ As a Vancouver City Councillor, I take pride in showcasing how natural resource sectors, such as forestry, play a key role in urban living and our local economy. Nearly half the employees in the forest industry work in Metro Vancouver and Vancouver has the highest industry spend of nearly \$1 billion. Forestry is an important part of B.C.'s economy and also right here in Vancouver. ”

Councillor Lisa Dominato, Vancouver

Thompson/Okanagan



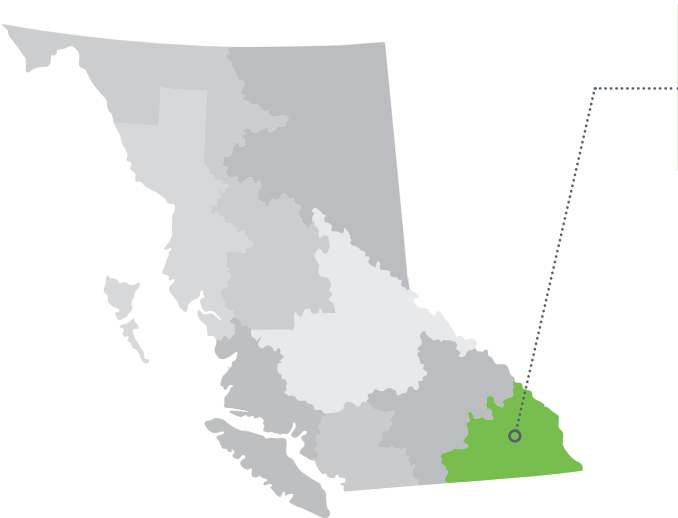
Thompson/Okanagan is home to 24 lumber mills, 11 veneer and plywood plants, eight log home producers, seven utility pole and post producers, three pellet producers and one pulp producer.



“Kamloops has been, and continues to be, a hub for regional forestry operations. From equipment supply to pulp manufacturing, forestry is a significant contributor to our GDP and provides millions of dollars annually to support Kamloops families.”

Mayor Ken Christian, Kamloops

Kootenay

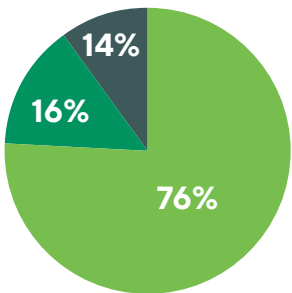


Home to nearly 1/3 of B.C.'s post and utility pole production capacity; **7% of jobs in the region are supported by the forest sector.**

Did you know – The Celgar Mercer pulp and paper mill in Castlegar produces enough eco-certified green energy to supply its own needs and up to an additional 20,000 homes?*

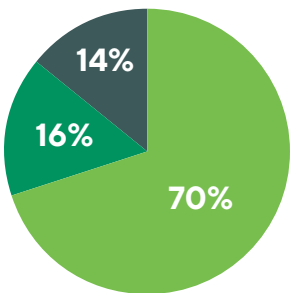
*Source: Mercer website

Kootenay is home to 15 lumber mills, six pole, utility pole and post producers, two pulp mills, two chip mills, one veneer plant and one log home producer.



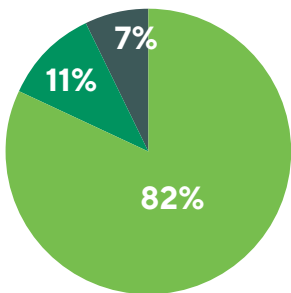
GDP

Generates \$704.5 million in GDP.



Employment

Employs 4,821 British Columbians.



Labour Income

Provides \$460.1 million in wages.

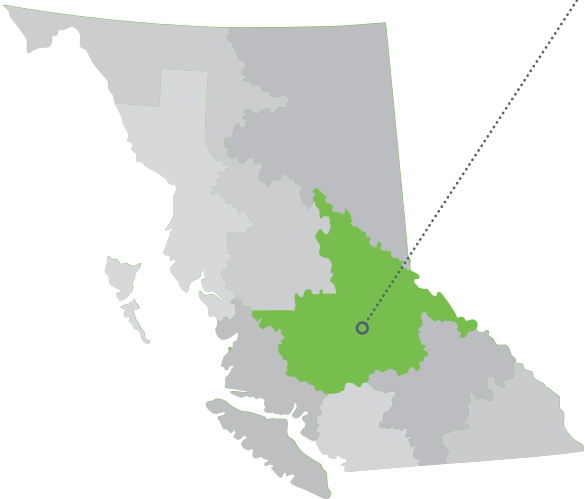
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“ The forest industry has been part of the Kootenay economy for well over a century. It is an important part of our heritage and will continue to be a part of our economy well into the future, providing jobs and contributing to healthy communities. ”

Mayor Lee Pratt, Cranbrook

Cariboo

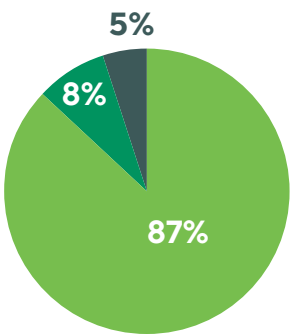


#1 lumber producing region, accounting for 29% of B.C.'s production capacity;
14% of jobs here are forest industry-related.

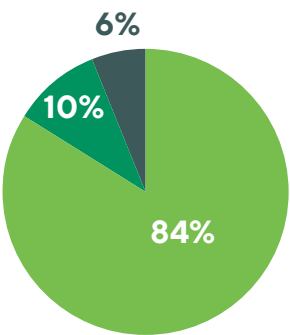
Did you know – Steam generated by the pulping process at Canfor's mills in Prince George is captured and used to create electricity that powers the manufacturing process and contributes to B.C.'s electricity grid?*

*Canfor 2019 Sustainability Report

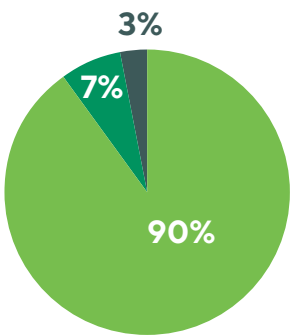
Cariboo is home to 21 lumber mills, seven pulp and paper mills, six OSB, plywood, veneer and panel plants, five chip mills, three pole and utility producers, three pellet producers and two shake and shingle producers.



GDP
Generates \$1.65 billion in GDP.



Employment
Employs 10,956 British Columbians.



Labour Income
Provides \$1.12 Billion in wages.

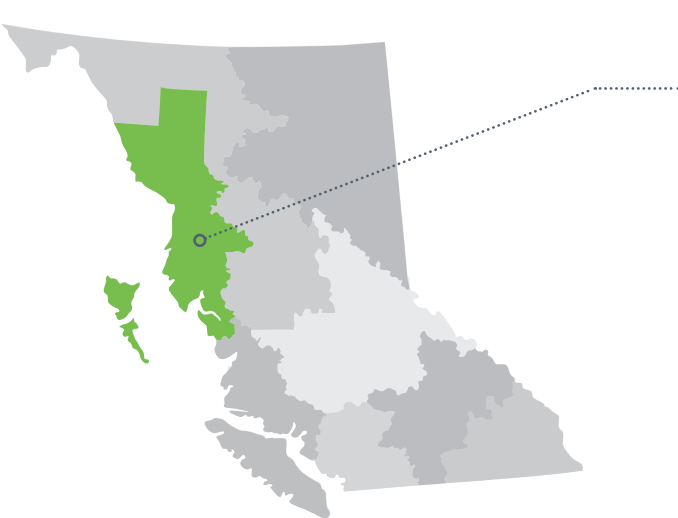
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“ Prince George and other communities across the Cariboo region have long recognized just how important the forest industry is to our economy. This industry provides jobs throughout its operations, and it supports many local businesses who rely on the forest sector for their economic prosperity. As such, the City of Prince George has ensured that the forest industry is prioritized in our Economic Development Strategy. ”

Mayor Lyn Hall, Prince George

North Coast

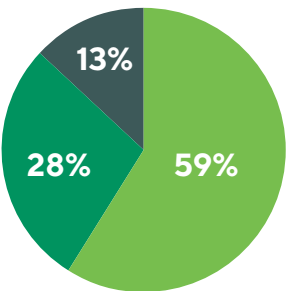


Logging and lumber production are the major forestry activities; **nearly 1,500 jobs are supported by the forest sector.**

Did you know – B.C. forest products account for 46% of container traffic through Port of Prince Rupert?*

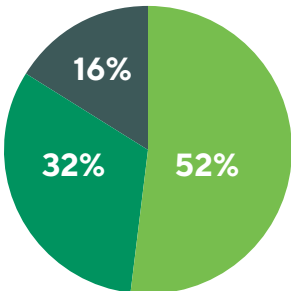
*Source: Port of Prince Rupert Authority

North Coast is home to nine lumber mills, one chip mill and one shake and shingle producer.



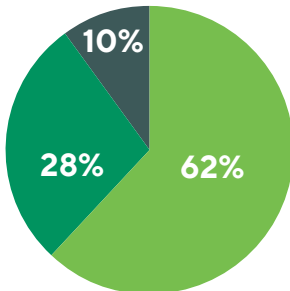
GDP

Generates \$221.2 million in GDP.



Employment

Employs 1,484 British Columbians.



Labour Income

Provides \$127 million in wages.

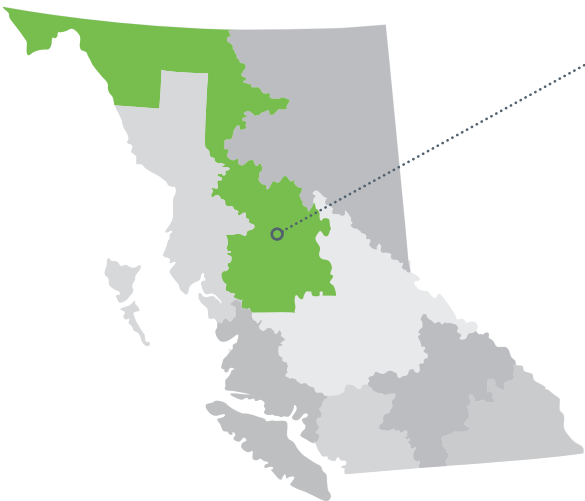
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“ The natural resources sectors, including forestry, are providing job opportunities across our region. These jobs support families, communities, and a good quality of life for the people who live and work here. ”

Mayor Carol Leclerk, Terrace

Nechako

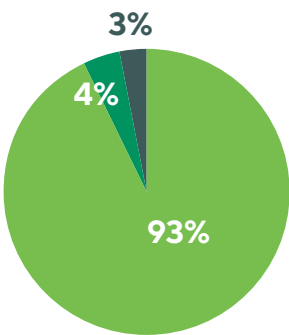


Home to 11 lumber mills, accounting for nearly **20% of B.C.'s lumber production capacity**; supports 3,650 jobs.

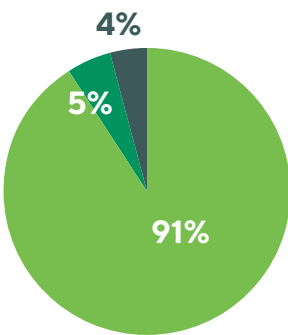
Did you know – Nearly 60% of forestry's economic output in the Nechako region is related to value added wood products manufacturing?*

*Source: 2019 Economic Impact Study

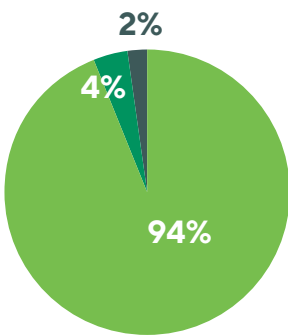
Nechako is home to 11 lumber mills, five pellet plants and one utility pole producer.



GDP
Generates \$557.1 million in GDP.



Employment
Employs 3,650 British Columbians.



Labour Income
Provides \$375.7 million in wages.

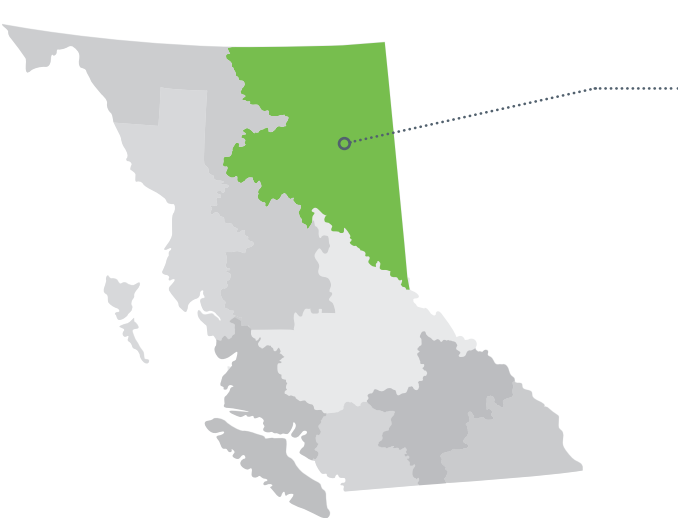
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“Forestry has been the backbone of our community for the last 80 years. Forestry supports our families and has provided great opportunities for young adults in their careers. Truly the forest industry has been our past, present and will be our future.”

Mayor Gerry Thiessen, District of Vanderhoof

Northeast

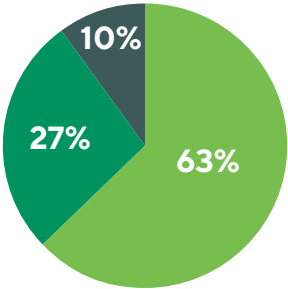


70% of B.C.'s oriented strand board production capacity is here; **over 2,700 jobs supported.**

Did you know – The RCMP's new detachment in Fort St. John is being built using mass timber, and is planned to be the city's first municipal building built to a net zero energy efficiency standard?*

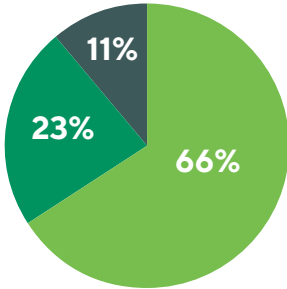
*Source: KMBR Architects

B.C.'s Northeast is home to three lumber mills, two OSB plants, two pellet plants, one pulp producer and one log home producer.



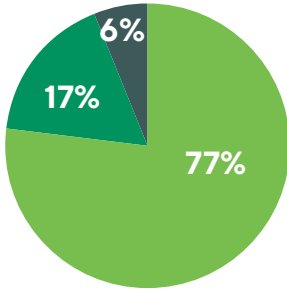
GDP

Generates \$448.8 million in GDP.



Employment

Employs 2,706 British Columbians.



Labour Income

Provides \$263.8 million in wages.

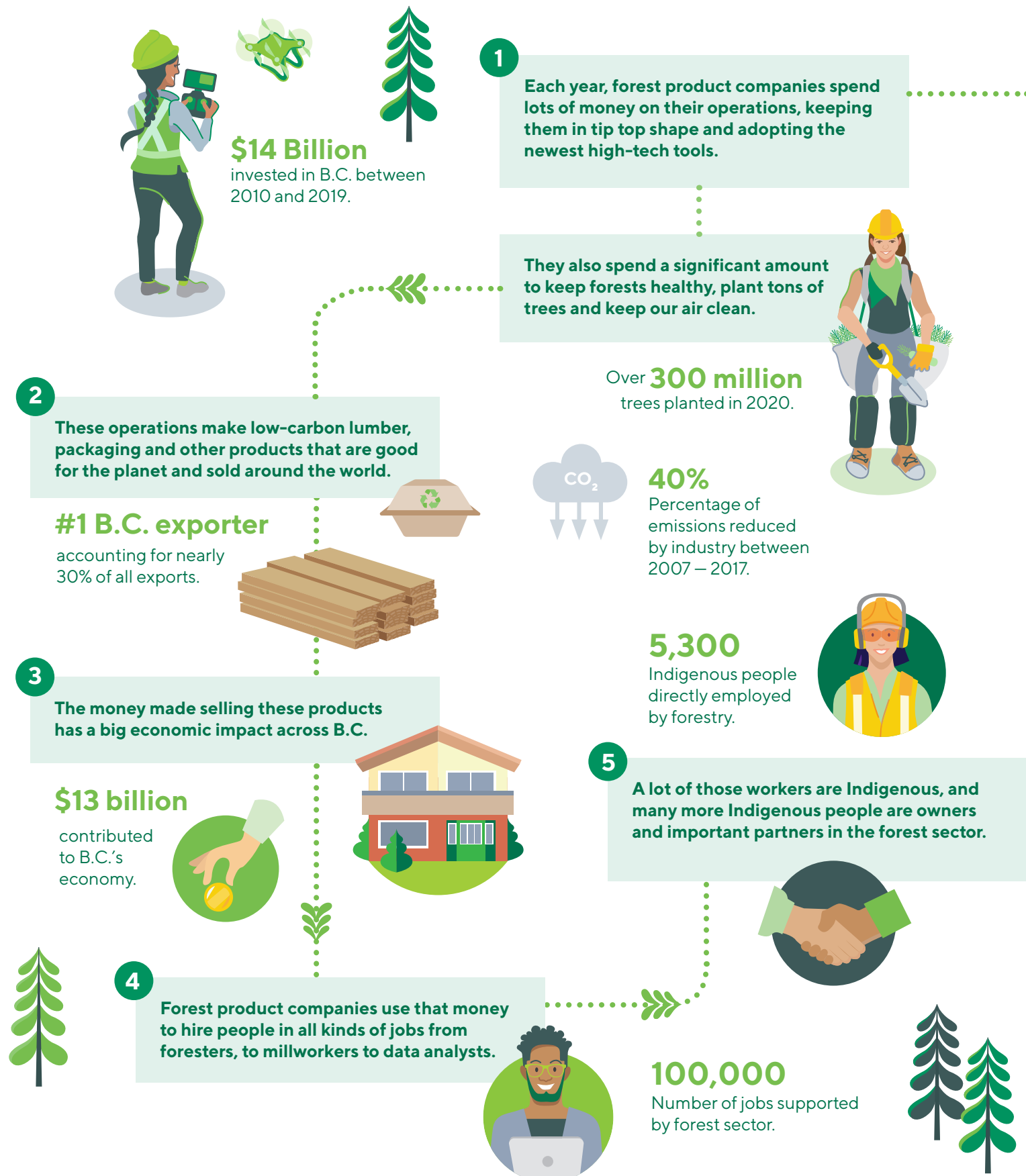
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“Most British Columbians probably associate the Northeast with the oil and gas sector, but forestry is a key contributor to Dawson Creek and the broader region's economy.”

Mayor Dale Bumstead, Dawson Creek

10 Steps to Help Create a Better B.C.





Those investments create new benefits for all British Columbians.

10

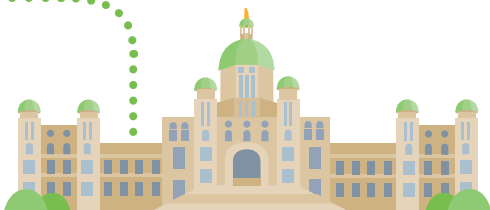
As customers continue to look for sustainably produced, low-carbon forest products, companies look for new ways to invest in B.C.



Governments use this money to pay for schools, hospitals, and helping people who need it the most.

9

A lot of the money generated because of the forest sector is used to pay taxes and fees to all levels of government.



Over **\$4 billion** in taxes and fees paid to all levels of government



8

When they buy things, workers are helping restaurants and shop owners support their staff and family too.



7

Together, all these workers get paycheques to help support their families, pay their bills and enjoy a good quality of life.

Over **\$8 billion** in wages and salaries paid.



6

They also buy things, like equipment, from thousands of local companies and hire people to do repairs, move products and plant seedlings.



B.C.'s Forest Industry:

Foundational to Creating a Better Province

Today – people and communities across the province depend on the forest products industry for their livelihoods, to support their families and enjoy a good quality of life.

Workers around B.C. are producing the low carbon forest products the world wants, employing new technologies and ensuring we have healthy forests.

Thousands of others working for small, medium and Indigenous-affiliated businesses also rely on the forest industry for their livelihoods – like repair shop owners, port workers and environmental consultants who sell their goods and services. And when forestry workers and industry suppliers are successful, so are the local restaurants and retail shops that count on them.

Together, this economic activity creates jobs for many and revenues for governments that help pay for healthcare, education and other critical services that British Columbians rely on.

The forest industry has been **“Contributing to a Better B.C.”** for decades. And, as consumers around the world continue to look for low carbon products made from sustainably harvested forest fibre – products that are a better choice for the planet – there will be new opportunities ahead.

By capturing new opportunities and building on our strong foundation, the forest industry can continue to help create a better province for all British Columbians for decades to come.



More About the Study

A technical report was prepared by the following COFI staff:

- Kurt Niquidet, Ph.D., Vice President and Chief Economist
- Jonathan Kan, RPF., Analyst

COFI would like to thank the Economic Services Branch of the B.C. Ministry of Forests, Lands, Natural Resource Operations and Rural Development for their extensive collaboration on study design and development. COFI would also like to thank members within the Industry Accounts Division from Statistics Canada for their help with identifying data sources.

The purpose of the study was to assess and quantify the total economic footprint of the forest sector on the provincial economy in 2019.

Statistics Canada's Interprovincial Input-Output model was used to obtain the direct, indirect and induced economic effects of forest sector operations for four key economic metrics:

1. **Employment**
2. **Output**
3. **Gross Domestic Product (GDP)**
4. **Labour income**

These economic metrics were summarized at the provincial level and regionalized according to B.C.'s eight Economic Development Regions. The study also quantified tax and other government revenues attributed to forest sector activity; estimates are provided for provincial, federal and municipal levels of government.

Finally, in addition to forest sector operations, the economic footprint associated with capital expenditures in the forest sector were measured.

PricewaterhouseCoopers conducted a review of the methodology used by COFI to undertake the study and reviewed the results. Based on its review, it concluded that the methodology is consistent with common practices and the calculations are accurate.

The Technical Report can be found at cofi.org



Ginny Gemmell

From: Stephanie Ivall <sivall@portmoody.ca>
Sent: Thursday, April 8, 2021 12:34 PM
Subject: Updated with Attachment - Letter from Mayor Rob Vagramov regarding Helping Cities Lead
Attachments: Helping Cities Lead Report - January.pdf; 20210329 - Letter to UBCM Municipalities re Helping Cities Lead Campaign.pdf

Good afternoon,

My apologies, the original letter that was sent dated March 29, 2021 from Mayor Rob Vagramov regarding Helping Cities Lead Campaign may not have included the attachment that is referenced in the letter and that some may not have received the original. I am resending to include the attachment and in the event you did not receive the original. Sincere apologies for any duplications you may be receiving.

Have a great day!

Stephanie Ivall
Executive Assistant to Mayor and Council
City of Port Moody
t: 604.469.4501 | f: 604.469.4550
www.portmoody.ca

CONFIDENTIALITY NOTICE: This message, including any attachments, contains information intended for a specific individual and purpose. It is the property of the City of Port Moody and should be treated as confidential. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, please notify the sender immediately and destroy all copies of this e-mail and any attachments. Please be advised that correspondence with any government body, including City of Port Moody Council and staff, is subject to disclosure under the Freedom of Information and Protection of Privacy Act.

March 29, 2021
Sent via Email

To British Columbia Municipalities,

RE: Helping Cities Lead Campaign

On March 2, 2021 Port Moody City Council passed the attached resolution.

I am writing to you today on behalf of Port Moody City Council, requesting your endorsement for the Help Cities Lead Campaign. Endorsing the Help Cities Lead Campaign is an opportunity to support an advocacy campaign related to building greenhouse gas emissions reductions in British Columbia. Supporting this campaign will result in completing an action related to advocacy under the Buildings focus area in the 2020 Climate Action Plan.

The Help Cities Lead campaign presents a suite of climate policy initiatives that support emissions reductions from new and existing buildings in British Columbia. I have included a copy of the Council report dated January 25, 2021 from the Community Development Department – Policy Planning Division regarding Endorsement of Advocacy Campaign Help Cities Lead to provide further information on this topic.

Taking on climate change and making a difference will take the dedication and commitment of all levels of government and the support of BC municipalities.

We hope that you will join our City in endorsing the Help Cities Lead campaign, showing support for a very important legislative change to expand climate action powers in order to meet very important targets in reducing greenhouse gas emissions in British Columbia.

Sincerely,



Mayor Rob Vagramov
City of Port Moody

Attachment:

1. Resolution from the City of Port Moody – Helping Cities Lead Campaign



City of Port Moody
Council Resolution
March 2, 2021

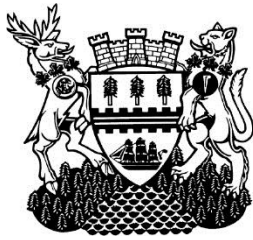
CW21/020

Moved, seconded, and CARRIED

THAT Council formally endorse the Help Cities Lead campaign as recommended in the report dated January 25, 2021 from the Community Development Department – Policy Planning Division regarding Endorsement of Advocacy Campaign “Help Cities Lead”, and take the following actions:

- a) write a letter to the following provincial ministers to voice support for the five policies detailed in this report:*
 - Minister of Environment and Climate Change Strategy;*
 - Minister of Municipal Affairs;*
 - Minister of Energy, Mines, and Low-Carbon Innovation;*
 - Minister of Finance; and*
 - Attorney General and Minister responsible for Housing;*
- b) request a meeting with the Ministers listed above;*
- c) write a letter to Metro Vancouver requesting regional endorsement of the campaign; and*
- d) write letters to all BC local governments asking them to endorse the campaign;*

AND THAT Council authorize staff to participate in activities supporting the Help Cities Lead campaign, including information sharing presentations to other municipal Councils.



City of Port Moody

Report/Recommendation to Council

Date: January 25, 2021
 Submitted by: Community Development Department – Policy Planning Division
 Subject: Endorsement of Advocacy Campaign “Help Cities Lead”

Purpose

The purpose of this report is to seek Council endorsement of the Help Cities Lead campaign to support the buildings related climate action advocacy action in Port Moody’s Climate Action Plan.

Recommended Resolution(s)

THAT Council formally endorse the Help Cities Lead campaign as recommended in the report dated January 25, 2021 from the Community Development Department – Policy Planning Division regarding Endorsement of Advocacy Campaign “Help Cities Lead”, and take the following actions:

- a. **write a letter to the following provincial ministers to voice support for the five policies detailed in this report:**
 - **Minister of Environment and Climate Change Strategy;**
 - **Minister of Municipal Affairs;**
 - **Minister of Energy, Mines, and Low-Carbon Innovation;**
 - **Minister of Finance; and**
 - **Attorney General and Minister responsible for Housing;**
- b. **request a meeting with the Ministers listed above;**
- c. **write a letter to Metro Vancouver requesting regional endorsement of the campaign; and**
- d. **write letters to all BC local governments asking them to endorse the campaign;**

AND THAT Council authorize staff to participate in activities supporting the Help Cities Lead campaign, including information sharing presentations to other municipal Councils.

Executive Summary

This report presents an opportunity to support an advocacy campaign, Help Cities Lead, related to building greenhouse gas emissions reductions in British Columbia. Supporting this campaign will result in completing an action related to advocacy under the Buildings focus area in the 2020 Climate Action Plan.

The Help Cities Lead campaign presents a suite of climate policy initiatives that support emissions reductions from new and existing buildings in BC. The report outlines the following information:

- background on emissions from buildings in BC;
- overview of the Help Cities Lead campaign;
- issue areas and analysis; and
- alignment with Port Moody's Climate Action Plan and Climate Emergency Declaration.

Background

Port Moody's 2020 Climate Action Plan encompasses actions in eight different focus areas, one of which is buildings. This focus area of the Plan outlines the following action that aligns with the information in the Help Cities Lead campaign:

2020 [Climate Action Plan](#)¹ – Section 14 Buildings – 14.5 Action 8

Initiate/continue discussions with federal and provincial governments to advocate for authority, financing tools, benchmarking, and other policies essential for achieving zero emissions buildings.

To date, Council has endorsed advocacy for achieving zero emissions buildings as follows:

At the March 12, 2019 Regular Council meeting, Council passed a motion that the City write a letter to PACE Alberta to express support for the Federation of Canadian Municipalities funding for federal adoption of Property Assessed Clean Energy (PACE) Laws, and to confirm Port Moody's interest in having a PACE program delivered to its constituents when it becomes available in British Columbia. At the June 25, 2019 Regular Council meeting, another motion was passed directing the City to write a letter to the Ministry of Municipal Affairs and Housing expressing support for PACE enabling legislation in BC (**Attachment 1**).

In 2018 and 2019, Port Moody Council endorsed Union of BC Municipalities (UBCM) motions that asked the province to establish a greenhouse gas (GHG) intensity metric for new construction in the British Columbia Building Code and to update the Provincial CleanBC Plan to include goals around emissions reductions from buildings to complement existing building energy efficiency goals (**Attachment 2**).

In July of 2019, Council endorsed an early adoption strategy for the BC Energy Step Code, which includes administrative requirements pertaining to home energy labelling for Part 9 buildings and energy benchmarking for Part 3 commercial buildings.

Discussion

Emissions from buildings account for approximately 11% of the province's GHG emissions. This is the third highest source of GHG emissions in BC after road transportation (27.1%) and the oil and gas sector (17.6%). For municipalities, GHG emissions from existing buildings account for 40-60% of community emissions. In Port Moody, buildings represent approximately

¹ Port Moody Climate Action Plan <https://www.portmoody.ca/en/services/edocs.ashx?docnumber=511721>

46% of community GHG emissions.

In British Columbia, the regulation of buildings typically occurs at the provincial level. For the past two decades, British Columbia has been at the forefront of action and policies taken in Canada to reduce energy use and GHG emissions from buildings. In 2018, the [CleanBC Plan](#)² moved the province further in this direction with key commitments for the building sector such as a net-zero energy building standard by 2032, a building upgrade standard by 2024, and exploring building energy labelling options.

A number of local governments, including Port Moody, have set bolder targets to significantly reduce GHG emissions from buildings over the next ten years in alignment with climate emergency declarations. The success of the province in achieving deep emissions reductions from the building sector are directly connected to the success of local governments to achieve their own targets since most buildings are situated within these communities. However, tools currently available to local governments to pursue these ambitious reduction targets are largely limited to information campaigns and incentives. Although helpful, on their own these tools are insufficient to achieve broad and deep energy and GHG reductions given limited budgets.

Help Cities Lead

[Help Cities Lead](#)³ (HCL) is an education and awareness campaign working to build support for focused collaboration between the Province of British Columbia and local governments on building climate policy. HCL is a coalition led by BC's [Climate Caucus](#)⁴, members of the BC Hydro Community Energy Managers Network, and the Pembina Institute.

The HCL project team identified a suite of expanded authorities for local governments that will enable them to take bolder action on reducing GHG emissions from new and existing buildings. Five regulatory measures have been identified where additional authority would be instrumental for municipalities in accelerating climate action:

- Measure #1 – Regulating GHG emissions for new buildings – the BC Energy Step Code regulates energy efficiency in new buildings, but additional regulations are required to regulate new buildings GHG emissions;
- Measure #2 – Regulating GHG emissions for existing buildings – Developing a new regulation that would set GHG emissions reduction targets from existing buildings;
- Measure #3 – Mandatory building energy benchmarking and reporting – Establishing energy benchmarking (the process of collecting and monitoring energy data from a large number of buildings over time to compare the performance of one participating building against similar buildings) to compare building performance. *Note: Port Moody has established building energy benchmarking administrative requirements as a part of Building Permit applications for commercial buildings;*

² CleanBC Plan <https://cleanbc.gov.bc.ca/>

³ Help Cities Lead webpage <https://www.helpcitieslead.ca/>

⁴ BC Climate Caucus <https://www.climatecaucus.ca/>

- Measure #4 – Mandatory home energy labelling – Requiring home energy labelling when homes are sold similar to legislation in place for energy labelling for motor vehicles, furnaces, windows, lightbulbs, and kitchen appliances. *Note: Port Moody has established home energy labelling administrative requirements as a part of Building Permit applications for Part 9 buildings;* and
- Measure #5 – Property Assessed Clean Energy (PACE) financing – Establish PACE financing programs to allow property owners to finance the up-front cost of building energy efficiency upgrades (e.g. more efficient heating systems, or windows) by paying the costs back over time through a voluntary property tax assessment attached to the property. If or when the property is sold, the financing would carry to the new owner.

The suite of initiatives presented is intended to complement provincial government and utility company initiatives to address climate change and lay the groundwork for province-wide consideration of adopting these measures. Details on these five measures and supportive modelling are included in **Attachment 3**.

Issues and Analysis

The Help Cities Lead project team worked with numerous leading local governments, including Port Moody staff, and civil society groups to identify an initial set of regulatory tools that would achieve deep emissions reductions in buildings and align with the aggressive targets set by cities.

Experience from other jurisdictions have found that building benchmarking, home energy labelling, or PACE financing result in some additional GHG savings alone are not likely to achieve the GHG emissions targets that have been established for the building sector by the Province and local governments. When integrated together, these initiatives identify building improvements needed, set GHG requirements for new and existing buildings, and spread the cost of upgrades over a longer period of time than what is otherwise possible for most building owners. They should not be thought of as an isolated set of measures, but rather as a missing complement to what is already being done.

Direction to implement three of these measures – enabling local governments to regulate GHG emissions for new buildings, home energy labelling, and PACE financing – were included in the [ministerial mandate](#)⁵ letters issued in November 2020. HCL encourages the province to move as quickly as possible and in close consultation with local governments to develop and implement these measures.

Two of the five HCL measures were not mentioned in the mandate letters: building energy benchmarking and GHG requirements for existing buildings. HCL would like the province to enable local governments to choose, when ready, to opt into the remaining two measures not addressed by the mandate letters. Staff recommend Council include in the letters that the province empower local governments to opt to take action if they so choose on the two remaining measures. A draft letter to provincial Ministers is included in **Attachment 4**.

⁵ BC Ministerial Mandate Letter, Nov 2020 <https://www2.gov.bc.ca/gov/content/governments/organizational-structure/cabinet/cabinet-ministers>

Alignment with Port Moody's Climate Action Plan and Climate Emergency Declaration

These five regulatory changes are important in Port Moody meeting the targets outlined in the Climate Action Plan (CAP), including an action to advocate for more local authority targeting buildings. Port Moody and other local governments included similar actions in their climate plans to signal to the province that expanded authorities are a necessary component of meeting the IPCC's 1.5 degree target.

Additionally, in Port Moody's Climate Emergency Declaration the City committed to "*aim to have all heating and hot water systems in new buildings produce zero emissions by 2025 and have existing heating and hot water systems utilize the most low-emission technology available upon replacement.*" However, at present, BC local governments have limited authority to regulate emissions in new and existing building construction.

To help meet climate action goals, Help Cities Lead has initiated a campaign that would allow the issues to be elevated to civil society groups, in particular the environmental non-profit organization (NGO) community, industry, and the broader community concerned with climate action. As a part of endorsing this campaign, Port Moody staff may be requested to present at committees and other municipal councils to share information on the campaign. This staff time can be accommodated through existing resources, estimated at about 20 hours out of the estimated 120 total staff hours dedicated to undertaking this work as indicated in the Phase One Climate Action Implementation Strategy.

Political endorsement and advocacy by City Councils to MLA and Cabinet Ministers is important to achieve legislative change. Meetings between City Councils, MLA's, and Cabinet Ministers would further help outline the need and expedite the pace of change. Council endorsement of Help Cities Lead would send a strong signal to the Province that Port Moody and other local governments require expanded climate action powers in order to meet targets identified as part of climate action plans and climate emergency declarations.

Other Option(s)

THAT an alternative combination and/or number of policy measures outlined by the Help Cities Lead campaign be endorsed.

Financial Implications

The advocacy recommended in this report is not anticipated to have any financial impact. If legislative changes are made by the Province, staff would report back on how these changes would specifically impact Port Moody's GHG emissions reductions targets, and the financing and resourcing strategy to implement the changes.

Communications and Civic Engagement Initiatives

If the Help Cities Lead campaign is endorsed, staff will prepare communications to fulfil the resolution, including preparing and sending letters to provincial ministers, Metro Vancouver, and all other BC local governments. Staff may also participate in other supporting work related to the Help Cities Lead campaign, such as presenting to other municipal Councils to share information on the campaign.

Council Strategic Plan Objectives

Endorsement of the Help Cities Lead campaign is consistent with the Environmental Leadership priority in the 2019-2022 Council Strategic Plan, which outlines a vision to inspire environmental actions and advocacy.

Attachment(s)

1. PACE related Council Resolutions in Port Moody.
2. GHG Metric for New Construction Council Resolutions in Port Moody.
3. Help Cities Lead Campaign Report.
4. Draft Letter to Provincial Ministers.

Report Author

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Report Approval Details

| | |
|----------------------|---|
| Document Title: | Help Cities Lead.docx |
| Attachments: | <ul style="list-style-type: none"> - Attachment 1 - PACE related Council Resolutions in Port Moody.pdf - Attachment 2 - GHG Metric for New Construction Council Resolutions in Port Moody.pdf - Attachment 3 - Help Cities Lead Campaign Report.pdf - Attachment 4 - Draft Letter to Provincial Ministers.pdf |
| Final Approval Date: | Feb 17, 2021 |

This report and all of its attachments were approved and signed as outlined below:

Mary De Paoli, Manager of Policy Planning - Feb 12, 2021 - 11:47 AM

Kate Zanon, General Manager of Community Development - Feb 12, 2021 - 11:52 AM

Tracey Takahashi for Dorothy Shermer, Corporate Officer - Feb 13, 2021 - 1:59 PM

Rosemary Lodge, Manager of Communications and Engagement - Feb 13, 2021 - 4:58 PM

Paul Rockwood, General Manager of Finance and Technology - Feb 14, 2021 - 1:22 PM

Tim Savoie, City Manager - Feb 17, 2021 - 6:07 AM

Attachment 1 – PACE related Council Resolutions in Port Moody

March 12, 2019 – Regular Council Meeting

RC19/118

WHEREAS the City of Port Moody has shown itself to be a climate change leader by supporting resolutions to UBCM to call on the Province of British Columbia to enable municipalities to implement Local Improvement Charge (LIC)-based incentive programs that support home energy retrofits, similar to Property Assessed Clean Energy (PACE);

AND WHEREAS PACE Alberta is working with interested municipalities across Canada to assist in the establishment of a successful PACE program which meets the needs of Canadians;

THEREFORE BE IT RESOLVED THAT a letter be sent from the Mayor's office on behalf of the City of Port Moody to PACE Alberta in support of PACE Alberta's funding request to the Federation of Canadian Municipalities for development of federal template legislation, and to confirm Port Moody's interest in having a PACE program delivered to its constituents when it becomes available in British Columbia as recommended in the report dated February 19, 2019 from Councillor Amy Lubik regarding Letter of Support for PACE Alberta Regarding Support for FCM Funding for Federal Adoption of Property Assessed Clean Energy (PACE) Laws.

June 25, 2019 – Regular Council Meeting

RC19/318

THAT a letter to the Ministry of Municipal Affairs and Housing be sent by the Office of the Mayor expressing Support for Property Assessed Clean Energy Enabling Legislation for BC indicating our concerns and requesting that a study of PACE best practices be undertaken with expert stakeholders, including UBCM and FCM staff, in order to guide changes to legislation to allow for PACE programs in BC as recommended in the report dated June 4, 2019 from Councillor Amy Lubik regarding Support for Property Assessed Clean Energy Enabling Legislation for BC;

AND THAT the following resolution regarding Support for Property Assessed Clean Energy Enabling Legislation for BC be endorsed by the City of Port Moody and forwarded for consideration at the 2019 UBCM convention and forwarded to other UBCM members for support:

WHEREAS climate change is the greatest threat to our municipalities;

AND WHEREAS the pillars of the Clean BC program include better buildings, incentivizing retrofits and upgrading BC's stock of public housing so residents, many of whom are low-income families or seniors, can live in a more energy-efficient, healthier, and comfortable home;

AND WHEREAS the cost of clean energy infrastructure is a major barrier for low and middle income earners, as well as small businesses and municipalities; City of Port Moody Regular Council Meeting - June 25, 2019 11 AND WHEREAS Property Assessed Clean Energy (PACE) legislation has proven to be effective in financing retrofits in other jurisdictions;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia work with expert stakeholders with knowledge of Property Assessed Clean Energy (PACE) best practices, including UBCM and FCM, to study the application of PACE in BC and develop PACE enabling legislation for BC Municipalities.

Attachment 2 – GHG Metric for New Construction Council Resolutions in Port Moody

March 12, 2019 – Regular Council Meeting

RC19/116

THAT the following resolution regarding Greenhouse Gas Limits for New Buildings be submitted to the Lower Mainland Local Government Association, for subsequent submission to the Union of BC Municipalities, as recommended in the report dated February 26, 2019 from the Climate Action Committee regarding Union of BC Municipalities Resolution - Greenhouse Gas Limits for New Buildings.

WHEREAS climate change is recognized to be an urgent concern requiring rapid decarbonization of energy across all sectors, including buildings, in order to achieve 45% GHG emissions reductions by 2030 and net-zero GHG emissions by mid-century, as noted by the IPCC Special Report on 1.5C;

AND WHEREAS the British Columbia Energy Step Code establishes targets for increasing energy efficiency of new construction, but these may not result in the necessary levels of GHG emissions reductions to support local government GHG reduction targets nor BC's legislated GHG emissions reduction targets;

AND WHEREAS new buildings can last for many decades and are difficult, expensive, and disruptive to retrofit for renewable energy after construction;

AND WHEREAS near-zero GHG emissions mechanical systems are well proven and can be cost-effectively incorporated in new buildings, while also improving efficiency; Union of BC Municipalities Resolution - Greenhouse Gas Limits for New Buildings.

THEREFORE BE IT RESOLVED THAT the Province include GHG limits for new construction as an enforceable element in Division B of the British Columbia Building Code, including a pathway to achieve zero GHG emissions for new construction in a timeline commensurate with the science of climate change and BC's reduction targets;

AND BE IT FURTHER RESOLVED THAT the Province's goal in the CleanBC Plan to "make every new building constructed in BC "net-zero energy ready" by 2032" be revised to "make every new building constructed in BC "zero emissions" and "net-zero energy ready" by 2032";

AND THAT a request be sent to local governments in British Columbia for staff to advise their Councils to support the City of Port Moody's forthcoming resolution "Greenhouse Gas Limits for New Buildings" at the Lower Mainland Local Government Association conference on May 8-10, 2019 and the Union of BC Municipalities conference on September 23-27, 2019.

February 25, 2020 – Regular Council MeetingRC20/138

THAT the following resolution regarding Greenhouse Gas Limits for New Buildings be submitted to the Lower Mainland Local Government Association, for subsequent submission to the Union of BC Municipalities, as recommended in the report dated February 13, 2020 from Cllr. Lubik regarding Union of BC Municipalities Resolution - Greenhouse Gas Limits for New Buildings:

WHEREAS the energy efficiency requirements for new buildings in the British Columbia Energy Step Code continues to allow levels of carbon pollution that are inconsistent with local government and provincial climate change commitments;

AND WHEREAS failing to limit carbon pollution from new construction will necessitate retrofits to those new buildings in the future at greater difficulty and cost for building owners, occupants, and taxpayers;

THEREFORE BE IT RESOLVED THAT the Province include GHG limits for new construction as an enforceable element in Division B of the British Columbia Building Code, including a pathway to achieve zero GHG emissions for new construction in a timeline commensurate with the science of climate change and BC's reduction targets;

AND BE IT FURTHER RESOLVED THAT the Province's goal in the Clean BC Plan to “make every new building constructed in BC “net-zero energy ready” by 2032 be revised to “make every new building constructed in BC “zero emissions” and “net-zero energy ready” by 2032”;

AND BE IT FURTHER RESOLVED THAT the Province liaise with staff at Association of Kootenay and Boundary Local Governments, North Central Local Government Association, and Southern Interior Local Government Association to ensure that there are provisions in the GHG limits that take into account and support the unique circumstances faced by rural communities, such as, but not limited to, decisions to utilize local materials and alternative building methods.

Help Cities Lead: Impact Modelling of Five Initiatives to Reduce Building Sector Greenhouse Gas Emissions

December 2020

Prepared for the
BC Hydro Community Energy Manager Network

By:
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ACKNOWLEDGEMENTS

We would like to acknowledge the local government project team for their guidance and collaboration in not only developing the study scope but also for providing valuable ongoing feedback throughout the entire study. This committee included:

- Maya Chorobik, Community Energy Association
- Nikki Elliot, Capital Regional District
- Matt Horne, City of Vancouver
- Anastasia Lukyanova, City of Powell River
- Laura Sampliner, City of Port Moody
- Robyn Webb, City of Victoria

We would also like to acknowledge the contribution of the BC Hydro Community Energy Managers Ideation initiative and others who provided valuable feedback and context to support this work.

AUTHORSHIP

This report was prepared by Integral Group.

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INTRODUCTION

The Government of British Columbia has set legislated targets to reduce province-wide greenhouse gas (GHG) emissions by 40% from 2007 levels by 2030 and 80% by 2050. Building-sector emissions account for about 11 per cent of British Columbia's total GHG inventory. The sector is the third-highest contributor following road transportation (27.1%) and the oil and gas sector (17.6%). At the local government level, emissions from existing buildings contribute between 40 and 60% of community emissions.^{i ii}

A number of BC local governments have established ambitious targets of their own to significantly reduce GHG emissions from buildings. However, while the Provincial Government's success in achieving deep building-sector emissions reductions hinges on the success of local governments to achieve their targets, local governments are significantly constrained in doing so. With the exception of the City of Vancouver, which is regulated under Vancouver Charter, the Local Government Act prohibits local governments from enacting their own building regulation, limiting them to the use of informational campaigns, incentives, and other voluntary measures to encourage emissions reductions from the building sector.

Given the constraints on local government action and the current inability of existing provincial policies to achieve the province's emissions targets, local governments are asking for additional provincial action. A new suite of policy actions is being promoted by BC's *Help Cities Lead* initiativeⁱⁱⁱ, a coalition of local government representatives and non-governmental organizations who have come together to encourage the Provincial Government to expand the authority of local governments to achieve GHG reductions in their building sector.

Purpose of the Report

This report demonstrates the greenhouse gas savings potential of the suite of five policy actions advanced by *Help Cities Lead* if adopted province wide. The five key measures encompass:

1. Mandatory home energy labelling;
2. Mandatory building benchmarking and reporting;
3. Property Assessed Clean Energy (PACE) financing;
4. GHG requirements for new construction; and
5. GHG requirements for existing buildings.

If enabled, these measures would directly support the goals and actions reduce GHG emissions from buildings of all levels of government as well as utilities. They would also demonstrate the BC Government's continued leadership and commitment to work with local governments to reduce GHG emissions in the building sector in a meaningful way.

Additional information on each of the five measures can be found on the *Help Cities Lead* website (helpcitieslead.ca), including six briefing notes: one for each of the actions described above, as well as a sixth that explores the integrated suite of actions altogether.

MODELLING THE IMPACT OF ACTIONS

Integral Group modelled the GHG impacts of each of the five actions individually and as an integrated package to help understand the impact on provincial GHG emissions. Five scenarios were modelled:

- **Scenario 1:** Mandatory energy benchmarking & labelling
- **Scenario 2:** Scenario 1 + PACE financing
- **Scenario 3:** Scenario 2 + GHG requirements for new construction
- **Scenario 4:** Scenario 3 + GHG requirements for existing buildings
- **Scenario 5:** Scenario 4 + voluntary efforts

The percentage of GHG emissions savings assumed for each scenario over the business-as-usual forecast are shown in **Table 1**. Key modelling inputs used to derive these savings can be found in **APPENDIX A: MODELED SCENARIOS**.

Table 1 GHG savings over 2007 levels for Business-As-Usual Forecast and each of the five modeled scenarios

| Year | Business-as-usual | Scenario 1 (S1) Mandatory energy benchmarking & labelling | Scenario 2 (S2) S1 + PACE Financing | Scenario 3 (S3) S2 + GHG requirements for new construction | Scenario 4 (S4) S3 + GHG requirements for existing buildings | Scenario 5 (S5) S4 + additional voluntary efforts |
|------|-------------------|--|--|---|---|--|
| 2030 | 16% | 19% | 22% | 27% | 33% | 42% |
| 2050 | 21% | 26% | 35% | 50% | 63% | 78% |

Figure 1 shows the modelled total GHG emissions from 2015 to 2050 for the business-as-usual forecast for buildings in BC, as well as the projected emissions for five different scenarios. Each scenario represents a different combination of initiatives intended to reduce GHG emissions in the building sector. Key modelling inputs used can be found in **APPENDIX B: BUSINESS-AS-USUAL FORECAST**. The assumptions used in both Appendix A and B were taken from several different sources, including published government and non-governmental organization reports and the Provincial Government's Climate Action Secretariat.

Before interpreting the results, it should be noted that the business-as-usual scenario does not include the Province's "aspirational" goal to implement a standard by 2035 for all space and water heating equipment sold in BC to have a minimum energy performance standard with a coefficient of performance (COP) that is greater than one. This standard, if enacted, would significantly limit the use of natural gas space and water heating equipment and indeed have a major impact on reducing GHG emissions after 2035. However, its aspirational in nature and the 15-year timeline for implementation translated into too low of a confidence level to include it into the model's baseline.

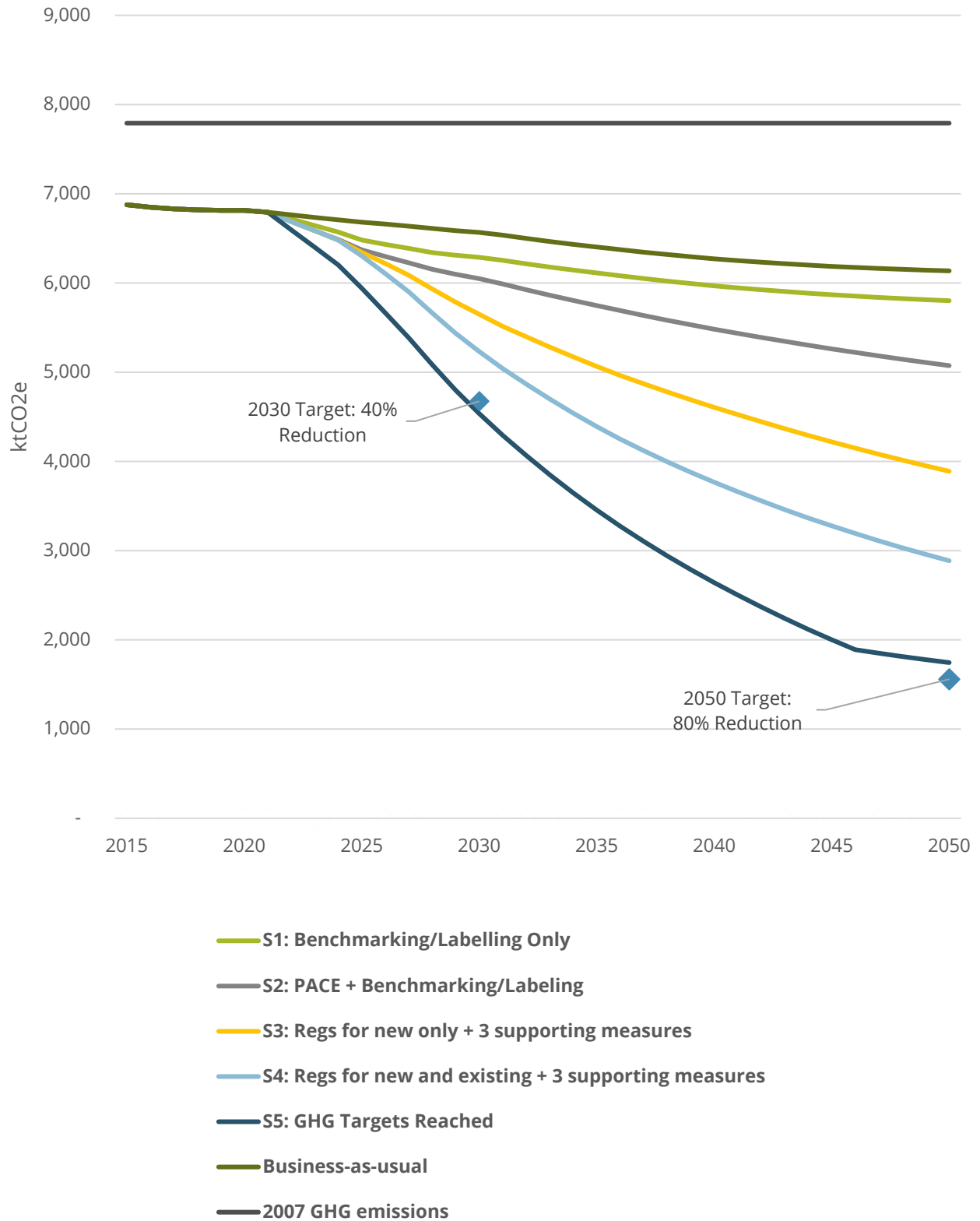


Figure 1 - Comparison of GHG emissions for the Business-As-Usual Forecast and each of the six scenarios (2015-2050)

Results

The modelled results clearly demonstrate that existing provincial measures to reduce GHG emissions will not achieve the Province's GHG reduction targets for 2030 and 2050.

Of the five scenarios modelled, Scenario 5 comes the closest to achieving the Provincial Government's GHG emissions reduction targets.

Like Scenario 4, Scenario 5 uses a combination GHG performance requirements for new and existing buildings, mandatory benchmarking and home energy labelling, and PACE financing. The key difference between these two scenarios is that in Scenario 5, voluntary upgrades that result from benchmarking, labeling and PACE financing are assumed to lead to a 4% annual voluntary uptake of retrofits instead of the 2% uptake that is assumed for Scenarios 2-4. This increase was made to demonstrate the level of additional voluntary effort needed to fully achieve the province's targets.

Key lessons from these modelling results include the following:

1. Mandatory benchmarking and labelling on their own are insufficient to achieve deep GHG savings from the building sector.
2. The simultaneous use of PACE financing and mandatory benchmarking and labelling are likely to lead to more significant GHG savings but will still be inadequate to achieve GHG savings at a level needed to achieve provincial government long-term targets (and likely local government targets as well).
3. All things being equal, GHG performance requirements for new and existing buildings are needed to motivate the building sector to take the steps needed to reduce GHG emissions in a timeline that is consistent with long-term climate change targets.
4. The five policies should be considered as an integrated suite of actions to drive deep GHG emissions reductions from the building sector, rather than standalone measures.
5. Even with the full suite of initiatives adopted, it is likely that additional measures (such as incentives, increases in the carbon tax and other steps to raise the price of fossil fuel, the introduction of a heat pump minimum performance standard, and reductions in the cost of low-carbon fuels such as electricity and RNG) will be needed to achieve the 4% annual uptake of voluntary retrofits that was used in Scenario 5 and bend the emissions curve low enough to achieve the Province's 2030 and 2050 GHG reduction targets for the building sector.

Conclusion

The modelling results above demonstrate how the five policy measures advanced by *Help Cities Lead* would significantly increase the province's ability to achieve deep GHG savings from the building sector. Without these kinds of measures, it is very unlikely that the province's GHG targets for 2030 and 2050 will be met for this sector. However, it is important to recognize that BC is a large, varied province covering six major climate zones with considerable market differences between the heavily populated southwestern and south-central regions and its rural communities. Implementation of

province-wide initiatives to decarbonize buildings therefore can take some time to develop and implement.

Given this context, a first important step to implementing these measures would be for the province to enable and then support local governments to opt-in to using them for their own communities when they are ready to do so. Local governments that choose to adopt them would be able to more effectively derive deep GHG savings from across the entire spectrum of the building sector: new and old; large Part 3 buildings and smaller Part 9 buildings; residential, commercial, and institutional. This will ultimately go a long way to helping these local governments achieve their own long-term GHG reduction targets.

The voluntary adoption of these measures by local governments will also provide the Provincial Government and all local governments in BC with important insights into how to design and implement these kinds of initiatives effectively.

In November 2020, the Mandate Letters issued to five different BC provincial ministers included direction to start to implement some aspect of three of the five measures requested by *Help Cities Lead*: home energy labeling, PACE financing, and a GHG requirement for new construction. This is a very promising start. The province should be encouraged to develop and implement these measures within the next two years.

As demonstrated by the modelling completed for this report, the remaining two measures requested by *Help Cities Lead* – benchmarking and GHG requirements for existing buildings - will also need to be established as quickly as possible to put the province and its communities on a path to achieve their long-term GHG reduction targets for the building sector. Nearly two thirds of buildings standing in 2050 will be ones that are already built today and opportunities for deep building retrofits are notoriously rare (about once every 15 to 20 years for most buildings), so adopting these two additional measures aimed at accelerating emissions reductions from the existing building sector is critical.

Time is of the essence for implementing all five of the measures included in this report. The sooner they can be adopted by BC municipalities and eventually province-wide, the sooner the Province will be on a realistic path to achieve its GHG reductions targets in the building sector.

APPENDIX A: MODELED SCENARIOS

Below are the assumed action impacts for each of the five initiatives (see **Table 2**). Impacts are based on average annual savings per building and annual uptake. Figures were gathered from case studies.

Table 2 Assumed impact for each of the five Help Cities Lead initiatives

| Action Name | Applicable Building Archetypes | Annual Energy Savings | Annual Uptake | Notes | Source for Impact Assumptions |
|------------------------------------|--------------------------------|-----------------------|---------------|--|---|
| Benchmarking (BM) | SFD | 0.0% | 0% | Benchmarking not applicable for Part 9 | Not applicable for Part 9 |
| Benchmarking (BM) | Commercial | 2.4% | 85% | Savings are additive up to a set cap of 10% energy savings per building 85% is compliance with reg of eligible buildings Assumes 61% buildings are eligible for Stage 1, 85% with Stage 2 (from case studies). | EnergyStar Average Savings ^{iv} |
| Benchmarking (BM) | Apartment | 2.4% | 85% | Savings are additive up to a set cap of 10% energy savings per building 85% is compliance with reg of eligible buildings Assumes 58% buildings are eligible for Stage 1, 88% with Stage 2 (from case studies). | EnergyStar Average Savings ^v |
| Home Energy Labelling (HEL) | SFD | 15.0% | 1% | Uptake is for % buildings renovated, total labelled will be higher | Pembina Energy Labelling Paper ^{vi} |
| Home Energy Labelling (HEL) | Apartment | 0.0% | 0% | Energy labelling not applied to Part 3 | Not applicable for Part 3 |
| Home Energy Labelling (HEL) | Commercial | 0.0% | 0% | Energy labelling not applied to Part 3 | Not applicable for Part 3 |
| PACE - alone | SFD | 18.7% | 0.02% | PACE without labelling will see uptake similar to Toronto (0.02%). | Existing City of Toronto ^{vii} PACE program. Increased by 2.5x for BC GHG impact modelling purposes. |

| Action Name | Applicable Building Archetypes | Annual Energy Savings | Annual Uptake | Notes | Source for Impact Assumptions |
|---------------------------|--------------------------------|---|--|---|--|
| PACE - alone | Apartment | 12.7% | 0.12% | PACE without benchmarking will see uptake similar to Toronto (uptake data is before benchmarking in Ontario) | City of Toronto PACE ^{viii} before provincial benchmarking program. Increased by 2x for BC GHG Impact Model purposes. |
| PACE - alone | Commercial | 12.7% | 0.12% | Assumes similar to Apartment | City of Toronto for apartments used as a proxy |
| PACE - with BM/HEL | SFD | Scenarios 2-4: 30% Scenario 5: 55.0% | Scenario 2-4: 2% Scenario 5: 4% | PACE with labelling will see jump in projects undertaken. Uptake and retrofit savings adjusted to meet 2030/2050 targets. | Scenario 2-4: Average results from City of Toronto HELP program. Uptake assumed to be double of labelling alone – implied in report that improved financing increases uptake, but no concrete figure provided. Scenario 5: increased to demonstrate additional effort needed to achieve GHG targets |
| PACE - with BM/HEL | Apartment | Scenario 2-4: 19% Scenario 5: 40% | Scenario 2-4: 2% Scenario 5: 4% | PACE with benchmarking will see increase in uptake. | Scenario 2-4: Average results from City of Toronto Hi-Rise program ^{ix} . Uptake assumed to be double of labelling alone – implied in report that improved financing increases uptake, but no concrete figure provided. Scenario 5: increased to demonstrate additional effort needed to achieve GHG targets |

Table 3 Error! Reference source not found. shows the year that each of the impacts listed in Table 5 come into effect for business-as-usual forecast and each of the five scenarios.

Table 3 - Schedule that each initiative was applied in order to achieve 40% GHG reduction by 2030 and 80% by 2050

| Action | Archetype | BAU | S1: Benchmark/ Labelling Only | S2: PACE + Benchmark/ Labelling | S3: GHG Regs for New + 3 supporting measures | S4: GHG regs for New & Existing + 3 supporting measures | S5: GHG Targets Reached ^x |
|--|------------|-----|----------------------------------|---------------------------------------|---|--|---|
| Benchmarking - % Applicable 1st Stage | SFD | N/A | N/A | N/A | N/A | N/A | N/A |
| Benchmarking - % Applicable 2nd Stage | SFD | N/A | N/A | N/A | N/A | N/A | N/A |
| Benchmarking - % Applicable 1st Stage | Apartment | OFF | 2022 | 2022 | 2022 | 2022 | 2022 |
| Benchmarking - % Applicable 2nd Stage | Apartment | OFF | 2025 | 2025 | 2025 | 2025 | 2025 |
| Benchmarking - % Applicable 1st Stage | Commercial | OFF | 2022 | 2022 | 2022 | 2022 | 2022 |
| Benchmarking - % Applicable 2nd Stage | Commercial | OFF | 2025 | 2025 | 2025 | 2025 | 2025 |
| Home Energy Labelling | SFD | OFF | 2022 | 2022 | 2022 | 2022 | 2022 |
| Home Energy Labelling | Apartment | N/A | N/A | N/A | N/A | N/A | N/A |
| Home Energy Labelling | Commercial | N/A | N/A | N/A | N/A | N/A | N/A |
| PACE | SFD | OFF | OFF | 2022 | 2022 | 2022 | 2022 |

| Action | Archetype | BAU | S1: Benchmark/ Labelling Only | S2: PACE + Benchmark/ Labelling | S3: GHG Regs for New + 3 supporting measures | S4: GHG regs for New & Existing + 3 supporting measures | S5: GHG Targets Reached ^x |
|---|------------|-----|----------------------------------|---------------------------------------|---|--|---|
| PACE | Apartment | OFF | OFF | 2022 | 2022 | 2022 | 2022 |
| PACE | Commercial | OFF | OFF | 2022 | 2022 | 2022 | 2022 |
| NC GHGI - Level 1 (2-year savings lag) | SFD | OFF | OFF | OFF | 2022 | 2022 | 2022 |
| NC GHGI - Level 1 (3-year savings lag) | Apartment | OFF | OFF | OFF | 2022 | 2022 | 2022 |
| NC GHGI - Level 1 (3-year savings lag) | Commercial | OFF | OFF | OFF | 2022 | 2022 | 2022 |
| NC GHGI - Level 2 (2-year savings lag) | SFD | OFF | OFF | OFF | 2025 | 2025 | 2025 |
| NC GHGI - Level 2 (3-year savings lag) | Apartment | OFF | OFF | OFF | 2025 | 2025 | 2025 |
| NC GHGI - Level 2 (3-year savings lag) | Commercial | OFF | OFF | OFF | 2025 | 2025 | 2025 |
| ExB GHGI - Level 1 | SFD | OFF | OFF | OFF | OFF | 2025 | 2025 |
| ExB GHGI - Level 1 | Apartment | OFF | OFF | OFF | OFF | 2025 | 2025 |
| ExB GHGI - Level 1 | Commercial | OFF | OFF | OFF | OFF | 2025 | 2025 |
| ExB GHGI - Level 2 | SFD | OFF | OFF | OFF | OFF | 2028 | 2028 |
| ExB GHGI - Level 2 | Apartment | OFF | OFF | OFF | OFF | 2028 | 2028 |
| ExB GHGI - Level 2 | Commercial | OFF | OFF | OFF | OFF | 2028 | 2028 |
| ExB GHGI - Level 3 | SFD | OFF | OFF | OFF | OFF | 2031 | 2031 |

| Action | Archetype | BAU | S1: Benchmark/ Labelling Only | S2: PACE + Benchmark/ Labelling | S3: GHG Regs for New + 3 supporting measures | S4: GHG regs for New & Existing + 3 supporting measures | S5: GHG Targets Reached ^x |
|--------------------|------------|-----|----------------------------------|---------------------------------------|---|--|---|
| ExB GHGI - Level 3 | Apartment | OFF | OFF | OFF | OFF | 2031 | 2031 |
| ExB GHGI - Level 3 | Commercial | OFF | OFF | OFF | OFF | 2031 | 2031 |

APPENDIX B: BUSINESS-AS-USUAL FORECAST

2015 Baseline

Using 2015 as a Baseline year, a baseline energy use breakdown was developed for buildings in British Columbia. Total building area for both residential and commercial buildings was taken from the building area provided by the Climate Action Secretariat for the Clean BC baseline modelling. The residential building area was further split into Small Residential and Apartment based on the 2015 Residential Breakdown for British Columbia given in Table 18 of NRCan's Comprehensive Energy Use Database (CEUD)^{xi}.

NRCan's CEUD was also used to define the energy profile for British Columbia's residential and commercial building area. This was based on the following inputs:

- Split of energy use between Space Heating, Water Heating and Other Electricity (Table 2 Residential, Table 39 Residential, Table 2 Commercial);
- Space Heating Breakdown, count by system and total energy by system (Table 5 Residential, Table 21 Residential, Table 24 Commercial);
- Split of energy use Apartment versus Small Residential (Table 6 Residential); and
- Water Heating System Split (Table 10 Residential, Table 28 Residential, Table 26 Commercial).

BC Energy Step Code

Table 4 shows the model's assumptions with regards to the province-wide adoption of the BC Energy Step Code.

Table 4 - BC Energy Step Code province-wide adoption

| Archetype | Step | Year Implemented - Start |
|------------|------|--------------------------|
| SFD | 1 | 2015 |
| SFD | 2 | 2022 |
| SFD | 3 | 2025 |
| SFD | 4 | 2028 |
| SFD | 5 | 2032 |
| Apartment | 1 | 2015 |
| Apartment | 2 | 2022 |
| Apartment | 3 | 2027 |
| Apartment | 4 | 2032 |
| Commercial | 1 | 2015 |
| Commercial | 2 | 2022 |
| Commercial | 3 | 2027 |

Equipment Replacement

Each year, a percentage of existing buildings and mechanical equipment is modified for the following reasons:

- Existing buildings are demolished and replaced with new buildings with applicable Energy Step Code energy performance levels.
- Existing space heating and water heating equipment at end of life is upgraded and replaced with more efficient equipment.

Table 5 shows the assumptions used for the rate of modification at different points in time. 2015-2030 rates were provided from the BC Climate Action Secretariat. 2030-2050 rates were calculated to achieve a 100% replacement by 2050. Of the modified area, it was assumed that 20% of this area would be classified as demo and be replaced with new, and 80% would be assigned as equipment modification.

Table 5: Annual Building Area Modified (% of 2015 Baseline Area)

| Year | Residential | Commercial |
|---|-------------|------------|
| 2015-2020 | 8.0% | 0.7% |
| 2020-2025 | 2.6% | 1.3% |
| 2025-2030 | 2.9% | 2.0% |
| 2030-2050 | 1.6% | 4.0% |
| TOTAL 2015 Building Area Modified by 2050 | 100% | 100% |

The annual modified building area was divided between the floor area for different space heating types according to the baseline projections provided by the Climate Action Secretariat for the CleanBC baseline modelling. This provided the split for space heating systems up to 2030. The percent split provided for 2030 is applied to subsequent years up to 2050. The percentage split between space heating systems for residential and commercial buildings from 2015-2015 are shown in **Table 6** and

Table 7, respectively.

Table 6: Building Modification Split by Space Heating System - Residential

| Year | Oil | Natural Gas | Wood | Electric Resistance | Electric Heat Pump |
|-----------|------|-------------|------|---------------------|--------------------|
| 2015-2020 | 0.3% | 17.7% | 0.8% | 78.6% | 2.6% |
| 2020-2025 | 0.7% | 56.4% | 3.0% | 30.9% | 8.9% |
| 2025-2030 | 0.8% | 56.0% | 3.4% | 30.8% | 8.9% |

Table 7: Building Modification Split by Space Heating System - Commercial

| Year | Oil | Natural Gas | Electric Resistance | Electric Heat Pump |
|------------------|------|-------------|---------------------|--------------------|
| 2015-2020 | 2.2% | 78.2% | 19.6% | 0.0% |
| 2020-2025 | 0.0% | 80.0% | 20.0% | 0.0% |
| 2025-2030 | 0.6% | 80.7% | 0.1% | 18.6% |

The same approach and ratios were used to define new building area, both from net new floor area and demolished and replaced area. However, for new construction oil and wood space heating systems are not included.

Space and Water Heating Equipment Upgrades

Table 8 shows the space heating EUI improvements applied to existing buildings modified. Baseline performance was assumed to be equivalent to the 2015 EUI developed using NRCan's CEUD^{xii}. Improvements then are based on the difference between this baseline and the space heating EUI for BC Energy Step Code Step 1 from the supporting dataset established for the BC Energy Step Code Metrics Report^{xiii}.

Table 8 Assumed Improvement to Space Heating Energy Use Intensity after Upgrade

| Archetype | Space Heating System | Improved Percentage of Space Heating EUI at time of replacement |
|------------|----------------------|---|
| SFD | Natural Gas | 55% |
| SFD | Elec Res | 48% |
| SFD | Elec HP | 49% |
| SFD | Wood | 55% |
| SFD | Oil | 55% |
| Apartment | Natural Gas | 90% |
| Apartment | Elec Res | 90% |
| Apartment | Elec HP | 69% |
| Apartment | Wood | 90% |
| Apartment | Oil | 90% |
| Commercial | Natural Gas | 31% |
| Commercial | Elec Res | 35% |
| Commercial | Elec HP | 90% |
| Commercial | Oil | 31% |

Table 9 shows the forecasted floorspace for each major building types at three points in time 2015, 2030, and 2050. 2015 and projections for 2030 were provided by the BC Climate Action Secretariat. Projections for 2050 are based primarily on projected population growth from BCStats^{xiv}. The split between single family dwelling and apartment was based on NRCan's CEUD^{xv}.

Table 9 Forecasted total building area (m²) by archetype

| Year | SFD | Apartment | Commercial | TOTAL |
|-------------|-------------|------------|-------------|-------------|
| 2015 | 219,873,345 | 60,577,350 | 102,178,742 | 382,629,437 |
| 2030 | 260,642,715 | 72,995,281 | 141,420,482 | 475,058,478 |
| 2050 | 306,624,307 | 90,581,077 | 167,636,145 | 564,841,529 |

Table 10 shows the baseline distribution of space heating equipment for each of the three major building types at five-year intervals, starting in 2015. Forecasted business-as-usual heating equipment inputs are based on the assumptions applied to new construction and modified buildings as discussed above.

Table 10 Baseline Area split by space heating system

| Year | Archetype | Elec HP | Elec Res | Natural Gas | Oil | Wood |
|-------------|------------|---------|----------|-------------|-------|------|
| 2015 | SFD | 3.6% | 35.4% | 55.8% | 0.25% | 5.0% |
| 2030 | SFD | 4.0% | 38.8% | 52.8% | 0.21% | 4.2% |
| 2050 | SFD | 4.8% | 37.8% | 53.7% | 0.18% | 3.5% |
| 2015 | Apartment | 3.6% | 35.4% | 55.8% | 0.25% | 5.0% |
| 2030 | Apartment | 4.0% | 38.9% | 52.8% | 0.21% | 4.1% |
| 2050 | Apartment | 5.1% | 37.6% | 53.9% | 0.17% | 3.3% |
| 2015 | Commercial | 0.0% | 16.4% | 79.4% | 4.2% | |
| 2030 | Commercial | 4.3% | 15.2% | 77.5% | 3.0% | |
| 2050 | Commercial | 6.6% | 12.8% | 78.1% | 2.5% | |

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- ⁱⁱⁱ Help Cities Lead. <https://www.helpcitieslead.ca/>
- ^{iv} EnergyStar Portfolio Manager. Benchmarking and Energy Savings. 2012. https://www.energystar.gov/sites/default/files/buildings/tools/DataTrends_Savings_20121002.pdf
- ^v Ibid.
- ^{vi} Pembina. 2015. Home Energy Labelling. Strategic Plan for Labelling of Part 9 Residential Buildings in BC. p58. <https://www.pembina.org/reports/strategic-plan-labelling-part-9-residential-bc-052015.pdf>.
- ^{vii} City of Toronto (2018) Home energy loan program and high-rise retrofit improvement support program update. <https://www.toronto.ca/legdocs/mmis/2018/pe/bgrd/backgroundfile-114375.pdf>
- ^{viii} Ibid
- ^{ix} Ibid
- ^x For Scenario 6. Uptake and energy savings impacts from PACE were increased until the Province's GHG targets for 2030 and 2050 were achieved. See **Error! Reference source not found.** for specific amounts.
- ^{xi} Natural Resources Canada. Comprehensive Energy Use Database, Residential Sector – British Columbia
https://oee.nrcan.gc.ca/corporate/statistics/neud/dpa/menus/trends/comprehensive_tables/list.cfm
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HELP CITIES LEAD



Briefing Note: Property Assessed Clean Energy Financing

December 2020

Purpose

This note aims to update government on the benefits of—and support for—new measures that would enable local governments to offer Property Assessed Clean Energy (PACE) financing programs for residential and commercial properties. Such programs lower barriers for home and business owners to access energy-efficiency retrofit financing.

Background

PACE programs allow property owners to finance the up-front cost of building energy efficiency upgrades—such as more efficient heating systems, or windows—by paying the costs back over time via a voluntary property tax assessment. The assessment is attached to the property, not an individual; if, and when, the property is sold, the financing carries on with the new owner.

- Though British Columbia governments have been requesting PACE-enabling legislation since 2014, no programs are operating in the province.
- Alberta, Ontario, and Nova Scotia have all implemented PACE legislation, but programs remain limited in scope and sophistication.
- PACE programs are commonplace south of the border. In the United States, private PACE program administrators partner with either individual local governments or multiple localities working through joint-powers authorities. Some local jurisdictions operate their own programs independently.
- Administration costs are modest for local governments, provided their role is limited to collection through property taxes and a third party, such as a utility or public agency, handles implementation.
- PACE programs generally fall into two categories: Commercial PACE (C-PACE) and Residential PACE (R-PACE).
- Local governments offer C-PACE programs to property owners who generate income from lease payments or revenue from business tenants. Administrators generally require owners to demonstrate that the investments will save them money. Owners must also demonstrate that they can repay the assessment. Local governments also offer R-PACE programs to owners of small residential properties.
- PACE financing is an important tool that local governments could use to encourage building owners to make upgrades that they might not otherwise have

made—either because they lack access to capital from other channels or they have concerns about long payback periods.

- The September 2020 BC Economic Recovery Plan included \$2 million for the province to support the development of a PACE financing tool
- The November 2020 Mandate Letters to the Minister of Energy, Mines, and Low Carbon Innovation and the Minister of Municipal Affairs include direction for the ministers to enhance energy efficiency programs and incentives for residential and commercial buildings, including PACE financing.

The Evidence Basis

- Studies demonstrate that U.S. PACE-financed projects have saved nearly 2.974 billion kilowatt hours (kWh) of energy while averting the release of 7.44 million metric tonnes of CO₂ equivalent greenhouse gas emissions.¹
- In the United States, 20 states plus the District of Columbia run commercial-property PACE programs. These programs have financed more than USD\$1.5 billion in capital project upgrades across more than 2,400 properties. They've also created more than 17,000 jobs.
- On the residential side, U.S. homeowner PACE programs have yielded USD\$6.2 billion in capital project upgrades for more than 280,000 homes. These residential PACE projects have created more than 108,000 jobs while slashing climate pollution.

Jurisdictional Scan

Commercial PACE (C-PACE)

- Governments generally consider C-PACE program less risky than R-PACE ones, because the projects financed are generally relatively large in scope and are carefully vetted by professional project finance managers on both sides of the agreement.
- Since C-PACE financing is charged through property taxes, owners can pass along the cost of these improvements to tenants who have signed a conventional “triple net lease” agreement. This is an important benefit for commercial property owners who are often challenged to recoup the cost of energy retrofits financed through traditional mechanisms, because the triple net lease agreement only requires the tenant to pay for operating expenses related to the building (e.g., utility charges, insurance, property taxes, and maintenance).
- This transitional contractual arrangement disincentivizes energy retrofits because the building owner bears the capital cost of the upgrade, but the tenant captures the energy savings.
- A second benefit to building owners is that C-PACE financing is generally considered to be an “off balance sheet” loan. This means that the loan does not impact a property owner’s debt-to-equity ratio and is therefore less likely to

¹ PACE Nation, “2019 PACE Facts.” Retrieved from: <https://pacenation.org/2019-pace-facts/>

compete with a property's other capital priorities that must be financed through more conventional mechanisms.

Residential PACE (R-PACE)

- In the United States, R-PACE programs in California, Florida, and Missouri finance more than USD\$6.2 billion in capital project upgrades for over 280,000 homes.² The programs have created more than 108,000 jobs in these states.³
- For homeowners, a well-designed R-PACE program will simplify and streamline the financing processes for home energy retrofits. The programs welcome lower-income homeowners who may lack access to conventional financing; many do not perform credit checks when evaluating an application, but instead consider the homeowner's property tax payment history.
- Unique features lower credit risk for R-PACE investors, which in turn typically allows program administrators to access lower-cost capital. This can subsequently lead to more favourable terms and conditions and more attractive interest rates than conventional financing mechanisms.⁴

British Columbia – Current State

- On four separate occasions—in 2014, 2016, 2017, and 2019—local governments at the Union of BC Municipalities conference passed resolutions in support of legislation that would enable PACE programs.
- In its response to the 2019 UBCM resolution, the Ministry of Municipal Affairs and Housing stated that the province was open to PACE discussions, but also cautioned about mixed experiences with the program in other jurisdictions.
- The September 2020 BC Economic Recovery Plan included \$2 million for the province to support the development of a PACE financing tool
- The November 2020 Mandate Letters to the Minister of Energy, Mines, and Low Carbon Innovation and the Minister of Municipal Affairs include direction for the ministers to enhance energy efficiency programs and incentives for residential and commercial buildings, including PACE financing.
- A limited form of residential PACE (R-PACE) financing may already be permissible for certain measures under the B.C. Community Charter using Local Improvement Charges (LICs). For example, building improvement projects that reduce GHG emissions and the risk of oil spills from existing heating-oil systems arguably have significant direct community benefits and services, and therefore warrant the use of LICs.

² PACE Nation. "Pace Programs." Retrieved from: <https://pacenation.org/pace-programs/>

³ PACE Nation. "2019 PACE Facts." Retrieved from: <https://pacenation.org/pace-market-data/>

⁴ National Association of State Energy Officials. "Residential Property Assessed Clean Energy (R-PACE): Key Considerations for State Energy Officials." 2018. Retrieved from: <https://www.naseo.org/data/sites/1/documents/publications/NASEO%20R-PACE%20Issue%20Brief.pdf>

- To date, only the District of Saanich is planning to use LICs to fund private building upgrades to reduce GHG emissions and lower risk of domestic oil spills. However, to operationalize the program the district would need to pass a specific bylaw for each LIC/PACE loan provided. This is cumbersome.
- In addition to local government interest, a coalition of industry and environmental organizations recently formed under the name PACE BC to advocate for and support enabling legislation.
- PACE enabling legislation would also help B.C. municipalities access funding from the Federation of Canadian Municipalities' (FCM) Community Energy Financing Programs. Municipalities may access this \$300 million funding stream to create financing programs for energy efficiency retrofits.⁵
- Enabling C-PACE and R-PACE (for smaller rental properties) in British Columbia may need an additional amendment to the Community Charter to allow local governments to "aid a business." Section 25(1) of the Community Charter states that local governments "must not provide a grant, benefit, advantage or other form of assistance to a business." The only exception to this pertains to assistance given for actions that relate to heritage properties (as per Section 25(2) and Section 25(3) of the Community Charter). A C-PACE program could potentially be interpreted as aiding a business, and therefore out of compliance with Section 25(1).
- The province currently offers low interest financing through its CleanBC Better Homes program. However, the offer is only available for the cost of installing an electric heat pump system for homeowners switching from a fossil-fuel based heating system; it cannot be used in conjunction with the current CleanBC heat pump rebate offer. The applicability of this financing tool is therefore quite narrow and limits participation by lower-income homeowners.
- Past financing pilot programs in B.C. have met with minimal success (i.e. BC Hydro and Fortis BC's On-Bill Financing pilot, and the City of Vancouver's Retrofit Energy Efficiency Financing Pilot).⁶ A study by the Pacific Institute for Climate Solutions attributes the low uptake to ineffective and inadequate marketing, lack of buy-in from contractors, overly stringent underwriting criteria, and needlessly complicated requirements for energy audits and program applications.⁷

⁵ Federation of Canadian Municipalities. "Community Efficiency Financing New Existing Residential Energy Financing Programs." Retrieved from: <https://fcm.ca/en/funding/gmf/community-efficiency-financing-new-existing-residential-energy-financing-programs>

⁶ Duffy, Robert and Beresford, Charley. "This Green House II: Building Momentum on Green Jobs and Climate Action Through Energy Retrofits Across Canada." Columbia Institute. 2016. p.30. Retrieved from: https://www.columbiainstitute.ca/sites/default/files/Columbia_This_Green_House_II_web_Mar_22_final_0.pdf

⁷ Efe, Seref et al. "Cheaper Power Bills, More Jobs, Less CO2: How On-Bill Financing Done Right can be a Quick Win for British Columbia." Pacific Institute for Climate Solutions. 2015. p.11. Retrieved from: <http://pics.uvic.ca/sites/default/files/uploads/publications/On-Bill%20Financing%20FINAL.pdf>

- The set of recommendations advanced by the UBCM Special Committee on Climate Action includes a provision for the province to develop a retrofit financing program that matches payments to energy savings.

Next Steps

Potential next steps for government include the following actions.

- Meet with local government representatives and other key stakeholders to establish a plan to remove legislative barriers for successful R- PACE and a C- PACE programs. “Property Assessed Clean Energy in Canada,” a recently published Pembina Institute report, summarizes industry consultations in identifying many of the needed changes.⁸
- Amend the Community Charter and Vancouver Charter to create enabling legislation for PACE or create standalone legislation.
- Create two working groups to design a R-PACE and a C-PACE program, and include representatives of the construction industry (e.g. the Urban Development Institute), the renovation industry (e.g. Home Energy Performance Council), financial institutions, institutional investors (e.g. Canada Infrastructure Bank), mortgage insurers (e.g. Canada Mortgage and Housing Corporation), building owners and managers (e.g. Building Owner and Managers Association), ENGOS, local governments, and the Federation of Canadian Municipalities.
- Leverage these working groups to provide recommendations to local governments on how to structure PACE bylaws, and to identify a potential provincial third-party administrator for a coordinated province-wide approach.
- Signal its interest in creating a loan-loss reserve fund that would support and reduce risk for a provincially scaled PACE program and use the stakeholder engagement processes described above to validate its benefits and clarify its terms.
- Ensure that British Columbians can seamlessly access PACE loans and CleanBC incentives through the same application.
- Establish program design and implementation supports to help ensure that all local governments across the province, regardless of their size and location, can take advantage of a PACE financing program.

⁸ Kennedy, Madi et al. “Clean Energy in Canada: Design Considerations for PACE Programs and Enabling Legislation.” The Pembina Institute. 2020. Retrieved from: <https://pembina.org/pub/pace-financing-canada>



Briefing Note: Building Energy Benchmarking

December 2020

Purpose

This note aims to update government on the benefits of mandatory building energy benchmarking and explain why local governments would like authority to require owners of certain categories of buildings to benchmark their properties and report out the data. British Columbia local governments have been requesting provincial action on benchmarking since 2014.

Background

Energy benchmarking is the process of collecting and monitoring energy data from a large number of buildings over time so that governments and the private sector can compare the performance of any one participating building against similar properties. Energy benchmarking helps:

- Individual building owners and managers track a property's energy performance from one year to the next and identify potential issues for further investigation. It also allows them to easily see how well their building is performing relative to similar properties.
- Governments and utilities target energy and greenhouse gas reduction policies, programs, and regulations to areas of the building sector where they will have the most impact.
- Governments and utilities to more easily and reliably analyse policy impact.

The Evidence Basis

In a 2017 study, Lawrence Berkley National Laboratories researchers found that mandatory benchmarking programs contributed to a three to eight per cent decrease in building energy-use-intensity levels over a two- to four-year period.¹ Though it's impossible to attribute all of these energy savings to benchmarking, the researchers confirmed a causal relationship.

¹ Lawrence Berkeley National Laboratory. "Evaluation of U.S. Building Energy Benchmarking and Transparency Programs: Attributes, Impacts, and Best Practices." 2017. p. 57. Retrieved from: https://emp.lbl.gov/sites/default/files/lbnl_benchmarking_final_050417_0.pdf

With over ten years of applied experience, the benefits of benchmarking are now well understood. The practice:

- Drives positive changes in owner and occupant energy management via increased transparency and awareness of operational energy use.
- Encourages property owners to make targeted investments to reduce energy use.
- Promotes further efficiency through proper building commissioning and maintenance regimens.
- Creates growth for, and competition toward, better energy performance in the building industry.
- Helps inform municipal, regional, and national-scale energy policy.
- Allows jurisdictions to better substantiate GHG targets, and design more efficient programs.
- Identifies top performers and worst offenders of energy performance within neighborhoods and across building archetypes, allowing programs and service providers to more strategically target improvements.
- Allows prospective tenants to compare the overall costs they may face when choosing to lease a particular building.
- Promotes improved envelopes and mechanical systems, which can increase resilience in the face of climatic shocks and stresses.

Jurisdictional Scan

North American jurisdictions have used mandatory energy benchmarking since at least 2009, when New York City first required it of buildings larger than 50,000 square feet. Today, more than 30 jurisdictions have mandatory building energy benchmarking—30 cities, the states of Washington and California, and the Province of Ontario.

- In 2018, Ontario became the first Canadian jurisdiction to require water and energy reporting for privately owned residential, commercial, industrial, and institutional buildings. Owners of all large buildings in the province must now report their energy and water use annually.
- As of July 2019, Ontario required reporting for buildings with floorspace larger than 100,000 square feet; as of July 2020, the province had planned to step down this minimum to 50,000 square feet.
- Ontario's benchmarking program aligns with its current target to reduce emissions 30 per cent below 2005 levels by 2030.²

² Province of Ontario. 2018. "Ontario's Environment Plan: Preserving and Protecting our Environment for Future Generations." Retrieved from: https://prod-environmental-registry.s3.amazonaws.com/2018-11/EnvironmentPlan_1.pdf

- It is also consistent with a directive in the Pan Canadian Framework on Clean Growth and Climate Change that federal, provincial and territorial governments should work together to require labelling of buildings energy use by as early as 2019.
- In Washington DC, owners of all buildings larger than 50,000 square feet must report their energy and water use for public disclosure. This program is run through the Energy Star Portfolio Manager platform and is part of the Clean and Affordable Energy Act of 2008, which has a target of a 50 per cent reduction in GHGs by 2032 for the District of Columbia.
- The City of Portland requires owners of commercial buildings larger than 20,000 square feet to report on their energy use annually. This program covers around 80 per cent of conditioned commercial space in the city.
- Portland has recorded its progress with detailed annual reports. The reports reveal that compliance has increased every year, from 82 per cent in 2015 to 93 per cent in 2018. Not only does Portland's performance beat out most major American cities, it has successfully reduced its energy use intensity for offices close to five per cent between 2016 and 2018.

British Columbia – Current State

There are currently no mandatory provincial or sub-provincial building energy benchmarking programs in British Columbia. It is also unclear if local governments operating under the Community Charter have the authority to require energy benchmarking within their jurisdiction. The Vancouver Charter enables the City of Vancouver to require benchmarking if it is used to show compliance with a regulation.

- In 2014, the Union of British Columbia Municipalities resolved to ask the provincial government to amend the Vancouver Charter, Local Government Act, and Community Charter to empower local governments to require energy benchmarking and make public non-confidential and non-competitive building energy performance results.
- In 2017, a second successful resolution asked the province to develop a requirement that buildings above a given size threshold benchmark their energy performance and report this information to the province annually, and for this information to be made available to local governments.
- In both instances, the province responded that it understands energy efficiency is key to achieving climate targets, and that it is exploring energy benchmarking policy options.
- The legal authority for local governments to regulate benchmarking without amendments to existing legislation is uncertain. A 2017 report by City of Richmond "...BC Ministry of Energy and Mines staff have noted their belief that local governments may enact benchmarking requirements, given that the Community Charter specifies 'a council may, by law, regulate, prohibit and

impose requirements in relations to...buildings and other structures (Section 8(3)(1)).”³

- This interpretation has not been knowingly confirmed nor rejected by either provincial or local government legal counsel. Until it is explicitly understood by both the province and local governments, it is unlikely that any local government operating under the Community Charter will move ahead with mandatory benchmarking.
- The City of Vancouver is planning to require benchmarking for large retail and commercial buildings starting in 2023 as part of its Climate Emergency Plan that was approved by Vancouver City Council in November 2020.
- The Metro Vancouver Regional District (Metro Vancouver) is currently reviewing whether it has authority under the Provincial Environmental Management Act to require energy benchmarking as a means to show compliance with a building-scale greenhouse gas air pollutants regulation.
- Should Metro Vancouver conclude it has this authority, that jurisdiction may proceed with mandatory benchmarking. Should that occur, to ensure fairness and consistency, the provincial government may wish to enable additional local governments to use the tool.
- Building Benchmark BC is a recent initiative funded by Natural Resources Canada and BC Hydro to provide the reporting framework and encourage voluntary building benchmarking in the province. In its first year it registered over 600 privately owned buildings and includes the participation of nine leading local governments. Its reporting framework can be easily converted to support the broad rollout of mandatory benchmarking by local governments or the provincial government.

Disclosure Concerns

- The Building Owners and Managers Association of British Columbia has historically opposed mandatory energy benchmarking programs, citing concern with public disclosure of benchmarking results.
- However, mandatory benchmarking programs need not include disclosure. They can instead require certain buildings within a jurisdiction to track and then report their energy benchmarking results to the jurisdiction overseeing a mandatory program.
- In many jurisdictions, mandatory benchmarking programs are introduced with only reporting requirements, providing valuable information to both building owners and the jurisdiction receiving the reports. Disclosure of this information could follow, and sometimes does follow, but is not a default design requirement.

³ City of Richmond. February 2017. "Climate Action – Building Energy Benchmarking Policy Advocacy." February 2017. File 10-6125-07-02/2015-Vol01. P6. Retrieved from: https://richmond.ca/___shared/assets/Building_Energy_Benchmarking_CNCL_03271746780.pdf

Cost Concerns

- The largest cost for building owners is the time needed to set up a building's profile in a benchmarking program. To help offset some of this time, utilities, such as BC Hydro, currently cover the cost for some commercial customers to set up a building's initial benchmarking account.
- Once a building is set up, most of the additional inputs for an account are ongoing monthly utility use data for that building. In British Columbia, the downloading of utility data into Energy Star Portfolio Manager has been automated thanks to cooperation between the provincial government and the province's major gas and electric utilities.
- To help address potential government concerns with administration costs, Vancouver's Open Green Building Society has designed a backend benchmarking web-based program called the Grid. The software pulls data from a building's Energy Star Portfolio Manager file and reports it to the level of government administering a benchmarking program. The tool also provides aggregated building data in a format that allows the administrator to carry out careful market analysis and policy analysis. Grid is the software platform used to support the Building Benchmark BC initiative.
- In addition to the two costs discussed above and the existing initiatives being undertaken to address them, other considerations associated with mandatory benchmarking are training and data quality. Other jurisdictions that already require energy benchmarking, have demonstrated that program design can address these costs.

Next Steps

Potential next steps for government include the following actions.

- As per Union of British Columbia Municipalities resolutions in 2014 and 2017, the province could enable local governments to require building benchmarking reporting and disclosure on an opt-in basis.
- The province could further support the adoption of building benchmarking by local governments by developing and funding on an ongoing basis a central platform for data reporting, storage, and disclosure.
- The province could ensure that provincial and utility incentive programs support mandatory municipal benchmarking programs, as these programs will provide support to achieve utility demand side management objectives and its CleanBC targets.

HELP CITIES LEAD



Briefing Note: Home Energy Labelling

December 2020

Purpose

This note aims to update government on the benefits of a home energy labeling program as one component of a potential new Building Energy and Greenhouse Gas Reduction Framework. A mandatory energy labeling program for new and existing homes would equip British Columbia consumers and other stakeholders with valuable information about a given home's energy performance, helping inform both purchase decisions and local-government energy efficiency programs, and ultimately helping local governments and the province meet their legislated climate targets.

Background

As early as 1994, researchers have regarded incomplete information on household energy consumption patterns as a market failure.¹ Mandatory home energy labelling would address this failure by allowing information about a given home's energy performance to be shared with interested parties including homeowners, local governments, industry professionals, and potential home buyers.

- The Province of British Columbia does not currently have any requirements for home energy labelling; however, local government leaders have been discussing the opportunity with their provincial counterparts for at least six years.
- British Columbia local governments are unable to require either the reporting or disclosure of home energy labelling scores for existing homes.
- In 2014, the Union of British Columbia Municipalities resolved that the province consider adding energy assessment and EnerGuide label to the requirements for new Part 9 residential buildings. The government of the day declined the request, stating that the *BC Building Code* effectively specifies minimum emissions requirements.
- In 2016, the Pan-Canadian Framework on Clean Growth and Climate Change committed federal, provincial, and territorial governments to collaborate on building energy labeling that would in turn provide consumers and business with transparent information on energy performance.

¹ Levine, Mark D. et al. Energy Efficiency, Market Failures, and Government Policy. 1994. Retrieved from <https://eta-publications.lbl.gov/sites/default/files/energy-efficiency-market-failures-and-government-policy.pdf>

- The 2018 CleanBC Plan committed the province to exploring a building energy rating requirement at the point of sales or lease. The Plan states that such a rating system would “make it easier for buyers and renters to factor energy costs into their decisions while giving owners another incentive to make their buildings more efficient.”
- The November 2020 Mandate Letter to the Minister of Finance includes direction for the Minister to work with the Minister of Energy, Mines, and Low Carbon Innovation to require realtors to provide energy efficiency information on listed homes.

Key Considerations

About Energy Labels

In Canada and British Columbia, legislation requires energy labelling for a broad range of consumer products including motor vehicles, furnaces, windows, lightbulbs, and kitchen appliances. However, there are no labeling requirements for the single largest purchase a given Canadian is likely to make—their home.

- Disclosure and labelling programs can help encourage energy efficiency and are an important part of many market-transformation strategies².
- For buildings in Canada, Natural Resources Canada (NRCan) administers the EnerGuide home energy label programs. The EnerGuide program can be used for both new and existing homes.
- The City of Vancouver is currently exploring a “virtual” home energy score that it plans to pilot in 2021.
- For new homes, there are also a number of industry-led voluntary labelling programs, including the Canadian Home Builders Association’s Net Zero Energy Labelling Program, Built Green, the Passive House Institute’s Passive House certification, and the Canada Green Building Association’s Leadership in Energy and Environmental Design (LEED) program.

Benefits of Mandatory Home Energy Labels

Mandatory home energy labels benefit a wide range of parties.

- They benefit home shoppers, so that they can better understand the operational costs of a given property, and more readily identify efficiency improvements that will lower energy costs over the long term. This information increases transparency for home shoppers, improves their ability to differentiate between properties, and ultimately provides an additional level of consumer protection.
- They help home sellers convey the value of their energy efficiency improvements, adding a selling point to their home.

² Dunsky Energy Consulting. Home Energy Performance Labelling: Pilot Program Manual.” May 2017

- They give real estate agents insights into a home's efficiency and any onsite renewable energy features, so that they can more effectively market and value a property.
- Mandatory building energy labelling also supports workforce development, by increasing demand for home energy audits and home performance upgrades, potentially spurring job creation.
- Labels help all levels of government meet energy reduction targets by motivating homeowners and potential buyers to invest in energy-efficiency measures.
- In cases where regulations require reporting of home energy scores to a central green building database, policymakers and utilities will be better equipped to gain insights into where energy is being used in their residential sector.
- Regulators can also tie home energy labeling requirements to existing building GHG performance requirements and require or support upgrades to homes that fall short of a specified level.
- Research on home energy labeling for the City of Edmonton found that the benefits to homeowners of taking part in mandatory energy labeling are greater than the costs and identified a positive correlation between energy efficiency features and selling price in the city's residential market.³
- More generally, a home energy label—and the assessment summary that usually accompanies it—can provide valuable information to homeowners and potential buyers about the steps they can take to improve a home's energy performance and lower its greenhouse gas emissions.

Jurisdictional Scan

In numerous other jurisdictions throughout the world, policy makers use mandatory home energy labelling to improve consumer awareness and building energy performance—helping jurisdictions meet their climate goals.

- Since 2006, all 28 European Union member states have required energy performance labels for all buildings. Labels must provide details to prospective buyers/tenants at time of construction, rental, or sale. Home energy labelling disclosure is required throughout the European Union.
- In the United States, some form of home energy disclosure is required in at least five states (Alaska, Connecticut, Hawaii, Kansas, Massachusetts, and South Dakota) as well as cities such as Austin TX, Berkley CA, Chicago IL, Minneapolis MN, Montgomery Country MD, and Portland OR.
- Assessments for home energy labels can vary in how detailed they are and how, where, and to whom they are reported.
- Well-designed and successful home energy efficiency policies depend on the existing infrastructure involved in home construction, sales, and performance

³ City of Edmonton, "A Community Energy Transition Strategy Policy Brief: Mandatory Energy Labelling & Disclosure" 2019. Retrieved from https://www.edmonton.ca/city_government/documents/PDF/MandatoryEnergyLabellingAndDisclosure.pdf

analysis. In North America, the Multiple Listing Service® real estate industry database can include energy-use data, home energy ratings, and information on a property's energy efficiency characteristics. Potential home buyers—especially those interested in low energy costs and other benefits of energy-efficient homes—can use this data to inform their purchase decisions.⁴

British Columbia–Current State

The Province of British Columbia does not currently require home energy labelling. However, municipal and provincial policy makers have been discussing the idea for at least six years.

- In 2014, the Union of British Columbia Municipalities resolved that the province consider adding energy assessment and EnerGuide label to the requirements for new Part 9 residential buildings. The government of the day declined the request, stating that the *BC Building Code* effectively specifies minimum emissions requirements.
- The 2018 CleanBC Plan committed the province to exploring a building energy rating requirement at the point of sales or lease. The Plan states that such a rating system would “make it easier for buyers and renters to factor energy costs into their decisions while giving owners another incentive to make their buildings more efficient.” The November 2020 Minister of Finance Mandate Letter includes direction for the Minister to work with the Minister of Energy, Mines, and Low Carbon Innovation to require realtors to provide energy efficiency information on listed homes.
- For new construction, in jurisdictions referencing the BC Energy Step Code, local governments can require builders to submit to the jurisdiction having authority a home energy score as part of its permitting administrative requirements and for the label to be displayed within the home at time of occupancy (e.g., on the electric panel). However, this authority ceases as soon as the occupancy permit is issued.
- British Columbia local governments currently lack the authority to require home energy labelling. Local governments would like the ability to opt into a mandatory home energy labelling reporting and disclosure program to help them achieve their community energy and climate targets. Without this authority, the market failure created by the lack of information about home energy performance will persist.

⁴ ACEEE. Policy Brief: Home Energy Efficiency Policies: Ratings, Assessments, Labels, and Disclosure, 2018. Retrieved from <https://aceee.org/sites/default/files/pdf/topic-home-energy-assessment.pdf>

Next Steps

Potential next steps for government include the following actions.

- The province could share with local governments and other stakeholders the findings of its exploration to date into an energy rating requirement for homes and buildings, as per the 2018 CleanBC Plan.
- Government could enter into discussions with local government leaders and other stakeholders on options for enabling home energy labelling and/or energy efficiency information on listed homes within the next two years.
- In consultation with local government representatives and other stakeholders, the province could establish a workplan for launching a home energy labelling program within the next year. Such a plan would at a minimum, allow local governments to opt into a mandatory home energy labelling program within their jurisdiction.
- The province could further support the adoption of home energy labels by local governments by developing and funding on an ongoing basis a central platform for data reporting, storage, and disclosure.

Case Studies

Portland, OR

The City of Portland passed the Residential Energy Performance Rating and Disclosure code in December 2016 and the program officially kicked off in early 2018. The program applies to homes within the City of Portland boundaries that are either single-detached, or a side-by-side rowhouse style complexes. Due to the nature of how the energy use measurements are conducted, apartments or stacked homes are not able to be included in the program yet.

Homeowners are required to obtain a home energy score prior to listing any applicable property to be sold. The onus of procuring the home energy assessment is on the owner and must be advertised with the home's for sale listing. In addition to disclosure on the listing, the owner must then also register the home on the US Green Building Registry.⁵ This program works in alignment with the city's 2050 goal of reducing carbon emissions by 80%.⁶

⁵ [City of Portland. Home Energy Score. "Determine if you need a home energy score."](#)

⁶ [City of Portland. Home Energy Score. "Home Energy Score Program."](#)

As of May 2019, 10,000 homes have participated in the home energy score program. There is a \$500 fine for non-compliance, which the city has indicated is significantly more than the cost of assessment and posting the label for the home.⁷ Initially the realtor community was reluctant to get on board with the program, however after implementation the city worked with the realtor community to address some of their common concerns (i.e. requiring the score to be completed prior to time of listing and not at time of closing.)⁸

Austin, TX

The City of Austin passed the Energy Conservation Audit and Disclosure (ECAD) ordinance in 2008, which requires assessments and disclosures for all homes and buildings served by Austin Energy. ECAD has been built into the city code and requires all homes 10 years or older to be audited prior to listing them for sale.⁹

This measure is helping the city reach its Austin Climate Protection Plan goals to reduce CO2 emissions by more than 365,000 metric tonnes by 2020 and offset 900 megawatts of peak energy demand by 2025. The state also offers loan programs for energy efficiency upgrades to help homeowners reduce energy use in their homes through a program called LoanSTAR and PACE financing.¹⁰

Over half of the houses sold in Austin between 2009 and 2012 were in compliance. Since the program was introduced city staff report that the energy use performance in the housing stock has improved. There are fines for non-compliance, which range from \$500 to \$2,000 depending on the building type.

Initially realtors in the community were concerned about the impact of the program, however after city staff worked with them to hear their concerns (i.e. requiring audit at time of sale and not listing, which doesn't give home buyers any leverage or homeowners any incentive to improve performance). The city also used the American Recession Recovery Act funding to expand the number of energy auditors available in the city.¹¹

⁷ [City of Portland. Home Energy Score. "Sellers start receiving fines this month for missing Home Energy Score."](#)

⁸ [ACEEE Policy Brief. Home Energy Efficiency Policies: Ratings, Assessments, Labels, and Disclosure."](#)

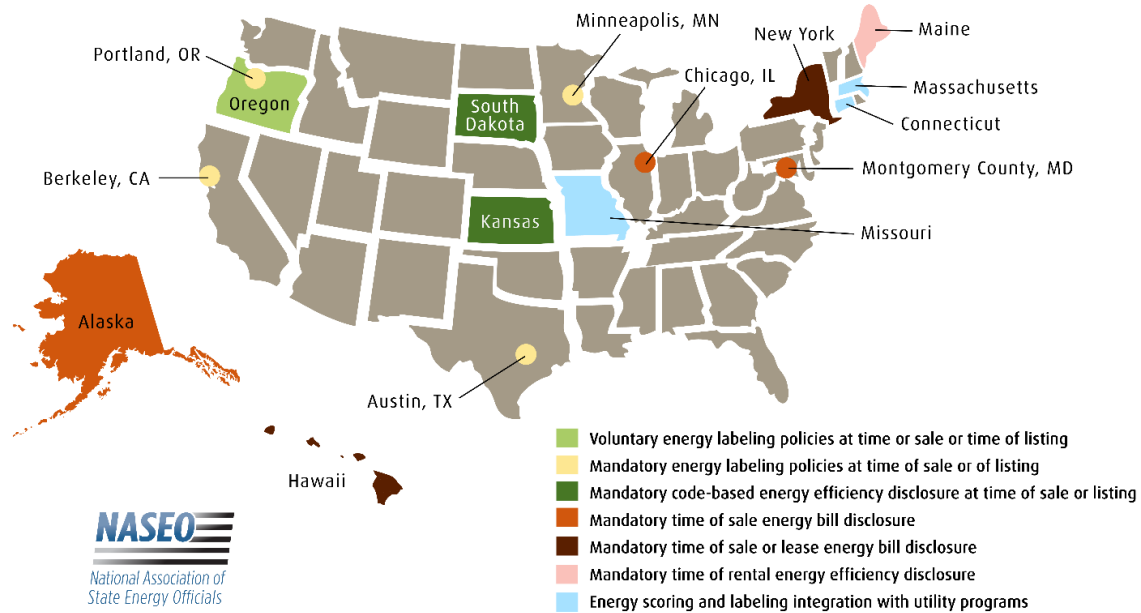
⁹ [Austin Energy. Energy Conservation Audit and Disclosure Ordinance.](#)

¹⁰ [ACEEE Policy Brief. Home Energy Efficiency Policies: Ratings, Assessments, Labels, and Disclosure."](#)

¹¹ Ibid.

Other Resources

Residential Energy Disclosure Policies in States and Cities



Map Source: <https://www.naseo.org/issues/buildings/home-energy-labeling>

HELP CITIES LEAD



Briefing Note: Regulating GHG Emissions for New Buildings

December 2020

Purpose

This note aims to update the provincial government on the benefits of—and support for—new regulation that would target greenhouse gas (GHG) emissions from new buildings.

Background

Approximately one third of the buildings standing in British Columbia in 2050 will be built in the coming 30 years. Many of these buildings will burn natural gas to supply their occupants with heat and hot water. Other than the City of Vancouver, British Columbia local governments presently have no way to require new buildings to use low-carbon energy systems.

Ministry of Housing Mandate Letter (Nov 26):

- Many local governments would like the province to set minimum allowable GHG emissions performance requirements for new buildings.
- The set of recommendations advanced by the UBCM Special Committee on Climate Action includes a provision to add a carbon metric to the Energy Step Code.
- As envisioned, these requirements would grow more stringent year over year until 2032, when they would culminate in a near zero GHG emissions standard.
- Recent modelling by Integral Group suggests that the province will not achieve its 2030 climate target unless it directly embeds GHG emissions requirements in the British Columbia Building Code.
- Local governments cannot use the BC Energy Step Code to regulate GHG emissions from new buildings.
- The November 2020 Mandate Letter to the Attorney General and the Minister Responsible for Housing includes direction for the Minister to support local governments to set their own carbon pollution performance standards for new buildings.

Jurisdictional Scan

As noted above, with the exception of the City of Vancouver, British Columbia Local Governments cannot directly limit greenhouse gas emissions from new buildings.

- The City of Toronto's Zero Emission Building Framework requires owners of new buildings to demonstrate compliance with the Framework's minimum greenhouse gas intensity performance standard. This requirement is in addition to minimum energy performance standards.
- Toronto's Framework includes a full set of targets and requires increasing levels of performance over time. The city developed four performance tiers to take the industry from today's construction practices to near-zero emissions performance by 2030.
- Toronto's pathway to near-zero emissions building construction is helping the city meet its 2050 GHG targets; it provides the building industry with a clear and transparent picture of upcoming requirements.
- The City of Vancouver currently regulates minimum GHG performance requirements for a wide range of building types, including single family homes, townhomes, low- and high-rise multi-unit residential buildings, commercial buildings, and offices.
- Like its energy performance standards, Vancouver has established a GHG performance metric: kilograms of carbon dioxide equivalent emissions per square meter per year (kgCO₂e/m²/y) for larger buildings and an absolute emissions cap for homes. The city easily checks and verifies the GHG requirement using the same procedures that it uses to regulate energy performance.
- By 2025, Vancouver intends to impose a zero-emissions building standard for new homes and buildings.
- In July 2019, the City of Berkeley became the first U.S. city to adopt an ordinance to prohibit natural gas service connections in new buildings. One year later, at least 40 cities in California have adopted one form or another of a "no or almost no" gas mandate for new construction.^{1 2}
- A diverse coalition of utilities, industry associations, and NGOs is currently underway in California to include an all-electric requirement in Title 24, the state's updated building code for new homes.

British Columbia – Current State

The British Columbia Building Act does not allow local governments to establish technical building requirements beyond those cited in the British Columbia Building Code unless they are listed as an "unrestricted matter" under Section 5 (4) of the Building Act General Regulation. Examples of unrestricted matters include dedicated

¹ California Building Decarbonization Coalition. "Active Local Government Efforts." Retrieved from: <http://buildingdecarb.org/active-code-efforts.html>

² McCoy, C. "The Legal Dynamics of Local Limits on Natural Gas Use in Buildings." Harvard Law School. June 2020. Retrieved from: <http://eelp.law.harvard.edu/wp-content/uploads/The-Legal-Dynamics-of-Local-Limits-on-Natural-Gas-Use-in-Buildings.pdf>

parking stalls for persons with disabilities, provisions for fire vehicle access, and district energy systems.

- In 2017, the province created the BC Energy Step Code by adding Article 9.36.6 and 10.2.3 of Division B to the unrestricted matters list. The regulation empowers local governments to establish minimum energy efficiency performance standards in new construction. However, it does not allow them to establish minimum GHG emissions standards.
- In short, local governments may use the British Columbia Building Code to regulate the energy performance of new buildings, but it falls short of helping them reach their community climate objectives.
- A 2019 Integral Group study commissioned by the Ministry of Municipal Affairs and Housing concluded that even a very efficient building built to the Upper Steps of the BC Energy Step Code could emit “significant” emissions over its lifetime.³ The regulation does not, in other words, guarantee the GHG reductions necessary to drive emissions to zero or near-zero levels.
- Recent Integral Group modeling suggests it will be very challenging for the province to achieve its climate targets unless it either introduces legislative changes permitting local governments to establish their own technical building requirements for GHG emissions, or directly embeds such requirements in the British Columbia Building Code.
- Without a direct path to regulating GHG emissions attributed to new buildings, a number of British Columbia local governments have begun developing creative “workarounds.”
- Some communities now allow developers and builders to build to a lower step of the BC Energy Step Code than the base requirement referenced in their building bylaws so long as proponents commit to using a low carbon energy system, such as a heat pump, in their project.
- At least one other local government is exploring the use of density bonusing to incent the construction of low-carbon buildings; another is using Development Permit Area Guidelines.
- These local governments are working independently and establishing their own definitions of “low-carbon building” and/or “low carbon energy system.” In short, the lack of a provincial standard has led to inconsistency in the marketplace.
- The set of recommendations advanced by the UBCM Special Committee on Climate Action includes a provision to add a carbon metric to the Energy Step Code.
- The November 2020 Mandate Letter to the Attorney General and Minister of Responsible for Housing includes direction for the Minister to support local

³ Integral Group. “Implications of the BC Energy Step code on GHG Emissions.” June 2019. Retrieved from: http://energystepcode.ca/app/uploads/sites/257/2019/11/BC-Step-Code-GHGI-Report_Nov-2019.pdf

governments to set their own carbon pollution performance standards for new buildings.

Next Steps

Potential next steps for government include the following actions:

- Work with the Energy Step Code Council to establish a GHG performance standard for new buildings by no later than July 2021.
- Amend the BC Building General Regulation to enable local governments to regulate GHG emissions of new buildings by no later than January 2022.
- Consider establishing GHG standards for new construction under the BC Energy Step Code—a move that would minimize administrative burdens. If choosing this option, government should establish and support an Energy Step Code Council subcommittee to review options and propose a preferred approach.
- Work closely with leading local governments and other key partners to ensure local building sectors across the province have the skills and capacity required to meet GHG performance standards for new construction.

HELP CITIES LEAD



Briefing Note: Regulating GHG Emissions for Existing Buildings

December 2020

Purpose

This note aims to update the provincial government on the benefits of—and support for—new regulation that would target greenhouse gas (GHG) emissions from existing buildings. As buildings contribute approximately 11 per cent of British Columbia’s overall emissions, the province will need new policy in this sector if it is to meet its legislated climate targets to reduce province-wide GHG emissions by 40% from 2007 levels by 2030 and 80% by 2050.

Background

Building space and water heating is the province’s third-highest source of climate pollution after road transportation and the oil and gas sector.

- With the exception of the City of Vancouver, British Columbia’s local governments presently have few means of effectively limiting building emissions, which represent between 40 and 60 percent of their total GHG inventory.
- CleanBC commits the province to develop new standards for building upgrades by 2024; anticipated updates to the National Energy Code of Canada for Buildings (NECB) would guide the new standard.
- The 2016 Pan Canadian Framework on Clean Growth and Climate Change directs the federal government to develop a new model code for existing buildings by 2022.¹ If implemented and subsequently adopted by British Columbia, this code would help local governments guide energy efficiency improvements at the time of a building’s renovation.
- However, the above code would have limited impact on GHG emissions, because it is solely focused on energy efficiency. A more efficient building that uses fossil fuels to heat its space and water will continue to pollute significantly more than one that uses electricity or low-carbon fuel.
- Leading local governments are seeking new legislative changes that will enable them to directly limit allowable emissions from buildings within their jurisdiction.²

¹ Government of Canada. Pan-Canadian Framework on Clean Growth and Climate Change. “New Actions.” 2016. p. 17

² BC Climate Leaders. The Climate Leaders Playbook. <https://bcclimateleaders.ca/playbook/the-big-moves/where-we-live-and-work/>

Without this kind of measures, modelling done by Integral Group shows that the provincial government will not achieve its GHG emissions reductions targets.

- The November 2020 Mandate Letter to the Minister of Environment and Climate Change Strategy includes direction for the Minister to keep BC on track to meet its 2030 greenhouse gas emissions targets.

The Evidence Basis

A recent Pembina Institute report concludes British Columbia could reduce emissions from existing buildings by up to 60 per cent by retrofitting three per cent of the building stock each year, and also by converting half of those retrofitted buildings from fossil fuel heating to low-carbon energy sources, such as electricity.

- British Columbia briefly achieved this level of retrofit activity in the second quarter of 2009, the year homeowners were able to access both the provincial LiveSmart and the federal ecoENERGY retrofit incentive programs. On average, though, those combined programs yielded retrofits of just one per cent of eligible homes.
- This limited uptake aligns with U.S.-based research demonstrating that incentive- and information-based programs alone are insufficient to accomplish climate retrofit upgrades at the needed scope, scale, and speed.
- As most heating equipment is only replaced every 15 to 20 years or, in the case of building envelope improvements, every 40 to 50 years, retrofits must maximize GHG reductions along with energy savings. Delaying effective measures to reduce emissions will ultimately only increase the cost of achieving these savings. Delays will also make it more difficult for both the province and local governments to achieve their climate targets.
- According to a recent report by the American Council for an Energy-Efficient Economy (ACEEE), it is too early to point to a single best-practice approach for mandatory building performance standards. The ACEEE instead encourages individual jurisdictions to pursue an approach that works best for its communities. The report also points to actions such as building benchmarking and stakeholder consultation as important precursors to a standard.

Jurisdictional Scan

- Multiple jurisdictions already regulate, or are planning to regulate, minimum energy performance requirements for existing buildings; at least two—New York City and Tokyo—directly regulate building emissions.
- New York City's Building Emissions Law, enacted in 2019, established emissions limits beginning in 2024 and increasing in 2030.³ This law requires

³ UrbanGreen. NYC Building Emissions Law Summary: Local Law 97.

owners of buildings larger than 25,000 square feet to report on energy use and make changes if they do not meet the requirements specified for their building type. There are exceptions to this size threshold, particularly in the case of affordable housing.

- In most cases, the jurisdictions require mandatory energy and/or GHG performance reporting as well as other measures to encourage and support proactive upgrades before they are required.
- The City of Vancouver has required prescriptive energy efficiency retrofit upgrades as part of its major building alterations permitting process since 2015. It is currently updating its zero-emissions strategy for existing buildings and is considering a transition to a regulatory approach based on minimum GHG performance.

British Columbia – Current State

The Province of British Columbia does not currently regulate greenhouse gas emissions from existing buildings.

- In 2019 and 2020, the Ministry of Municipal Affairs and Housing's Building Safety and Standards Branch conducted limited consultations on various approaches for a potential new standard for building upgrades.
- This consultation consisted of one-on-one interviews with a small number of key stakeholders; findings are not yet publicly available.
- The City of Vancouver is planning to establish GHG emissions performance requirements for existing buildings starting in 2025 as part of its Climate Emergency Plan that was approved by Vancouver City Council in November 2020.
- The Metro Vancouver Regional District (Metro Vancouver) is currently exploring minimum GHG pollution requirements for existing buildings under the Provincial Environmental Management Act.
- Should Metro Vancouver move forward with a GHG pollution standard for buildings, to ensure fairness and consistency, the provincial government may wish to enable additional local governments to use the tool.
- The set of recommendations advanced by the UBCM Special Committee on Climate Action includes a provision for the province to develop a retrofit code, which sets standards for low carbon building retrofits.

Next Steps

Potential next steps for government include the following actions.

- Release the findings from the first round of the government's recent consultation on a GHG standard for building upgrades.

- Expand and accelerate stakeholder consultation on a standard for building upgrades.
- Ensure that the issues being explored by the province include a GHG performance standard as well as the range of supporting measures (e.g., benchmarking, financing) needed to ensure a successful building upgrades policy.
- Work closely with leading local governments to ensure they have the skills and capacity required to implement a standard for building upgrades.
- Expand the CleanBC commitment to develop new standards for building upgrades by 2024 to include GHG performance standards, as well as energy performance standards.
- Establish a minimum energy and GHG performance standard for existing public sector buildings.

Attachment 4 – Draft Letter to Provincial Ministers**[ON PORT MOODY LETTERHEAD]****[DATE]**

Dear Honourable Ministers,

The City of Port Moody is sending this letter to you as an endorsement of the Help Cities Lead (HCL) campaign.

As you are aware, municipalities are on the front lines of climate change dealing with the impacts of floods, droughts, forest fires, heat waves, etc. We directly influence about half of Canada's energy use and emissions. The success of the province in achieving deep emissions reductions from the building sector is directly connected to the success of local governments in achieving their own targets. While municipalities have shown strong climate leadership, expanded regulatory authority is needed for taking bolder steps to achieving our climate targets.

HCL is an education and awareness campaign focused on accelerating building decarbonization through collaboration between the Province of British Columbia and local governments. The group is led by Climate Caucus and supported by local governments and environmental NGO's.

Why buildings? Emissions from buildings account for about 11% of the province's greenhouse gas (GHG) emissions and for municipalities, GHG emissions from existing buildings account for 40-60% of community emissions. A number of BC local governments have made climate emergency declarations and set ambitious targets to significantly reduce GHG emissions from buildings over the next 10 years. However, local governments are largely limited to information campaigns and incentives for pursuing these ambitious reduction targets. Recent climate policy modelling shows that on their own, these policy tools are insufficient to achieve broad and deep energy and GHG reductions given limited budgets.

HCL campaign recommends a suite of expanded authorities for local governments that will enable communities to take bolder action on reducing GHG emissions from new and existing buildings:

- Property assessed clean energy (PACE) financing
- Mandatory home energy labelling
- Regulating GHG emissions for new buildings
- Regulating GHG emissions for existing buildings
- Mandatory building energy benchmarking and reporting

We are pleased to see that the November 2020 mandate letters to the Ministers of Municipal Affairs and Energy, Mines and Low Carbon Infrastructure support the implementation of PACE financing. We also note that the mandate letter for the Minister of Finance supports home energy labelling. Finally we are pleased to see that the mandate letter to the Attorney-General and Minister Responsible for Housing includes support for regulation of GHG emission of new buildings.

We support the directions set out in these new mandate letters regarding PACE financing, home energy labelling, and GHG requirements for new buildings and request that the province empower local governments to opt to take action, if they so choose, on the two remaining items of the Help Cities Lead's campaign, namely GHG requirements for existing buildings and building energy benchmarking. Additional information about each of the initiatives can be found at <https://www.helpcitieslead.ca/>

It is our hope that you would consider meeting with a delegation from Help Cities Lead for further discussion on these initiatives.

Sincerely,

Council members of Port Moody

CC:

The Hon. Minister George Heyman, Minister of Environment and Climate Change Strategy, ENV.Minister@gov.bc.ca

The Hon. Josie Osborne, Minister of Municipal Affairs, MAH.Minister@gov.bc.ca

The Hon. Bruce Ralston, Minister of Energy, Mines, and Low Carbon Innovation, EMPR.Minister@gov.bc.ca

The Hon. David Eby, Attorney General and Minister responsible for Housing, AG.Minister@gov.bc.ca

The Hon. Selina Robinson, Minister of Finance, FIN.Minister@gov.bc.ca

Ginny Gemmell

From: Joanna Verano <joanna_verano@yahoo.com>
Sent: Thursday, April 8, 2021 11:17 PM
To: Council
Subject: Moratorium on recreational hunting of wolves
Attachments: Letter to Mayor and Councils March 2021.pdf; MT-Minister-Conroy-Moratorium-Wolf-Hunting.pdf

Dear Mayor Siebring and Council Members,

The District of Oak Bay has made a Motion to the AVICC asking for a moratorium on the recreational hunting of wolves on Vancouver Island pending scientific studies. The issue of hunting wolves has been recently brought to light by the extermination of the wolf pack in Metchosin/East Sooke see: <https://www.focusonvictoria.ca/reporting/34/>.

On behalf of the Coexisting with Carnivores Alliance and the Wild Wise Society, we are requesting the Municipality of North Cowichan to write a letter of support to the Oak Bay Motion to Minister Conroy and the AVICC. Please see our attached letter.

I am attaching a letter of support written by the District of Sooke for your information. It is our hope that a number of municipalities will express their support for this resolution prior to the AVICC AGM on May 28, 2021.

Please contact us if you have any questions about this issue.

Thank you for your consideration of this matter.

Sincerely,

Joanna Verano, Wild Wise Society Volunteer
On behalf of...
Nitya Harris
Coexisting with Carnivores Alliance
coexcarnivores@gmail.com

March 29, 2021

Dear Mayor and Council,

RE: Moratorium on recreational wolf hunting on Vancouver Island

On behalf of Coexisting with Carnivores Alliance (CwCA) and the Wild Wise Society, we are writing to express concern regarding the recreational hunting of wolves on Vancouver Island.

CwCA is a non-profit organization that promotes coexistence between people, bears, cougars and wolves on southern Vancouver Island. The Wild Wise Society is a wildlife educational program designed to reduce human-wildlife conflicts in various communities. Both organizations work closely with the Conservation Officer service, provincial government staff and local wildlife officers to teach people the tools needed to coexist so that we can share the landscape.

As a part of this work, we are concerned for the survival of the subspecies of Grey Wolf (*canis lupus nublus*) that live on Vancouver Island. In British Columbia wolves are killed by legal recreational hunting and trapping - the largest source of mortality for wolves. In many cases in BC, there is no limit to the number of wolves that can be killed daily. Wolves play an important ecological role as apex predators. They provide food to other species who scavenge on their kills, cycle nutrients through the environment and regulate populations of deer and elk leading to greater biodiversity and balance of the natural ecosystem. Healthy wolf populations support intact, functional and biodiverse ecosystems. We believe that it is possible for humans to coexist with wolves in a way that is beneficial to both species as well as the ecosystem. This would require a better understanding of wolves and their interactions with their habitat and with humans.

At present, there is very little information available regarding the population of wolves on Vancouver Island, and how the recreational hunting of such species affects the long-term survival of the species and their habitat. Without science-driven decision making there is concern that wolf numbers may drop significantly under current regulations, as experienced on Vancouver Island between 1950s and 1970s.

The District of Oak Bay has put forward a Motion to AVICC as follows:

“Whereas the public and wildlife conservation organizations are concerned about provincial regulations for recreational wolf hunting practices on Vancouver Island, and believe that these practices should be re-examined for scientific and ethical reasons;

And whereas very little scientific evidence exists about the size of Vancouver Island’s wolf population or the sustainability of impacts of unrestricted harvesting levels on the Island’s biodiversity related to habitats and wildlife ecology, especially at the regional level:

Therefore, be it resolved that AVICC and UBCM request the provincial government to implement a moratorium on recreational wolf hunting on Vancouver Island, pending the completion of a scientific, data-driven and evidence-based study that includes consultation with

the Island's Indigenous communities, to re-examine the efficacy of unrestricted wolf harvesting practices and their impacts on the Island's bio-diversity, wildlife ecology and sustainability of the resident wolf population. "

The District of Sooke has provided a letter of support to this Motion (see attached). We request a letter from you to Minister Conroy and the AVICC in support of the Resolution by Oak Bay prior to the AVICC AGM on May 28, 2021. Please feel free to contact us at coexcarnivores@gmail.com for any further information.

Thank you for your consideration of this matter.

Sincerely,

Nitya Harris
Chair, Coexisting with Carnivores Alliance
coexcarnivores.org

Samantha Webb, BSc, RVT, WR
Wild Wise President
wildwise123@gmail.com

File No 0400-01

March 8, 2021

Attention: Minister Katrine Conroy
BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Via email: FLNR.Minister@gov.bc.ca

Re: Moratorium on Recreational Wolf Hunting on Vancouver Island

Dear Minister Conroy,

I am writing today regarding the District of Oak Bay's Feb. 22 resolution asking the memberships of the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities to request that the Province of BC *"implement a moratorium on recreational wolf hunting on Vancouver Island, pending completion of a scientific, data-driven and evidence-based study that includes consultation with the Island's Indigenous communities, to re-examine the efficacy of unrestricted wolf harvesting practices and their impacts on the Island's biodiversity, wildlife ecology and sustainability of the resident wolf population."*

I am contacting you directly to express my support for this resolution while also sharing some of the outrage expressed within the District of Sooke at last month's news that a Victoria big-game hunter was planning to "trap and kill an entire pack" in the Sooke Hills, according to a report that first appeared in the *Globe and Mail*.

Premier Horgan was duly concerned about this when he first learned of it at a press conference on Feb. 10. And many of us in Sooke were sickened by this callous threat, especially given how all levels of government and many NGOs are working so hard, effectively and strategically to protect wildlife and habitat.

We in Sooke are certainly encouraged to learn of your willingness to consult with the BC Wildlife Federation and the BC Trappers Association to "close the loopholes" in hunting legislation that allows the kind of behaviour illustrated by this regrettable situation. This said, a moratorium on hunting and trapping on Vancouver Island is urgent and essential until we learn more about the island's wolf population.

The Sooke organization Project HOWL (Help Our Wolves Live), founded by local teenagers Finn and Chloe Unger, has reported that no less than nine packs of the genetically distinct Vancouver Island "sea wolf" (*Canis lupis crassodon*) roam the Sooke Hills. The Ungers have documented the role of these remarkable wild creatures in creating a balanced ecosystem -- "if we let them," they add.

The Wild Wise Sooke Society, which receives annual funding from the District of Sooke, has been delivering public education campaigns focused on bears, cougars and other local wildlife, wolves included. Its new "Living with Wolves" working group is a collaboration with Coexisting With Carnivores' Nitya Harris and will involve 20 dedicated volunteers. "We are hoping to not only spread education on the importance of wolves as a keystone species but also encourage

others to support the moratorium on wolf hunting on the island," writes Wild Wise Sooke coordinator Sam Webb. The group intends to consult with First Nations and the BC-SPCA in moving ahead.

Sadly, Ms. Webb reports that one of the Sooke region packs identified by Project HOWL has now seemingly been eradicated according to anecdotal evidence from Sooke wildlife photographer Gary Schroyen. He has been closely studying wolves in East Sooke and Metchosin, and he believes one particular pack has been destroyed with the possible exception of a last remaining member. Wild Wise intends to honour this pack by posting videos and photos on its website as inspiration to protect our Sooke wolves before it's too late.

Given, as the Oak Bay resolution clearly states, that Vancouver Island's sea-wolves are a unique, quite small and therefore extremely vulnerable population about which little is known, I wholeheartedly support its call for a moratorium to be implemented with all due urgency.

Sincerely,



Maja Tait
Mayor

cc Premier John Horgan
cc Mayor Kevin Murdoch, City of Oak Bay mayor@oakbay.ca
cc Ian Morrison, President, AVICC ian.morrison@cvrd.bc.ca
cc Brian Frenkel, President, Union of BC Municipalities bfrenkel13@gmail.com
cc Sam Webb, Wild Wise Sooke Society wildwise123@gmail.com
cc Nitya Harris, Coexisting With Carnivores coexcarnivores@gmail.com

References:

- Wild Wise Sooke: <https://www.wildwisesooke.com>
- Project HOWL: <https://www.facebook.com/ProjectHOWL>
- Sooke Talks ~ Finn & Chloe Unger: <https://www.youtube.com/watch/VjEDue4pODc>
- Coexisting With Carnivores: <https://coexcarnivores.org>
- *The Globe & Mail* (Feb. 12, 2021): <https://www.theglobeandmail.com/canada/british-columbia/article-bc-to-tighten-rules-for-trapping-wolves>
- *Victoria Times Colonist* (Feb. 12, 2021): <https://www.timescolonist.com/news/local/hunter-s-social-media-posts-prompt-outrage-calls-for-more-protection-for-wolves-1.24281261>

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Thursday, April 8, 2021 2:49 PM
To: HLTH.Minister@gov.bc.ca
Subject: Future use the current Cowichan District Hospital

Dear Health Minister Adrian Dix, plus North Cowichan Mayor and Council:

Thanks so much for attending the site of our new Cowichan District Hospital on April 1. While i welcome our new hospital, i was also delighted to hear it reported in our April 8, 2021 Cowichan Citizen newspaper you and the province may entertain using our aging, yet superb, hospital for seniors' care and/or housing. Our current, excellent CDH is a solid facility built with sterling community support. You also correctly explained future use of our current facility could nicely dovetail with treating Cowichan's aging population and its growing health needs. I truly applaud using our current gold-standard facility for those and other uses — such as a secondary ER unit — rather than simply tearing it down and sadly hauling the debris to an undetermined site. Indeed, i believe those alternative uses could help make the Cowichan Valley an exemplary showpiece of public and private health and help its spinoff businesses. That would include attracting more world-class doctors, surgeons, nurses, and other care professionals here — plus use of our facilities as vital teaching hubs. That cogent goal would also take the heat off our strained medical facilities in Victoria, Nanaimo and elsewhere. Meanwhile, i was chuffed to finally hear our new CDH will offer about 200 beds, up from our current number of beds that are constantly full in our busy hospital. Minister Dix, the more staffed beds the better! I also support local demands for free parking at our new hospital, and continued free parking at our current CDH. Minister Dix, thanks in advance for your kind consideration of our community's ideas and health concerns.

Yours sincerely,
[REDACTED] FIPPA s. 22(1)
North Cowichan, B.C.

Ginny Gemmell

From: [REDACTED] **FIPPA s. 22(1)**
Sent: Tuesday, April 13, 2021 7:49 AM
To: Martin Drakeley; Bylaw; Ted Swabey; Al Siebring; Rob Douglas; Christopher Justice; Tek Manhas; Kate Marsh; Rosalie Sawrie; Debra Toporowski; Council; mayor@duncan.ca; rachel@duncan.ca; peter@duncan.ca; 'Alistair MacGregor, MP for Cowichan-Malahat-Langford'; sonia.furstenau.MLA@leg.bc.ca; vanislandregion@bchousing.org; phac.cpho-acsp.aspc@canada.ca
Cc: editor@cowichanvalleycitizen.com
Subject: Duncan and North Cowichan drug addictions, mental health and homelessness
Attachments: behind Lordco.JPG; Gibbins Rd.JPG

Good morning All,

As I drove to work Monday morning 7:15 am I noticed 2 people with two shopping carts loaded with personal belongings on Gibbins Road half way up the hill to the hospital.

They were sheltering themselves behind a black umbrella for an unknown reason.

When I returned home at 9:30 am they were still there now upright and staggering. At 9:45 am I was going on an errand and they were still there.

I stopped to ask if they needed assistance and if they knew about the woman's shelter and Warmland House. I suggested they keep moving along because By-law would be called. The young man said oh [REDACTED] he's no big deal (I am guessing that is the name of the officer). And the young woman said she had a pod at the mound. **FIPPA s. 22(1)**

Fast forward to 7pm I am on my way out and now the two of them are up by Startline the Physio building with all their belongings.

I phoned the non emergency RCMP number and gave a report with the hope these two would be assisted to be off the street for the night.

I returned home at 10 pm – she was pushing her cart around near the hospital and he was still at the treed area by Startline.

I realize this is a very complex situation however it is clear what has been done in the past has a perception of not working.

What if there was a building with rooms, treatment rooms etc. ready to go – with support and there was a message of hope.

“ if you are sick and tired of being sick and tired “ if you are tired of the street struggle” if you want to get clean and healthy” get on the BUS

A bus or vehicle to travel around and the known hang outs to offer a ride to the support with enough room for them to bring their belongings.

They commit themselves to the healing right then. The moments between that one second decision and getting the help are crucial in my opinion.

It is just so disturbing to see this getting worse instead of better.

I use to think “well they made the choice” having made several stupid choices in my life I could have ended up just like them. I was stronger and had God.

It seems to me the government is behaving like an enabling parent.

Are there no churches to reach out and support this problem?

I have included a couple of photos from Monday.

I rejoice at this opportunity to pray for the souls of the downtrodden and give thanks to God the healing has come.





Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Tuesday, April 13, 2021 11:47 AM
To: Council
Subject: Drinkwater and North Road trash pick-up urgent and continuous

Dear North Cowichan Mayor and Council:

First, please know our busy municipal public-works folks are efficient and great to deal with in getting problem areas of unsightly road garbage removed.

However, Drinkwater Road north, and North Road approaching Duncan Meadows Golf Course, sadly need constant attention.

I picked 50 yards along North from Drinkwater and overfilled a large yellow vinyl recycling bag!

Evidently some ignorant folks wrongly believe our fine municipality is their garbage can.

Please make these stretches a priority, though I do realize there unfortunately may be other trashed areas in North Cowichan that are just as bad as Drinkwater and North.

On another positive note, I sure applaud North Cowichan council for installing those effective speed-humps along Drinkwater north!

Yours truly,

[REDACTED] FIPPA s. 22(1)
North Cowichan

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Wednesday, April 14, 2021 6:41 PM
To: don@the49th.com; Council
Subject: Re: COMPLAINT

Thanks for any help with the trucks and beeping. However I do believe you have every right to address how people behave on your property. You chose to have this sidewalk next to an apartment block which has been here longer than you. If we were impacting your customers you would be complaining too and the strata corporation would address it. I'll await what North Cowichan has to say and if nothing I will address it with RCMP/school liaison.

[REDACTED] FIPPA s. 22(1)

From: don@the49th.com <don@the49th.com>
Sent: April 14, 2021 1:25 PM
To: [REDACTED] FIPPA s. 22(1)
Subject: RE: COMPLAINT

Hello [REDACTED] FIPPA s. 22(1)

I am sorry to hear of how the young people act as they come and go from the mall. I believe this is best for you to address it at the school as we have no sway over how someone chooses to come to our stores. The delivery trucks we can try to help with though. We have in the past asked the drivers to keep it quiet when they are entering and exiting our loading docks. I don't know if there is a way to shut off their "beepers" or not but we will discuss this with them and see if we can help with this situation.

Regards,
Don Florence
Vice President, Store Operations



P. 250.245.3221
F. 250.245.3498
C. 250.713.2562

From: info@the49th.com <info@the49th.com>
Sent: April 14, 2021 1:13 PM
To: don@the49th.com
Subject: FW: COMPLAINT

From: [REDACTED] FIPPA s. 22(1)
Sent: Wednesday, April 14, 2021 12:05 PM
To: info@the49th.com; council@northcowichan.ca
Subject: COMPLAINT

Hello, I am a resident/owner at Lockwood Villa next door to your store. I face your building. The walkway at the side of your building is frequented by many but, lately the noise before 8:30 in the morning from teenagers I assume are going to your store for snacks/food are extremely loud, shouting, using the F word alot. They're out there right now as it's lunch break from the high school. I think it needs to be addressed. I'm sending notice to North Cowichan Municipal Hall. Just a few who do this but this a.m. someone was shouting, crying as if in pain. If it's brought to the school's notice, etc. it might change their behaviour if they know

they're being called on it. And it happens after school too. The other side of your building has no residents nearby and their shouting/cursing, etc. would not be annoying anyone over there. This side of our building has to deal with the constant noise of delivery trucks beeping (as early as 6:30 am sometimes). This neighborhood is like an industrial zone now whereas it used to be open space and peaceful.

 FIPPA s. 22(1)
Chemainus, BC



Virus-free. www.avq.com

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Wednesday, April 14, 2021 10:17 PM
To: Shaun Mason; Council; Al Siebring; Rob Douglas; Christopher Justice; Tek Manhas; Kate Marsh; Rosalie Sawrie; Debra Toporowski
Subject: Rogers 5G Cell tower at Evans Park

Follow Up Flag: Follow up
Flag Status: Completed

Categories: In Laserfiche

Hello to the council members and all who else involved in this matter,

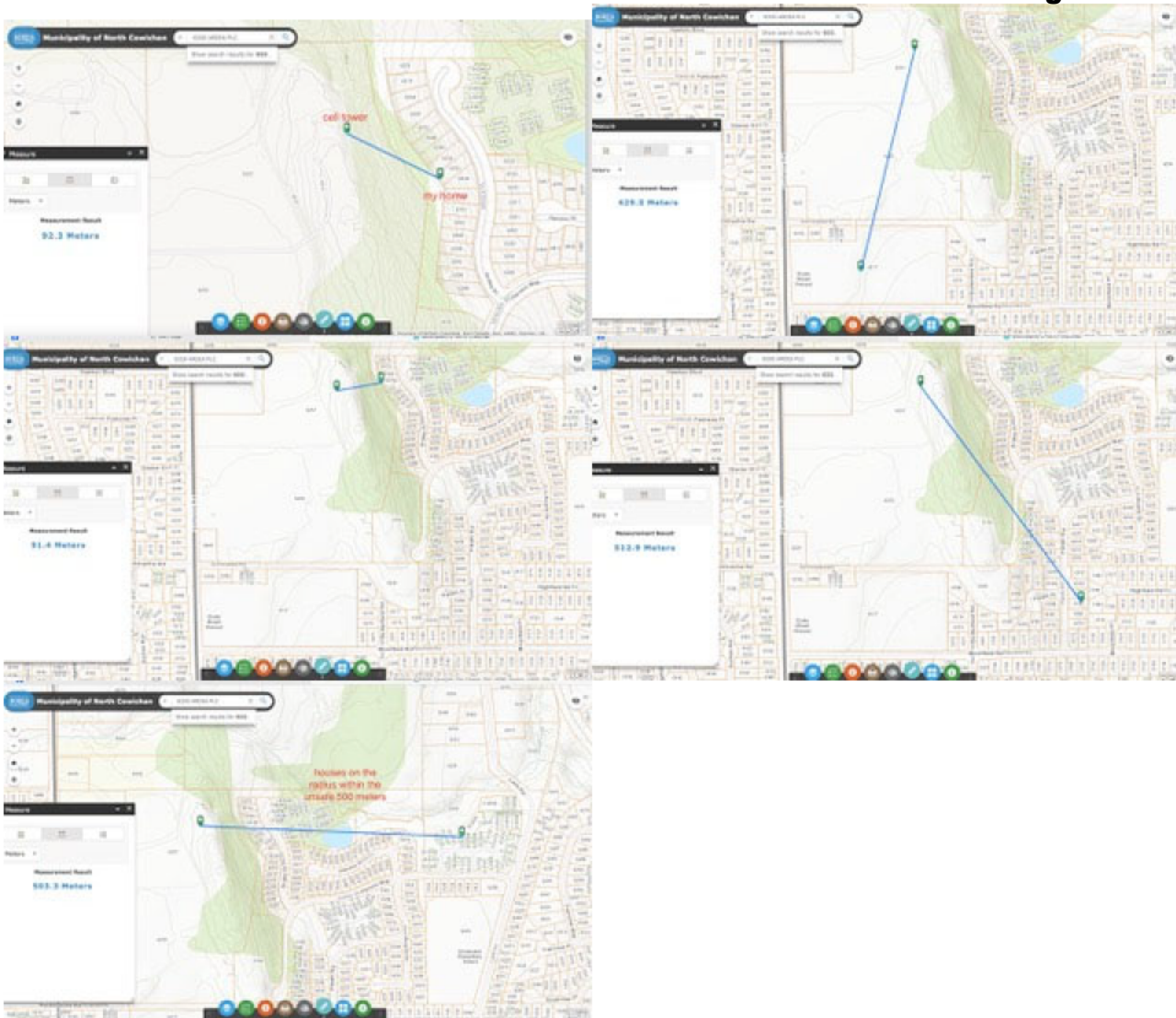
After receiving the letter from Rogers about the purposed cell tower being installed at Evans Park, this is quite concerning to me.

My home is roughly 93 meters from the purposed site. There are tons of research showing that any cell tower reaching within 500 meters is not safe for not only humans, but the environment as well. I have 2 young children, one and soon to be two of which attends Ecole Mount Prevost, which also falls within the 500 meters at approx. 429 meters. My children also play baseball at Evans park. That would mean my children would be exposed to this cell tower 24 hours a day. I am not alright with that, in fact it scares me!

Please do not let Rogers put this tower there, in that awful awful location they have chosen. Why would they even think about potentially exposing all of those families to harm?! Why not purpose a site on North Road or over near Duncan Paving in that industrial area. There are lots of other options for this tower that doesn't involve it potentially harming a mass amount of people in these neighbourhoods.

I have included some screen shots of the distance showing from my home, from other homes nearby, as well as Ecole Mount Prevost, to the purposed site.

Please also see the attached links showing the research of harmful effects from these 5G towers.



<https://www.dw.com/en/5g-networks-are-they-dangerous-to-our-health/>

[a-47981285 https://mdsafetech.org/cell-tower-health-effects/](https://mdsafetech.org/cell-tower-health-effects/)

Thank you so much for taking the time to read this,

Ardea Place FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Wednesday, April 14, 2021 4:59 PM
To: Council
Subject: Wolf Hunt

Hello,

My name is [REDACTED] FIPPA s. 22(1) and I am a concerned local resident. Recently we saw that an entire wolf pack was destroyed by a single hunter on southern Vancouver Island. This is both legal and disgusting. These wolves and most wolves on our island live in simple and peaceful harmony with urban residents and give us no reason to harm them. I am emailing you as the councils of both Sooke and Metchosin have pushed forth a resolution to call for an end to the provincial wolf hunt, which will be brought up in the Association of Vancouver Island and Coastal Communities (AVICC) meeting on May 28. If we can get it supported there, on to the Union of BC Municipalities to create change at the provincial level.

I am asking your council to discuss these matters as they are both important and pertinent in terms of the future of our island and province. If we wish to preserve a small sliver of what exists around us and want to continue to enjoy the benefits the natural world provides, then we need to do our part as responsible citizens and governments to protect these sensitive ecosystems and the animals within in them. I hope you consider my words and push forth a resolution in agreeance with Sooke and Metchosin.

We ended the Grizzly hunt, let's end the war on wolves.

Warm regards,

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Thursday, April 8, 2021 4:14 AM
To: Council
Subject: Rogers Tzouhalem Cell Tower
Attachments: Vancouver Coastal Health.pdf; Correspondence_Related to Telecommunication Towers By Dean Mc Geough.pdf

Dear Councillors

Regarding the relocation of Rogers Tzouhalem Cell Tower to a distance of 500 meters from the nearest residence.

I understand the procedure and that I and the public will have the opportunity to raise any questions or concerns during the "Public Consultation" process. But there is a serious problem with that. **The two most important questions that the public want answers to are about health and property devaluation yet Industry Canada will not allow these question to be asked. 4.2 [Industry Canada's Default Public Consultation Process](#). Concerns that are not relevant include: *Potential effects that a proposed antenna system will have on property values or municipal taxes; and Questions whether the Radiocommunication Act, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.*** Don't you think that it is not unreasonable for the public to ask these questions and receive honest answers? Can you explain why Industry Canada say these concerns are not relevant? Hence my letter to you.

15 Years ago I would have qualified "objectors" to cell towers as "**lunatics that wear tin foil hats**" those same sentiments could still apply in 2021 if I blindly trusted what Health Canada, Industry Canada and Safety Code 6 all state. Herein lies the problem, these statements are based upon very limited data, collected in the late 1990's, most of it is 22- 24 years old and does not take into account the many thousands, (literally), of more recent and relevant, peer reviewed, scientific data and reports.

This raises two important and potentially costly issues, both of which the Municipality of North Cowichan can easily avoid by refusing to allow the proposed tower location and ensuring that it be relocated at least 500 meters from the nearest residence. 500 meters is recommended by recent scientific research and as such will, in this case, also negate the need for the residential part of the public consultation process and most likely all objections. The increase in distance can be compensated for, if required, by a higher 45 meter tower, to which I doubt, anyone will object.

Other BC Mayors and recently Mayor Maja Tait of Sooke, successfully objected on behalf of 20 residents to a tower proposed by Shaw on the grounds of aesthetics and devaluation of property. I am asking you, as our representatives, not to dismiss my letter without carefully reviewing the evidence I have included below. Upon doing so I am confident that you will agree that there are

serious causes for concern and would sincerely hope that you will use your influence to take the correct course of action and object to the tower's location as proposed.

I am not opposed to Technology. I understand that the economy and success of any country, including Canada, relies upon being leaders where possible or at least keeping up with the rest of the world. In this instance though I do believe Canada can and should be taking a lead in protecting health over profit and world perception.

The two issues are: Serious health issues and property devaluation.

1. Health Issues

It would be a dereliction of duty and care for the MNC to simply refer public concern onto other institutions or industries that will a) not allow questions, b) rely upon 20 year old data, c) biased opinion, d) will not recognise the plethora of recent, peer reviewed scientific data of the last 10 years, e) are under the control or influence of the telecommunications industry. I would be grateful if MNC would not pass the buck and recognise and protect the interests of its constituents.

Health Canada, Industry Canada and the Safety Code 6 are seriously outdated. Is this true? Just ask yourself why are they still using 20 year old data and have not updated this with more recent peer reviewed data that supports their glib statement "Health Canada has determined that cellphone towers are safe", they haven't because there isn't any, what's available contradicts that statement!

- Health Canada rely upon **An Expert Panel Report.....22 year old report.** <https://rsc-src.ca/sites/default/files/RFreport-en.pdf> A Review of the Potential Health Risks of Radiofrequency Fields from Wireless Telecommunication Devices **An Expert Panel Report** prepared at the request of the Royal Society of Canada for Health Canada.
- Vancouver Coastal Health, Statement of the Chief Medical Officer 2011. Health Concerns About Cellular Phone Transmission Antennae and Base Stations, (see Vancouver Coastal Health pdf attached). Please read this document carefully, though dated 2011 which gives the impression that it represents scientific data at that time, it does not, it refers to some reviews done in 2009 that depended, in the most part, on studies and data collected in 1997/8/9.

Both of the above documents are only concerned with Cancer and Thermal Heating of Cells which was typical of the concerns in the late 1990's, but do not come anywhere near representing the long list of serious health concerns of the present age.

There is a vast body of published peer-reviewed research documenting the harmful effects of radiofrequency radiation (RFR) available and this cannot be ignored. Here is just a very small sample:

- January 2021 BERENIS, a group of scientific experts on electromagnetic fields appointed by the Swiss government concluded that exposure to a **"low dose"** of non-ionizing electromagnetic

fields may cause **“severe health effects” in the young, elderly and in people with immune deficiencies or diseases.** [Read the Berenis report here.](#)

- Recent update, 2020, to the [BioInitiative Report](#) – a review by 29 MDs and PhDs from 10 countries – contains 1,800 new studies. Online you’ll find an impressive list of 30,000 studies and more than 6,300 summaries showing **a broad range of adverse human health effects** associated with RFR.
- In March 2021, Dr. Christopher Portier, former director of the National Center for Environmental Health at the U.S. Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR), and a scientific advisor for the World Health Organization (WHO), wrote this [expert report](#) for plaintiffs in the lawsuit *Murray v. Motorola* in which he examines many studies done since 2010, to find **“RF exposure probably causes gliomas (tumors in the brain and spinal cord) and neuromas (growths or tumors of nerve tissue) and, given the human, animal and experimental evidence, I assert that, to a reasonable degree of scientific certainty, the probability that RF exposure causes gliomas and neuromas is high.”**
- **State of New Hampshire US. [Final Report](#) of the Commission to Study The Environmental and Health Effects of Evolving 5G Technology** November 1st 2020 In particular pages 100 through 104 are very interesting.
- **The latest science proves that radiofrequency radiation (RFR) is a Class 1 Human carcinogen** and the International Agency for Research on Cancer (IARC) should designate it as such, Dr Anthony B Miller says in this talk given at the Ecosphere Montreal Fair on September 14, 2019 (download his slides at <https://maisonsaine.ca/wp-content/upl>)
- **Cell tower radiation linked with cancer in new study. The finding has the potential to shatter Health Canada’s radiofrequency exposure guidelines outlined in Safety Code 6.** “...a person can legally be exposed to this level of radiation,” says Ronald Melnick, senior science advisor with the Environmental Health Trust. “Yet cancers occurred in these animals at these legally permitted levels. <https://www.whsc.on.ca/What-s-new/News-Archive/Cell-tower-radiation-linked-with-cancer-in-new-stu>
- In an appeal to the European Union, more than **180 scientists and doctors from 36 countries warn about the danger of 5G**, which will lead to a massive increase in involuntary exposure to electromagnetic radiation. The scientists urge the EU to follow Resolution 1815 of the Council of Europe, asking for an independent task force to reassess the health effects. <https://www.jrseco.com/european-union-5g-appeal-scientists-warn-of-potential-serious-health-effects-of-5g/>
- Physicians for safe technology, Dozens of articles and peer reviewed reports on the **dangers of cell tower health effects.** <https://mdsafetech.org/cell-tower-health-effects/>

- Electromagnetic Radiation Health and Safety: **Cell tower health dangers.** The cellular phone industry continues to maintain that cell phone towers pose no health risk, but fewer people believe that these days. **Almost all scientists in this field would disagree that cell towers are safe.....**A study performed by doctors from the German city of Naila monitored 1000 residents who had lived in an area around two cell phone towers for 10 years. During the last 5 years of the study they found that **those living within 400 meters of either tower had a newly-diagnosed cancer rate three times higher than those who lived further away.**
<https://emwatch.com/cell-tower-health-risks/>
- [Firefighters Suffer](#) **Brain Damage Following Contact With 5G Cell Towers**
- **An informative letter by a BC Resident Dean McGeough** (see attached pdf file)

It's up to you whether you accept the legitimacy and importance of recent scientific data rather than that of the late 90's which is inadequate, inaccurate and severely limited. In my opinion there is no argument and I would trust that you also recognise this and use your powers to protect the welfare of your constituents. You may not agree but it brings us to the next point, **Property Devaluation**, this happens because the majority of the public are opposed to having a cell tower looming over their homes or neighbourhood. Recent scientific studies, right or wrong, have created a stigma. I used to be in Real Estate and it is a fact that buyers don't want a property in the vicinity of cell towers or high tension power lines unless they could get the property for well below it's asking price. These properties don't sell easily and owners have to keep lowering the asking price to a level far below the average in hope of selling.

2. Property Devaluation

What Industry Canada says on the matter cannot be taken seriously.

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08353.html>

Biassed and Cherry Picked and using an irrelevant example to dismiss property devaluation.

*.....the vast majority of the written submissions filed on behalf of members of the **radio industry** held the view that there is no credible evidence that the establishment of an antenna installation negatively impacts upon local property values..... Rogers Communications suggested that the loss of property value argument is often made as a negotiating ploy. **Really!***

.....amateur radio users expressed the view that no reputable studies show that amateur antenna towers have a negative impact upon the property values of their neighbours..... **Using ham radio as an example of no property devaluation is deception. The antennas are relatively small and thin compared to a commercial tower, probably 100 times smaller by weight and volume. When the owner sells his house the antenna will be taken down and move with the owner. The radio frequencies are very different to 2/3/4/5G. It would not have dozens of piggy back transmitters attached to it thus increasing frequencies and power output. The typical ham radio operator would perhaps only transmit for a few hours per week, not 24/7.**

Property Devaluation the Reality. Again just a small sample:

- [EMF Real Estate Survey Results](#): **The overwhelming majority of respondents (94%) reported that cell towers and antennas in a neighborhood or on a building would impact interest in a property and the price they would be willing to pay for it.** And 79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antenna.
- [Environmental Health Trust](#). **Research indicates that over 90% of home buyers and renters are less interested in properties near cell towers and would pay less for a property in close vicinity to cellular antennas. Documentation of a price drop up to 20% is found in multiple surveys and published articles.....read more.....**
- "I've done research on the subject and as well as spoken to many real estate professionals in the area, and they all agree that there's no doubt that **cell towers negatively affect real estate values**. Steve Hovakimian, a resident near Brace park, and a California real estate broker, and the publisher of "Home by Design" monthly real estate magazine, stated that he has seen **properties near cell towers lose up to 10% of their value** due to proximity of the cell tower... (See City of Burbank Website, Video, Alex Safarian comments @ 6:24:28, http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=848)

Do I represent the residents of the properties? No, the properties group have independent representation, this is about my wife and I and our personal concerns, though I am very worried about our neighbour who lives even closer to the proposed tower and has 3 children under the age of five! If the tower is built within the safe recommendation of 500 meters then we have no option but to sell our home. I was recently diagnosed with cancer and had an operation to remove it and since then have had regular therapy to control it. At the moment I am free of cancer but cannot take the risk of living within 500 meters of this tower so we would be forced to sell at great inconvenience and cost notwithstanding that our property would realise far less, a short fall between 10% and 20%. There are enough realtors in North Cowichan that have and will confirm these figures. I estimate that having to move and taking into account all the associated expenses and devaluation will put me out of pocket between \$150-200 000. This is not acceptable and needless to say I will seek redress. I estimate that there are roughly 130 properties with a 500 meter radius of the current proposed site all in the same boat as I.

I realise that to move the tower to a distance of 500 meters from the closest residence may cost more with regards to cables, excavation, height of tower etc, but the cost to health and property devaluation will be far far more. The most economical, practical and fair to all solution would be to move the tower 500 meters into a vast open space that suits coverage and protects lives and property values.

Thank you for your kind consideration.

 FIPPA s. 22(1)

Kaspa Road

PS

Here are some very other valid points and questions that also need to be considered and answered.

- A false argument often used by the Telecommunication Industry is that a tower is no different to the cell phones and wifi that we have in our own homes. Sure, but we can choose to hard wire our laptops and choose to turn our phones off. Cell towers transmit 24/7 we cannot turn those off.
- Industry Canada obliges tower owners to share the facility with other providers, so after the initial installation the tower can be added to in both height and the number of transmitters which add to the overall frequency ranges and power outputs. This can be done without public consultation. What, if any, monitoring of these levels will be applied to this proposed tower? Who will monitor the levels, how often, and will this be done independently of Rogers and the industry?
- On the Government of Canada website I cannot find any scientific studies that have been done with regards to 5G transmission towers and the effects on health, on birds, animals and plants, specifically 5G towers, **not** 2/3/4G towers? Nor can I find any scientific studies that have been done to determine what 2G, 4G or 5G Frequency Emissions have on human health, birds, animals and plants in the long term, 20-50 years?
- Many countries in the world, including Canada, have dismissed using Huawei 5G on the grounds that it can be used by the Chinese Government to spy on users. What equipment and legislation has been put in place in Canada to protect users from this invasion of privacy and abuse from any outside Government or even our own Canadian Government?
- The Cowichan Valley is being promoted as a place of "Healthy Living" how can MNC justify the placement of a 5G tower just 100 meters from people's homes when there is overwhelming evidence that these towers are not safe?
- Health Canada guidelines for keeping Canadians safe are too lax. The standards they recommend are some of the lowest in the world, Industry Canada allow 100 times the levels that China, Russia and Italy allow?

Pulsed RF Exposure limits in microwatts/meter² :

Canada (Safety Code 6) 10,000,000.0
China, Russia, Italy, Toronto* 100,000.0
Ukraine 24,000.0
Salzburg Resolution, BioInitiative '05 1000.0
& Austrian Antenna System Siting GL*
Council of Europe* 100.0
Austrian Sustainable Building Council 10.0.
* Precautionary recommendation

Health Concerns About Cellular Phone Transmission Antennae and Base Stations

In 2005, in response to community concerns and after reviewing the evidence, the Vancouver Coastal Health Chief Medical Health Officer concluded that the installation of cellular antennae in the community did not create health risks for the public, and that Health Canada's Safety Code 6 provided an appropriate level of protection. At that time, the Chief Medical Health Officer also committed to undertake periodic reviews of the evidence and to provide public updates as necessary. The Chief Medical Health Officer provides the following updated evidence review and associated conclusions:

Background on Cellular Transmission Technology

The original cellular (analog) technology uses the radiofrequency part of the electromagnetic spectrum between 800-900 MHz (near the FM/TV, AM Radio bands and cordless telephone frequencies). The newer digital technology uses the frequency bands of 800-900 MHz and 1800-2200 MHz and relies on antennae of significantly less power than the analog system, emitting significantly lower radiofrequency (RF) radiation. Cellular communication operates through a network of base stations that transmits and receives signals. The area covered by a base station is called a cell – giving rise to the name cell phone. The number of base stations (cells) in an area varies, depending on the concentration of cell phone users. For example, compared to smaller communities, the number of base stations is greater in populated urban centres, with many cell phone users. Each base station consists of signal processing equipment, power supply, and one or more antennae. The antennae are the most visible parts of base stations. However, a network of many lower powered based stations may result in lower levels of RF radiation exposure to the public compared to a network that uses a few higher powered base stations covering the same area. This is because the power required to communicate between a cell phone and base station increases as the distance between the cell phone and the base station increases.

Conclusions At A Glance

1. The international scientific consensus remains unchanged: radiation from cellular base stations is far too low to cause adverse health effects in the community.
2. There is no public health benefit from prudent avoidance regarding base stations.
3. Telecommunication regulators and the industry need to be explicitly transparent, engaging communities and providing access to monitoring data to show compliance with expected standards.

To meet the demand for service, increasing numbers of cellular base stations have been installed across the country. However, it is not easy for the public to access information on the number, types, and locations of cellular base stations in their community. This difficulty has contributed to public concerns regarding potential harm from these installations.

Health Risks

The study of RF radiation and its possible effect on health is growing steadily. Since the last report in 2005, reviews from recognized scientific organizations include the International Commission on Non-Ionizing Radiation Protection (ICNIRP) 2009 Review, the European Commission Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) 2009 Review, the Swedish Radiation Safety Authority, SSM, Independent Expert Group on Electromagnetic Fields 2009 Report, and the Health Canada Safety Code 6 revised in 2009. The scientific consensus remains unchanged: radiation from cellular base stations is far too low to cause adverse health effects in the community. The current Canadian (Safety Code 6 revised 2009) and international standards such as ICNIRP provide significant safety margins for public exposure to RF.

In Safety Code 6 (2009), Health Canada states:

"The scientific literature with respect to possible biological effects of RF energy has been monitored by Health Canada scientists on an ongoing basis since the last version of Safety Code 6 was published in 1999. During this time, a significant number of new studies have evaluated the potential for acute and chronic RF energy exposures to elicit possible effects on a wide range of biological endpoints including: human cancers (epidemiology); rodent lifetime mortality; tumor initiation, promotion and co-promotion; mutagenicity and DNA damage; EEG activity; memory, behaviour and cognitive functions; gene and protein expression; cardiovascular function; immune response; reproductive outcomes; and perceived electromagnetic hypersensitivity (EHS) among others. Numerous authoritative reviews have summarized this literature.

Despite the advent of thousands of additional research studies on RF energy and health, the predominant adverse health effects associated with RF energy exposures in the frequency range from 3 kHz to 300 GHz still relate to the occurrence of tissue heating and excitable tissue stimulation from short-term (acute) exposures. At present, there is no scientific basis for the premise of chronic and/or cumulative health risks from RF energy at levels below the limits outlined in Safety Code 6. Proposed effects from RF energy exposures in the frequency range between 100 kHz and 300 GHz, at levels below the threshold to produce thermal effects, have been reviewed. At present, these effects have not been scientifically established, nor are their implications for human health sufficiently well understood. Additionally, a lack of evidence of causality, biological plausibility and reproducibility greatly weaken the support for the hypothesis for such effects. Thus, these proposed outcomes do not provide a credible foundation for making science-based recommendations for limiting human exposures to low-intensity RF energy."

Critics of Safety Code 6 have challenged the adequacy of the Canadian standard to protect the public from effects other than those resulting from the thermal heating of cells in the body. However, when scientifically sound methods are used to assess the evidence, Health Canada's conclusions are consistent with the conclusions reached by other credible scientific bodies. In its review of evidence in 2009, the ICNIRP states:

"It is the opinion of ICNIRP that the scientific literature published since the 1998 guidelines has provided no evidence of any adverse effects below the basic restrictions and does not necessitate an immediate revision of its guidance on limiting exposure to high frequency electromagnetic fields. The biological basis of such guidance remains the avoidance of adverse effects such as "work stoppage" caused by mild wholebody heat stress and/or tissue damage caused by excessive localized heating (D'Andrea et al. 2007). With regard to non-thermal interactions, it is in principle impossible to disprove their possible existence but the plausibility of the various non-thermal mechanisms that have been proposed is very low. In addition, the recent in vitro and animal genotoxicity and carcinogenicity studies are rather consistent overall and indicate that such effects are unlikely at low levels of exposure. Therefore, ICNIRP reconfirms the 1998 basic restrictions in the frequency range 100 kHz–300 GHz until further notice."

Similarly, SCENIHR of the European Commission in its 2009 review states:

"It is concluded from three independent lines of evidence (epidemiological, animal and in vitro studies) that exposure to RF fields is unlikely to lead to an increase in cancer in humans. However, as the widespread duration of exposure of humans to RF fields from mobile phones is shorter than the induction time of some cancers, further studies are required to identify whether considerably longer-term (well beyond ten years) human exposure to such phones might pose some cancer risk.

Regarding non-carcinogenic outcomes, several studies were performed on subjects reporting subjective symptoms. In the previous opinion, it was concluded that scientific studies had failed to provide support for a relationship between RF exposure and self reported symptoms. Although an association between RF exposure and single symptoms was indicated in some new studies, taken together, there is a lack of consistency in the findings. Therefore, the conclusion that scientific studies have failed to provide support for an effect of RF fields on self-reported symptoms still holds. Scientific studies have indicated that a placebo effect (an adverse non-specific effect that is caused by expectation or belief that something is harmful) may play a role in symptom formation. As in the previous opinion, there is no evidence supporting that individuals, including those attributing symptoms to RF exposure, are able to detect RF fields. There is some evidence that RF fields can influence EEG patterns and sleep in humans. However, the health relevance is uncertain and mechanistic explanation is lacking. Further investigation of these effects is needed. Other studies on functions/aspects of the nervous system, such as cognitive functions, sensory functions, structural stability, and cellular responses show no or no consistent effects. Recent studies have not shown effects from RF fields on human or animal reproduction and development. No new data have appeared that indicate any other effects on human health."

In its 2009 Report, the Independent Expert Group of the Swedish Radiation Safety Authority SSM concludes regarding cancer and transmitters:

"The majority of studies on cancer among people who are exposed to RF from radio- or TV-transmitters or from mobile phone base stations have relied on too crude proxies for exposure to provide meaningful results. Indeed, only two studies, both on childhood leukaemia, have used models to assess individual exposure and both of those provide evidence against an association. One cannot conclusively exclude the possibility of an increased cancer risk in people exposed to RF from transmitters based on these results. However, these results in combination with the negative animal data and very low exposure from transmitters make it highly unlikely that living in the vicinity of a transmitter implicates an increased risk of cancer."

Regarding electromagnetic hypersensitivity, the SSM expert group writes:

"While the symptoms experienced by patients with perceived electromagnetic hypersensitivity are very real and some subjects suffer severely, there is no evidence that RF exposure is a causal factor. In a number of experimental provocation studies, persons who consider themselves electrically hypersensitive and healthy volunteers have been exposed to either sham or real RF fields, but symptoms have not been more prevalent during RF exposure than during sham in any of the experimental groups. Several studies have indicated a placebo effect, i.e. an adverse effect caused by an expectation that something is harmful. Associations have been found between self-reported exposure and the outcomes, whereas no associations were seen with measured RF exposure."

Canadian Exposure Assessments

In 1997, Health Canada conducted a survey of radiofrequency radiation from cellular base stations in and around 5 schools in Vancouver, in response to the concerns raised by nearby residents earlier that year. The measurements revealed that:

- The highest level of electromagnetic radiation from a PCS antenna (across the street) was more than 6,000 times below the Safety Code 6 levels.
- In three of the schools the levels of radiation from all PCS digital antenna were actually lower than the normal AM and FM radio signals that have been in the area for decades.

In 2003, Health Canada released the results of comprehensive ground level RF measurements representative of human exposures near base stations within the Regional Municipality of Ottawa. The highest power density measured was 3000 times below Safety Code 6. Health Canada considers these measurements as likely representative of levels in other Canadian urban areas.

In 2010, the Public Health Department of the Health and Social Services Agency of Montreal was asked to assess two cell phone base station sites located near schools in Outremont, an urban residential neighbourhood. One location has 12 antennae (130 m to 145 m away respectively from two primary schools) and the other has three (50 m from a high school). The investigation team estimated that the level of exposure to students would be over 5000 times below Safety Code 6 inside the school and over 1000 times below Safety Code 6 on school playgrounds and adjacent streets. The team also reviewed the scientific literature on the subject and concluded that:

"The results of numerous scientific studies conducted to date do not argue in favour for a causal relation between RF exposure and health impact at exposure commonly encountered, whether cancer or more general symptoms. Moreover, no mechanism of action of RF on cells or human and animal tissues has been shown. However, due to uncertainties still present in this area of research, health agencies recommend further studies in some promising avenues (e.g. for cell phone users). As for cellular antennae, given the very low exposure levels and research results to date, most experts believe it is unlikely that this exposure, well below the limits allowed, can cause effects on the health of the population."

In May 2011, the International Agency for Research on Cancer (IARC) placed radio frequency electromagnetic fields in its group 2B classification – possibly carcinogenic to humans. IARC defines group 2B as a category used

"for agents for which there is limited evidence of carcinogenicity in humans and less than sufficient evidence of carcinogenicity in experimental animals. It may also be used when there is inadequate evidence of carcinogenicity in humans but there is sufficient evidence of carcinogenicity in experimental animals. In some instances, an agent for which there is inadequate evidence of carcinogenicity in humans and less than sufficient evidence of carcinogenicity in experimental animals together with supporting evidence from mechanistic and other relevant data may be placed in this group. An agent may be classified in this category solely on the basis of strong evidence from mechanistic and other relevant data."

Agents in Group 2B are not proven carcinogens. Details of the IARC review is expected to be published in July 2011. In the meantime, the IARC does make it clear that the primary reason for the Group 2B classification relates to uncertainty regarding long term heavy cell phone use and certain rare brain cancer. The type of radio frequency exposure of concern is associated with using the cell phone close to the ear. As stated above, the energy of radio frequency field from cell phone base stations experienced by the general public is thousands of times lower than from a cell phone near the head. The IARC conclusion therefore does not alter the assessment for radio frequency exposure due to cell phone base stations.

"Prudent Avoidance"

The practice of "prudent avoidance" has been advocated by some in their opposition to specific location of cellular base stations in the vicinity of schools, child care centres or residential buildings. "Prudent avoidance" in these situations does not result in any increased level of protection. It would be difficult, if not impossible, to "prudently avoid" some level of exposure to RF fields in an urban setting, whether it be from AM, FM, TV or cellular phones. The Medical Health Officer concludes that scientific evidence provides no basis for recommending prudent avoidance with respect to cellular base stations. There is no public health benefit. In fact, prudent avoidance ignores the reality that the area immediately below an antenna has the lowest RF levels.

Community Consultation and Public Access to Information

Despite reassuring evidence, some members of the public remain concerned about the presence of cell phone antennae and base stations. Telecommunications regulators and industry can do a better job in providing information (particularly about base station types and locations), as well as providing meaningful opportunities for public consultation when planning base stations. Industry Canada in 2009 established public and local government consultation guidelines for permit applications for mobile phone base stations. The requirement for consultation unfortunately applies only to antennae 15 metres or higher. There are a number of practices the telecommunications regulators and industry can implement to mitigate public concerns. These include:

- Meaningful discussion with communities.
- Clear and publicly accessible supporting documents when deploying base stations.
- Greater consideration for site sharing, where possible.
- Greater consideration for sensitive location and design.
- Improved public access to information on network compliance with Safety Code 6.
- Prompt response to community enquiries about base stations.
- Periodic but systematic and comprehensive measurements of population level exposure to RF to monitor trends.

Conclusion

As has Health Canada, the Chief Medical Health Officer concludes that, in light of the current scientific understanding of the risks of RF exposures to the public, the installation of base stations and cellular antennae in the community do not pose an adverse health risk and Safety Code 6 provides an appropriate level of protection. However, public engagement by telecommunication regulators and industry concerning the installation of base stations and antennae needs improvement.

The Chief Medical Health Officer will continue to monitor new scientific knowledge in this area and will provide updates when necessary.

Chief Medical Health Officer

Health risks are unacceptable!

A quick search of the internet has revealed some startling items that suggest the residents along this stretch of Sooke Road and Glinz Lake Road will be adversely affected by the continued bombardment of Electro Magnetic Fields or Radiofrequency Fields (RF). Unlike the concerns of a cell phone user where one can turn off the phone or use hands free options, the proposed installation of a radio tower in such close proximity to these homes will result in 24 hours of continuous exposure.

Below I have found that the issue may not be the LEVEL of RF but the steady bombardment of RF. There appears to be disconnects between the safety code's references and the purported biological effects found in studies, such as the DNA alterations suggested by the late Dr. Litovitz (see the link below to his presentation) or those found visiting the EM Watch website (link also below).

Health Canada's Fact Sheet on Safety Code 6 states the following (italics):

Myth: The International Agency for Research on Cancer (IARC) classified radiofrequency energy as potentially carcinogenic. This means that I will get cancer due to my exposure to RF energy.

Fact: The IARC did not find a direct link between RF energy exposure and cancer.

In 2011, the International Agency for Research on Cancer (IARC), which is part of the World Health Organization, classified radiofrequency electromagnetic fields as possibly carcinogenic to humans (Group 2B), based on an increased risk for glioma, a malignant type of brain cancer, associated with wireless phone use. However, the vast majority of research to date does not support a link between RF energy exposure and cancers in humans.

Health Canada is in agreement with the World Health Organization that additional research in this area is warranted.

On October 4, 2011, Health Canada updated its advice to cell phone users on practical ways of reducing exposure to RF energy from these devices. This advice pertains only to cell phone use, and not to RF energy exposure from Wi-Fi devices, since the intensity and distribution of the RF energy absorbed within the body from these devices are very different.

If Health Canada is suggesting, as does the World Health Organization, that more research is warranted then we have a serious concern. Also, if Health Canada is suggesting to cell phone users that we need to know how to reduce exposure to RF energy from our own personal cell phone usage, then one can infer greater harm is possible from a tower. Having a transmission tower within such close proximity to residential homes is alarming. Unlike the recommendations to limit exposure when using a cell phone, we cannot turn off the tower to get a break. There is growing evidence that there are other effects resulting from exposure below the CODE 6 standards. Thus there are risks and health hazards we do not need in our neighbourhood.

What guarantee is there that the exposure levels at the Freedom Mobile Inc.'s site are going to be monitored and that you will protect us from the harmful effects of continued exposure? Apparently, following investigations in the USA, 10% of sampled cell tower sites exceeded the allowable limits. They cite a lack of enforcement. What guarantee do the residents of Sooke have that this site, with possible future expansion, will be monitored and RF levels enforced?

If truly required, why not position this facility in a more remote location to avoid possible RF interference and impacts to the many families living on Glinz Lake Road.

Your letter states that this tower will support FREEDOM subscribers only... what is the possible interference with other services? What is the consultation process once built when FREEDOM wishes to add more installations? Do we lose any further consultation once this site is constructed?

What is a SAFE distance to be away from this tower? The EM Watch suggests that at more than 400m (see below) you are probably not being harmed by it – although high risk groups and electro-sensitive people may need to be more cautious. Our home is within 400m, as are many other family's homes. Will you study each individual within 400m to determine WHO is sensitive? And if it is found that ill-effects result, will your group provide compensation?

HEALTH RISKS abound.

Here are excerpts of information and website links which support our opposition to this proposed installation in our neighbourhood:

EM Watch reports (<http://emwatch.com/cell-tower-health-risks/>):

The cellular phone industry continues to maintain that cell phone towers pose no health risk, but fewer people believe that these days. Almost all scientists in this field would disagree that cell towers are safe, except those employed by the industry, perhaps.

There is strong evidence that electromagnetic radiation from cell phone towers is damaging to human (and animal) health. Example: A study into the effects of a cell tower on a herd of dairy cattle was conducted by the Bavarian state government in Germany and published in 1998.

The erection of the tower caused adverse health effects resulting in a measurable drop in milk yield. Relocating the cattle restored the milk yield. Moving them back to the original pasture recreated the problem. *Reference the Dairy Cow Study.*

A human study (Kempton West) in 2007 measured blood levels of serotonin and melatonin (important hormones involved in brain messaging, mood, sleep regulation and immune system function) both before, and five months after, the activation of a new cell site.

Twenty-five participants lived within 300 metres of the site. Substantial unfavourable changes occurred with respect to both hormones, in almost all participants. *Reference the Kempton West Study.*

A study performed by doctors from the German city of Naila monitored 1000 residents who had lived in an area around two cell phone towers for 10 years. During the last 5 years of the study they found that those living within 400 meters of either tower had a newly-diagnosed cancer rate three times higher than those who lived further away.

Breast cancer topped the list, but cancers of the prostate, pancreas, bowel, skin melanoma, lung and blood cancer were all increased. *Reference the Naila Study*

Cellphone Masts:

Another study by researchers at Tel Aviv University compared 622 residents who lived within 350 meters of a cell phone tower with 1222 control patients who lived further away. They found 8 cancer cases in the group affected by the cell tower, compared with only 2 cases amongst the controls.

Very few studies have specifically concentrated on cancer risk from cell phone towers. This lack of studies is in itself a cause for concern, especially since anecdotal evidence is plentiful.

For example, in a case known as “Towers of Doom”, two cell masts were installed (in 1994) on a five story apartment building in London. Residents complained of many health problems in the following years. Seven of them were diagnosed with cancer. The cancer rate of the top floor residents (closest to the tower) was 10 times the national average.

Other Cell Tower Health Effects

Individuals differ in their response to electromagnetic radiation. For some people, short term effects from cell tower radiation exposure may include headaches, sleep disorders, poor memory, mental excitation, confusion, anxiety, depression, appetite disturbance and listlessness.

A small group of doctors from Bamberg, Germany, conducted their own study in 2005. They found increasing levels of both minor and serious health problems in patients exposed to higher radiation levels.

These health problems included tumours, diabetes, heart rhythm disturbances, inflammatory conditions, joint and limb pains, frequent infections, headaches, sleep disturbances, depression and memory problems.

Cell towers safe distance

It is hard to predict how much radiation you will experience in your house or workplace.

- Different cell sites emit different amounts of radiation.
- Radiation levels from a single cell site also vary, depending on usage at different times of the day.
- Radiation from a single cell tower may be different in different directions.
- Radiation is affected by the lie of the land too, and by shielding and reflections from buildings.
- And finally, the construction of your house affects its resistance to radio-frequency EMF.

If the closest cell site is more than 400 metres away, you are probably not being harmed by it – although high risk groups and electro-sensitive people may need to be more cautious.

Environmental Health Trust reports (<https://ehtrust.org/science/cell-towers-and-cell-antennae/>):

Cell Towers and Cell Antennae mounted on buildings have radio frequency emissions. The closer you are to the antennae, the more radiofrequency radiation you are exposed to. Cell tower radiation exposure is different than cell phone exposure in that a cell phone to the head focuses an extremely high amount of radiation to a specific brain region. Cell tower emissions are at lower levels than cell phones. However, with cell tower exposure, the exposure is non- stop day and night and full body exposure.

People living or working in close vicinity to a cell tower will get the highest exposures. People sleeping in homes with windows facing antennas will have more nighttime exposure. A phone can be turned off but a cell tower cannot be. Many governments and local jurisdictions have halted the placement of cell towers and cell antennae near schools and residences because of the higher density of radiation in the close vicinity to cell antennas.

Dr. Anthony Miller regarding increased hazard for RF exposure and Cancer possibility, including brain tumours. See the video at: <https://www.youtube.com/watch?v=wARxnaxrRKk>

Dr. Litovitz talks of the Biological effects.

Visit the presentation by the late Dr. Litovitz to the US Congressional in 2001 on the Biological Effects of Electro Magnetic Fields <https://www.youtube.com/watch?v=6lAFbQgyVio> which expands the concept that not everyone is affected equally; hence it raises the concern over safety claims. Furthermore, his studies found that repeated exposure (bombarding) and the resulting DNA alterations led to increased risks of:

- Cancer
- Strokes
- Alzheimer's disease
- More acute heart attacks
- Rheumatoid arthritis
- Multiple sclerosis

The quote "Everything is a poison. It is only a question of dose" by *Paracelsus (1493-1541)* rings true based upon the studies by the late Dr. Litovitz.

Why Cell Phone Towers Are So Bad For Your Health?

by Dr. M. Sirish, The Big Picture, 1st October 2010

Visit <http://mieuxprevenir.blogspot.ca/2013/09/why-cell-phone-towers-are-so-bad-for.html>

"The Precautionary Principle or Principle of Prevention needs to be followed whenever there is a possibility of harm to human health an exposure rises."

Cell phones heat the brain while users make and receive calls. Cell phones scramble the brain and play havoc with the nervous system. This can cause high blood pressure, which leads to strokes. If cell phones are used for longer periods of time, they can damage long-term memory and even cause brain tumor [1-2]. On the other hand, cell towers are considered more harmful to people particularly those living within the radius of 500 meters as they continuously emit electromagnetic radiation (EMR) 24-hours a day, 7-days a week, and 365-days a year [3-5]. Towers emit radio-frequencies (RF), a form of EMR, which is essentially the same frequency radiation as microwaves and microwave ovens, for a distance as large as two miles. Low levels of radiation emitted by mobile phone towers are harmful. Scientists at the School of Public Health of Harvard University say that the radiation from cell phone towers is a serious health hazard [6].

Studies have shown that low levels of radiation can cause brain tumor, cancer, depression, miscarriage, insomnia, Alzheimer's disease, apart from damaging cell tissues and the DNA. People living close to mobile towers will have disturbed sleep, headache and their immune system could be affected. The nearby apartments could become very hot. Television displays could show flickering images. Massive increase in radiation in the environment due to these towers is associated with increase in the incidence of diseases such as asthma, learning disabilities, anxiety disorders, attention deficit disorder (ADD), autism, multiple sclerosis, amyotrophic lateral sclerosis (ALS), epilepsy, fibromyalgia, chronic fatigue syndrome, cataracts, hypothyroidism, diabetes, malignant melanoma, testicular cancer, heart attacks and strokes [7-13]. Although radiation exposed by a person during a mobile phone call is 10 times higher than the exposure from a cell tower, mere standing in a wi-fi enabled area is equal to talking on your mobile for 20 minutes [14].

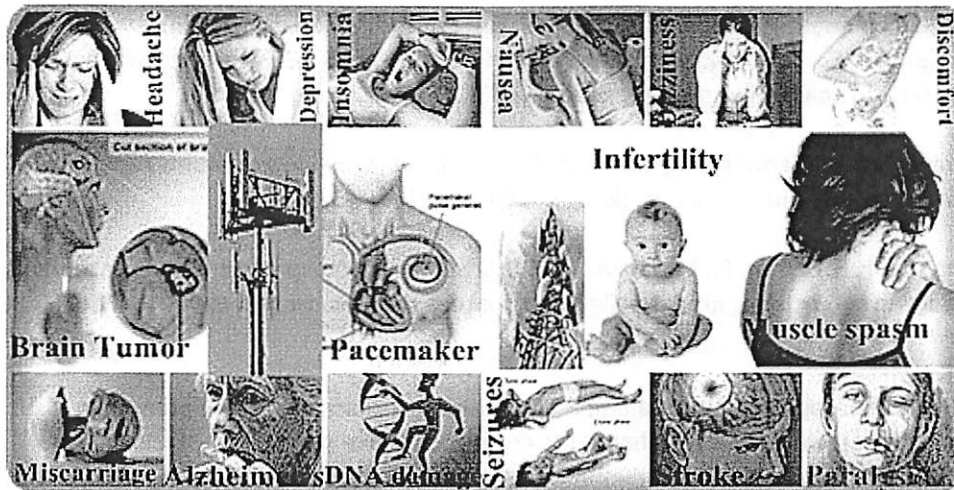


Figure 2: A collage depicting potential health risks associated with prolonged exposure to electro-magnetic radiation from cell phone towers.

Endnotes:

[1]. (a) Disconnect-The Truth About Cell Phone Radiation, What the Industry Has Done to Hide It, and How to Protect Your Family by Devra Davis. Published by Dutton Adult (September 23, 2010). For more on this visit the website Environmental Health Trust. (b) Bryan Walch, Health: A Cancer Muckraker Takes on Cell Phones, <http://ecocentric.blogs.time.com/2010/09/27/health-a-cancer-muckraker-takes-on-cell-phones/> September 27, 2010. (c) Martin Mittelstaedt, The disturbing truth about cellphones, The Globe and Mail, September 24, 2010.

[2]. (a) Cell Phone Radiation Science Review on Cancer Risks and Children's Health (September 2009) by the Environmental Working Group, Washington D.C. (b) Khuranc VG, Teo C, Kindi M, Hardell L, Carlberg M. (2009) Cell phones and brain tumors: a review including the long-term epidemiologic data. *Surg Neurol*;72:205-14. (c) Sarah J Hepworth, Minouk J Schoemaker, Kenneth R Muir, Anthony J Swerdlow, Martie J A van Tongeren, Patricia A McKinney: Mobile phone use and risk of glioma in adults: case-control study. *BMJ*, doi:10.1136/bmj.38720.687975.55 (published 20 January 2006). (d) Sadetzki S, Flint-Richter P, Ben-Tal T, Nass D: Radiation-induced meningioma: a descriptive study of 253 cases. *J Neurosurg* 97: 1078-1082, 2002.

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[12]. Eger, H., Hagen, K.U., Lucas, B., Vogel, P., Voit, H. (2004). Influence of the spatial proximity of mobile phone base stations on cancer rates. Umwelt-Medizin-Gesellschaft 17:273-356.

[13]. Meyer, M., Gärtig-Daug, A., Radespiel-Tröger, M. (2006). Cellular telephone relay stations and cancer incidence. Umweltmed. Forsch. Prax. 11:89-97.

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Conclusion by Dean McGeough:

A cell tower in a neighbourhood is a steady, non-stop exposure to the people living within close proximity to the proposed site. Therefore, we the McGeough family at _____ Sooke BC oppose this installation and ask that Forbes Bros. Ltd and Freedom Mobile Inc. be required by the District of Sooke's Planning Department to seek an alternative site which is removed from close proximity to families.



 FIPPA s. 22(1)

Duncan, B.C., V9L 0B3

April 10, 2021

Dear Mr. Mayor and North Cowichan Council Members,

I am writing regarding the proposal of erecting a cell tower near Kasper Road. I urge you to please vote “no” to the current proposed location, and instead vote “yes” to relocate the tower much further away from a high density residential neighborhood.

I am a home owner and tax payer living on Salish road. Our house would be approximately 300m from the current proposed location.

It would be easy to put a cell tower there and forget about the resulting health impacts, since the hazard is invisible. However, in the same way that sound waves enter our ears, and vibrate the ear drum and then then into the middle ear so we can hear, the microwaves of Radio Frequencies (RF), vibrate all of the cells of our bodies, but in a much more catastrophic way. This causes cellular damage, and leads to symptoms such as a heating up of the tissues, sleeplessness, cognitive decline, fatigue, discomfort, memory loss, visual disruptions, blood cell abnormalities, and cancers, etc.

Although Health Canada approves certain amounts of cell tower radiation, their standards are built on very old technology, and upon *intermittent* exposure to low level RF. With current cell phone technology, our health will be in serious jeopardy if this tower is built in the proposed location. This tower will also, no doubt, house 5G antennas at some point. 5G has not been tested and many countries are banning it for its health dangers. 5G uses millimeter wave technology which is used in military situations for crowd control, as it causes a painful stimulus to those that it is projected towards. However, my argument is not specific to 5G but to RF in general, in close proximity to human beings.

Dr. Cornelia Waldmann-Selsam is quoted as saying,

“Many humans get sick from emissions far below the recommended limit values, which consider only thermal effects, and we have a sickness picture with characteristic symptom combinations, which are new to us physicians,” The list of symptoms were, “Sleep disturbances, tiredness, concentration impairment, forgetfulness, problems with finding words, depressive tendencies, tinnitus, sudden loss of hearing, hearing loss, giddiness, nose bleeds, visual disturbances, frequent infections, sinusitis, joint and limb pains, nerve and soft tissue pains, feeling of numbness, heart rhythm disturbances, increased blood pressure, hormonal disturbances, night-time sweat, nausea.” Residents noted almost immediate improvement when moving away.” Dr. Waldmann-Selsam goes on to say, “physicians were able to prove, by re-testing the patients, the normalization of blood pressure, heart rhythm, hormone disturbances, visual disturbances, neurological symptoms, blood picture.” She called this an emergency medical situation and requested an official health investigation.”

[http://www.next-up.org/pdf/Letter to Edmund Stoiber.pdf](http://www.next-up.org/pdf/Letter%20to%20Edmund%20Stoiber.pdf)
<https://mdsafetech.org/cell-tower-health-effects/>

An excerpt from the International Appeal letter, which was signed by EMF scientists from 44 nations of the world, stated,

“Numerous recent scientific publications have shown that EMF affects living organisms at levels well below most international and national guidelines. Effects include increased cancer risk, cellular stress, increase in harmful free radicals, genetic damages, structural and functional changes of the reproductive system, learning and memory deficits, neurological disorders, and negative impacts on general well-being in humans. Damage goes well beyond the human race, as there is growing evidence of harmful effects to both plant and animal life”.

<https://www.emfscientist.org/index.php/emf-scientist-appeal>

Our community has not been apprised of the current proposed energy output of this cell tower, but it is a moot point, because we know that once a tower is erected, numerous more antennas may be placed there, increasing the RF output astronomically.

According to the Cyprus Medical Association,

“EMF/RF has less energy than the visible light, the ionizing, ultraviolet and infrared radiations..... It is polarized ...characterized by pulses with high intensity peaks. Also, in contrast to the visible light, it can penetrate the body and the brain. Pulse and polarity are the key properties that make it highly bioactive and having the potential under certain circumstances to cause not only tissue heating, but also biological effects, by acting on the electrophysiology of the body. Because of its double-helical shape, DNA acts as a fractal antenna, and interactions with external electromagnetic fields become inevitable...5G will not replace the currently used 3G and 4G technology, but it will coexist / cooperate with it. It will utilize the current frequencies, as well as additional very high frequencies of submillimeter waves, to achieve excellent internet speeds with minimal latency time”. (pg. 2)

https://ehtrust.org/wp-content/uploads/2nd-Memorandum-22_10_19-by-the-Cyprus-Medical-Association-CyMA-and-the-Cyprus-National-Committee-on-Environment-and-Childrens-Health-CNCECH-on-the-5G-discussion-_Paidi.com_.cy_.pdf

Many people in this community work from home, or are retired, and therefore will be exposed to this radiation at all times, increasing their risk of adverse health effects even more. I, for one, am disabled and suffer from neurological injury. This tower could compound my health problems significantly.

Alternate Suggestion to Current Location

Currently, Rogers has a cell tower on Maple Mountain at approximately 505m elevation. It is away from residential neighborhoods and in fact, appears to be at least 800m from the closest neighborhood. The current proposed location for Kasper tower would be at approximately 273m within 100 meters of a high density neighborhood, and right across the street from young children. There are already access roads built into the mountain, so it makes sense that, *if indeed our area even needs another cell tower*, that it be located instead up on top of Mt. Tzouhalem, preferably 750-1000 meters behind Kasper Road. Rogers' maintenance vehicles could access the tower using these access roads. Rogers' net worth is approximately \$30B so they can more than afford the extra hardware necessary to build further up.

<https://en-ca.topographic-map.com/maps/z10w/Mount-Tzouhalem/>

When you vote, can you please try to picture the beautiful families who live in this neighborhood? Each of us has our own story. We have no motive other than to want to live a healthy and peaceful life. We are not driven by money. We are not a giant corporation. I ask that you consider what really matters in life, and that is *not* the money that Rogers would pay North Cowichan for rental space. I truly believe that North Cowichan will find the means to meet its budget without needing to take money from a giant corporation that has zero regard for the health of your constituents. Thank you for representing "we, the people".

Sincerely,

[REDACTED]

FIPPA s. 22(1)



Mayor's Office, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9
Tel: 250-490-2400 Fax: 250-490-2402
www.penticton.ca

April 13, 2021

President Brian Frenkel
c/o Union of British Columbia Municipalities
525 Government Street
Victoria, BC V8V 0A8

Re: B.C. Government's Use of Provincial Paramourncy to Undermine Local Government Bylaws

Dear President Frenkel:

On behalf of Penticton City Council, I am requesting the Union of British Columbia Municipalities write a letter to Premier John Horgan requesting the reconsideration of invoking Provincial Paramourncy as it relates to the violation of Penticton City Council's authority and the City of Penticton's Zoning Bylaws at 352 Winnipeg Street, Penticton, BC.

The following is a timeline of events:

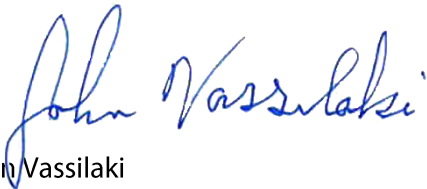
- When COVID-19 struck in March, 2020 many facilities that provided showers, laundry services, and meals to our most vulnerable in our community had to close and/or adapt. The City via its Emergency Operations Centre (EOC), Emergency Management BC and BC Housing worked together to find a temporary "hygiene station" and isolation shelter for anyone that was needing to isolate during COVID.
 - 352 Winnipeg Street was not an ideal site for a hygiene station as it was adjacent to two seniors' homes. However, as the site contained a vacant and free standing building that could quickly be fitted for a hygiene station, the EOC supported and worked with BC Housing to quickly stand-up the hygiene station.
- In September, 2020 BC Housing approached the City to turn the isolation shelter into a 42 bed Temporary Emergency Winter Shelter. This use was contrary to City Zoning Bylaws and although met with trepidation from the neighbourhood, Council ultimately approved a Temporary Use Permit (TUP) for the isolation shelter to be converted and operate as Temporary Winter Shelter until April 1, 2021.
 - Video of the lengthy Council debates from our October 6th and 20th, 2020 meetings can be found on our website to better understand how clear individual Council members were that this was not an appropriate location, but that in the midst of the pandemic, they would grant a TUP on this one occasion.

- In March 2021, BC Housing sought an extension to this TUP until March 31, 2022 in effect changing the use from a temporary, emergency winter shelter to a year round shelter. Council denied this request based on zoning bylaws and the previous clearly communicated unsuitability of this location.
 - Via resolution, Council further directed Penticton's Safety and Security Advisory Committee to develop location selection criteria for a new, permanent winter shelter for Penticton.
 - Council initially learned of the Province's interests in exploring the use of paramountcy via an interview on Global news with Minister David Eby, who had met with Council twice early in the year to discuss a supportive housing project at 3240 Skaha Lake Rd., Penticton, BC.
- Again in March, BC Housing stated their intention to continue operations of the facility "on a balance of convenience" and asked Council to reconsider. Having been presented no alternate location as requested or new information; based on zoning bylaws and the previously communicated unsuitability of this location Council did reconsider the request and again denied the request.
 - Via resolution, Council further directed staff to work with BC Housing to find alternate solutions.
- At the writing of this letter, 352 Winnipeg now operates in contravention of the City of Penticton bylaws as a newly established year round shelter following the threat of Provincial Paramountcy.

While the issue at hand is a matter of land use and planning, it is important to note according to data provided directly from the current Minister responsible for Housing to City Council, Penticton has the highest number of supportive housing beds per capita in the Interior region. Each of these beds was developed with Penticton City Council's input and with respect for their role in the local decision making process.

In closing, Penticton City Council is hoping Minister David Eby, whom has invoked paramountcy on behalf of the Province, or Premier John Horgan as the head of a Government that promised to work collaboratively with Local Governments, reconsiders their position and adheres to our City's bylaws. As this could happen to any one of the other 188 local governments in B.C., we ask that the Union of British Columbia Municipalities, on behalf of its membership, request Premier John Horgan reconsider the use of Provincial Paramountcy with respect to 352 Winnipeg Street, Penticton, BC.

Yours truly,



John Vassilaki

Mayor

cc. Penticton City Council
Donny van Dyk, Chief Administrative Officer
Dan Ashton, Member of Legislative Assembly
BC Local Government Elected Officials

Council seeks support from UBCM to help challenge Provincial Paramountcy

(Penticton, BC – April 13, 2021) – On behalf of City Council, Penticton Mayor, John Vassilaki, has sent a letter to the Union of British Columbia Municipalities (UBCM) President, Brian Frenkel, requesting UBCM prepare a letter to BC Premier, John Horgan, supporting Council's position that the Province's recent use of Paramountcy is a violation of two Council decisions and the City's zoning Bylaws.

"My letter to Mr. Frenkel made it very clear that the issue at hand is a matter of land use and cooperative planning between two levels of government," said Penticton Mayor, John Vassilaki. "The Attorney General and Minister Responsible for Housing, David Eby, would have British Columbians believe that the City of Penticton is not doing its part to support the housing crisis. This is simply not the case and information provided directly from the Minister shows that Penticton has the highest number of supportive housing beds per capita in the interior region. All of these beds were developed with Penticton Council's input and with respect for Council's role in the decision making process.

"Today our previous working relationship of bilateral cooperation has been replaced by a unilateral hammer that puts our residents at risk of having the Provincial Government plan our community. As such, Council has reached out to Mr. Frenkel and the UBCM membership at large to seek their support in reversing the Province's conduct towards Penticton, or any other community they disagree with."

-30-

Contact:

Philip Cooper
Communication Manager
City of Penticton
250-490-2583

Municipality of North Cowichan

Regular Council

MINUTES

April 7, 2021, 1:30 p.m.
Electronically

Members Present

Mayor Al Siebring
Councillor Rob Douglas
Councillor Christopher Justice
Councillor Tek Manhas
Councillor Kate Marsh
Councillor Rosalie Sawrie
Councillor Debra Toporowski

Staff Present

Ted Swabey, Chief Administrative Officer (CAO)
Sarah Nixon, Deputy Chief Administrative Officer (D/CAO)
David Conway, Director, Engineering Projects
Clay Reitsma, Senior Manager, Engineering
Don Stewart, Director, Parks and Recreation
Rob Conway, Director, Planning and Building
Shawn Cator, Director, Operations
George Farkas, Director, Human Resources and Corporate Planning
Talitha Soldera, Director, Financial Services
Jason Birch, Chief Information Officer
Martin Drakeley, Manager, Fire and Bylaw Services
Kim Ferris, Manager, Manager, Bylaw and Business Licensing
Tammy Isaachsen, Acting Manager, Communications and Public Engagement
Dave Preikshot, Senior Environmental Specialist
Shaun Mason, Municipal Forester
Chris Hutton, Community Planning Coordinator
Mairi Campeau, Community Planner
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 1:31 p.m.

2. APPROVAL OF AGENDA

2.1 Approval of Consent Agenda

The following items were pulled from the Consent Agenda and added to New Business:

- 2.6 March 14, 2021 email from resident sharing their concerns regarding the proposed cell tower on Mount Tzouhalem
- 2.7 March 15, 2021 email from the Canadian Union of Postal Workers requesting that Council endorse a resolution to support their Delivering Community Power campaign

- 2.9 March 17, 2021 letter from City of Prince George to Minister of Health regarding the opioid crisis and calling for an overdose action plan
- 2.1 March 11, 2021 email from resident regarding concerns about invasive species in North Cowichan
- 2.15 March 28, 2021 email from Quamichan Lake Neighbourhood Association requesting Council implement a tree protection bylaw

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

CARRIED

That the following minutes be received for information purposes only:

1.2 March 16, 2021 Environmental Advisory Committee

That the following correspondence is received for information purposes only:

- 2.2 March 11, 2021 email from resident requesting that Council send a letter to Health Canada to ban poisonous pesticides that are killing bees
- 2.3 March 11, 2021 email from resident regarding the Joint Utilities Board's planned move of sewage outfall into Satellite Channel
- 2.4 March 11, 2021 letter from City of Langley regarding resolution to UBCM - raising Disability and Income Assistance to a livable rate
- 2.5 March 11, 2021 letter from City of Williams Lake to Premier Horgan calling for a public inquiry into stronger sentencing for prolific and repeat offenders
- 2.8 March 17, 2021 email from resident requesting Council adopt a policy to ban Chinese-made goods and services
- 2.10 March 18 and 22, 2021 emails from Canadian Wildlife Services regarding consultation on amending schedule 1 of the Species at Risk Act
- 2.11 March 19, 2021 email from Mayor Staples inviting Council to attend the Duncan/North Cowichan RCMP Situation Table information meeting on April 8, 2021
- 2.12 March 21, 2021 email from resident regarding the use of trash netting for storm-sewer systems and waterways
- 2.13 March 23, 2021 email from resident regarding campaign promises by Premier Horgan to protect old growth trees
- 2.14 March 27, 2021 email from Cowichan Valley Naturalists' Society regarding concerns with clearing of natural area of Phase II of Berkey's Corner Development
- 2.16 Comments from residents in relation to the Bell McKinnon Local Area Plan
- 2.17 Complaints from residents regarding the Vancouver Island Motorsport Circuit
- 2.18 Resident support for Hospital Security receiving Special Constable status
- 2.19 Local government support of the 9-8-8 Crisis Line Initiative

ADOPTED ON CONSENT

2.2 Approval of Regular Agenda

The following item was removed from the agenda:

(1) Item 3.1 [Minutes from Special Council meeting held March 9, 2021 for adoption]

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

3. ADOPTION OF MINUTES

3.1 Special Council meeting held March 9, 2021 for adoption

This item was removed from the agenda.

3.2 Regular Council and Public Hearings meeting held March 17, 2021 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Regular Council meeting held March 17, 2021.

CARRIED

IT WAS MOVED AND SECONDED:

That Council direct staff to advise the list of First Nations and government agencies who are receiving a referral request regarding the ALR (ALR00034) and OCP (OCP00015) applications for 3137 Henry Road, be given 30 days to respond.

CARRIED

3.3 Special Council meeting held March 23, 2021 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Special Council meeting held March 23, 2021.

CARRIED

4. MAYOR'S REPORT

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

5. DELEGATIONS AND PRESENTATIONS

5.1 Cowichan Green Community

Judy Stafford and Chris Hall presented their year in review for 2020 and provided an update on the Agriculture Food Hub project on Beverly Street and answered questions of Council.

5.2 Marita Judson and Jocelyn Anderson - Twin Gables Motel - 1508 Joan Avenue, Crofton

Jocelyn Anderson, on behalf of Concerned Citizens of Crofton, presented concerns to Council regarding the poor state of condition of the Twin Gables Motel located at 1508 Joan Avenue.

6. PUBLIC INPUT

Council received no public input.

7. BYLAWS

7.1 Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822 for first and second readings

IT WAS MOVED AND SECONDED:

That Council give first and second reading to Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822 to permit a second dwelling at 1379 Maple Bay Road and a public hearing be scheduled in accordance with the *Local Government Act*.

CARRIED

Council, by unanimous consent, recessed the meeting at 3:04 p.m. and reconvened at 3:15 p.m.

8. REPORTS

8.1 REPORTS FOR DECISION

8.1.1 Official Community Plan Project – Status Update

IT WAS MOVED AND SECONDED:

1. That staff be directed to prepare a revised OCP Update project schedule that includes the incomplete portion of Phase 2, Phase 3 and Phase 4 based on a Phase 3 completion date of October 31, 2021 and OCP Adoption (Completion of Phase 4) by February 28, 2022.
 2. That the revised project schedule be presented to Council at the May 5, 2021 Council meeting.
 3. That staff be directed to amend the 2021 Planning budget to add \$55,000 for completion of the OCP Update with funds to come from COVID grant funds and/or previous year surplus.
- CARRIED

8.1.2 FireSmart Economic Recovery Fund Grant

IT WAS MOVED AND SECONDED:

That Council authorize the Cowichan Valley Regional District to apply for, receive, and manage the UBCM 2021 FireSmart Economic Recovery Fund grant funding up to \$150,000 on behalf of The District of North Cowichan;

And That Council directs staff, should grant funding be received, to work on the FireSmart Economic Recovery Fund Project with the Cowichan Valley Regional District and Cowichan Tribes as described in the April 7, 2021 report from the Municipal Forester.

CARRIED

8.1.3 Regional Application for 2021 UBCM Community Emergency Preparedness Grant

IT WAS MOVED AND SECONDED:

That Council authorize the Cowichan Valley Regional District to apply for, receive, and manage the UBCM Community Emergency Preparedness Fund Emergency Operations Centre grant funding up to \$25,000 on behalf of the District of North Cowichan.

CARRIED

8.1.4 Development Variance Permit Application No. DVP00060 for 1379 Maple Bay Road

IT WAS MOVED AND SECONDED:

That Council authorize the issuance of development variance permit DVP00060 and grant the variance to Section 52(6) (d) of Zoning Bylaw 2950, 1997 to reduce the required side yard setbacks for two existing accessory buildings on the property at 1379 Maple Bay Road from 3.0 metres to 1.37 metres on the north east side and 2.15 metres on the south west side.

CARRIED

8.1.5 Cowichan Sportsplex Fieldhouse Update

IT WAS MOVED AND SECONDED:

That Council transfer all unallocated funds under the Cowichan Aquatic Centre Renovation Capital Project budget to the Cowichan Sportsplex Fieldhouse Capital Budget.

And, That Council directs staff to contact the City of Duncan and request that they transfer their unallocated funds from the Cowichan Aquatic Centre Renovation Capital Project budget to the Cowichan Sportsplex Fieldhouse Capital Budget. CARRIED

8.1.6 Financial Plan and Capital Expenditure Plan

IT WAS MOVED AND SECONDED:

1. That Council authorize that the portion of the Parks and Recreation Director's salary that is currently charged to the Forestry Reserve Fund be shifted to the General Revenue account.
2. That Council approve in principle the 2021 Operating Budget and 2021-2025 Capital Expenditure Plan as presented to the Committee of the Whole on March 23, 2021, including the adjustment for the Parks and Recreation Director's salary allocation, and direct staff to prepare the 2021-2025 Financial Plan Bylaw, with the edit to the Forestry Reserve Fund. CARRIED

8.1.7 De-Centralizing Forest Management on Vancouver Island & Coastal BC Resolution

No changes were made to the original motion that was submitted to the AVICC.

8.2 REPORTS FOR INFORMATION

None.

9. NOTICES OF MOTIONS

9.1 Policy Development Related to Street Trees

Councillor Douglas provided notice of the following motion which will be considered under New Business at the April 21, 2021 Regular Council meeting:

That Council direct staff to introduce policies and regulations to expand the number of street trees in major residential and commercial developments and public works projects, as part of the new Official Community Plan, Zoning Bylaw, Subdivision Bylaw, Biodiversity Strategy and any other relevant initiatives planned or underway.

10. UNFINISHED AND POSTPONED BUSINESS

None.

11. NEW BUSINESS

Councillor Sawrie declared a conflict of interest on the next item of business as her brother works for the applicant [West Urban Developments], and she left the meeting at 5:05 p.m.

11.1 Letter from the Board of School District 79 (Cowichan Valley) in regards to the Bell McKinnon Local Area Plan

This item was discussed.

Councillor Sawrie returned to the meeting at 5:10 p.m.

11.2 Response Letter from Quamichan Watershed Stewardship Society Regarding Land Use Policy Development to be Included in the Official Community Plan

IT WAS MOVED AND SECONDED:

That the letter from the Quamichan Watershed Stewardship Society regarding Land Use Policy Development, be forwarded to the OCP Consultants and the OCP Advisory Committee.

CARRIED

11.3 Consent Agenda Item 2.1 - March 11, 2021 email from resident regarding concerns about invasive species in North Cowichan

The Director, Engineering Projects, David Conway provided an overview of the District's current practices regarding invasive species.

11.4 Consent Agenda Item 2.6 - March 14, 2021 email from resident sharing their concerns regarding the proposed cell tower on Mount Tzouhalem

IT WAS MOVED AND SECONDED:

That Council instruct staff to offer Rogers an alternate location for their proposed cell tower on Mt Tzouhalem that is at least 500 meters from homes, or existing or possible future zoning for homes.

IT WAS MOVED AND SECONDED:

That the following motion "*That Council instruct staff to offer Rogers an alternate location for their proposed cell tower on Mt. Tzouhalem that is at least 500 meters from homes, or existing or possible future zoning for homes*" be referred to the April 13, 2021 Committee of the Whole meeting.

CARRIED

11.5 Consent Agenda Item 2.7 - March 15, 2021 email from the Canadian Union of Postal Workers requesting that Council endorse a resolution to support their Delivering Community Power campaign

IT WAS MOVED AND SECONDED:

That staff be directed to invite the Canadian Union of Postal Workers to submit a delegation application to speak to Council regarding their request for support for Delivering Community Power.

CARRIED

11.6 Consent Agenda Item 2.9 - March 17, 2021 letter from City of Prince George to Minister of Health regarding the opioid crisis and calling for an overdose action plan

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write a letter to Minister Dix, Minister of Health asking for a provincial wide strategy for dealing with the opioid crisis in BC.

CARRIED

11.7 Consent Agenda Item 2.15 March 28, 2021 email from Quamichan Lake Neighbourhood Association requesting Council implement a tree protection bylaw

This item was discussed.

12. QUESTION PERIOD

No questions were submitted using the online platform.

13. CLOSED SESSION

IT WAS MOVED AND SECONDED:

That Council close the April 7, 2021 Regular Council closed meeting at 5:32 p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(1)(f) law enforcement, the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- 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 That the meeting be recessed to reconvene in closed session at 6:00 p.m.

CARRIED

13.1 Minutes from the March 17, 2021 regular closed Council and March 23, 2021 special closed Council meetings for adoption

13.2 Closed under section 90(1)(j) confidential information

13.3 Closed under section 90(1)(f) law enforcement and (j) confidential information

13.4 Closed under section 90(1)(e) potential land acquisition

13.5 Closed under section 90(1)(i) legal advice

13.6 Closed under section 90(1)(i) legal advice

14. RISE AND REPORT

15. ADJOURNMENT

Council adjourned the meeting at 9.12 p.m.

Certified by Corporate Officer

Signed by Mayor

DELEGATION APPLICATION for Virtual Meeting

Personal information is collected by the Municipality of North Cowichan under the authority of s.26(c) of the Freedom of Information and Protection of Privacy Act for the purposes of processing delegation requests. Should you have any questions about the collection of this personal information, please contact Information Management Officer, (250 746-3116; 7030 Trans-Canada Highway, Duncan, BC V9L 6A1.

Date: March 29, 2021
Name of Applicant: Cynthia Montgomery. On behalf of: Quamichan Lake Neighbourhood Assoc.
Address: [REDACTED] FIPPA s. 22(1)
Email: [REDACTED] FIPPA s. 22(1) Phone: [REDACTED] FIPPA s. 22(1)

I/We request to appear electronically as a delegation before:

☒ Council ☐ Committee of the Whole ☐ Forestry Advisory Committee

Please provide a brief overview of your presentation, below, and attach a one-page (maximum) outline of your presentation.
Please be specific.

The Quamichan Lake Neighbourhood Association would like to request that Council impliment a tree protection bylaw as part of the new OCP. Our presentation will suggest several methods of implimentation and an over-reaching rationale. It is our opinion that this request enjoys grassroots support, as has been communicated to us by several other neighbourhood and residents' associations, as well as a petition signed by 500 residents and submitted to Council by the presenter in 2018.

In this, we are inspired by North Cowichan's 2011 OCP, though it was never completely implimented. We also wish to voice our strong and enthusiastic support for the implimentation of the Diamond Head Consulting Report on North Cowichan's Environmental Policy and its recommendations.

Will you be requesting a grant or financial assistance? ☐ Yes ☒ No

I confirm that I have tested my ability to participate in a Webex Online meeting: ☒ Yes ☐ No

Please advise how many separate connections will be required: One

Council and Committees welcome public comments, but as a courtesy to Council and Committees who deal with lengthy agendas, we request that you present your information clearly and concisely in ten minutes or less. All delegation applications along with supporting documentation and a copy of your presentation must be submitted for Council, Committee of the Whole or the Forestry Advisory Committee to legislativeservices@northcowichan.ca at least one week before the meeting is held. If the delegation consists of more than one person, please appoint one person to speak on behalf of your group.

To test your ability to participate in a Webex meeting, start a meeting at this site:
<https://www.webex.com/test-meeting.html>

Once you join the test meeting, use these instructions to test your webcam, speakers, and microphone:
<https://help.webex.com/en-us/bzg2s7/Test-Your-Speaker-and-Microphone-in-Webex-Meetings>

For Internal use only

Funding request (if any) reviewed by General Manager, Financial and Protective Services ☐ Yes

Request approved (date) _____ Date of Meeting _____

DELEGATION PROCEDURES

"Delegation" is the term used to define the process whereby an individual or a delegation appears before Council in order to make a presentation, enter a request for action, or bring Council up to date on a project, idea, or concept, or to provide further information on an issue currently before Council for a decision. The process is governed by the rules set out in Council Procedure Bylaw No. 3602. The bylaw states that a delegation may address Council at a regular council meeting with the permission of the Mayor or Council but must not permit a delegation to address a meeting of the Council regarding a proposed bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.

APPLICATION PROCEDURES

To appear as a delegation a "Delegation Application" must be filled out and submitted to Legislative Services to legislativeservices@northcowichan.ca. It must include:

- Purpose of the presentation
- Proposed action of Council/Committee (must be within the authority of the District)
- Contact details of the person who will speak on behalf of the delegation

Once the application is received staff will respond to your request as soon as possible. If you are approved as a delegation, you will be scheduled for the first available meeting date. A copy of your presentation, supporting materials, and PowerPoint presentation (if applicable) **must be submitted one week in advance of the scheduled meeting date** so that a copy of the intended presentation can be provided to Council or Committee members for review prior to the meeting so they can properly consider your presentation. For virtual meetings, Council receives no more than three (3) separate delegations at a Council meeting, which may result in your request being moved to the next available meeting date.

FINANCIAL ASSISTANCE PROCEDURES

If requesting a financial contribution, please review the [Council Policy](#) and complete the [Grant-in-Aid Application](#).

NOTE: Grant-in-aid applications must be received no later than October 15th of each year for consideration in the following year's budget during deliberations in the fall. No Grant-in-Aid funds will be disbursed to the organization until after adoption of the Financial Plan (after May 15th yearly).

MEETING PROCEDURES

It is understandable if delegates are nervous speaking in a public forum that may be televised. Remember that Council is familiar with this process and is very understanding of any nervousness and tries to set a comfortable and welcoming scenario for all. Council encourages public participation and welcomes delegations and appreciates the public coming forward to be heard.

Prior to Meeting Date

Staff will confirm the date and time of the meeting you are scheduled to attend. Delegations must test their webcam, speakers, and microphone, and ability to participate in a Webex meeting at least two (2) days prior to the meeting (see page one for testing links).

During Meeting

- Delegations must join the virtual meeting at least 15 minutes prior to the start of the meeting as it is not possible to predict the exact time the delegation will be heard. Once you have joined the meeting you should turn your video and audio feeds off until addressed by the Mayor. Please mute your audio when not speaking.
- Delegations will have a maximum of **ten (10) minutes** for the verbal or visual presentation; please do not go over time.
- Electronic Council and Committee meetings are held through the Webex virtual meeting platform and are live streamed. When the Mayor or Chair calls you, please turn your audio and video feeds on and introduce yourself by speaking in a clear voice.
- At the end of your presentation, clearly and succinctly summarize any requests being made to the Council or Committee. *Council or Committee members may ask questions if they feel clarification is necessary.*

Meeting Protocol

Please use the following forms of address, not first names, regardless of how well you know the members:

- The Mayor should be addressed as "Mayor <last name>" or as "Mr. Mayor" or "His Worship"
- The Councillors should be addressed as "Councillor <last name> "
- Staff should be addressed either by title, e.g., "Chief Administrative Officer, Director of Planning and Building," or by name, e.g., Mr. Smith, Ms. Jones
- All delegations and responses to Council or staff or Committee members are addressed through the Mayor or the Chair, e.g. "Mayor Siebring, in response to the Council member who just spoke, ..."

Note: Council often does not make final decisions for requests at the meeting. Typically requests are referred to staff or another Committee for review, report, and recommendations to Council.

Thank you for taking the time to prepare for your delegation with Council. Your participation in our local government is greatly appreciated. - North Cowichan Mayor and Council.



Quamichan Lake Neighbourhood Association



quamichanlna@gmail.com



<https://www.instagram.com/qlna.cowichan/>

March 28, 2021

Mayor and Council
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
Via email: council@northcowichan.ca

Dear Mayor Siebring and Council:

RE: Request for a Tree Protection Bylaw for the Municipality of North Cowichan

Unlike many municipalities on Vancouver Island, the Municipality of North Cowichan (“MNC”) does not have a Tree Protection Bylaw that would protect our ancient and significant trees. An extensive tree canopy forms our neighbourhoods’ natural beauty, reduces our carbon footprint, provides wildlife habitat, increases breathability, protects salmon-bearing streams, retains water run-off, and protects hillsides from erosion and landslide. As well, trees on private land increase value and livability on a property and in a neighbourhood.

In April of 2018, Cynthia Montgomery presented a petition to MNC Council, signed by 500 residents, asking for a tree protection bylaw. The petition stated:

“Whereas our ancient trees are a vibrant part of our environment and habitat, aid rain water retention and cool and clean the air; and whereas they remain unprotected and dwindling in number: we, the undersigned residents of the Municipality of North Cowichan call upon the Mayor and Council to enact a municipal bylaw, such as is found in many municipalities, protecting all ancient and significant trees, unless they have been deemed by a certified arborist to be in imminent danger of causing harm through damage or disease.”

At the time Ms. Montgomery was told to present the idea for a Tree Protection Bylaw as part of the Official Community Plan renewal process. The Quamichan Lake Neighbourhood Association has decided to spearhead the community effort to adopt a Tree Protection Bylaw. We envision this bylaw functioning on several levels and would apply to developers and property owners. It would use a combination of

incentives and deterrents to achieve success. The following are offered as examples with references to the North Cowichan's 2011 OCP, where appropriate.

- Developers could be required to post a levy for every tree they remove. These funds could be used by the municipality to plant sufficient semi-mature trees to replace the lost carbon footprint of the removed trees. Or, the monies collected could be repaid to the developer, upon sufficient planting by the developer of appropriate trees. This replanting would occur before an occupancy permit would be issued.^{1 2 3 4 5}
- Property owners could receive tax credits on their property taxes for the total tree canopy on their land, as ample tree cover provides a public good, such as cooling in summer, increasing property values, aiding water retention, increasing soil stability on steep slopes or areas prone to flooding.⁶
- Property owners could be required to obtain a permit or could be fined for removing trees over a designated size, unless the tree has been deemed by an arborist to be in imminent danger of causing harm through damage or disease. These fines could be mitigated by replacing the tree with appropriately-sized trees on their own property or in an area designated by the Municipality.
- MNC could employ or contract consulting arborists to recommend action for any trees on land, private or municipal, that are in poor condition or pose a risk to persons or properties. In high risk situations, MNC could require and assist the owner with removal.

We believe there is widespread public support for such a Tree Protection Bylaw and the following organizations expressed their support when contacted by the QLNA:

- Chemainus Residents Association
- Crofton Residents Association
- Sahtlam Neighbourhood Association
- Somenos Marsh Wildlife Society

¹ "Any change from the existing condition of significant landforms and features (eg, through clearing of forest cover for a suburban development) should be difficult to perceive from key viewpoints." 2.1.4.1.c) MNC 2011 OCP

² "In visually sensitive areas, the Municipality may require visual impact assessments and tree/vegetation retention and management plans as part of development application package." 2.1.4.1.e), Ibid.

³ "Relate proposed development to NC's natural environment. ... Protect and restore biodiversity, use site-appropriate landscaping, protect natural landforms and views." Appendix 5, Land Use and Development Application Objectives...#3. Site Design and Landscaping. p. 147, 153 Ibid.

⁴ "Protect mature trees and other vegetation and retain original vegetation as much as possible and where this is not possible, restore original vegetation and drainage." Appendix 5, p. 153, Ibid.

⁵ "Some lands present hazards to development by having steep slopes (20% or greater)...To protect development on areas with natural hazards, to protect development on areas with natural hazards, a development permit is required..." Appendix 5, p. 142, Ibid.

⁶ "In steep or flood prone areas,...the removal of vegetation may destabilize the areas, cause environmental damage, or pose a risk for loss of like or property." Appendix 5, p. 142, Ibid.

In addition to the community support for the introduction of a Tree Protection Bylaw it is supported by both the 2011 OCP, as illustrated above, and by the consultants hired by the MNC to complete an Environmental Policy and Regulation Review. Diamond Head Consulting presented an excellent report at the February 22, 2021 Special Council Meeting that the QLNA fully endorses. Recommendation 10 of that report suggests “Consider introducing tree protection measures through a tree bylaw and/or the subdivision approval process to prevent unnecessary tree clearing”. The report goes on to state that the “protection of trees is usually enforced through a tree bylaw as well as tree protection and replacement requirements,”⁷ and that there is currently a “lack of regulation to prevent tree removal during development.”⁸ Tree protection is referenced in many ways throughout the report, which emphasizes its significant role in environmental protection policy.

Importantly, a tree bylaw is not intended to impede development but rather, provide an avenue to allow development to occur in a way that protects our valuable natural resources. Clearly, such bylaws haven’t stopped development in other municipalities as can be seen with neighbouring municipalities such as Duncan that do have tree bylaws in place. The adoption of such a bylaw in the Municipality of North Cowichan would enhance residents’ enjoyment of this beautiful valley.

Sincerely,

Per Dahlstrom, Nancy Dower, Steve Jones, Cynthia Montgomery, and Carreen Unguran
Quamichan Lake Neighbourhood Association


cc: Rob Conway, Director, Planning and Building, MNC, rob.conway@northcowichan.ca
Bernie Jones, Chemainus Residents Association, [REDACTED] FIPPA s. 22(1)
Dan Robin, Crofton Residents Association, [REDACTED] FIPPA s. 22(1)
Isabel Rimmer, Sahtlam Neighbourhood Association, [REDACTED] FIPPA s. 22(1)
Paul Fletcher, Somenos Marsh Wildlife Society, paul@fletcherfoto.com

End of Document

⁷ Diamond Head Consulting Report, section 2.1.

⁸ Section 2.2.

Report

| | | | |
|---------|---|-----------|---|
| rate | April 21, 2021 | File: | No. ZB000145 |
| To | Council | Folio No. | 00811.001 |
| From | Glenn Morris, Development Planning Coordinator | File No. | 3360-20-20.18 |
| | | Endorsed: |  |
| Subject | Zoning Bylaw Amendment Application No. ZB000145 (Lot A, Skinner Road) – Rental Apartment Building | | |

Purpose

To introduce Zoning Amendment Bylaw, 2020, No. 3824, which proposes a site-specific zoning amendment to permit the use and construction of a purpose-built rental apartment building on a vacant lot at Skinner Road and Cowichan Lake Road.

Background

The .57 ha (1.41 acre) subject property is located on the corner of Skinner and Lake Cowichan roads, directly south of and adjacent to the newly constructed Berkey's Corner Shopping Centre (Attachments 1 and 2). The subject property (Lot A, Plan EPP95112) is designated Neighbourhood Commercial under the Official Community Plan (OCP), within the Urban Containment Boundary (UCB) and shares the Commercial General (C2) Zoning (Attachment 11), with the adjacent Berkey's Corner Shopping Centre to the north on Lot B (Attachment 4). Both sites were rezoned from Residential One and Two Family Zone (R3) to C2 in June of 2016.

Land Use Context

Lands directly north and east share commercial zoning, providing for retail and neighbourhood scale commercial use. Lands south and west are predominantly multifamily and detached residential use (Attachment 3). Directly northeast, there are established recreational use lands (Sherman Road Soccer Fields) with the expectation for continued residential growth to the west at the end of Skinner Road with a mix of housing types.

Proposal

The applicant is requesting a zoning amendment to allow *rental apartment building* as a permitted use on the subject property (Attachment 5). The C2 zone currently provides for a *mixed use building*, defined in Zoning Bylaw 2950 as:

A building wherein there are two or more single dwelling units and at least the entire bottom floor of the building used for commercial purposes.

The application requests an amendment that would remove the requirement for ground floor commercial use and allow residential units to be constructed on the ground floor.

New Zoning Use – Rental Apartment Building

The proposed addition of *rental apartment building* to the Zoning Bylaw is new to North Cowichan. The *Local Government Act* was amended in May of 2018 to provide new authority to Local Governments to zone for rental housing. Rental zoning is a tool for promoting the supply of rental housing and securing permanent rental stock within the community. In essence, the new use will prohibit the conversion of rental units to individual ownership, thereby potentially protecting tenants from eviction through the sale of condominium apartments. Rental units provide a critical option for many who cannot or choose not to purchase an apartment or other dwelling units.

The applicant intends to provide and manage the rental units and is supportive of the new use to formalize their intention. The proposed zoning amendment will introduce three new definitions to Zoning Bylaw 2950 to establish the new use:

- **"rental apartment building"** means a building containing more than two dwelling units, each accessible from a common interior hallway or additionally accessible from an at-grade entrance and where the tenure form is limited to residential rental tenancy.
- **"rental unit"** means living accommodation rented or intended to be rented to a tenant.
- **"tenancy"** means a tenant's right to possession of a rental unit under a tenancy agreement that complies with the *Residential Tenancy Act*.

The rental apartment building would provide 41 one-bedroom and 25 two-bedroom units (66 units in total) (Attachment 10). The proposed building site complies with OCP site planning principles and guidelines. It is adjacent to Cowichan Lake Road and promotes an attractive and human-scale streetscape through active use and access at the public street level for the ground floor units with parking located out of view to the rear of the building.

Particular attention has been given to the site for a pedestrian-friendly design integrating a high level of connectivity through trail connections and pedestrian access for both the north and south lots, the Cowichan Valley Trail (CVT) and Skinner and Cowichan Lake roads (Attachment 6).

Development Permits and Variances

A development permit is required for the development of the subject property under either the current zoning or the proposed *rental apartment building* use. Any relaxation of zoning regulations will require a variance authorized by Council. The development plans submitted with the zoning amendment application identify two variances: one to reduce the required number of on-site parking stalls from 109 to 86 and the other to increase the maximum permitted height of the proposed apartment building from 12.0 metres to 15.0 metres. A parking study prepared by Watt Consulting supporting the parking relaxation has been submitted with the subject application for information (Attachment 7). These variance requests will be considered through a subsequent development permit application process should Council adopt this zoning amendment bylaw.

The subject property currently has a number of mature trees on it that will be removed to accommodate future development. The applicant intends to retain and transplant Oregon Ash trees from the site and incorporate them into the project landscaping. A development permit has been issued for preliminary site clearing, and additional requirements will be established through the development permit for future development. Tree removal and land clearing activities during bird nesting season (Feb. 1 to Aug. 15) are required to be done according to the *Migratory Birds Convention Act* and the *BC Wildlife Act*.

Applicant Commitments

The applicant has committed to providing the amenities listed below. The amenities will be secured by a covenant registered against the title of the subject property and are to be completed prior to building occupancy:

1. A bike storage and bike share program as per the recommendations of the March 12, 2021 Watt Consulting Berkey's Corner Parking Study report.
2. A pedestrian – cyclist pathway is to be constructed and maintained between Lot A and Lot B Plan EPP95112. Registration of an easement on title for each lot with North Cowichan named (no release of easement without prior Municipal approval) will secure the access. A design drawing acceptable to the Municipality is to be incorporated into the covenant detailing the pedestrian - cyclist access placement on the north boundary of Lot A, materials, grade of ramp, dimensions, railings, surrounding grades, landscaping and lighting.
3. A passive green space designed and informed through *Crime Prevention Through Environmental Design* and installed on the west property boundary providing access from the CVT to the Lot A parking lot is to be constructed. The green space is intended to save some existing trees, transplant several of the Oregon Ash, and be protected by pole lighting for safety and provide value added light throw onto the CVT for trail users. This commitment will be addressed in detail through the subsequent form and character development permit.
4. A sidewalk installation, constructed to Municipal Engineering Specifications for the Skinner Road frontage along the south lot line from Cowichan Lake Road to the CVT.

Discussion

Policy considerations relevant to this application are:

Official Community Plan (OCP)

2.2.2.1 The Municipality recognizes the importance of clean air to the health and well-being of residents and will work to protect clean air in North Cowichan.

- c) *The Municipality will encourage reduced vehicle emissions by discouraging idling and excessive use of vehicles and by emphasizing transit use, cycling, walking and other alternatives.*

Located adjacent to existing commercial services, tenants will not be reliant on a car to shop. The provision for 66 internal secure bike lockers with a proportion provided for charging stations and a bike share program (Watt Consulting Report –Attachment 7) will help promote a greater use of bicycles. The vehicle parking provided is necessary for those who choose to own and operate a vehicle.

2.4.5.1 The Municipality will encourage a broad range of commercial activity.

- d) *The Municipality encourages and supports mixed commercial and residential uses. The Municipality has designated lands for mixed commercial and residential use in the following areas, to accommodate future commercial development: The area bounded by Cowichan Lake Road, Marsh Road and Skinner Road in the Berkey's Corner area currently zoned R3-Residential One and Two Family Zone.*
- e) *The Municipality will encourage residential uses above ground-floor commercial use in commercial cores and neighbourhood commercial centres where sewer service is available.*

Policy e) supports upper-level residential uses where ground-floor commercial services are provided. Residential units were not provided through the shopping centre to the north. An opportunity to provide the residential component in the form of the purpose-built rental apartment building is consistent with the Neighbourhood Commercial designation. The difference is that the residential and commercial components are separated within the designation.

2.4.5.4 The Municipality will take the following into consideration for zoning to permit neighbourhood commercial development:

Areas zoned to permit neighbourhood commercial centres have been designated at Berkey's Corner, The Properties and Maple Bay.

Permitted uses in those areas include: small-scale shops that allow local residents easy walking access to convenience stores; and limited personal service businesses. These areas include mixed residential and commercial development, where sewer service is available. They do not include uses that serve a regional market or that generate excessive traffic volumes.

A good number of local small neighbourhood scale commercial businesses are adjacent and nearby the subject property. The OCP's Neighbourhood Commercial designation supports mixed-use, and in this respect, the application is supported by OCP policy. This residential component is in character with the adjacent residential areas and complimentary to and serviced by local commercial businesses. It integrates well into the surrounding neighbourhood in terms of use and scale as proposed.

2.5.1.5 The Municipality recognizes as a priority the need to identify and plan for appropriate densities in its growth centres.

- a) *The Municipality will encourage development that makes North Cowichan a more walkable community.*

The siting of a purpose built rental apartment building adjacent to existing local neighbourhood commercial services will support and facilitate a more walkable community.

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

- a) *The Municipality requires that 10% of units within major projects (10 units or more) incorporate an affordable housing requirement.*
- b) *In support of the development of new affordable housing, the Municipality may require developers to enter into a housing agreement to maintain the affordability of the housing as a condition of any rezoning or density bonus.*
- c) *The Municipality will seek means to offset the added costs of providing new affordable housing (e.g., by reducing parking requirements and reduced development cost charges).*

Should Council approve this bylaw, the applicant has stated their intent to construct a 66 unit rental tenure apartment building. The *rental apartment building* use will secure the tenancy form as rental only. This provides long-term security to the tenant and increases the stock of rental housing for those who may not wish to or can purchase housing. The applicant has committed to installing the 66 secure interior bike storage lockers, associated bike charging stations and bike share program (commitment secured through covenant) which in turn offers an alternate option for tenants to cycle or use transit and potentially avoid the annual expense of owning and maintaining an automobile.

The proximity to the now open Berkey's Corner Shopping Centre also provides future residents with access to basic commercial services as well as to neighbourhood schools, parks and nearby access to public transit. The distance from the subject property to community amenities are:

- Berkeys Corner Shopping Centre 0m
- Mount Prevost Secondary School 361m
- Sherman Road Soccer Fields 125m
- Somenos Road Ball fields 517m
- Drinkwater Elementary School 845m

Services and amenities located in the Berkey's Corner neighbourhood may allow residents to live in the proposed rental apartment without a car. Should a tenant choose not to own a vehicle, removing the cost of operating a car may result in a more affordable option for this apartment building, in comparison to another building in the community that is somewhat removed from commercial services and may require residents to be dependent on a car for mobility and access to services. Arguably, an apartment with nearby commercial services and transportation options is more affordable than housing locations that are dependant on the automobile.

Internal Referral Responses

This application was referred to other municipal departments. The Parks, Engineering and Building Departments have provided comment.

The input from the Parks Department highlighted the need for a well thought out connection plan for the protection and integration of substantial pedestrian and cyclist traffic between Sherman, Somenos and Cowichan Lake roads and the CVT for this development. The Engineering Department highlighted the need for sidewalk construction along Skinner Road (south boundary), Cowichan Lake Road and the CVT. The Building Department had no concerns.

Analysis & Conclusion

The *2021 Housing Needs Assessment Report* has provided current information on North Cowichan's housing needs. The report identified an acute state of rental shortage in the Region and North Cowichan, and significant demand for affordable rental housing. An estimated 41% of North Cowichan's renter households are in core housing need, and 13% in extreme core housing need. The report identified a need for more housing options, including one bedroom rental units as most of the current and future households comprise of one person and couple households.

Comment provided by the public through the original March 2016 zoning amendment application (ZB000028) to rezone both north and south lots to C2 included a desire to see a residential component and concern raised over the proposed "car centric, not a neighbourhood commercial area" (Attachment 8).

Under the current C2 zoning, a mixed-use building (apartment with commercial ground floor) may be constructed without any zoning change, secured rental tenancy option or developer contributed amenity (Attachment 11).

The applicant has stated that demand for future commercial units will be met through the construction of seven commercial lease units for a total of 743m² or 8000 square feet of additional commercial space in the northwest building on Lot B of Berkey's Corner Commercial Centre (Attachment 4).

Council has an opportunity to secure permanent rental tenure of all residential units for the proposed apartment building through this zoning amendment. The addition of *rental apartment building* to the Zoning Bylaw for this property will prohibit the sale of these units at a future date, thereby adding secure rental units to the housing stock. This option is not available to Council through the development permit process and construction of a mixed-use building under the existing C2 zoning. Additionally, the applicant has agreed to register a covenant on title securing the amenity contributions listed under the Developer Supplied Amenities section above in this report.

The proposed zoning change and site development are compliant with OCP policy. The rental apartment building use is considered compliant with the Neighbourhood Commercial designation, though in a different form than permitted under C2 zoning.

First and second reading of the proposed zoning amendment bylaw and the scheduling of a public hearing to allow public comment on the application and amendment bylaw is recommended.

Communications and Engagement

Should Council choose to give first and second readings to Bylaw No. 3824, a Public Hearing will be scheduled to provide the public with an opportunity to provide input on the proposed amendment to the Zoning Bylaw. Neighbouring properties within a 60 m radius of the subject property will be notified of this application. Advertisements will be placed in the local newspaper, as required by the *Local Government Act*.

Options

Option 1 – (Recommended):

That Council give first and second readings to Zoning Amendment Bylaw (Rental Apartment Building – 3824 Skinner Road), 2020, No. 3824 and;

That a Public Hearing be scheduled for Zoning Amendment Bylaw (Rental Apartment Building – Skinner Road), 2020, No. 3824 and notification be issued following requirements of the *Local Government Act*.

Option 2 – (Alternate):

That Zoning Bylaw Amendment Application No. ZB000145, to permit a rental apartment building at Skinner Road (PID: 030-911-834), be denied.

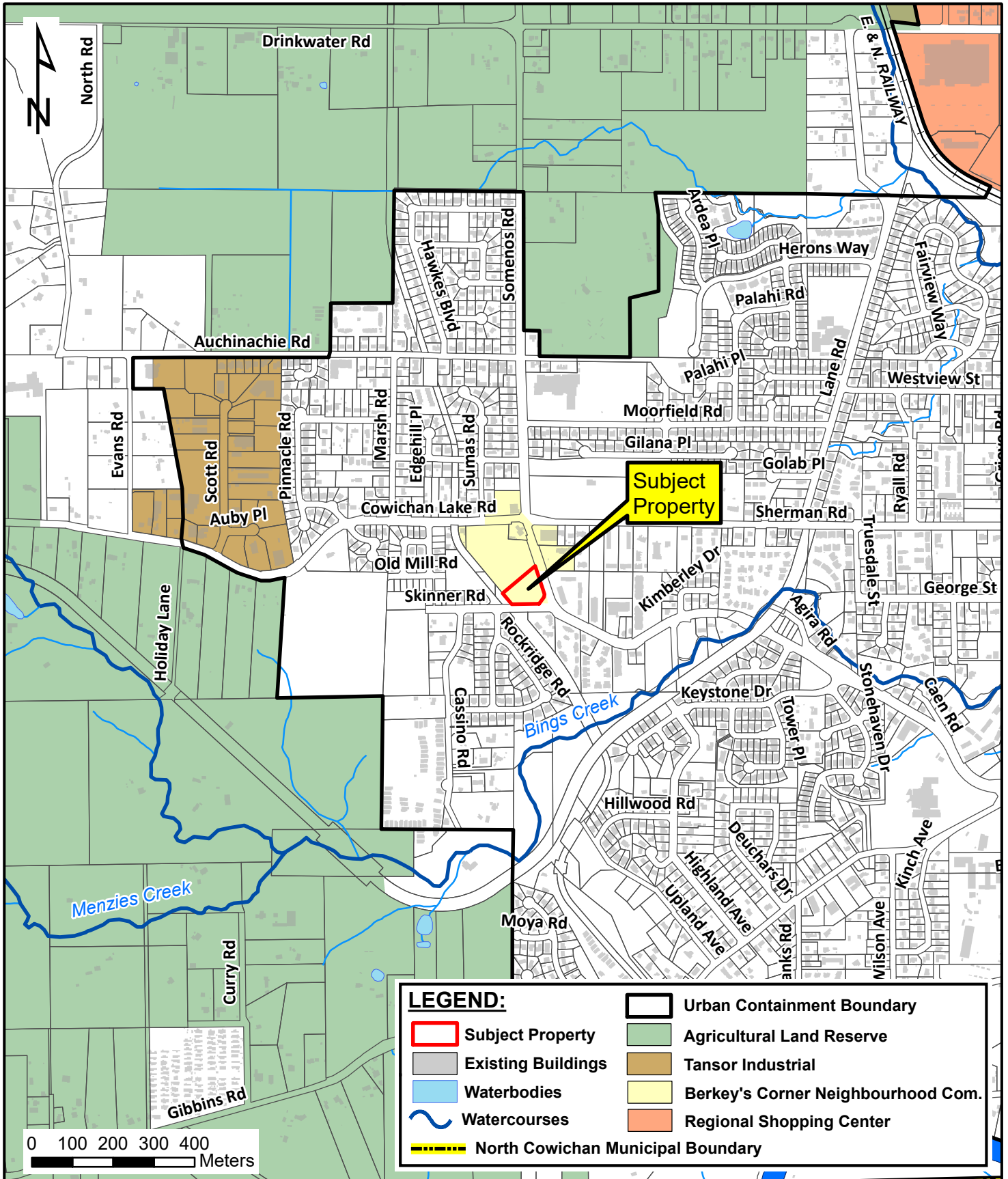
Recommendation

That Council give first and second readings to Zoning Amendment Bylaw (Rental Apartment Building – 3824 Skinner Road), 2020, No. 3824 and;

That a Public Hearing be scheduled for Zoning Amendment Bylaw (Rental Apartment Building – Skinner Road), 2020, No. 3824 and notification be issued following requirements of the *Local Government Act*

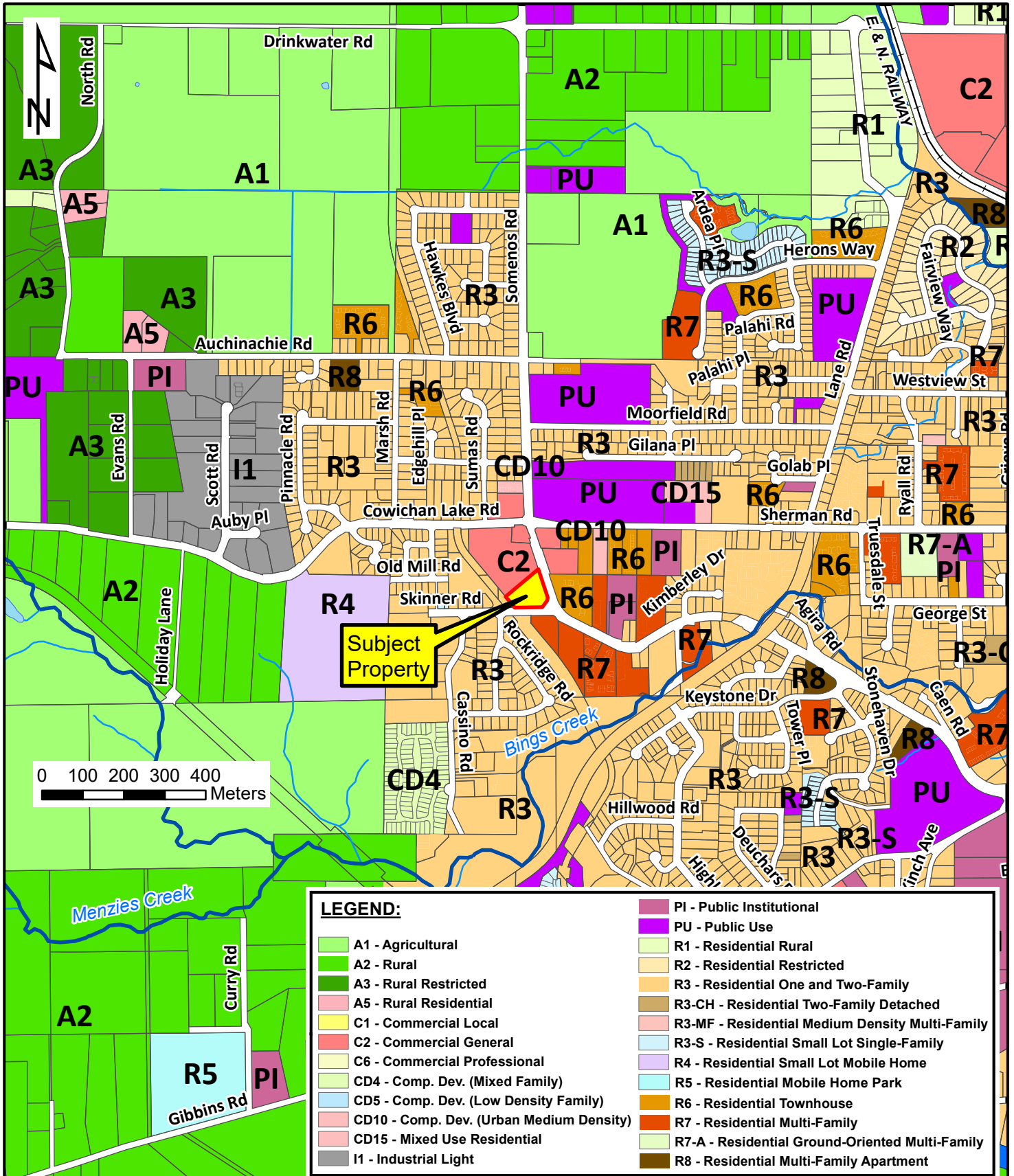
Attachments:

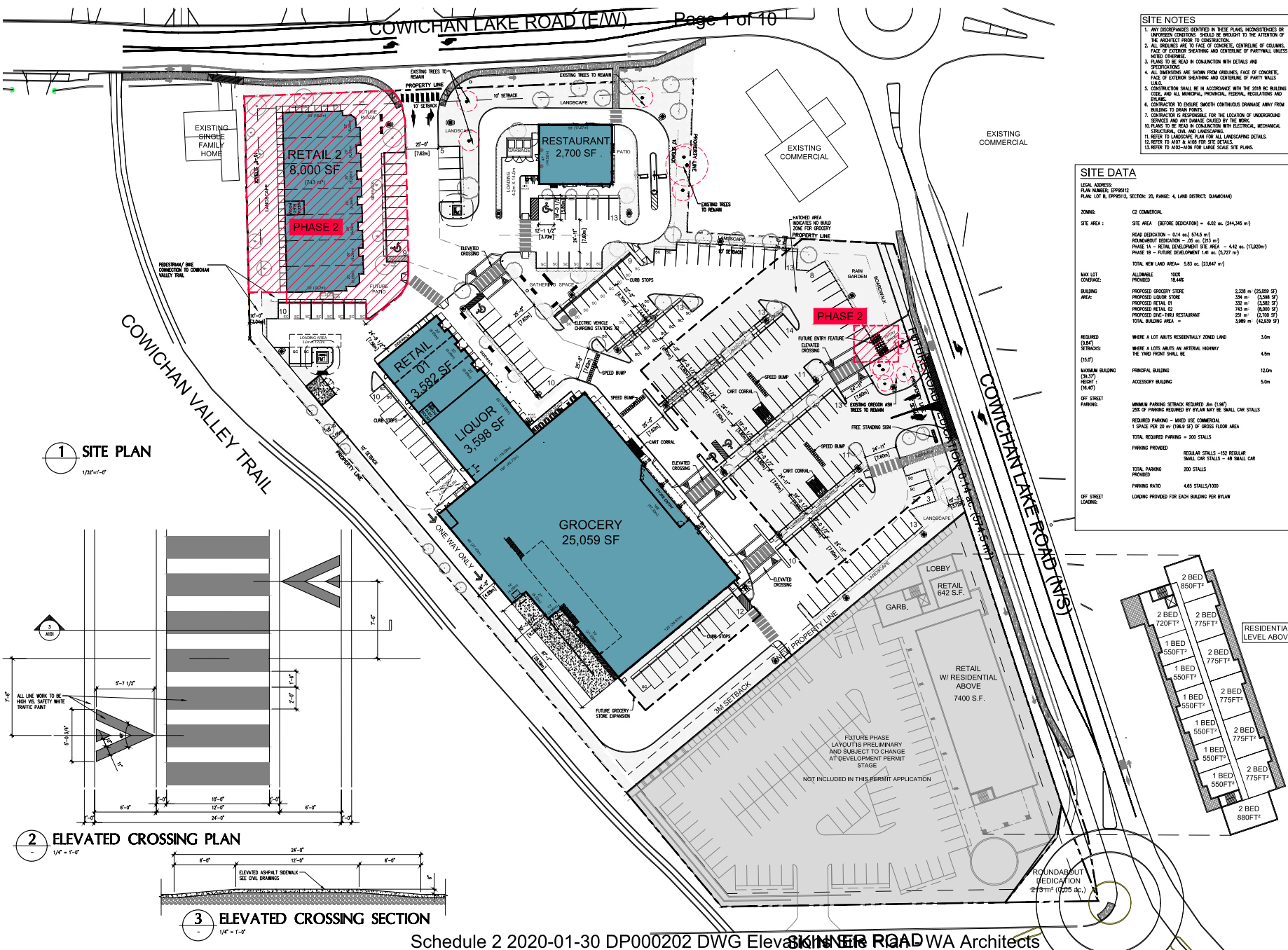
1. Location Map
2. Orthophoto Map
3. Zoning Map
4. Berkeys Corner Shopping Centre
5. Letter of Rationale
6. Trail Connections
7. WATT Parking Study
8. Public Hearing Minutes 2016
9. Draft Bylaw No. 3824
10. Proposed Apartment Floor Layout
11. Commercial General C2 Zoning



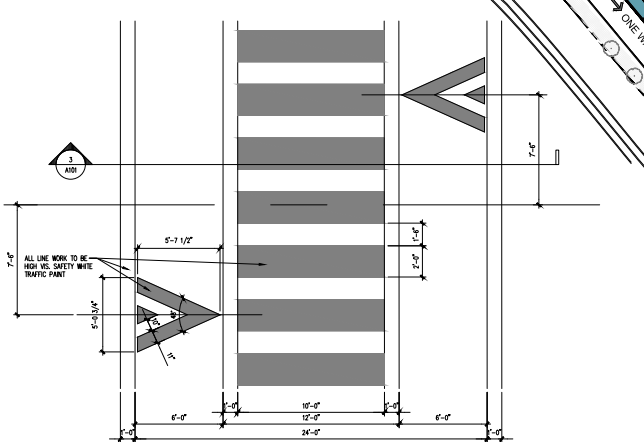


| | | | | |
|---|---|--|--------|------------------|
|  | ORTHOPHOTO MAP | | DATE: | March 2, 2021 |
| | (Orthophoto is from 2019 aerial photography) | | TYPE: | Zoning Amendment |
| | Lot A Plan EPP95112 | | FILE#: | ZB000145 |

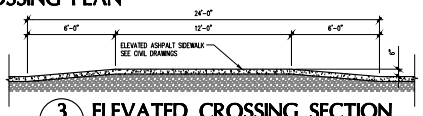




1 SITE PLAN
1/32"=1'-0"



2 ELEVATED CROSSING PLAN
1/4"=1'-0"



3 ELEVATED CROSSING SECTION
1/4"=1'-0"

Schedule 2 2020-01-30 DP000202 DWG Elevations WA Architects

- SITE NOTES**
1. ANY DISCREPANCIES IDENTIFIED IN THESE PLANS, INCONSISTENCIES OR UNRESOLVED CONDITIONS, SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO CONSTRUCTION.
 2. THE DRAWING SHALL BE USED IN CONJUNCTION WITH THE PLANS, SPECIFICATIONS, AND CONDITIONS OF CONTRACT, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 3. PLANS TO BE READ IN CONJUNCTION WITH DETAILS AND SPECIFICATIONS.
 4. ALL DIMENSIONS ARE SHOWN FROM EXTERIOR FACE OF CONCRETE, FACE OF EXTERIOR SHEETING AND CENTERLINE OF PARTY WALLS, UNLESS NOTED OTHERWISE.
 5. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2018 BC BUILDING CODE, AND ALL MUNICIPAL, PROVINCIAL, FEDERAL, REGULATIONS AND BYLAWS.
 6. CONTRACTOR TO ENSURE SMOOTH CONTIGUOUS DRAINAGE AWAY FROM BUILDING TO DRAIN POINTS.
 7. CONTRACTOR IS RESPONSIBLE FOR THE LOCATION OF UNDERGROUND SERVICES AND ANY DAMAGE CAUSED BY THE WORK.
 8. PLANS TO BE READ IN CONJUNCTION WITH ELECTRICAL, MECHANICAL, STRUCTURAL, CIVIL AND LANDSCAPE DETAILS.
 9. REFER TO LANDSCAPE PLAN FOR ALL LANDSCAPE DETAILS.
 10. REFER TO ARCHITECT FOR SIZE DETAILS.
 11. REFER TO ARCHITECT FOR LARGE SCALE SITE PLANS.

SITE DATA

LEGAL ADDRESS:
PLAN NUMBER: EPP00012
PLAN LOT & EPP00012, SECTION 20, RANGE 4, LAND DISTRICT: QUAMBOON

ZONING: C3 COMMERCIAL

SITE AREA: (BIOLOGIC DEDICATION) = 4.00 ac. (174,240 sq. ft.)
(BIOLOGIC DEDICATION) = 0.05 ac. (2,178 sq. ft.)
PHASE 1A - RETAIL DEVELOPMENT SITE AREA = 4.40 ac. (193,000 sq. ft.)
PHASE 1B - FUTURE DEVELOPMENT 1.41 ac. (61,272 sq. ft.)
TOTAL NEW LAND AREA = 5.83 ac. (253,447 sq. ft.)

MAX LOT COVERAGE: ALLOWABLE 100%
PROPOSED 100%

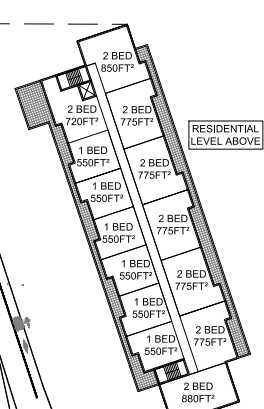
BUILDING AREA: PROPOSED GROCERY STORE 2,308 sq. ft. (215,089 sq. ft.)
PROPOSED LIQUOR STORE 334 sq. ft. (3,088 sq. ft.)
PROPOSED RETAIL 01 332 sq. ft. (3,086 sq. ft.)
PROPOSED RETAIL 02 743 sq. ft. (6,800 sq. ft.)
PROPOSED DINE-IN RESTAURANT 291 sq. ft. (2,700 sq. ft.)
TOTAL BUILDING AREA = 3,608 sq. ft. (4,439 sq. ft.)

REQUIRED (6.84) SETBACKS: WHERE A LOT ADJUTS RESIDENTIALLY ZONED LAND 3.0m
WHERE A LOT ADJUTS AN INTERNAL HIGHWAY 4.5m
THE TIME FROM SHALL BE 12.0m

MINIMUM BUILDING HEIGHT (16.40): PRINCIPAL BUILDING 12.0m
ACCESSORY BUILDING 5.0m

OFF STREET PARKING: MINIMUM PARKING SETBACK REQUIRED BY BYLAW MAY BE SMALL CAR STALLS
REQUIRED PARKING - USED USE COMMERCIAL 1 SPACE PER 20 sq. ft. (184.3 sq. ft.) OF GROSS FLOOR AREA
TOTAL REQUIRED PARKING = 200 STALLS
PARKING PROVIDED: REGULAR STALLS - 150 REGULAR
SMALL CAR STALLS - 48 SMALL CAR
TOTAL PARKING PROVIDED: 200 STALLS
PARKING RATIO: 4.85 STALLS/1000
LOADING PROVIDED FOR EACH BUILDING PER BYLAW

OFF STREET LOADING:



COPYRIGHT RESERVED. ALL PARTS OF THIS DRAWING ARE THE EXCLUSIVE PROPERTY OF WA ARCHITECTS LTD. AND SHALL NOT BE USED WITHOUT THE ARCHITECT'S PERMISSION. ALL DIMENSIONS SHALL BE VERIFIED BY THE CONTRACTOR BEFORE COMMENCING WORK.

NORTH ARROW:

OWNER/CLIENT:
FORUM PROPERTIES
SUITE 1407 TO 1500, EDMONTON, AB
TEL: 780-364-0547

forum

GENERAL NOTES:

| NO. | ISSUE | DATE |
|-----|-------------------------------|----------|
| 01 | PROPOSED BY ARCHITECT | 20/07/20 |
| 02 | PROPOSED BY CHANGES | 10/07/20 |
| 03 | ISSUED FOR CLIENT REVIEW | 10/11/19 |
| 04 | ISSUED FOR DEVELOPMENT PERMIT | 10/20/19 |

SEAL:

CONSULTANT:

Attachment 4

WA ARCHITECTS

VAN 301 - 1444 Alberni Street Vancouver, V6D 2Z4
VAN 104 - 3212 Jaxxville Road Victoria, V8B 2J5
604.685.3529 | office@wa-arch.ca | wa-arch.ca

PROJECT NAME:
BERKEY'S CORNER COMMERCIAL NORTH COWICHAN

PROJECT ADDRESS:
3202 (UNITS 101-104) + 3288, COWICHAN LAKE RD NORTH COWICHAN, BC

DRAWING TITLE:
SITE PLAN

PROJECT NO: 18072 DRAWN BY: JW
SCALE: AS NOTED REVIEW BY: BW
DWG NO: A101



November 20, 2020

Municipality of North Cowichan
Development Services - Planning Division
7030 Trans-Canada Highway
Duncan, BC V9L 6A1

Attn: Planning and Building Department

WA Architects Ltd.

| PRINCIPALS

Barry Weih
ARCHITECT AIBC, AAA,
SAA, LEED® AP

Neil Banich
DESIGN DIRECTOR

Joel Smith
ARCHITECT AIBC, AAA, SAA

David Echaiz-McGrath
ARCHITECT AIBC, AAA, SAA

| STUDIOS

VAN

301 — 1444 Alberni Street
Vancouver, BC V6G 2Z4
604.685.3529

VIC

104 — 3212 Jacklin Road
Victoria, BC V9B 0J5
250.391.4933

wa-arch.ca

Written Brief and Design Rationale Berkeys Corner Residential – Project # 20053

The vision for this development is to create 66 residential units of purpose-built rental located at the corner of Skinner Road & Cowichan Lake Road. The project includes a 4-storey building with street-oriented units fronting Cowichan Lake Road. Surface level parking at the back of the site will be accessed off Skinner Road as well as a shared access point with the development to the north of the site.

The subject site is a 0.57 hectare sloped, vacant lot fronting Cowichan Lake Road and bounded by Skinner Road to the south, the Cowichan Valley trail to the west, and a future shopping centre to the north which will be complete before this project. The site slopes up by about 20 feet from Cowichan Lake Road to the Cowichan Valley trail.

The site is designated as “Neighbourhood Commercial” in the Official Community Plan which allows for small-scale shops and encourages residential for the upper floors. This project seeks to amend the OCP to allow for residential use throughout the building. The project is also seeking a text amendment to the current C2 General Commercial zone to remove the commercial requirement to allow multi-family throughout the site.

There is a significant commercial development currently under construction to the north that will provide neighbourhood commercial services to the Berkey's Corner area, including a grocery store, a liquor store, a restaurant, and about 11,500sf of retail, as well as other commercial uses in the vicinity. This project would fall in line with the intent of the OCP by providing sustainable housing opportunities located near core services.

The project is seeking a variance to the parking ratio. This will help to keep rental costs down by allowing for surface parking while maintaining an efficient building form. Parking is provided at a rate of 1.23 per unit, which given the proximity to core services and the unit make-up, is anticipated to be sufficient. A parking study will be provided to support this. The surface parking has also been setback from the rear lot line to minimize the retaining wall heights and allow for more vegetation along the trail, including retaining some of the existing oak trees.



The project provides pedestrian connections to the surrounding commercial via an upgraded pedestrian connection along the Cowichan Valley Road frontage and via the internal direct connection. The project also provides a new pedestrian connection between the Cowichan Valley Trail, the north property connection, and Cowichan Valley road. Street-oriented units are provided, and all units have private outdoor spaces plus access to the 3,200sf shared common space.

Our intent to provide a modern, cost-conscious rental product that provides apartment units for families and individuals, while still meeting the intent of the OCP.

Sincerely,
WA ARCHITECTS LTD.

Barry Weih – Principal
Architect AIBC, AAA, SAA, LEED® AP, B.Arch., BA

BERKEY'S CORNER

Parking Study



Author: Sophie Eckard, BCom



Reviewer: Tim Shah, MCIP, RPP

Date: March 12, 2021

File No.: 2983.B01



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1.0 INTRODUCTION

Watt Consulting Group (WATT) was retained by WA Architects Ltd. to conduct a parking study for the proposed multi-family residential development at Berkey's Corner in the Municipality of North Cowichan. The purpose of this study is to determine the parking demand for the site and identify transportation demand management strategies to help the applicant reduce the expected parking demand.

1.1 SUBJECT SITE

The proposed development is located at Berkey's Corner South – Lot A, Plan EPP 95112 in the Municipality of North Cowichan (see **Figure 1**). The lot is at the corner of Cowichan Lake Road and Skinner Road.

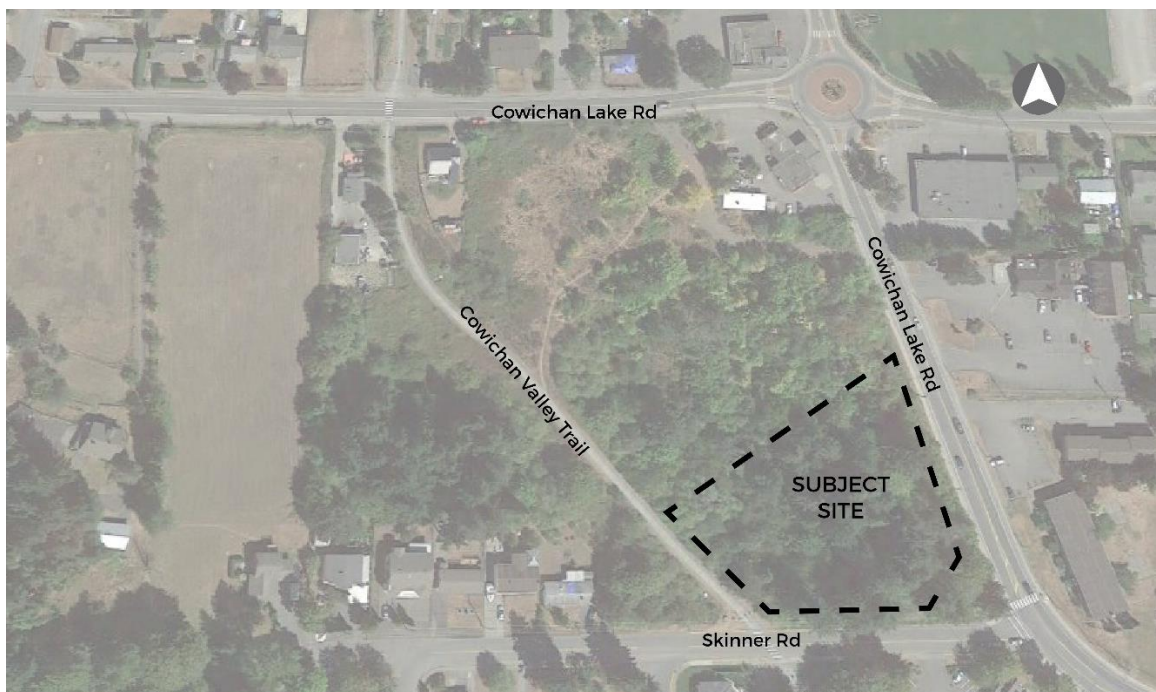


Figure 1. Subject Site



1.2 SITE CHARACTERISTICS AND POLICY CONTEXT

The following provides information regarding services and transportation options in proximity to the development. In addition, the Municipality of North Cowichan's planning policies pertaining to sustainable transportation and parking management are summarized.



POLICY & PLANNING CONTEXT

The Municipality of North Cowichan's Official Community Plan (OCP) is currently being updated. The current OCP, which was adopted in 2011, provides transportation policy direction that has relevance to new developments. The municipality's overall objective to transportation is to "provide a choice of efficient, safe transportation options that meet the various needs of residents". Further, the municipality has a commitment to the following: [a] take an integrated approach to transportation planning [b] recognize the distinct needs of active transportation options and [c] maintain an effective transportation network.

While the OCP does not contain a specific policy around parking for new developments, policy 2.5.6.1 indicates that the Municipality will "design its transportation network to accommodate all modes of transportation (pedestrian, cyclist, transit, auto) and enhance connectivity throughout the municipality." Specific policy in this section includes [a] giving equal priority to people moving by foot, bicycle, and public transit as those moving by automobile and [b] the Municipality will work to reduce automobile usage throughout North Cowichan by 20-30%. Both policy objectives indicate that the Municipality is supportive of sustainable transportation.



SERVICES

Located in a neighbourhood commercial area¹ of North Cowichan, the site is part of the 6.5-acre commercial parcel known as Berkey's Corner and will be next to a new shopping centre that includes a grocery store, liquor store, restaurant, and retail stores. Across the street, there is another supermarket and liquor store at Cowichan Lake Road and Sherman Road, as well as more restaurants and a coffee shop on the opposite corner. Additionally, the site is approximately 2.2 km from the Cowichan Commons mall and approximately 2.8 km from downtown Duncan, providing future residents with further access to a wide range of commercial destinations.

The site is also within walking distance of several parks and schools, including Sherman Road Soccer Park (290 m / 4-minute walk), École Mount Prevost (500 m / 6-minute walk), Evans Park (750 m / 10-minute walk), Drinkwater Elementary School (1.3 km / 15-minute walk), and Tansor Elementary School (1.6 km / 21-minute walk).



TRANSIT

The closest bus stops to the site are located 150 m away (about a 2-minute walk) along Cowichan Lake Road. They are serviced by Route 2 Mt. Prevost that provides daily hourly service (7:30AM – 6:30PM weekdays / extended until 9:00PM on Fridays). The route provides access to the Cowichan Commons mall and Downtown Duncan.

¹ The site's land use designation is shown on the Municipality of North Cowichan's Interactive Web Map, available online: https://maps.northcowichan.ca/mnc_public/



There is also a transit exchange at Cowichan Commons, which is about a 26-minute walk from the subject site. The transit exchange at Cowichan Commons is served by the following routes:

- Route 2 | Mt. Prevost
- Route 3 | Quamichan
- Route 7 | Cowichan Lake
- Route 36 | Ladysmith-Duncan Express

Route 2 provides hourly service during the week with service to key destinations including Cowichan District Hospital and downtown Duncan. Route 3 provides less frequent service during the week with service every 60-90 minutes to destinations including downtown Duncan, the Cowichan Community Centre, and Cowichan Sportsplex. Both the route 7 and 36 provide regional transit service to Cowichan Lake and Ladysmith-Duncan, respectively. As regional routes, their service is less frequent with a small number of trips per weekday. Overall, the existing transit service in proximity to the site is infrequent, indirect, and inconvenient—all of which may result in low utilization among future residents of the site.

BC Transit's Transit Future Plan (TFP) for the Cowichan Valley Region, which was released in 2012, provides a 25-year vision for transit service and infrastructure improvements in the Cowichan Valley.² As part of the medium-term recommendations (6-15 years), the TFP recommends reconfiguring transit service between Duncan and North Cowichan, which would have implications for the subject site. While the TFP indicates that a detailed service plan would be required to develop the route schedules and costing associated with new service, the recommended improvements include a new direct route to Cowichan Commons, a town circulator service, and simplifying the total number of routes.

² Cowichan Valley Transit Future Plan (2012), BC Transit. Available online: <https://www.bctransit.com/documents/1507213420821>



WALKING

The proposed development's walk score³ is 23, which means that the development is situated in a 'car-dependent' area. This indicates that almost all errands currently require a car. However, with the new commercial development at Berkey's Corner and other nearby services, future residents should be able to reach several key destinations by foot. There is pedestrian infrastructure in the surrounding area including sidewalks on both sides of adjacent streets and crosswalks at intersections.



CYCLING

There are some cycling facilities in immediate proximity to the site. Along Cowichan Lake Road, cyclists can use the painted bike lane (unbuffered) when heading southeast to access various commercial destinations, including downtown Duncan. The site is also next to the Cowichan Valley Trail, which is a multi-use trail used for recreational and commuting purposes.

Additionally, an on-road protected bicycle trail is planned for Sherman Road and the section of Cowichan Lake Road heading southeast from the site. The North Cowichan Bike Network Implementation Guide defines these types on trails as "physically separated cycle tracks that allow bicycle movement in both directions on one side of a street."⁴ Once constructed, the protected bicycle trail will enhance east-west connectivity to the site and improve safety for cyclists.

³ More information about the site's Walk Score is available at: <https://www.walkscore.com/score/3288-cowichan-lake-rd-duncan-bc-canada>

⁴ Bike Network Implementation Guide, Municipality of North Cowichan. Available online: https://www.northcowichan.ca/assets/Departments/Planning-and-Land-Use/docs/Bike_Network_Plan_and_%20Implementation_Guide.pdf



2.0 PROPOSED DEVELOPMENT

2.1 LAND USE

The proposal for the development is a 66-unit 4-storey multi-family market rental residential building. The unit breakdown of the building is shown in **Table 1**.

TABLE 1. LAND USE BREAKDOWN

| Land Use | Unit Type | Units |
|--------------------------|-------------|-------|
| Multi-family residential | One Bedroom | 41 |
| | Two Bedroom | 25 |
| | Total | 66 |

2.2 PROPOSED PARKING SUPPLY

2.2.1 VEHICLE PARKING

A total of 81 vehicle parking spaces are proposed for this development—a rate of 1.23 spaces per unit.

2.2.2 BICYCLE PARKING

The applicant is proposing a shared bike room that is approximately 1850 sq. ft. where one secure (Class I) bike stall will be provided per unit, for a total of 66 stalls. In addition, each unit will have access to their own storage unit that has space for bike parking. There will also be a 6-stall outdoor (Class II) bike rack.



3.0 PARKING REQUIREMENT

3.1.1 VEHICLE PARKING

The Municipality of North Cowichan's Zoning Bylaw No. 2950⁵ identifies the parking requirements for the site. The proposed development falls in the 'Multi-family, Apartment' category and the parking requirement is presented in **Table 2**. Based on the proposed development, the site is required to provide 109 parking spaces. The applicant is short of meeting this requirement by 28 parking spaces.

TABLE 2. VEHICLE PARKING REQUIREMENT

| Land Use | Requirement | Required Spaces |
|-------------------------|--|-----------------|
| Multi-family, Apartment | 1.5 spaces per dwelling unit plus 15% of the total number of units designated as visitor parking | 99 + 10 |
| Total | | 109 |

3.1.2 BICYCLE PARKING

According to Zoning Bylaw No. 2950, bicycle parking is only required in the Chemainus Artisan Village Comprehensive Development Zone. Therefore, bicycle parking is not required for this site.

4.0 EXPECTED PARKING DEMAND

Expected parking demand for this site was estimated in the following sections to determine if the proposed supply will adequately accommodate the parking demand. Expected demand is based on parking observations collected from representative sites in the Municipality of North Cowichan and the City of Duncan.

⁵ Municipality of North Cowichan (2020). Zoning Bylaw No.2950. Available online at: <https://www.northcowichan.ca/assets/Municipal~Hall/Bylaws/ZoningBylaw.pdf>



4.1 RESIDENTIAL PARKING

4.1.1 SITE SELECTION

Observations of parked vehicles were completed at 9 market rental buildings in the Municipality of North Cowichan and City of Duncan representing a total of 463 units. A summary of the representative sites is outlined in **Table 3**. The first 3 sites are more rural in nature and have an average walk score of 22.3, which is very close to the subject site's walk score of 23. There are currently few market rental buildings in proximity to the site and in this part of North Cowichan more broadly. To increase the sample size, 6 other sites were included from a more urban area of Duncan.

TABLE 3. SUMMARY OF REPRESENTATIVE SITES

| Address | Number of Units | Walk Score |
|-----------------------|-----------------|------------|
| 3420 Auchinachie Rd | 59 | 14 |
| 3251 Cowichan Lake Rd | 17 | 24 |
| 6472 Paddle Rd | 112 | 29 |
| 2548 Lewis St | 51 | 79 |
| 2524 Lewis St | 32 | 59 |
| 2544 Beverly St | 51 | 74 |
| 2562 Beverly St | 51 | 60 |
| 2569 Dingwall St | 50 | 78 |
| 2541 Dingwall St | 40 | 71 |

4.1.2 OBSERVATIONS

Observations of parking utilization were conducted at representative sites during the typical weekday peak hour period for residential land uses. For the purposes of this study, the greater number of observed vehicles between each data collection exercise were used for the representative peak demand at each location. Parking demand ranged



from 0.65 vehicles per unit to 1.38 vehicles per unit, with an average parking demand of 0.92 vehicles per unit as shown in **Table 4**.

Observations were conducted on Tuesday January 26, 2021 and Wednesday January 27, 2021 after 10:30pm.

TABLE 4. OBSERVATIONS AT REPRESENTATIVE SITES

| Address | Number of Units | Observed Vehicles | Parking Demand (Vehicles/Unit) |
|-----------------------|-----------------|-------------------|-----------------------------------|
| 3420 Auchinachie Rd | 59 | 56 | 0.95 |
| 3251 Cowichan Lake Rd | 17 | 20 | 1.18 |
| 6472 Paddle Rd | 112 | 155 | 1.38 |
| 2548 Lewis St | 51 | 36 | 0.71 |
| 2524 Lewis St | 32 | 28 | 0.88 |
| 2544 Beverly St | 51 | 42 | 0.82 |
| 2562 Beverly St | 51 | 40 | 0.78 |
| 2569 Dingwall St | 50 | 47 | 0.94 |
| 2541 Dingwall St | 40 | 26 | 0.65 |
| Average | | | 0.92 |

4.1.3 ADJUSTMENT FACTORS

Observations are a useful method of assessing parking demand rates; however, there are limitations. One such limitation is the fact that an observation may not “catch” all residents while they are home with their parked car on-site. On a typical weeknight, it can be expected that some residents return home very late at night or in the next morning or have driven out of town for business or vacation.

A large-scale apartment parking study commissioned by Metro Vancouver reported that observations of parking occupancy (percent of stalls occupied by a car or truck)



increased later in the night.⁶ The study also suggested that occupancy surveys that start after 10:30pm should have a 5% adjustment factor. As the observations in this study occurred after 10:30pm, a 5% adjustment factor was applied to the observed parking demand to determine the peak parking demand. The adjusted peak parking demand is 1.0 spaces per unit (0.97, rounded) and is shown in **Table 5**.

TABLE 5. ADJUSTED OBSERVATIONS AT REPRESENTATIVE SITES

| Address | Number of Units | Observed Vehicles | Parking Demand (Vehicles/Unit) | Adjusted Parking Demand (Vehicles/Unit) |
|-----------------------|-----------------|-------------------|--------------------------------|---|
| 3420 Auchinachie Rd | 59 | 56 | 0.95 | 1.04 |
| 3251 Cowichan Lake Rd | 17 | 20 | 1.18 | 1.29 |
| 6472 Paddle Rd | 112 | 155 | 1.38 | 1.52 |
| 2548 Lewis St | 51 | 36 | 0.71 | 0.78 |
| 2524 Lewis St | 32 | 28 | 0.88 | 0.96 |
| 2544 Beverly St | 51 | 42 | 0.82 | 0.91 |
| 2562 Beverly St | 51 | 40 | 0.78 | 0.86 |
| 2569 Dingwall St | 50 | 47 | 0.94 | 1.03 |
| 2541 Dingwall St | 40 | 26 | 0.65 | 0.72 |
| Average | | | 0.92 | 1.00 |

4.1.4 PARKING DEMAND BY UNIT TYPE

Unit size type refers to the number of bedrooms provided within a residential unit. Research has shown that larger units will generally have more occupants or a family, therefore increasing the likelihood that additional vehicles will be owned by occupants

⁶ Metro Vancouver. (2012). The Metro Vancouver Apartment Parking Study, Technical Report. Available online at: http://www.metrovancouver.org/services/regional-planning/PlanningPublications/Apartment_Parking_Study_TechnicalReport.pdf



and increase the parking demand.⁷ Parking data collected for this study was assessed to reflect unit type using the following steps:

- Parking demand was calculated and adjusted by 5%
- The assumed “ratio differences” from Metro Vancouver for parking demand between each site was applied to unit data from vehicle observations. These “ratio differences” are as follows.⁸
 - 1-Bedroom units’ parking demand rates will be 117% higher than studio units rates;
 - 2-Bedroom units’ parking demand rates will be 26% higher than 1-Bedroom rates; and
 - 3-Bedroom units’ parking demand rates will be 23% higher than 2-Bedroom rates.

Additionally, the urban sites were adjusted to account for the difference in parking demand between urban and rural locations. Based on observations from the 9 representative sites, rural demand was found to be 47% higher than urban demand. As such, an adjustment factor of 1.47 was applied to the urban sites to adjust the parking demand by unit type.

The parking demand by unit type is shown in **Table 6**. 2524 Lewis St was not included in this part of the analysis as a unit breakdown for the building was not available.

⁷ Potoglou, D., & Kanaroglou, P.S. (2008). Modelling car ownership in urban areas: a case study of Hamilton, Canada. *Journal of Transport Geography*, 16(1): 42–54.

⁸ Metro Vancouver. (2018). The 2018 Regional Parking Study. Technical Report. Available online at: <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/RegionalParkingStudy-TechnicalReport.pdf>



TABLE 6. ADJUSTED OBSERVATIONS BY UNIT TYPE

| Address | 1-Bedroom | 2-Bedroom |
|-----------------------|-------------|-------------|
| 3420 Auchinachie Rd | 0.92 | 1.16 |
| 3251 Cowichan Lake Rd | -- | 1.29 |
| 6472 Paddle Rd | 1.24 | 1.57 |
| 2548 Lewis St | 0.99 | 1.25 |
| 2544 Beverly St | 1.26 | 1.58 |
| 2562 Beverly St | 1.20 | 1.51 |
| 2569 Dingwall St | 1.42 | 1.79 |
| 2541 Dingwall St | 0.97 | 1.23 |
| Average | 1.09 | 1.36 |

In summary, based on the analysis above, the following are the recommended demand rates for the market rental units:

- One-bedroom | 1.09 spaces per unit X 41 units = 45 spaces
- Two-bedroom | 1.36 spaces per unit X 25 units = 34 spaces
- **Total parking demand = 79 spaces**



4.2 VISITOR PARKING

Visitor parking was calculated using a rate of 0.1 vehicles per unit. This is based on a study by Metro Vancouver⁹ that concluded typical visitor parking demand is less than 0.1 vehicles per unit. This is also consistent with observations that were conducted for parking studies in other BC municipalities similar to North Cowichan including the City of Langford, City of Colwood, District of Central Saanich, and other rural / suburban municipalities. Overall, the research indicates that visitor parking demand is not strongly influenced by location.

For the subject site, a rate of 0.1 spaces per unit is recommended, which results in a total of 7 vehicle parking spaces.

4.3 SUMMARY OF EXPECTED PARKING DEMAND

Based on the above analysis, the resident parking demand is estimated as 79 parking spaces, with an additional 7 parking spaces for resident visitor parking. A total of 86 parking spaces is expected, which is 5 spaces more than what is being proposed (81 proposed spaces). A summary of the expected parking demand is shown in **Table 7**.

⁹ Metro Vancouver. (2018). The 2018 Regional Parking Study. Technical Report. Available online at: <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/RegionalParkingStudy-TechnicalReport.pdf>



TABLE 7. SUMMARY OF EXPECTED PARKING DEMAND

| Land Use | | Number of Units | Demand Rate (vehicles per unit) | Expected Parking Demand |
|---------------|-----------------|-----------------|------------------------------------|-------------------------|
| Market Rental | One-bedroom | 41 | 1.09 | 45 |
| | Two-bedroom | 25 | 1.36 | 34 |
| | Visitor Parking | 66 | 0.1 | 7 |
| Total | | | | 86 |

5.0 DEMAND MANAGEMENT

Given that the parking demand for the site exceeds the proposed supply by five spaces, the applicant could consider demand management strategies to reduce the expected parking demand. The two recommended strategies include (1) electric bicycle parking and (2) implementing an electric bike share program.

5.1 ELECTRIC BICYCLE PARKING

The applicant is committing to provide 66 long-term bike parking spaces, which results in 1 space per unit for bike parking. The provision of secure bicycle parking spaces can support residents to satisfy potential bicycle demand in the present and future. Insufficient bicycle parking is considered a key barrier to promoting cycling, with additional bicycle parking associated with an increase of cycling by 10 to 40%.¹⁰

Further, there are opportunities to design the long-term bicycle parking in such a way that could further reduce vehicle parking demand at the site. This includes designing the spaces to accommodate electric bikes. Electric bikes (e-bikes) are an emerging transportation phenomenon that are gaining popularity across British Columbia. With

¹⁰ Hein, E. & Buehler, R. (2019). Bicycle parking: a systematic review of scientific literature on parking behaviour, parking preferences, and their influence on cycling and travel behaviour. *Transport Reviews*, 39(5).



supportive cycling infrastructure in place, e-bikes have the potential to substitute for, or completely replace, almost all trips taken by a gasoline powered car. As identified in **Section 1.2**, North Cowichan has set out ambitious targets to reduce automobile usage and this program could help significantly reduce vehicle ownership at the site.

According to research completed in Greater Victoria, one of the top barriers facing prospective e-bike users is the fear that their bicycle might be stolen.¹¹ That same research found that prospective e-bike users would feel more comfortable if they could park their bicycle in a locked or supervised area.

The Capital Region Local Government Electric Vehicle + Electric Bike Infrastructure Planning Guide¹² includes e-bike parking design guidelines to help address the concerns of current and prospective e-bike owners as well as to increase overall e-bike ownership in the Capital Region. The guide recommends that new developments provide 50% of the long-term bicycle parking with access to an 110V wall outlet. Further, 10% of the long-term spaces are recommended to be provided as cargo racks to accommodate e-bikes. Cargo bikes are typically longer than regular bicycles because they are capable of carrying cargo and/or multiple passengers and can be a popular option for young families.

Based on the research and the planning guide from the CRD, it is recommended that the applicant provide electric bike parking, as follows:

1. **Cargo Bike Parking** | 10% of the long-term bicycle parking spaces (approximately 7 spaces) should be designed for cargo bicycles and/or bikes with trailers, which are harder to fit in a standard bike rack where the stall depth is 1.8 metres. The spaces should be designed to be a minimum of 3.0 metres in

¹¹ WATT Consulting Group. (2018). Capital Region Local Government Electric Vehicle + Electric Bike Infrastructure Backgrounder. Available online at: https://www.crd.bc.ca/docs/default-source/climate-action-pdf/reports/electric-vehicle-and-e-bike-infrastructure-backgrounder-sept-2018.pdf?sfvrsn=a067c5ca_2

¹² WATT Consulting Group. (2018). Capital Region Local Government Electric Vehicle + Electric Bike Infrastructure Planning Guide. Available online at: https://www.crd.bc.ca/docs/default-source/climate-action-pdf/reports/infrastructure-planning-guide_capital-region-ev-ebike-infrastructure-project-nov-2018.pdf?sfvrsn=d767c5ca_2



length and 0.9 metres wide. They should also be provided as ground anchored racks.

2. **Access to Charging** | Commit to provide 50% of the long-term bicycle parking spaces (approximately 33 spaces) with direct access to an 110V electrified outlet to help facilitate charging for e-bike owners and/or prospective e-bike owners.

A 5% reduction in resident parking demand is supported if the applicant commits to providing e-bike parking.

5.2 SHARED E-BIKE PROGRAM

In addition to providing electric bicycle parking, the applicant could commit to providing a shared electric bike program in the proposed development, which will make cycling more attractive for residents and help them complete a variety of trips that would otherwise be done by car, transit, or another mode. The applicant could provide 3-4 shared e-bikes for the site, which represents about 5% of the total units.

According to research completed in Greater Victoria, the cost of an electric bike is the largest barrier preventing purchases of e-bikes.¹³ As such, the provision of a shared e-bike program can make e-bike ownership attainable for future residents. The price of an electric bike in Greater Victoria ranges considerably depending on the model and brand. However, the price is typically in the range of \$1,500-\$5,000.

The provision of electric bikes is anticipated to have an impact on vehicle ownership at the site; however, as electric bikes are an emerging form of mobility, there is limited research that has quantified the impact of these bikes on vehicle ownership / parking demand. A recent study presented results of a North American survey of electric bike owners. The study reported that e-bikes have the capacity to replace various modes of

¹³ WATT Consulting Group. (2018). Capital Region Local Government Electric Vehicle + Electric Bike Infrastructure Backgrounder. Available online at: https://www.crd.bc.ca/docs/default-source/climate-action-pdf/reports/electric-vehicle-and-e-bike-infrastructure-backgrounder-sept-2018.pdf?sfvrsn=a067c5ca_2



transportation commonly used for utilitarian and recreational trips including motor vehicles, public transit, and regular bicycles.

The study reported that 62% of e-bike trips replaced trips that otherwise would have been taken by car. Of these trips previously taken by car, 45.8% were commute trips to work or school, 44.7% were other utilitarian trips (entertainment, personal errands, visiting friends and family, or other), and 9.4% were recreation or exercise trips. The average length of these previous car trips was 15 kilometres.¹⁴ A more recent study found that approximately 39 kilometres of driving per week is displaced by the average e-bike adopter along with 14 kilometres of travel by conventional bicycle.¹⁵ Lastly, a 2020 study found that people who purchased an e-bike increased their bicycle use from 2.1 to 9.2 km per day on average.¹⁶ All of these studies indicate that e-bikes allow users to travel longer distances, which help substitute for trips that would otherwise be made by a vehicle.



The objective of providing a shared e-bike program is to provide a transportation option to residents who may not own a vehicle or for tenants who own a vehicle but may not require it for all trip purposes. The e-bike program would include the following:

¹⁴ MacArthur, J., Harpool, M., & D. Scheppke. (2018). A North American Survey of Electric Bicycle Owners. National Institute for Transportation and Communities, NITC-RR-1041.

¹⁵ Bigazzi, A & E Berjisian. (2019). Electric Bicycles: Can they reduce driving and emissions in Canada. Plan Canada Fall 2019.

¹⁶ Fyhri, A & H.B. Sundfor. (2020). Do people who buy e-bikes cycle more? *Transportation Research Part D*, 86, 1-7.



- A total of 3-4 electric powered bicycles would be provided.
- The e-bikes would be owned and maintained by the property manager.
- The cost to use (i.e., reserve) an e-bike will be determined by the property manager.
- The process to reserve an e-bike will most likely be on a first come first serve basis but will be determined by the property manager.

Should the applicant pursue this program, it is recommended that they consider the following to better determine the operational and logistical details for the proposed shared e-bike program:

- Overall bike utilization should be carefully monitored in the first year and if demand is consistently high (above 75% for most of the time), consider adding two bikes to the fleet after year 1.
- Building tenants should be discouraged from using the e-bikes for work trips. The e-bikes should be intended for various trip purposes including errands, shopping, appointments, etc., which are all shorter duration trips and would allow the e-bikes to be more available to the site for other residents.

As a reference point, the City of Vancouver¹⁷ acknowledges the “Shared Cycling Fleet” as a significant TDM measure. Some of the highlights of the requirements are:

- The provision of those bicycles should be for at least 20 years to encourage all types of cycling.
- Fleet size should be at minimum one bicycle per 10 units, with a minimum of six bicycles.
- The property manager shall properly store, maintain, and provide additional secure bike parking for those shared bicycles.
- The bicycles should be available for usage without any additional user fees and there should be a reasonable liability to the user in case of loss or damage.

¹⁷ City of Vancouver (2018). Transportation Demand Management for Developments in Vancouver – Schedule B. Available online at: <https://vancouver.ca/files/cov/transportation-demand-management-schedule-b.pdf>



- All the equipment shall be privately owned and operated by the property manager.
- For every bicycle, the property manager shall provide helmets, locks, lights, and other safety features (reflectors, bell) to comply with the laws of the British Columbia Motor Vehicle Act.

Overall, the research above confirms that e-bikes can replace vehicle trips and thereby reduce vehicle parking demand. With the provision of a shared electric bike program, a 10% reduction in resident parking demand is supported.

5.3 TDM SUMMARY

Table 8 is a summary of the proposed TDM measures and their potential impact on parking demand. Should the applicant commit to both recommended TDM measures, then a reduction in residential parking demand would be expected. The expected parking demand for the subject site after the reductions from the TDM and parking demand measures will be 74 parking spaces (7 less than the proposed supply).

TABLE 8. SUMMARY OF TDM MEASURES + PARKING DEMAND REDUCTIONS

| | Parking Reduction | |
|-----------------------|---|---|
| TDM Measure | Approx. Reduction (Market Rental Units Parking Demand) | Approx. Reduction (Visitor Parking Demand) |
| E-Bike Parking | 5% [3.95 spaces] | -- |
| Shared E-Bike Program | 10% [7.9 spaces] | -- |
| Total | 15% [12 spaces, 11.85 rounded] | -- |



6.0 CONCLUSIONS

The proposed development at Berkey's Corner is a 66-unit market rental multi-family building with 81 proposed parking spaces. In addition to this the applicant is proposing 66 long-term (Class I) bicycle parking spaces, which results in 1 space per unit, as well as 6 short-term (Class II) bicycle parking spaces.

Expected parking demand for this development was estimated based on observational data collected from representative market rental sites in the Municipality of North Cowichan and City of Duncan. To account for missing vehicles and to improve the rigor of analysis, the observational data was adjusted by 5%. Based on these observations the peak parking demand rate is 86 spaces (79 resident, 7 visitor spaces), which exceeds the proposed supply by 5 spaces.

Two demand management measures are recommended for the applicant's consideration. These would include (1) electric bicycle parking and (2) implementing an electric bike share program. With both measures in place, the expected parking demand for the site is 74 spaces, which is 7 spaces lower than what is proposed (81).

7.0 RECOMMENDATIONS

The proposal to provide 81 off-street vehicle parking spaces is supported if the applicant:

1. Provides electric bike parking; and
2. Implements an electric bike share program.

**Municipality of North Cowichan
Special Council
MINUTES**

**March 10, 2016, 6:00 p.m.
Municipal Hall - Council Chambers**

Members Present Mayor Jon Lefebure
 Councillor Joyce Behnsen
 Councillor Rob Douglas
 Councillor Maeve Maguire
 Councillor Kate Marsh
 Councillor Al Siebring
 Councillor Tom Walker

Staff Present Dave Devana, Chief Administrative Officer (CAO)
 Mark Ruttan, Director of Corporate Services / Deputy CAO
 Scott Mack, Director of Development Services
 David Conway, Director of Engineering and Operations
 John Gunn, Manager of Information Services
 Nancy Bates, Executive Assistant

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

It was moved and seconded:
That Council approve the agenda as circulated.

CARRIED

3. PUBLIC HEARING

3.1 Bylaw 3605 - Zoning Amendment Bylaw (No. 10 - Cowichan Lake Road), 2015

Public Hearing Report - Council commenced a public hearing at 6:05 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3605. Mayor Lefebure outlined the public hearing order of business and read aloud Council's policy that it will not receive verbal or written communications from the public regarding the zoning amendment bylaw after the closure of the public hearing. He then invited late correspondence and received a verbal summary from the Corporate Officer of correspondence received. Council then received a presentation introducing the proposal from the Director of Development Services. Mayor Lefebure then invited the applicant and the public to address Council on the proposed bylaw.

March 10, 2016 - Special Council Minutes

Council heard from the applicant Michael Spaul of Hall Pacific who summarized feedback from the developer's public meeting and advised that they have decided not to build a gas station and will register a covenant on title to prohibit this use.

Council also heard from the following persons:

1. Sandra McPherson - 5734 Van Koy Road
2. Al Guenther - 3317 Skinner Road
3. Alan Phillips - 5734 Van Koy Road
4. Donna Pahl - 3969 Gibbins Road
5. Buss Kingsley - 3331 Cowichan Lake Road
6. Patricia Rankin - 3144 Sherman Road
7. Krista Phillips - 3336 Cowichan Lake Road
8. Dwight Bondesen - 6045 Stone Ridge
9. Genevieve Singleton - 6015 Mary Street
10. Dave Polster - 6015 Mary Street
11. Pat Fiddis - 3179 Kimberley Drive
12. Mark Chester - 6026 Cassino Road
13. Myo Stevens - 8060 York Avenue
14. Emily Doyle-Yamaguchi - 1081 Nagle Street
15. Terry Halley - 3468 Cowichan Lake Road
16. Dianne Hinkley - 3303 Renita Ridge
17. Mike Holmes - 3287 Cowichan Lake Road
18. John Scull - 3291 Renita Ridge
19. Linda Hill - 3291 Renita Ridge
20. Helmut Blanken - 3366 Limerick Road
21. John Drost - 6151 Edgehill Place
22. George Nielsen - 6212 Palahi Road
23. Sharon Horsburgh - 6499 Genoa Bay Road
24. Andrew Wilson - 2943 Sherman Road

Comments in favour of the rezoning included the following:

- The development is consistent with the official community plan designation for neighbourhood commercial use at this location;
- The development may encourage improvements to older surrounding commercial properties;
- The development will support the growing number of nearby homes;
- It is in close proximity to Sherman Road soccer fields and the Somenos Road ball fields;
- It will reduce the amount of traveling time and distance to other commercial areas;
- It will reduce greenhouse gas emissions;
- It will reduce traffic on the Trans-Canada Highway;
- Nearby residents will be able to walk to shopping and local services;
- The design adheres to crime prevention through environmental design (CPTED) principles.

Comments opposed to the rezoning included the following:

- The proposal is car centric, not a neighbourhood commercial area;
- There is lots of empty retail space around and no need for more commercial zoning;
- The proposal will increase traffic in the neighbourhood to dangerous levels;
- It will negatively impact other commercial areas, including the City of Duncan;
- It is incompatible with the policies of the Official Community Plan and Climate Action and Energy Plan;
- It will harm the local ecosystem and wildlife;
- It will lead to more litter, dog mess and odour on the adjacent Trans Canada Trail;
- The property should be kept in its natural state and protected or developed as a park;
- The property contains several Oregon Ash trees which are rare this far north and a Gary oak ecosystem that should be conserved;
- Fast-food restaurants are bad for health and the environment;
- The design needs improvement, including more green space and community amenities;
- The development should be a mix of commercial and residential uses;
- It will increase lighting and noise pollution;
- It does not include a residential component;
- It will increase greenhouse gas emissions from idling cars;
- A local area plan should be developed before the rezoning is approved;
- It will displace a feral cat colony;
- It is out of scale with the rest of the neighbourhood;
- There is no need for a large grocery store in the area.

Mayor Lefebure asked three times if anyone else wished to speak. No one else spoke so Mayor Lefebure closed the public hearing at 9:22 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 10 - Cowichan Lake Road), 2015", No. 3605.

(Opposed: Douglas; Maguire; Marsh)

CARRIED

It was moved and seconded:

That Council direct staff to place Bylaw 3605 before Council for consideration of adoption once North Cowichan has a solicitor's undertaking to register the required restrictive covenants on title.

(Opposed: Douglas; Maguire; Marsh)

CARRIED

4. QUESTION PERIOD

Council invited the public to ask questions about what occurred at the meeting.

5. ADJOURNMENT

The meeting ended at 10:45 p.m.

Signed by
Mayor or Presiding Member

Certified by
Director of Corporate Services

(Minutes certified "correct" and Public Hearing
report certified "fair and accurate")



The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw
(Rental Apartment – Skinner Road), 2021**

Bylaw 3824

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

Title

1. This Bylaw may be cited as "Zoning Amendment Bylaw (Rental Apartment Building – Lot A, Skinner Road), 2021", No. 3824.

Amendment

2. Section 12 of Zoning Bylaw 1997, No. 2950, is amended by adding the following definitions:

"**tenancy**" means a tenant's right to possession of a rental unit under a tenancy agreement that complies with the *Residential Tenancy Act*;

"**rental unit**" means living accommodation rented or intended to be rented to a tenant;

"**rental apartment building**" means a building containing more than 2 dwelling units, each accessible from a common interior hallway, or additionally accessible from an at-grade entrance and where the tenure form is limited to residential rental tenancy.

3. Zoning Bylaw 1997, No. 2950, section 69 [Commercial General Zone (C2)] is amended by adding the following subsection:

Conditions of Use

- (7) Despite subsection 69 (1), "rental apartment building" is a permitted use for Lot A, lan EPP95112, Skinner Road (PID: 030-911-834).

READ a first time on the ____ day of _____, 2021

READ a second time on the ____ day of _____, 2021

Information meeting was held on the ____ day of _____, 2021

This bylaw was advertised in the Cowichan Valley Citizen on the ____ day of _____, 2021 and the ____ day of _____, 2021 and the municipality's website and notice board on the ____ day of July, 2021.

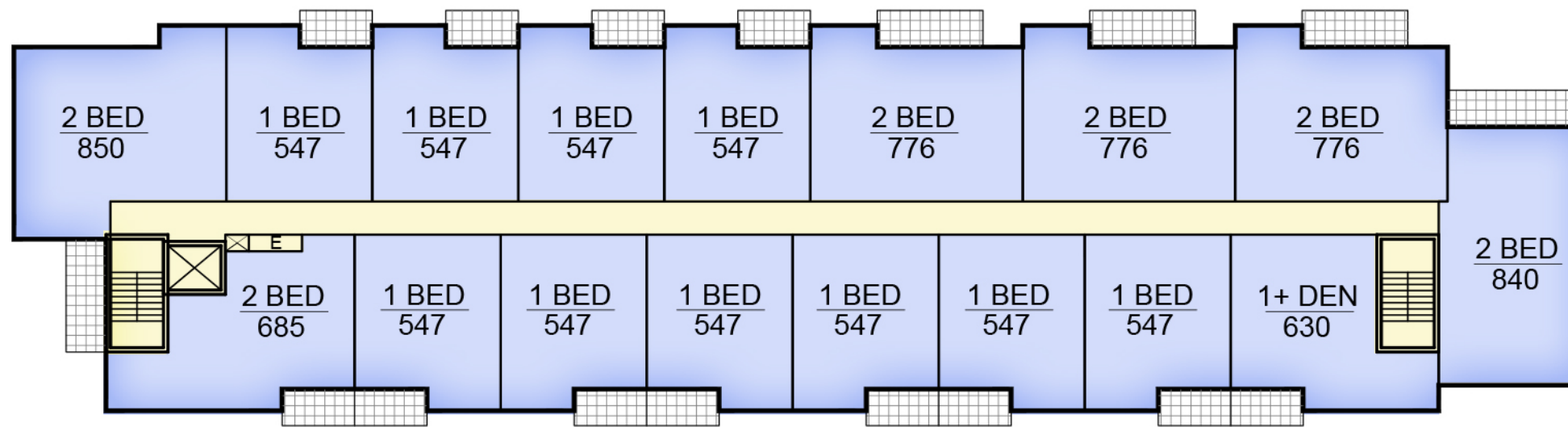
CONSIDERED at a Public Hearing on

READ a third time on

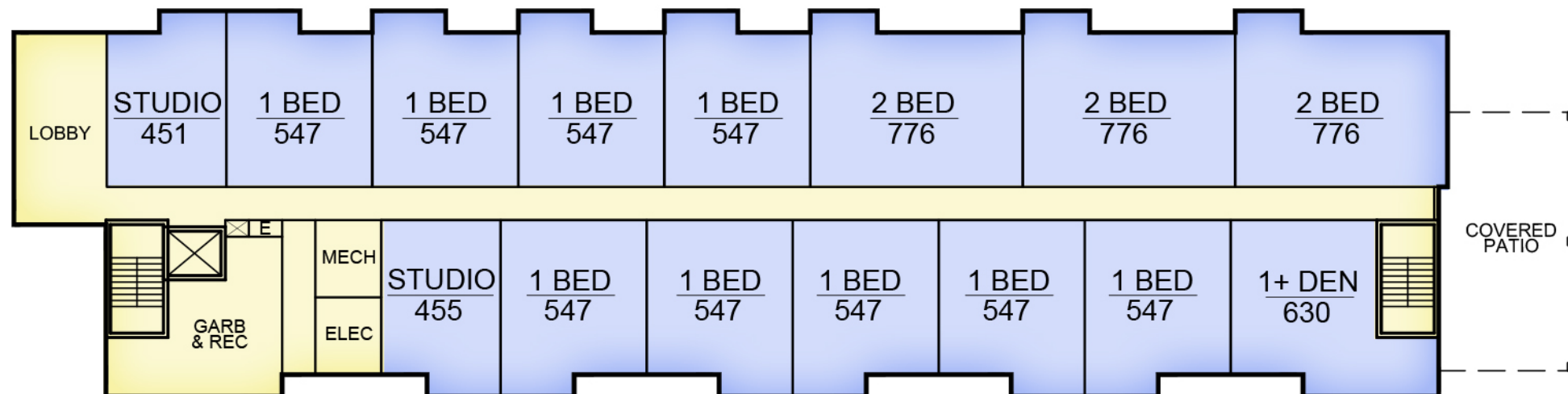
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



TYPICAL FLOOR PLAN GROSS AREA 12,256 SF
17 UNITS



MAIN FLOOR PLAN GROSS AREA 11,417 SF
15 UNITS



PROJECT STATS

| | |
|-----------------------------|-------------------|
| SITE AREA (PRE-DEDICATION) | 67,498 SF |
| SITE AREA (POST-DEDICATION) | 61,652 SF |
| GROSS FLOOR AREA | 47,780 SF |
| BUILDING AREA | 48,186 SF |
| DEDUCTIONS | 406 SF |
| F.S.R. (POST-DEDICATION) | 0.77 |
| SETBACKS | |
| FRONT (COWICHAN LAKE RD) | 15.95' (4.86 M) |
| SIDE (SKINNER RD) | 9.58' (2.92 M) |
| SIDE (NORTH) | 8.27' (2.52 M) |
| REAR (WEST) | 184.65' (56.28 M) |
| LOT COVERAGE | 21.8% |
| HORIZONTAL AREA | 13,455 SF |
| BUILDING HEIGHT | 39.37' |
| GRADE | 191.25' |

BUILDING

| | | |
|--------------|-----------------|------------------|
| LEVEL 1 | 15 UNITS | 11,417 SF |
| LEVEL 2 | 17 UNITS | 12,256 SF |
| LEVEL 3 | 17 UNITS | 12,256 SF |
| LEVEL 4 | 17 UNITS | 12,256 SF |
| TOTAL | 66 UNITS | 48,186 SF |

UNIT BREAKDOWN

| | | |
|--------|-------|----------|
| STUDIO | 3.0% | 2 UNITS |
| 1 BED | 59.1% | 39 UNITS |
| 1+ DEN | 6.1% | 4 UNITS |
| 2 BED | 31.8% | 21 UNITS |

PARKING REQUIRED

| | | |
|--------------------|---------------|-------------------|
| RESIDENTIAL | 1.50 PER UNIT | 99 STALLS |
| VISITOR | 0.15 PER UNIT | 10 STALLS |
| TOTAL | | 109 STALLS |
| ACCESSIBLE (INCL.) | | 2 STALLS |

| | |
|-------------------------|------------------|
| PARKING PROVIDED | 81 STALLS |
| | 1.23 PER UNIT |

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

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

Minimum Lot Size

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

Minimum Frontage

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

Maximum Lot Coverage

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

Minimum Setbacks

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

Maximum Building Height

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

Report

Date April 21, 2021
To Council
From Talitha Soldera, Director, Financial Services
Subject Financial Plan and Property Tax Rates Bylaws

File:

Endorsed:



Purpose

To introduce Five Year Financial Plan Bylaw No. 3826, 2021 (Attachment 1) and Tax Rates Bylaw No. 3827, 2021 (Attachment 2).

Background

On June 9, 2020, the Committee of the Whole provided direction to staff to prepare the 2021-2025 Financial Plan on a recovery basis, focusing on taxpayer affordability and a gradual phase-in of capital over the next few years.

Staff prepared the five-year departmental operating and capital budgets accordingly and incorporated the COVID-19 Restart Grant funding to help mitigate tax impacts while supporting the local economy.

Discussion

Seven meetings were held between November 2020 and March 2021 to review Departmental Business Plans, the five-year Financial Plan and Capital Expenditure Plan, Grant-in-Aid requests, utility budgets and rates, and changes arising from the COVID-19 Restart Grant. Throughout this process, residents were invited and encouraged to attend online meetings, to listen and learn, ask questions to Council and staff and provide feedback regarding the 2021 budget.

At the December 15, 2020 meeting, the Committee of the Whole approved a net tax increase of 2.31%. On March 23, 2021, direction was provided to staff to increase this amount to include the portion of the Parks and Recreation Director's salary allocation from the Forestry Reserve Fund. This, along with the release of the Revised Assessment Roll, results in a net tax increase of 2.5%.

Council also approved a petition for the Chemainus Business Improvement Area Renewal at the March 23, 2021, Special Council meeting. The Tax Rates Bylaw has been prepared under the assumption that Chemainus Business Improvement Area Bylaw No. 3823 is adopted on May 11, 2021.

On April 13, 2021, the Committee of the Whole considered tax rates and approved distributing the tax increase equally across all property classes net of new construction.

Options

Option 1 (Recommended)

- (1) That Council give first, second and third readings to:
- (a) Five Year Financial Plan Bylaw, No. 3826, 2021; and
 - (b) Tax Rates Bylaw No. 3827, 2021.
- Advantages: by giving only three readings, it ensures time for final consideration of Council before adoption; adheres to Council's direction for a recovery budget; allows for adoption prior to the legislated deadline of "before May 15".
 - Disadvantage: possibility of change to Tax Rates Bylaw pending Chemainus Business Improvement Area Renewal petition.

Option 2

- (1) That Council give first and second readings to:
- (a) Five Year Financial Plan Bylaw, No. 3826, 2021; and
 - (b) Tax Rates Bylaw No. 3827, 2021.
- (2) That Council amend (identify the Schedule, section, or table to be amended) of Five Year Financial Plan Bylaw, No. 3826, 2021 by (identify how it is to be amended).
- (3) That Council amend the rate for (identify the property class) in Schedule "A" of Tax Rates Bylaw No. 3827, 2021 by (identify how the rate is to be amended) under Column (identify the column letter).
- (2) That Council give third reading as amended to:
- (a) Five Year Financial Plan Bylaw, No. 3826, 2021; and
 - (b) Tax Rates Bylaw No. 3827, 2021.
- Advantage: allows further changes to be made by Council after seeing the final tax increase.
 - Disadvantages: staff may be unable to provide a fulsome evaluation of impacts of changes made at this late date; additional Special Council meetings may be required to consider the direction and meet legislated deadlines.

Implications

The Financial Plan Bylaw is consistent with Council direction for a Recovery Budget for 2021, maintaining service levels as much as possible under pandemic guidelines and supporting the local economy through a gradual return to capital spending. The total General Municipal Tax Requisition is \$32,165,170. The tax increase on an average home assessed at \$506,806 is \$46.88.

Recommendation

- That Council give first, second and third readings to:
- (1) Bylaw 3826, Five Year Financial Plan Bylaw, 2021; and
 - (2) Bylaw 3827, Tax Rates Bylaw, 2021.

Attachments:

Attachment 1 - Five Year Financial Plan Bylaw No. 3826, 2021

Attachment 2 - Tax Rates Bylaw No. 3827, 2021



The Corporation of the District of North Cowichan

Five-Year Financial Plan Bylaw, 2021

Bylaw 3826

Contents

- 1 Citation
- 2 Financial plan establishment
- 2 Objectives and policies
- 3 Expenditure authority
- 4 Cheque signing authority
- 5 Ratification of payments
- 6 Repeal
- Schedule 1
- Schedule 2

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

Citation

- 1** This Bylaw may be cited as "*Five-Year Financial Plan Bylaw, No. 3826, 2021*".

Financial plan establishment

- 2** Schedule 1, attached to and forming part of this Bylaw, is adopted as North Cowichan's 5-year financial plan.

Objectives and policies

- 3** Schedule 2, attached to and forming part of this Bylaw, sets out Council's objectives and policies for the years 2021 through 2025 regarding
- (a) the proportion of total revenue that is proposed to come from
 - (i) property value taxes,
 - (ii) parcel taxes,
 - (iii) fees,
 - (iv) proceeds from borrowing, other than borrowing under section 177 *[revenue anticipation borrowing]* of the *Community Charter*, and
 - (v) other sources,
 - (b) the distribution of property value taxes among the property classes that may be subject to the taxes, and
 - (c) the use of permissive tax exemptions.

Expenditure authority

- 4** This Bylaw authorizes North Cowichan's municipal officers to expend in each year the sums of money shown in columns 2 through 6, Schedule 1, for the purposes described in column 1, Schedule 1.

Cheque signing authority

- 5** All North Cowichan cheques must be signed by any two of the Mayor, Chief Administrative Officer, Director, Financial Services, Manager, Legislative Services or their deputies.

Ratification of payments

- 6** All payments already made from municipal revenues for the current year are ratified and confirmed.

Severability

- 7** 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.

Repeal

- 8** "Five-Year Financial Plan Bylaw, 2020", No. 3785, and all amendments thereto, is hereby repealed.

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

CORPORATE OFFICER

PRESIDING MEMBER

Schedule 1

Proposed Expenditures, Funding Sources and Fund Transfers

| Item | Column 1 Description | Column 2 2021 | Column 3 2022 | Column 4 2023 | Column 5 2024 | Column 6 2025 |
|------|---|------------------|------------------|------------------|------------------|------------------|
| 1 | Revenues | | | | | |
| 2 | Property Taxes | 33,916,250 | 36,013,090 | 38,115,810 | 39,823,940 | 41,576,530 |
| 3 | Parcel Taxes | 4,973,910 | 5,178,290 | 5,404,620 | 5,620,830 | 5,857,190 |
| 4 | User Fees | 10,332,040 | 12,239,270 | 13,515,980 | 13,692,090 | 13,979,860 |
| 5 | Other | 11,555,324 | 9,284,720 | 21,506,660 | 8,060,840 | 3,286,420 |
| 6 | | 60,777,524 | 62,715,370 | 78,543,070 | 67,197,700 | 64,700,000 |
| 7 | Expenses | | | | | |
| 8 | General Operating | 36,638,320 | 36,483,910 | 36,646,820 | 37,397,130 | 38,194,460 |
| 9 | Sanitary Sewer Operating | 3,622,280 | 3,136,500 | 3,186,740 | 3,249,160 | 3,312,790 |
| 10 | Water Operating | 3,322,200 | 3,248,290 | 3,277,010 | 3,342,290 | 3,408,920 |
| 11 | Interest on Debt | 975,540 | 1,644,730 | 2,300,370 | 2,343,640 | 2,339,960 |
| 12 | Amortization | 9,514,540 | 9,693,170 | 9,877,090 | 10,087,300 | 10,299,600 |
| 13 | | 54,072,880 | 54,206,600 | 55,288,030 | 56,419,520 | 57,555,730 |
| 14 | Annual Surplus / (Deficit) | 6,704,644 | 8,508,770 | 23,255,040 | 10,778,180 | 7,144,270 |
| 15 | Add back: Unfunded Amortization | 9,514,540 | 9,693,170 | 9,877,090 | 10,087,300 | 10,299,600 |
| 16 | Capital Expenditures | | | | | |
| 17 | General Capital | 46,709,680 | 30,304,200 | 7,329,410 | 8,261,160 | 8,935,250 |
| 18 | Sanitary Sewer Capital | 2,591,420 | 9,602,080 | 24,622,460 | 11,710,220 | 826,710 |
| 19 | Water Capital | 5,106,000 | 4,726,350 | 1,372,120 | 1,122,000 | 1,688,520 |
| 20 | | 54,407,100 | 44,632,630 | 33,323,990 | 21,093,380 | 11,450,480 |
| 21 | Proceeds from Borrowing | (28,600,000) | (22,900,000) | 0 | 0 | 0 |
| 22 | Principal Payments on Debt | 1,095,550 | 1,968,830 | 2,973,000 | 3,241,540 | 3,229,200 |
| 23 | Transfers to or between Reserve Funds | (4,688,266) | (966,500) | 451,910 | 131,250 | 541,700 |
| 24 | Transfers to or between Accumulated Surplus | (5,995,200) | (4,533,020) | (3,616,770) | (3,600,690) | 2,222,490 |
| 25 | | (38,187,916) | (26,430,690) | (191,860) | (227,900) | 5,993,390 |
| 26 | Financial Plan Balance | 0 | 0 | 0 | 0 | 0 |

Schedule 2

Financial Objectives and Policies

1. Funding Sources

Property taxation is North Cowichan's principal revenue source. As a revenue source, property taxation is simple to administer and relatively easy for residents to understand. It is also a stable and reliable source of revenue for services that are hard or undesirable to fund on a user-pay basis. User fees and charges form the next largest portion of North Cowichan's revenue and are collected from a variety of municipal services, permits, and licences. User fees attempt to align the value of a service to those who use the service. It is generally preferable to charge a user fee for services to specific users, than to levy a general tax on all property owners. The table below shows the proportion of North Cowichan revenue proposed to be raised from each funding source in 2021.

Table 1 - Sources of Revenue

| Item | Column 1 Revenue Source | Column 2 % of Total Revenue | Column 3 Dollar Value |
|------|----------------------------|--------------------------------|--------------------------|
| 1 | Property Taxes | 37.9% | 33,916,250 |
| 2 | Parcel Taxes | 5.6% | 4,973,910 |
| 3 | User Fees and Charges | 11.6% | 10,332,040 |
| 4 | Proceeds from Borrowing | 32.0% | 28,600,000 |
| 5 | Other | 12.9% | 11,555,324 |
| 6 | Total | 100.00% | 89,377,524 |

Council's objectives and policies regarding funding sources are to

- (a) use property taxes for services that do not lend themselves to a user-pay approach,
- (b) allocate 10% to 15% of municipal property tax revenue to capital projects,
- (c) charge user fees, where possible, to align services with those who use them, and
- (d) look for new revenue sources.

2. Distribution of Property Tax Rates

Council's objectives and policies regarding the distribution of property tax rates are to strive to

- (a) set tax rates and ratios that maintain tax stability between property classes while factoring in non-market growth within classes,
- (b) set Class 4 (Heavy Industry) at the provincial average tax ratio and at no more than 3 times Class 6 (Business),
- (c) set Class 5 (Light Industry) at no more than 2 times Class 6 (Business),
- (d) set Class 6 (Business) at no more than 2 times Class 1 (Residential),
- (e) set Class 7 (Managed Forest) at no more than 2 times Class 6 (Business),
- (f) set Class 8 (Non-profit and Recreation) tax ratio at 1.00, to assist sector, and
- (g) set Class 9 (Farm) tax ratio at 1.00, to encourage local farm production.

Table 2 – 2021 Property Tax and Ratios Distribution

| Item | Column 1 Property Class | Column 2 % of Total Property Taxation | Column 3 Dollar Value | Column 4 Ratios |
|------|-----------------------------------|---|---------------------------------|---------------------------|
| 1 | Residential | 68.0% | 21,858,786 | 1.00 |
| 2 | Utilities | 0.6% | 208,252 | 8.44 |
| 3 | Supportive Housing | 0.0% | - | - |
| 4 | Major Industrial | 14.4% | 4,636,709 | 9.03 |
| 5 | Light Industrial | 3.3% | 1,064,686 | 3.77 |
| 6 | Business and Other | 13.2% | 4,248,842 | 2.73 |
| 7 | Managed Forest | 0.2% | 49,037 | 4.45 |
| 8 | Recreation/Non-profit | 0.2% | 69,388 | 1.00 |
| 9 | Farm land | 0.1% | 29,470 | 1.00 |
| 10 | Total | 100.00% | 32,165,170 | |

3. Permissive Tax Exemptions

North Cowichan supports local non-profit organizations through permissive tax exemptions. Each year a list of these exemptions are included in the Annual Report. Permissive property tax exemptions are governed by the North Cowichan Permissive Tax Exemption Policy.



The Corporation of the District of North Cowichan

Tax Rates Bylaw, 2021

Bylaw 3827

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

Citation

- 1** This Bylaw may be cited as "Tax Rates Bylaw, No. 3827, 2021".

2021 Tax Rates

- 2** This Bylaw imposes tax rates for the year 2021 appearing in Schedule A, attached to and forming part of this bylaw, on the assessed value of all land and improvements within the Municipality of North Cowichan, for the following purposes:
- (a) North Cowichan general municipal purposes - Column A;
 - (b) Chemainus Business Improvement Area - Column B;
 - (c) Cowichan Valley Regional District - Column C;
 - (d) Cowichan Valley Regional District's Cowichan Community Centre - Column D;
 - (e) Cowichan Valley Regional District's Theatre Grant – Column E;
 - (f) Cowichan Valley Regional District's Cowichan River Flood Management - Column F;
 - (g) Cowichan Valley Regional Hospital District - Column G.
- 3** The tax rates and percentage additions shall be payable at the Municipal Hall, 7030 Trans-Canada Highway, Duncan, British Columbia.

Severability

- 4** 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.

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

CORPORATE OFFICER

PRESIDING MEMBER


Schedule A

2021 TAX RATES

(Dollars of Tax per \$1,000 of Net Taxable Value)

| Property Class | A General Municipal | B Chemainus Business Improvement Area | C Cowichan Valley Regional District (CVRD) | D CVRD Cowichan Community Centre | E CVRD Theatre Grant | F CVRD Cowichan River Flood Mgmt. | G Cowichan Valley Regional Hospital District |
|-------------------------|---------------------------|---|---|--|-------------------------------|---|---|
| Residential | 3.3581 | | 0.75220 | 0.52418 | 0.05354 | 0.01595 | 0.48452 |
| Utility | 28.3541 | | 2.63280 | 1.83463 | 0.18740 | 0.05584 | 1.69582 |
| Major Industry | 30.3172 | | 2.55750 | 1.78221 | 0.18204 | 0.05425 | 1.64737 |
| Light Industry | 12.6738 | | 2.55750 | 1.78221 | 0.18204 | 0.05425 | 1.64737 |
| Business | 9.1740 | | 1.84290 | 1.28424 | 0.13118 | 0.03909 | 1.18707 |
| Business – Area 1 | | 4.2500 | | | | | |
| Business – Area 2 | | 3.5000 | | | | | |
| Business – Area 3 | | 2.5000 | | | | | |
| Managed Forests | 14.9582 | | 2.25670 | 1.57254 | 0.16063 | 0.04786 | 1.45356 |
| Recreational/Non-Profit | 3.3581 | | 0.75220 | 0.52418 | 0.05354 | 0.01595 | 0.48452 |
| Farm | 3.3581 | | 0.75220 | 0.52418 | 0.05354 | 0.01595 | 0.48452 |

Report

| | | |
|---------|--|---|
| Date | April 21, 2021 | File: |
| To | Council | |
| From | Talitha Soldera, Director, Financial Services | Endorsed:  |
| Subject | Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021 | |

Purpose

To introduce Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021 to provide two additional months for taxpayers who cannot meet the July 2 deadline to pay without penalty.

Background

At the April 13, 2021 Committee of the Whole meeting, staff were given direction to prepare an Alternative Municipal Tax Collection Scheme Bylaw extending the property tax penalty date to September 1, 2021.

Section 235 of the *Community Charter* authorizes municipalities to change property tax due dates, penalty dates, or penalty amounts through the adoption of an Alternative Municipal Tax Collection Scheme Bylaw.

Discussion

The 2021 Financial Plan has several capital projects that help keep the local economy active while minimizing the impact on taxpayers. Balancing the cash-flow needs of the organization with the ongoing financial impact to taxpayers arising from the COVID-19 pandemic, the property tax due date will return to the regular July 2 timeline, but the late payment penalty date will be delayed until September 1, 2021.

Under this alternative scheme, taxpayers who cannot meet the July 2 deadline will have two extra months to pay without penalty. Unpaid taxes and unclaimed homeowner grants after September 1 will incur a 10% penalty.

Options

Option 1 (Recommended)

That Council give first, second and third readings to the Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021.

- Advantages: by giving only three readings, it ensures time for final consideration of Council before adoption; and helps to ensure the penalty date change takes place prior to the legislated deadline for bylaw adoption.

- Disadvantages: none

Option 2

That Council continues to apply the general tax collection scheme, which retains the July 3, 2021 penalty date for outstanding property taxes and unclaimed homeowner grants.

- Advantage: not a source of potential confusion for taxpayers with a return to typical scheme.
- Disadvantage: some taxpayers may be unable to pay on time.

Implications

Extending the property tax penalty date to September 1, 2021, will provide two additional months for taxpayers who cannot meet the July 2 deadline to pay without penalty. Staff will need to monitor cash flows to ensure our current obligations can be met if many taxpayers do not pay until September 1.

Recommendation

That Council give first, second and third readings to the Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021.

Attachment:

Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021



The Corporation of the District of North Cowichan

Alternative Municipal Tax Collection Scheme Bylaw, 2021

Bylaw 3831

WHEREAS section 235 of the *Community Charter* authorizes the Council of The Corporation of The District of North Cowichan to establish an alternative municipal tax collection scheme;

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

Title

1. This bylaw may be cited as the "Alternative Municipal Tax Collection Scheme Bylaw No. 3831, 2021".

Definitions

2. In this bylaw:
 - a. "District" means The Corporation of the District of North Cowichan; and,
 - b. "property taxes" has the same meaning as in the *Community Charter*.

Establishment of Alternative Scheme

3. An alternative municipal tax collection scheme is hereby established for the taxpayers of the District.

Property Tax Penalty

4. If all or part of the property taxes for the current taxation year for a parcel of land and its improvements on the assessment roll remain unpaid after the first working day in September:
 - a. The collector must add to the unpaid property taxes for the parcel and improvements for the current year a penalty equal to 10% of the portion that remains unpaid; and,
 - b. the penalty referred to in subsection (a) is due as part of the property taxes for the current year for the parcel and improvements.

Election of Applicable Tax Scheme

5. An owner may elect to pay property taxes under either the alternative municipal tax collection scheme or the general tax scheme by giving written notice to the District between April 30 and May 15 of the year in which the property taxes are levied.

6. Where an owner does not make an election under section 5, the alternative municipal tax collection scheme applies.
- Effective Date**
7. This bylaw shall come into force and effect on the date it is adopted, and shall be effective for the 2021 taxation year.
8. This bylaw is repealed on December 31, 2021.

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

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date April 21, 2021

File:

To Council

From Michelle Martineau, Manager, Legislative Services

Endorsed:



Subject Amendments to Controlled Substance Bylaw No. 3803

Purpose

To consider amendments to Controlled Substance Bylaw No. 3803, 2020 as requested by the Medical Health Officer, Environmental Health Officer, RCMP and the Residential Tenancy Branch.

Background

The modernization of Nuisance (Controlled Substance) Bylaw No. 3246 ("NCS Bylaw 3246") was identified as an action within the CAO Office Department 2021 Business Plan. Controlled Substance Bylaw No. 3803, 2020 ("CS Bylaw 3803"), which updated the original bylaw (NCS Bylaw 3246) to include fees for property inspections, compliance failure, and reflect the decriminalization of personal production of cannabis, was presented to Council on December 2, 2020. It was given first three readings, and the bylaw was then forwarded to the Medical Health Officer for consultation prior to consideration of adoption.

Discussion

Public Health is one of the four spheres that the provincial government has a shared interest in regulating activities. Therefore, any new municipal bylaw or amendment to an existing bylaw that relates to public health requires provincial government involvement and must be approved by the Minister of Health.

Under the [Public Health Bylaws Regulation](#), staff must consult with the Medical Health Officer responsible for public health matters within the jurisdiction. A copy of the bylaw is deposited with the Minister of Health before any health-related bylaw can be adopted.

Following an initial consultation with the Medical Health Officer, Dr. Shannon Waters, and the Environmental Health Officer, Healthy Built Environment Consultant, Jade Yehia, in December 2020, CS Bylaw 3803 was then referred to the RCMP and the Residential Tenancy Branch, Ministry of Attorney General and Minister Responsible for Housing for further comment. That consultation identified the need for clearer language within CS Bylaw 3803, which included:

- clearer linkage and intent around health;
- the potential for conflict between the RCMP's role in relation to inspections versus *Criminal Code* searches;

- additional language under the discontinuance of water service in relation to multi-family dwellings to ensure that other residents are not without water; and
- the provision of an opportunity for an owner (landlord) to request an extension to the 60-day obligation in which they must bring their property into compliance where they find out their tenant is engaging in illegal behaviour and would move to evict by issuing a one month notice to end the tenancy, pursuant to section 47 of the *Residential Tenancy Act*. If the tenant disputes the notice, it may make it challenging for the landlord to take necessary actions to bring the parcel/building into compliance, given the timelines it may take them to get a hearing date. Even if the landlord receives an order of possession, a tenant could further delay by filing for a judicial review with the courts.

Based upon the feedback received, several edits were made to CS Bylaw 3803 and reviewed by the municipal solicitor (Young Anderson) prior to returning the bylaw to the government organizations that were consulted to ensure that their concerns had been appropriately addressed with the proposed changes. Confirmation was received from the RCMP and the Residential Tenancy Branch on February 4, 2021, and the Medical Health Officer on February 10, 2021, that the proposed changes addressed their concerns.

Those edits, as shown in redline in Attachment 1, include:

- Additional wording in the first two “whereas” clauses and subsections 4.1(h), 6.3 and 6.4 to provide clearer linkage and intent around health;
- Removal of “peace officer” as an inspector to avoid any potential inspection vs Criminal Code search conflicts;
- Additional wording added to subsection 8.1(a) for clarity;
- New subsection 8.3 was added in relation to the discontinuation of water service for multi-family dwellings; and
- New section 9.2 added to provide a process for an owner to request an extension to bring a parcel or building into compliance where a tenant has disputed an eviction notice.

The Minister of Health’s office advised staff on April 1, 2021, that they were satisfied with the edits to be made to the bylaw and noted that they would accept the bylaw for deposit as it has been revised in Attachment 2. Once CS Bylaw 3803 has received third reading as amended, it will be sent to the Minister of Health’s office for deposit. Following confirmation of deposit, CS Bylaw 3803 will come forward to Council for adoption.

Options

1. (Recommended Option) Rescind third reading and amend the bylaw as requested. The motions required under this option must be passed separately as the bylaw must be returned to second reading in order to make the amendments requested.

- (1) That Council rescind third reading of Controlled Substance Bylaw No. 3803, 2020.
- (2) That Council amend Controlled Substance Bylaw No. 3803, 2020 by:
 - (a) Striking out “*health, safety or protection*” in the first whereas clause and inserting in its place “*protection, promotion or preservation of the health or, safety*”;
 - (b) Inserting “*to ensure*” between property and current in the second whereas clause;

- (c) Inserting "*not living under conditions that may pose a health risk to the*" between are and persons at the end of the second whereas clause;
- (d) Striking out "*a Peace Officer*" under the definition of Inspector under section 3.1;
- (e) Inserting "*that an Inspector considers may pose a risk to the health of present or future occupants*" at the end of subsection 4.1(h);
- (f) Inserting "*which the Inspector considers may pose a risk to the health of present or future occupants*" in section 6.3 following a Hazardous Substance or mould;
- (g) Inserting "*that may pose a risk to the health of present or future occupants*" in section 6.4 following a Hazardous Condition exists on a Parcel;
- (h) Striking out "*the District gives the Owner and Occupier of the Parcel*" at the beginning of subsection 8.1(a) and inserting in its place "*the District gives all Owners and Occupiers of the Parcel connected to the water service*";
- (i) Inserting "*Where a Parcel has multiple residential dwellings that are connected to the same water service as an Unauthorized Drug Production Facility, water service to that Parcel shall not be discontinued due to the use of the part of the Parcel as an Unauthorized Drug Production Facility*" as section 8.3; and
- (j) Inserting "*Where an Owner of a Parcel or Building has delivered a notice to end tenancy to a tenant living in a dwelling being used in contravention of this Bylaw and where that notice to end tenancy has been disputed by the tenant, the Owner of the Parcel or Building may make written representation to Council to request an extension under subsection 9.1(b)*" as 9.2.

(3) That Council give Controlled Substance Bylaw No. 3803, 2020 third reading as amended.

2. Provide direction to staff on further edits to be made to the bylaw. Final wording for any additional edits should be vetted by the municipal solicitor and forwarded to the Medical Health Officer, Residential Tenancy Branch, and the Minister of Health's office prior to giving the bylaw third reading as amended.

(1) That Council rescind third reading of Controlled Substance Bylaw No. 3803, 2020.

(2) That Council amend Controlled Substance Bylaw No. 3803, 2020 by:

- *[Identify which sections are to be amended].*

(3) That Council direct staff to forward Controlled Substance Bylaw No. 3803, 2020, as amended, to the municipal solicitor, the Medical Health Officer, the Residential Tenancy Branch, and the Minister of Health's office for feedback prior to consideration of third reading.

Implications

CS Bylaw 3803 provides Inspectors with authority to enter non-compliant properties to complete remediation work without having to first obtain approval from Council. This change will speed up the process of dealing with violations. However, the bylaw must be deposited with the Minister of Health prior to Council considering adoption.

Following the adoption of CS Bylaw 3803, Council may consider adoption of the amendments to the Municipal Ticket Information System Bylaw, which will include offence violations and fines, and the Fees and Charges Bylaw, which will consist of updates the administrative fees and charges consistent with the applicable sections in CS Bylaw 3803.

Recommendation

- (1) That Council rescind third reading of Controlled Substance Bylaw No. 3803, 2020.
- (2) That Council amend Controlled Substance Bylaw No. 3803, 2020 by:
 - (a) Striking out *"health, safety or protection"* in the first whereas clause and inserting in its place *"protection, promotion or preservation of the health or, safety"*;
 - (b) Inserting *"to ensure"* between property and current in the second whereas clause;
 - (c) Inserting *"not living under conditions that may pose a health risk to the"* between are and persons at the end of the second whereas clause;
 - (d) Striking out *"a Peace Officer"* under the definition of Inspector under section 3.1;
 - (e) Inserting *"that an Inspector considers may pose a risk to the health of present or future occupants"* at the end of subsection 4.1(h);
 - (f) Inserting *"which the Inspector considers may pose a risk to the health of present or future occupants"* in section 6.3 following a Hazardous Substance or mould;
 - (g) Inserting *"that may pose a risk to the health of present or future occupants"* in section 6.4 following a Hazardous Condition exists on a Parcel;
 - (h) Striking out *"the District gives the Owner and Occupier of the Parcel"* at the beginning of subsection 8.1(a) and inserting in its place *"the District gives all Owners and Occupiers of the Parcel connected to the water service"*;
 - (i) Inserting *"Where a Parcel has multiple residential dwellings that are connected to the same water service as an Unauthorized Drug Production Facility, water service to that Parcel shall not be discontinued due to the use of the part of the Parcel as an Unauthorized Drug Production Facility"* as section 8.3; and
 - (j) Inserting *"Where an Owner of a Parcel or Building has delivered a notice to end tenancy to a tenant living in a dwelling being used in contravention of this Bylaw and where that notice to end tenancy has been disputed by the tenant, the Owner of the Parcel or Building may make written representation to Council to request an extension under subsection 9.1(b)"* as 9.2.
- (3) That Council give Controlled Substance Bylaw No. 3803, 2020 third reading as amended.

Attachments:

- (1) Bylaw No. 3803 with edits shown in redline
- (2) Bylaw No. 3803 as amended



The Corporation of the District of North Cowichan

Controlled Substance Bylaw

BYLAW NO.3803

A Bylaw to Regulate, Prohibit and Impose Requirements Respecting Health and Safety on Property

Contents

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WHEREAS sections 8(1)(g), (h), (i) and (l) of the *Community Charter*, SBC 2003, c. 26 provide that Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection, promotion or preservation of the health ~~or~~ safety ~~or protection~~ of persons or property in relation to matters referred to in section 63 [*protection of persons and property*]; the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [*nuisances, disturbances and other objectionable situations*]; public health; and buildings and other structures, respectively;

AND WHEREAS the Council of the Corporation of the District of North Cowichan wishes to enact a bylaw to regulate, prohibit and impose requirements respecting health and safety matters on property to ensure current or future Occupiers are not living under conditions that may pose a health risk to the persons;

AND WHEREAS structural alterations and the alteration of plumbing, heating, air conditioning, electrical wiring and equipment, gas piping and fittings, appliances and accessories, and the growth of mould and use or presence of toxic chemicals in buildings results in risks to the health and safety of occupiers, neighbours, emergency responders and inspectors;

AND WHEREAS properties used for the production of Controlled Substances are particularly susceptible to the above risks to health and safety;

AND WHEREAS inspection and bylaw enforcement with respect to properties used for the production of Controlled Substances present unique risks and costs to the Corporation of the District of North Cowichan and its staff or agents;

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

Part 1: Citation

1.1 This Bylaw may be cited as the "Controlled Substance Bylaw No. 3803, 2020".

Part 2: Severability

2.1 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Part 3: Definitions

3.1 In this Bylaw:

AUTHORIZED GROW OPERATION means a Parcel used for the cultivation, growth, storage or production of cannabis with the authority of a valid permit issued by the federal or provincial government agency having jurisdiction over the cultivation, growth, storage or production of cannabis or otherwise in accordance with the laws of Canada;

BUILDING means any structure or portion of a structure used or intended for supporting or sheltering any use or occupancy and, in the case of a Building with multiple units or occupancies, means any portion of a Building held or used as a separate unit;

BUILDING BYLAW means the Corporation of the District of North Cowichan Bylaw 3172, Building Bylaw 2003;

BUILDING CODE means the British Columbia Building Code;

BUILDING INSPECTOR means the person appointed as the District's Chief Building Inspector, and every inspector or safety officer appointed by the District, Province or Technical Safety BC to inspect buildings or structures, in relation to building, plumbing, gas or electrical standards or other components;

BYLAW ENFORCEMENT OFFICER means a person appointed by the District as a Bylaw Enforcement Officer;

CHIEF ADMINISTRATIVE OFFICER means the person appointed as the District's Chief Administrative Officer;

DISTRICT means the Corporation of the District of North Cowichan;

CONTROLLED SUBSTANCE means a "controlled substance" as defined and described in Schedules I, II, III, IV or V of the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19;

COUNCIL means the Council of the District;

ELECTRICAL CODE means the British Columbia Electrical Code;

FIRE CHIEF means the person appointed to be the Fire Chief for North Cowichan and includes that person's delegate;

FIRE CODE means the British Columbia Fire Code;

DIRECTOR OF PLANNING AND BUILDING means the person appointed as the District's Director of Planning and Building and includes that person's delegate;

DIRECTOR OF ENGINEERING means the person appointed as the District's Director of Engineering and includes that person's delegate;

HAZARDOUS CONDITION means:

- (a) any real or potential risk of fire;
- (b) any real or potential risk to the health or safety of persons or property;
- (c) any Unauthorized Alteration; or
- (d) repairs needed to a Building in accordance with the Building Code or Fire Code;

HAZARDOUS CONDITION REQUIREMENT LIST means a list of Hazardous Conditions present on a Parcel, and any work required to address or remove those Hazardous Conditions, as prepared or compiled by the Building Inspector following an inspection or Special Safety Inspection, and which may be in the form of Schedule "A";

HAZARDOUS SUBSTANCE means a substance in a concentration in excess of that listed in WorkSafe BC's Table of Exposure Limits for Chemical and Biological Substances, as amended from time to time;

INSPECTOR means:

- (a) the Fire Chief;
- (b) the Manager of Fire and Bylaw Services;
- (c) the Chief Building Inspector;
- (d) a Building and Plumbing Inspector;

~~(e)~~ a Peace Officer;

~~(f)~~(e) the Director of Planning and Building;

~~(g)~~(f) the Director of Engineering;

~~(h)~~(g) the Manager of Operations;

~~(i)~~(h) a Bylaw Enforcement Officer; or

~~(j)~~(i) the deputy of any person, officer or employee referred to in paragraphs (a) to (j);

MANAGER OF FIRE AND BYLAW SERVICES means the person appointed as the District's Manager of Fire and Bylaw Services and includes that person's delegate;

MANAGER OF OPERATIONS means the person appointed as the District's Manager of Operations and includes that person's delegate;

MOULD REMEDIATION GUIDELINES means s.9.0 of the Canadian Construction Association's Standard Construction Document CCA 82-2004: *Mould Guidelines for the Canadian Construction Industry*;

OCCUPIER means a person occupying a property within the District and includes the registered Owner of the property where the Owner is the person occupying or where the property is unoccupied;

OWNER includes the registered owner in fee simple of real property and those persons defined as "owner" in the *Community Charter*;

PARCEL includes land and any improvements located thereon;

QUALIFIED CONTRACTOR means an individual or a corporation certified by the Institute of Inspection Cleaning and Restoration Certification or other qualified professionals as approved by the District;

QUALIFIED ENVIRONMENTAL PROFESSIONAL means an individual or corporation certified by the Canadian Board of Registered Occupational Hygienists or the American Board of Industrial Hygiene or other qualified professionals as approved by the District;

REMEDIATION ACTION PLAN means the plan prepared by the Qualified Environmental Professional under Part 6.3 of this Bylaw;

SPECIAL SAFETY INSPECTION means an inspection coordinated by the Inspector with any municipal departments, provincial or federal authorities, and independent professionals or contractors as may be necessary for the purpose of determining the presence of any Hazardous Conditions on a Parcel;

UNAUTHORIZED ALTERATION means any change made to the structural, gas, plumbing, ventilation, mechanical, electrical, or other components of a Building that requires a permit, but for which no permit has been issued pursuant to the Building Bylaw or another enactment;

UNAUTHORIZED DRUG PRODUCTION FACILITY means a Parcel used for the cultivation, growth, storage or production of a Controlled Substance without authority of a valid permit issued by the federal or provincial government agency having jurisdiction over the Controlled Substance(s) being cultivated, grown, stored or produced;

UTILITY means a lawful provider of an electrical, water or natural gas service from a distribution system to consumers.

- 3.2 All references to a bylaw or enactment in this Bylaw refer to that bylaw or enactment as amended or replaced from time to time.

Part 4: General Prohibitions

4.1 No person may:

- (a) disconnect or bypass a meter installed for the purpose of measuring consumption of electricity, water or natural gas from an electrical, water or natural gas distribution system, except where such disconnection or bypass has been specifically permitted or required by the District, the applicable Utility, or a government authority;
- (b) divert or install exhaust vents from clothes dryers, hot water tanks, furnaces, or fireplaces so that they exhaust into or within a Building;
- (c) construct or install any obstruction of an exit or access to an exit required under the Building Code;
- (d) alter an electrical system without a permit and approval from the British Columbia Safety Authority;
- (e) bring in or allow a Hazardous Substance to accumulate on any Parcel or in any Building;
- (f) undertake an Unauthorized Alteration to a Building;
- (g) use water from the District's water distribution system in an Unauthorized Drug Production Facility;
- (h) cause or permit a Building to become subject to a visible accumulation of mould on the interior of any window, interior wall or other structural component of the Building that an Inspector considers may pose a risk to the health of present or future occupants;
- (i) interfere with or obstruct the Building Inspector, the Fire Chief, the Director of Engineering, or the Manager of Operations from posting a notice referred to in Part 6.4 or Part 8;
- (j) interfere or obstruct the entry of an Inspector;
- (k) remove, alter, cover or mutilate a notice posted under Part 6.4 or Part 8; or
- (l) use or occupy a Parcel until the Building Inspector or Fire Chief has removed the notice posted under Part 6.4.

Part 5: Powers of Inspectors

- ### 5.1 Subject to the provisions of the *Community Charter*, an Inspector may enter onto a Parcel, including the interior of a Building, in order to:
- (a) inspect and determine whether all regulations, prohibitions and requirements under this Bylaw are being met;
 - (b) coordinate and carry out a Special Safety Inspection under Part 6 of this Bylaw;
 - (c) inspect, disconnect or remove a water service connection pursuant to Part 8 of this Bylaw; or
 - (d) take action authorized under Part 12 of this Bylaw.

Part 6: Special Safety Inspections

6.1 Where:

- (a) an Inspector has reasonable grounds to believe that a Hazardous Condition exists on a Parcel, or
- (b) a Parcel was used for the purpose of carrying on an Unauthorized Drug Production Facility, or
- (c) a Parcel that was used for the purpose of carrying on an Authorized Grow Operation ceases to be used for that purpose

the Inspector may require the Owner to undertake a Special Safety Inspection.

6.2 Where a Building Inspector has reasonable grounds to believe that a Hazardous Condition exists on a Parcel which affects the structural integrity of a Building on the Parcel, the Inspector may include in the Hazardous Condition Requirement List a requirement that the Owner must obtain a report from a qualified professional engineer certifying that the Building is safe for occupancy and complies with the Building Code.

6.3 Where the Inspector has reasonable grounds to believe that a Hazardous Condition existing on a Parcel results from a Hazardous Substance or mould which the Inspector considers may pose a risk to the health of present or future occupants, the Inspector may include in the Hazardous Condition Requirement List any or all of the following requirements:

- (a) that the Owner must retain a Qualified Environmental Professional to carry out an assessment of all Hazardous Conditions on the Parcel, including but not limited to the presence of Hazardous Substances and mould, and provide a Remediation Action Plan in response to those Hazardous Conditions which must be prepared before any articles or materials have been removed from the Parcel and no actions may be taken that might prevent a comprehensive assessment of potential Hazardous Conditions on the Parcel;
- (b) that the Owner must retain a Qualified Contractor to carry out all remedial measures identified in the Remediation Action Plan;
- (c) that the Owner must retain a Qualified Environmental Professional to verify that all remedial measures identified in the Remediation Action Plan have been completed and the Parcel is safe to re-occupy; and
- (d) that the Owner must provide a certificate in the form prescribed in Schedule "B" from a Qualified Environmental Professional certifying that the Parcel has been remediated in accordance with the Remediation Action Plan and that the Parcel meets the requirements of this Bylaw and is safe to re-occupy.

6.4 If the Building Inspector or Fire Chief has reasonable grounds to believe that a Hazardous Condition exists on a Parcel that may pose a risk to the health of present or future occupants, the Building Inspector or Fire Chief may post a notice in the form of Schedule "C" to this Bylaw in a conspicuous place at the entrances to that Parcel, and deliver to the

Owner a notice that the Parcel is unsafe and that no person shall enter or occupy the Parcel.

Part 7: Requirements for Re-Occupancy

- 7.1 Where the Inspector has required the Owner to undertake a Special Safety Inspection under Part 6.1, no person may enter or occupy the Parcel subject to such inspection requirement until:
- (a) a Special Safety Inspection of the Parcel has been conducted and the Building Inspector has issued a Hazardous Condition Requirement List;
 - (b) the Owner has obtained all permits, approvals or authorizations required to carry out any work identified in the Hazardous Condition Requirement List;
 - (c) the Owner has carried out or caused to be carried out all work identified in the Hazardous Condition Requirement List;
 - (d) the Building Inspector has inspected the Parcel and determined that the work required in the Hazardous Condition Requirement List has been completed in accordance with all requirements of this Bylaw, the Building Bylaw, the Building Code, the Fire Code and all other applicable enactments and that no apparent Hazardous Condition remains in, on or at the Parcel;
 - (e) the Inspector has removed any notices under Part 6.4 of this Bylaw and, where necessary, has issued a new occupancy permit for the Building pursuant to the Building Bylaw; and
 - (f) the Owner has paid all fees imposed by *Fees and Charges Bylaw No. 3784, 2020*, as amended or replaced from time to time.

Part 8: Discontinuation of Water Service

- 8.1 The District may discontinue providing water service to a Parcel if such water is being used for or in relation to an Unauthorized Drug Production Facility, provided that:
- (a) the District gives ~~the~~all Owners and Occupiers of the Parcel connected to the water service 7 days written notice of an opportunity to make written representations to Council with respect to the proposed discontinuance of water service; and
 - (b) after the persons affected have had an opportunity to make representations to Council, the District must give the Owner and Occupier of the Parcel an additional 7 days written notice of the discontinuance of the water service.
- 8.2 Despite anything in this Bylaw, where the Director of Engineering or the Manager of Operations reasonably considers that there is a risk of backflow or contamination to the District's water distribution system from a Parcel, and there is no apparent mechanism to prevent that backflow or contamination, then:
- (a) the Director of Engineering or the Manager of Operations may post a notice in the form of Schedule "D" to this Bylaw in a conspicuous place at the entrance to that Parcel;

- (b) the District may discontinue the provision of water to the Parcel immediately, until such time as a mechanism to prevent backflow and contamination is installed, inspected by a certified backflow tester, and approved by the District; and
- (c) the Owner may make representations to Council in connection with the discontinuance of the provision of water hereunder at the next regularly scheduled meeting of Council.

8.3 Where a Parcel has multiple residential dwellings that are connected to the same water service as an Unauthorized Drug Production Facility, water service to that Parcel shall not be discontinued due to the use of the part of the Parcel as an Unauthorized Drug Production Facility.

Part 9: Owner Obligations Respecting Tenancies

9.1 Every Owner of a Parcel or Building that has been rented or leased to or is occupied by a third party and who becomes aware of a contravention of this Bylaw upon that Parcel or in that Building must:

- (a) within 24 hours of the discovery of this contravention, deliver written notice to the Building Inspector of the particulars of the contravention; and
- (b) within 60 days of the delivery of the notice, take such action as may be necessary to bring the Parcel or Building into compliance with this Bylaw.

9.2 Where an Owner of a Parcel or Building has delivered a notice to end tenancy to a tenant living in a dwelling being used in contravention of this Bylaw and where that notice to end tenancy has been disputed by the tenant, the Owner of the Parcel or Building may make written representation to Council to request an extension under subsection 9.1(b).

Part 10: Owner's Responsibility

10.1 No action of the District, including without limitation:

- (a) the removal of a notice posted under this Bylaw;
- (b) the issuance of an approval under this Bylaw;
- (c) the acceptance or review of plans, drawings or specifications or supporting documents submitted under this Bylaw; or
- (d) any inspections made by or on behalf of the District

will in any way relieve the Owner from full and complete responsibility to perform work required or contemplated under this Bylaw or the Building Code and all other applicable enactments, nor do they constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw, or any other applicable codes, standards or enactments have been complied with.

- 10.2 It is the full and complete responsibility of the Owner to carry out any work required pursuant to this Bylaw in compliance with this Bylaw and all other applicable codes, standards and enactments, including the Building Code.
- 10.3 When a Qualified Environmental Professional, engineer, or architect provides certification or other documentation to the District under this Bylaw that work required by or contemplated by this Bylaw substantially conforms to the requirements of this Bylaw, the health and safety requirements of the Building Code, Electrical Code, Fire Code, or any other health and safety requirements established by applicable enactments, the District may rely completely on this documentation as evidence of conformity with those requirements.

Part 11: Offence and Penalty

- 11.1 Any person who:
- (a) contravenes or violates any provision of this Bylaw;
 - (b) allows any act or thing to be done in contravention or violation of this Bylaw;
 - (c) fails or neglects to do anything required to be done by this Bylaw; or
 - (d) makes any false or misleading statement, commits an offence, and where the offence is a continuing one, each day the offence is continued constitutes a separate offence.
- 11.2 Upon being convicted of an offence under this Bylaw, a person shall be liable to pay a fine of not less than \$5,000 and not more than \$10,000.

Part 12: Failure to Comply

- 12.1 If an Owner or Occupier of a Parcel fails to comply with a requirement of the District under this Bylaw or another safety enactment, the District may, within the time specified in the order or notice, enter on the Parcel and take such action as may be required to correct the default, including to remediate the Parcel or to have the Parcel attain a standard specified in any safety enactment, at the expense of the Owner or Occupier who has failed to comply, and may recover the costs incurred as a debt.
- 12.2 If the Owner has failed to pay the cost to the District incurred under Part 12.1 before the 31st day of December in the year that the corrective action was taken, the service costs must be added to and form part of the taxes payable on the property as taxes in arrears.

Part 13: Schedules

- 13.1 The following schedules are included in and form part of this Bylaw:
- Schedule "A" – Hazardous Condition Requirement List
 - Schedule "B" – Certification Form
 - Schedule "C" – Do Not Enter or Occupy Notice
 - Schedule "D" – Water Shut-Off Notice

Part 14: Repeal

14.1 District Bylaw 3246, Nuisance (Controlled Substance) Bylaw, 2006, is hereby repealed.

READ a first time on December 2, 2020

READ a second time on December 2, 2020

READ a third time on December 2, 2020

North Cowichan consulted with Medical Health Officer on December 23, 2020

THIRD reading was rescinded on

READ a third time as amended on

DEPOSITED WITH THE MINISTER OF HEALTH on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

SCHEDULE A

Hazardous Condition Requirement List

Re: _____ (the "Property")

Pursuant to the _____ Bylaw No. _____, 2020 (the "Bylaw") a Special Safety Inspection has been carried out on the above Property, and the Property has been posted with a Notice that it may not be entered or occupied due to hazardous conditions and/or unauthorized alterations on the Property.

No person is permitted to enter or occupy the Property until this Notice has been removed. If you wish to reoccupy the Property, you are required to perform the following works, and provide the following certifications, as indicated:

- ☐ Provide evidence from the following utility providers that the Property has been properly connected to the following utilities:
- ☐ Gas;
- ☐ Water; and
- ☐ Electricity;
- ☐ Vent all furnace/hot water tank/gas appliances in accordance with the applicable code;
- ☐ Provide/Restore all items as required under the Building Code and identified by the Building Inspector;
- ☐ Bring all electrical panels and circuits up to standards as required by the British Columbia Safety Authority;
- ☐ Provide a report from a qualified professional engineer certifying that the building is safe for occupancy and complies with the Building Code;
- ☐ Provide a certificate report in the form prescribed in Schedule "B" of the Bylaw, from a Qualified Environmental Professional, certifying that the Property has been remediated; and
- ☐ You are required to obtain an approval from the District prior to performing any of the above works that may require a permit under the District's Bylaws.

Until the above requirements above have been completed, and the Building Inspector has re-inspected the Property and removed the Notice, the Bylaw prohibits occupancy of the Property by any person.

We enclose a copy of the Bylaw for your reference. If you have any questions concerning the regulations in the Bylaw, please call the District's Chief Building Inspector at (250) ____-____.

SCHEDULE B
Certification Form

TO: **The Corporation of the District of North Cowichan**

FROM: _____ *[insert name and address of qualified environmental professional]*

RE: Premises located at: _____ *[insert address]*

This is to certify that in accordance with the _____ Bylaw No. _____, 2020 the professional identified in this certification:

- (1) Is a Qualified Environmental Professional under the Safe Premises Bylaw, with the following degrees, qualifications, and professional affiliations:

- (2) Has completed an inspection of the premises on _____ *[insert date]*; and

- (3) The premises have been remediated in accordance with the Remediation Action Plan prepared for these premises by _____ on _____, and all hazardous substances and moulds, are now within safe levels for occupancy, and are in accordance with the _____ Bylaw No. _____, 2020.

The undersigned professional may be contacted at:

_____ *[insert business telephone number and email]*

CERTIFIED AS OF _____ *[insert date]*

[Signature of Qualified Environmental Professional]

SCHEDULE C

MUNICIPALITY OF NORTH COWICHAN

Planning & Building Department

[Address]

Phone: (250) ____ - ____

Fire & Bylaw Services

[Address]

Phone: (250) ____ - ____

DO NOT ENTER OR OCCUPY

Property Location: _____

TAKE NOTICE THAT these premises have been found to contain unauthorized alterations and/or are in a hazardous condition.

Pursuant to _____ Bylaw No. _____, 2020, no person may enter or occupy these premises until cleaning, remediation and/or repairs have been completed in compliance with that Bylaw and the Building Inspector has confirmed that a satisfactory occupancy inspection has been completed.

It is an offence to remove or deface this notice.

Any inquiries should be directed to the Chief Building Inspector at (250) ____ - ____ or Fire Chief at (250) ____ - ____.

Date

Chief Building Inspector and/or Fire Chief

SCHEDULE D

MUNICIPALITY OF NORTH COWICHAN

Engineering Department
[Address]
Phone: (250) ____ - ____

Operations Department
[Address]
Phone: (250) ____ - ____

WATER SERVICE SHUT OFF NOTICE

Property Location: _____

TAKE NOTICE THAT these premises have been reasonably considered to have a risk of backflow or contamination to the District's water distribution system from an Unauthorized Drug Production facility. Pursuant to _____ Bylaw No. _____, 2020, the District has discontinued the provision of water to this parcel. No person may occupy these premises until cleaning, remediation and/or repairs have been completed in compliance with that Bylaw and the Building Inspector has confirmed that a satisfactory occupancy inspection has been completed.

It is an offence to remove or deface this notice.

Any inquiries should be directed to the Director of Engineering or the Manager of Operations at (250) ____ - ____.

Date

Director of Engineering / Manager of Operations



The Corporation of the District of North Cowichan

Controlled Substance Bylaw

BYLAW NO.3803

A Bylaw to Regulate, Prohibit and Impose Requirements Respecting Health and Safety on Property

Contents

- 1 Citation
- 2 Severability
- 3 Definitions
- 4 General Prohibitions
- 5 Powers of Inspectors
- 6 Special Safety Inspections
- 7 Requirements for Re-Occupancy
- 8 Discontinuation of Water Service
- 9 Owner Obligations Respecting Tenancies
- 10 Owner's Responsibility
- 11 Offence and Penalty
- 12 Failure to Comply
- 13 Schedules
- 14 Repeal
- Schedule A
- Schedule B
- Schedule C
- Schedule D

WHEREAS sections 8(1)(g), (h), (i) and (l) of the *Community Charter*, SBC 2003, c. 26 provide that Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection, promotion or preservation of the health or safety of persons or property in relation to matters referred to in section 63 [*protection of persons and property*]; the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [*nuisances, disturbances and other objectionable situations*]; public health; and buildings and other structures, respectively;

AND WHEREAS the Council of the Corporation of the District of North Cowichan wishes to enact a bylaw to regulate, prohibit and impose requirements respecting health and safety matters on property to ensure current or future Occupiers are not living under conditions that may pose a health risk to the persons;

AND WHEREAS structural alterations and the alteration of plumbing, heating, air conditioning, electrical wiring and equipment, gas piping and fittings, appliances and accessories, and the growth of mould and use or presence of toxic chemicals in buildings results in risks to the health and safety of occupiers, neighbours, emergency responders and inspectors;

AND WHEREAS properties used for the production of Controlled Substances are particularly susceptible to the above risks to health and safety;

AND WHEREAS inspection and bylaw enforcement with respect to properties used for the production of Controlled Substances present unique risks and costs to the Corporation of the District of North Cowichan and its staff or agents;

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

Part 1: Citation

1.1 This Bylaw may be cited as the "Controlled Substance Bylaw No. 3803, 2020".

Part 2: Severability

2.1 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Part 3: Definitions

3.1 In this Bylaw:

AUTHORIZED GROW OPERATION means a Parcel used for the cultivation, growth, storage or production of cannabis with the authority of a valid permit issued by the federal or provincial government agency having jurisdiction over the cultivation, growth, storage or production of cannabis or otherwise in accordance with the laws of Canada;

BUILDING means any structure or portion of a structure used or intended for supporting or sheltering any use or occupancy and, in the case of a Building with multiple units or occupancies, means any portion of a Building held or used as a separate unit;

BUILDING BYLAW means the Corporation of the District of North Cowichan Bylaw 3172, Building Bylaw 2003;

BUILDING CODE means the British Columbia Building Code;

BUILDING INSPECTOR means the person appointed as the District's Chief Building Inspector, and every inspector or safety officer appointed by the District, Province or Technical Safety BC to inspect buildings or structures, in relation to building, plumbing, gas or electrical standards or other components;

BYLAW ENFORCEMENT OFFICER means a person appointed by the District as a Bylaw Enforcement Officer;

CHIEF ADMINISTRATIVE OFFICER means the person appointed as the District's Chief Administrative Officer;

DISTRICT means the Corporation of the District of North Cowichan;

CONTROLLED SUBSTANCE means a "controlled substance" as defined and described in Schedules I, II, III, IV or V of the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19;

COUNCIL means the Council of the District;

ELECTRICAL CODE means the British Columbia Electrical Code;

FIRE CHIEF means the person appointed to be the Fire Chief for North Cowichan and includes that person's delegate;

FIRE CODE means the British Columbia Fire Code;

DIRECTOR OF PLANNING AND BUILDING means the person appointed as the District's Director of Planning and Building and includes that person's delegate;

DIRECTOR OF ENGINEERING means the person appointed as the District's Director of Engineering and includes that person's delegate;

HAZARDOUS CONDITION means:

- (a) any real or potential risk of fire;
- (b) any real or potential risk to the health or safety of persons or property;
- (c) any Unauthorized Alteration; or
- (d) repairs needed to a Building in accordance with the Building Code or Fire Code;

HAZARDOUS CONDITION REQUIREMENT LIST means a list of Hazardous Conditions present on a Parcel, and any work required to address or remove those Hazardous Conditions, as prepared or compiled by the Building Inspector following an inspection or Special Safety Inspection, and which may be in the form of Schedule "A";

HAZARDOUS SUBSTANCE means a substance in a concentration in excess of that listed in WorkSafe BC's Table of Exposure Limits for Chemical and Biological Substances, as amended from time to time;

INSPECTOR means:

- (a) the Fire Chief;
- (b) the Manager of Fire and Bylaw Services;
- (c) the Chief Building Inspector;
- (d) a Building and Plumbing Inspector;
- (e) the Director of Planning and Building;
- (f) the Director of Engineering;
- (g) the Manager of Operations;
- (h) a Bylaw Enforcement Officer; or
- (i) the deputy of any person, officer or employee referred to in paragraphs (a) to (j);

MANAGER OF FIRE AND BYLAW SERVICES means the person appointed as the District's Manager of Fire and Bylaw Services and includes that person's delegate;

MANAGER OF OPERATIONS means the person appointed as the District's Manager of Operations and includes that person's delegate;

MOULD REMEDIATION GUIDELINES means s.9.0 of the Canadian Construction Association's Standard Construction Document CCA 82-2004: *Mould Guidelines for the Canadian Construction Industry*;

OCCUPIER means a person occupying a property within the District and includes the registered Owner of the property where the Owner is the person occupying or where the property is unoccupied;

OWNER includes the registered owner in fee simple of real property and those persons defined as "owner" in the *Community Charter*;

PARCEL includes land and any improvements located thereon;

QUALIFIED CONTRACTOR means an individual or a corporation certified by the Institute of Inspection Cleaning and Restoration Certification or other qualified professionals as approved by the District;

QUALIFIED ENVIRONMENTAL PROFESSIONAL means an individual or corporation certified by the Canadian Board of Registered Occupational Hygienists or the American Board of Industrial Hygiene or other qualified professionals as approved by the District;

REMEDIAL ACTION PLAN means the plan prepared by the Qualified Environmental Professional under Part 6.3 of this Bylaw;

SPECIAL SAFETY INSPECTION means an inspection coordinated by the Inspector with any municipal departments, provincial or federal authorities, and independent professionals or contractors as may be necessary for the purpose of determining the presence of any Hazardous Conditions on a Parcel;

UNAUTHORIZED ALTERATION means any change made to the structural, gas, plumbing, ventilation, mechanical, electrical, or other components of a Building that requires a permit, but for which no permit has been issued pursuant to the Building Bylaw or another enactment;

UNAUTHORIZED DRUG PRODUCTION FACILITY means a Parcel used for the cultivation, growth, storage or production of a Controlled Substance without authority of a valid permit issued by the federal or provincial government agency having jurisdiction over the Controlled Substance(s) being cultivated, grown, stored or produced;

UTILITY means a lawful provider of an electrical, water or natural gas service from a distribution system to consumers.

- 3.2 All references to a bylaw or enactment in this Bylaw refer to that bylaw or enactment as amended or replaced from time to time.

Part 4: General Prohibitions

4.1 No person may:

- (a) disconnect or bypass a meter installed for the purpose of measuring consumption of electricity, water or natural gas from an electrical, water or natural gas distribution system, except where such disconnection or bypass has been specifically permitted or required by the District, the applicable Utility, or a government authority;
- (b) divert or install exhaust vents from clothes dryers, hot water tanks, furnaces, or fireplaces so that they exhaust into or within a Building;
- (c) construct or install any obstruction of an exit or access to an exit required under the Building Code;
- (d) alter an electrical system without a permit and approval from the British Columbia Safety Authority;
- (e) bring in or allow a Hazardous Substance to accumulate on any Parcel or in any Building;
- (f) undertake an Unauthorized Alteration to a Building;
- (g) use water from the District's water distribution system in an Unauthorized Drug Production Facility;
- (h) cause or permit a Building to become subject to a visible accumulation of mould on the interior of any window, interior wall or other structural component of the Building that an Inspector considers may pose a risk to the health of present or future occupants;
- (i) interfere with or obstruct the Building Inspector, the Fire Chief, the Director of Engineering, or the Manager of Operations from posting a notice referred to in Part 6.4 or Part 8;
- (j) interfere or obstruct the entry of an Inspector;
- (k) remove, alter, cover or mutilate a notice posted under Part 6.4 or Part 8; or
- (l) use or occupy a Parcel until the Building Inspector or Fire Chief has removed the notice posted under Part 6.4.

Part 5: Powers of Inspectors

5.1 Subject to the provisions of the *Community Charter*, an Inspector may enter onto a Parcel, including the interior of a Building, in order to:

- (a) inspect and determine whether all regulations, prohibitions and requirements under this Bylaw are being met;
- (b) coordinate and carry out a Special Safety Inspection under Part 6 of this Bylaw;
- (c) inspect, disconnect or remove a water service connection pursuant to Part 8 of this Bylaw; or
- (d) take action authorized under Part 12 of this Bylaw.

Part 6: Special Safety Inspections

6.1 Where:

- (a) an Inspector has reasonable grounds to believe that a Hazardous Condition exists on a Parcel, or
- (b) a Parcel was used for the purpose of carrying on an Unauthorized Drug Production Facility, or
- (c) a Parcel that was used for the purpose of carrying on an Authorized Grow Operation ceases to be used for that purpose

the Inspector may require the Owner to undertake a Special Safety Inspection.

6.2 Where a Building Inspector has reasonable grounds to believe that a Hazardous Condition exists on a Parcel which affects the structural integrity of a Building on the Parcel, the Inspector may include in the Hazardous Condition Requirement List a requirement that the Owner must obtain a report from a qualified professional engineer certifying that the Building is safe for occupancy and complies with the Building Code.

6.3 Where the Inspector has reasonable grounds to believe that a Hazardous Condition existing on a Parcel results from a Hazardous Substance or mould which the Inspector considers may pose a risk to the health of present or future occupants, the Inspector may include in the Hazardous Condition Requirement List any or all of the following requirements:

- (a) that the Owner must retain a Qualified Environmental Professional to carry out an assessment of all Hazardous Conditions on the Parcel, including but not limited to the presence of Hazardous Substances and mould, and provide a Remediation Action Plan in response to those Hazardous Conditions which must be prepared before any articles or materials have been removed from the Parcel and no actions may be taken that might prevent a comprehensive assessment of potential Hazardous Conditions on the Parcel;
- (b) that the Owner must retain a Qualified Contractor to carry out all remedial measures identified in the Remediation Action Plan;
- (c) that the Owner must retain a Qualified Environmental Professional to verify that all remedial measures identified in the Remediation Action Plan have been completed and the Parcel is safe to re-occupy; and
- (d) that the Owner must provide a certificate in the form prescribed in Schedule "B" from a Qualified Environmental Professional certifying that the Parcel has been remediated in accordance with the Remediation Action Plan and that the Parcel meets the requirements of this Bylaw and is safe to re-occupy.

6.4 If the Building Inspector or Fire Chief has reasonable grounds to believe that a Hazardous Condition exists on a Parcel that may pose a risk to the health of present or future occupants, the Building Inspector or Fire Chief may post a notice in the form of Schedule "C" to this Bylaw in a conspicuous place at the entrances to that Parcel, and deliver to the

Owner a notice that the Parcel is unsafe and that no person shall enter or occupy the Parcel.

Part 7: Requirements for Re-Occupancy

- 7.1 Where the Inspector has required the Owner to undertake a Special Safety Inspection under Part 6.1, no person may enter or occupy the Parcel subject to such inspection requirement until:
- (a) a Special Safety Inspection of the Parcel has been conducted and the Building Inspector has issued a Hazardous Condition Requirement List;
 - (b) the Owner has obtained all permits, approvals or authorizations required to carry out any work identified in the Hazardous Condition Requirement List;
 - (c) the Owner has carried out or caused to be carried out all work identified in the Hazardous Condition Requirement List;
 - (d) the Building Inspector has inspected the Parcel and determined that the work required in the Hazardous Condition Requirement List has been completed in accordance with all requirements of this Bylaw, the Building Bylaw, the Building Code, the Fire Code and all other applicable enactments and that no apparent Hazardous Condition remains in, on or at the Parcel;
 - (e) the Inspector has removed any notices under Part 6.4 of this Bylaw and, where necessary, has issued a new occupancy permit for the Building pursuant to the Building Bylaw; and
 - (f) the Owner has paid all fees imposed by *Fees and Charges Bylaw No. 3784, 2020*, as amended or replaced from time to time.

Part 8: Discontinuation of Water Service

- 8.1 The District may discontinue providing water service to a Parcel if such water is being used for or in relation to an Unauthorized Drug Production Facility, provided that:
- (a) the District gives all Owners and Occupiers of the Parcel connected to the water service 7 days written notice of an opportunity to make written representations to Council with respect to the proposed discontinuance of water service; and
 - (b) after the persons affected have had an opportunity to make representations to Council, the District must give the Owner and Occupier of the Parcel an additional 7 days written notice of the discontinuance of the water service.
- 8.2 Despite anything in this Bylaw, where the Director of Engineering or the Manager of Operations reasonably considers that there is a risk of backflow or contamination to the District's water distribution system from a Parcel, and there is no apparent mechanism to prevent that backflow or contamination, then:
- (a) the Director of Engineering or the Manager of Operations may post a notice in the form of Schedule "D" to this Bylaw in a conspicuous place at the entrance to that Parcel;

- (b) the District may discontinue the provision of water to the Parcel immediately, until such time as a mechanism to prevent backflow and contamination is installed, inspected by a certified backflow tester, and approved by the District; and
- (c) the Owner may make representations to Council in connection with the discontinuance of the provision of water hereunder at the next regularly scheduled meeting of Council.

8.3 Where a Parcel has multiple residential dwellings that are connected to the same water service as an Unauthorized Drug Production Facility, water service to that Parcel shall not be discontinued due to the use of the part of the Parcel as an Unauthorized Drug Production Facility.

Part 9: Owner Obligations Respecting Tenancies

9.1 Every Owner of a Parcel or Building that has been rented or leased to or is occupied by a third party and who becomes aware of a contravention of this Bylaw upon that Parcel or in that Building must:

- (a) within 24 hours of the discovery of this contravention, deliver written notice to the Building Inspector of the particulars of the contravention; and
- (b) within 60 days of the delivery of the notice, take such action as may be necessary to bring the Parcel or Building into compliance with this Bylaw.

9.2 Where an Owner of a Parcel or Building has delivered a notice to end tenancy to a tenant living in a dwelling being used in contravention of this Bylaw and where that notice to end tenancy has been disputed by the tenant, the Owner of the Parcel or Building may make written representation to Council to request an extension under subsection 9.1(b).

Part 10: Owner's Responsibility

10.1 No action of the District, including without limitation:

- (a) the removal of a notice posted under this Bylaw;
- (b) the issuance of an approval under this Bylaw;
- (c) the acceptance or review of plans, drawings or specifications or supporting documents submitted under this Bylaw; or
- (d) any inspections made by or on behalf of the District

will in any way relieve the Owner from full and complete responsibility to perform work required or contemplated under this Bylaw or the Building Code and all other applicable enactments, nor do they constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw, or any other applicable codes, standards or enactments have been complied with.

- 10.2 It is the full and complete responsibility of the Owner to carry out any work required pursuant to this Bylaw in compliance with this Bylaw and all other applicable codes, standards and enactments, including the Building Code.
- 10.3 When a Qualified Environmental Professional, engineer, or architect provides certification or other documentation to the District under this Bylaw that work required by or contemplated by this Bylaw substantially conforms to the requirements of this Bylaw, the health and safety requirements of the Building Code, Electrical Code, Fire Code, or any other health and safety requirements established by applicable enactments, the District may rely completely on this documentation as evidence of conformity with those requirements.

Part 11: Offence and Penalty

- 11.1 Any person who:
- (a) contravenes or violates any provision of this Bylaw;
 - (b) allows any act or thing to be done in contravention or violation of this Bylaw;
 - (c) fails or neglects to do anything required to be done by this Bylaw; or
 - (d) makes any false or misleading statement, commits an offence, and where the offence is a continuing one, each day the offence is continued constitutes a separate offence.
- 11.2 Upon being convicted of an offence under this Bylaw, a person shall be liable to pay a fine of not less than \$5,000 and not more than \$10,000.

Part 12: Failure to Comply

- 12.1 If an Owner or Occupier of a Parcel fails to comply with a requirement of the District under this Bylaw or another safety enactment, the District may, within the time specified in the order or notice, enter on the Parcel and take such action as may be required to correct the default, including to remediate the Parcel or to have the Parcel attain a standard specified in any safety enactment, at the expense of the Owner or Occupier who has failed to comply, and may recover the costs incurred as a debt.
- 12.2 If the Owner has failed to pay the cost to the District incurred under Part 12.1 before the 31st day of December in the year that the corrective action was taken, the service costs must be added to and form part of the taxes payable on the property as taxes in arrears.

Part 13: Schedules

- 13.1 The following schedules are included in and form part of this Bylaw:
- Schedule "A" – Hazardous Condition Requirement List
 - Schedule "B" – Certification Form
 - Schedule "C" – Do Not Enter or Occupy Notice
 - Schedule "D" – Water Shut-Off Notice

Part 14: Repeal

14.1 District Bylaw 3246, Nuisance (Controlled Substance) Bylaw, 2006, is hereby repealed.

READ a first time on December 2, 2020

READ a second time on December 2, 2020

READ a third time on December 2, 2020

North Cowichan consulted with Medical Health Officer on December 23, 2020

THIRD reading was rescinded on

READ a third time as amended on

DEPOSITED WITH THE MINISTER OF HEALTH on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

SCHEDULE A
Hazardous Condition Requirement List

Re: _____ (the "Property")

Pursuant to the _____ Bylaw No. _____, 2020 (the "Bylaw") a Special Safety Inspection has been carried out on the above Property, and the Property has been posted with a Notice that it may not be entered or occupied due to hazardous conditions and/or unauthorized alterations on the Property.

No person is permitted to enter or occupy the Property until this Notice has been removed. If you wish to reoccupy the Property, you are required to perform the following works, and provide the following certifications, as indicated:

- ☐ Provide evidence from the following utility providers that the Property has been properly connected to the following utilities:
- ☐ Gas;
- ☐ Water; and
- ☐ Electricity;
- ☐ Vent all furnace/hot water tank/gas appliances in accordance with the applicable code;
- ☐ Provide/Restore all items as required under the Building Code and identified by the Building Inspector;
- ☐ Bring all electrical panels and circuits up to standards as required by the British Columbia Safety Authority;
- ☐ Provide a report from a qualified professional engineer certifying that the building is safe for occupancy and complies with the Building Code;
- ☐ Provide a certificate report in the form prescribed in Schedule "B" of the Bylaw, from a Qualified Environmental Professional, certifying that the Property has been remediated; and
- ☐ You are required to obtain an approval from the District prior to performing any of the above works that may require a permit under the District's Bylaws.

Until the above requirements above have been completed, and the Building Inspector has re-inspected the Property and removed the Notice, the Bylaw prohibits occupancy of the Property by any person.

We enclose a copy of the Bylaw for your reference. If you have any questions concerning the regulations in the Bylaw, please call the District's Chief Building Inspector at (250) ____-____.

SCHEDULE B
Certification Form

TO: **The Corporation of the District of North Cowichan**

FROM: _____ *[insert name and address of qualified environmental professional]*

RE: Premises located at: _____ *[insert address]*

This is to certify that in accordance with the _____ Bylaw No. _____, 2020 the professional identified in this certification:

- (1) Is a Qualified Environmental Professional under the Safe Premises Bylaw, with the following degrees, qualifications, and professional affiliations:

- (2) Has completed an inspection of the premises on _____ *[insert date]*; and

- (3) The premises have been remediated in accordance with the Remediation Action Plan prepared for these premises by _____ on _____, and all hazardous substances and moulds, are now within safe levels for occupancy, and are in accordance with the _____ Bylaw No. _____, 2020.

The undersigned professional may be contacted at:

_____ *[insert business telephone number and email]*

CERTIFIED AS OF _____ *[insert date]*

[Signature of Qualified Environmental Professional]

SCHEDULE C

MUNICIPALITY OF NORTH COWICHAN

Planning & Building Department

[Address]

Phone: (250) ____ - ____

Fire & Bylaw Services

[Address]

Phone: (250) ____ - ____

DO NOT ENTER OR OCCUPY

Property Location: _____

TAKE NOTICE THAT these premises have been found to contain unauthorized alterations and/or are in a hazardous condition.

Pursuant to _____ Bylaw No. _____, 2020, no person may enter or occupy these premises until cleaning, remediation and/or repairs have been completed in compliance with that Bylaw and the Building Inspector has confirmed that a satisfactory occupancy inspection has been completed.

It is an offence to remove or deface this notice.

Any inquiries should be directed to the Chief Building Inspector at (250) ____ - ____ or Fire Chief at (250) ____ - ____.

Date

Chief Building Inspector and/or Fire Chief

SCHEDULE D

MUNICIPALITY OF NORTH COWICHAN

Engineering Department

[Address]

Phone: (250) ____ - ____

Operations Department

[Address]

Phone: (250) ____ - ____

WATER SERVICE SHUT OFF NOTICE

Property Location: _____

TAKE NOTICE THAT these premises have been reasonably considered to have a risk of backflow or contamination to the District's water distribution system from an Unauthorized Drug Production facility. Pursuant to _____ Bylaw No. _____, 2020, the District has discontinued the provision of water to this parcel. No person may occupy these premises until cleaning, remediation and/or repairs have been completed in compliance with that Bylaw and the Building Inspector has confirmed that a satisfactory occupancy inspection has been completed.


It is an offence to remove or deface this notice.

Any inquiries should be directed to the Director of Engineering or the Manager of Operations at (250) ____ - ____.

Date

Director of Engineering / Manager of Operations

Report

| | | | |
|---------|--|-----------|---|
| Date | April 21, 2021 | File: | |
| To | Council | | |
| From | Michelle Martineau, Manager, Legislative Services | Endorsed: |  |
| Subject | Amendments to Municipal Ticket Information Systems and Fees & Charges Bylaws | | |

Purpose

To introduce amendments to the Municipal Ticket Information System Bylaw No. 3464 ("MTI Bylaw 3464") and the Fees & Charges Bylaw No. 3784 ("F&C Bylaw 3784"). These amendments will enable the Controlled Substance Bylaw No. 3808 to be enforced by municipal ticket and for fees to be established for remedial work completed by the District upon adoption.

Background

On December 16, 2020, Municipal Ticket Information System Amendment Bylaw No. 3812, 2020 ("MTI Amend Bylaw 3812") and Fees and Charges Amendment Bylaw No. 3813, 2020 ("F&C Amend Bylaw 3813") were given three readings. These bylaw amendments were intended to establish fines and fees for offences committed under Controlled Substance Bylaw No. 3803, 2020 (CS Bylaw 3803") and Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 ("NA&CR Bylaw 3804").

However, due to the delay in response from the Ministry of Health in relation to CS Bylaw 3803, any reference to that bylaw was removed from MTI Amend Bylaw 3812 and F&C Amend Bylaw 3813 on March 3, 2021. This was done to enable Bylaw Compliance Officers to enforce offences under NA&CR Bylaw 3804 while staff waited to hear back from the Ministry of Health on whether they would accept for deposit CS Bylaw 3803.

Discussion

To avoid any further delays for Bylaw Compliance Officers in enforcing offences under CS Bylaw 3803, staff have prepared amendments to the MTI Bylaw 3464 and the F&C Bylaw 3784 to be considered concurrently with CS Bylaw 3803.

The amendments proposed in Fees and Charges Amendment Bylaw No. 3829, 2021 ("F&C Amend Bylaw 3829") and Municipal Ticket Information System Amendment Bylaw No. 3830, 2021 ("MTI Amend Bylaw 3830") are identical to what was originally proposed on December 16, 2020, which was to:

- Replace the \$500 "property inspection fee" established under Nuisance (Controlled Substance), 2006, No. 3258 ("NCS Bylaw 3258") with a \$500 special inspection fee established under CS Bylaw 3803 in the Fees & Charges Bylaw;
- Remove the "Nuisance (Controlled Substance) Compliance Failure" fee for \$1,000, as this is a fine and not a fee, from F&C Bylaw 3784; and

- Replace the offences and fines related to the NCS Bylaw 3258 with the identical fine amounts for similar violations under CS Bylaw 3803.

Options

- (1) **(Recommended Option)** Give both bylaws first three readings as presented.
 - (a) That Council give first, second and third reading to:
 - (i) Fees and Charges Amendment Bylaw No. 3829, 2021; and
 - (ii) Municipal Ticket Information System Amendment Bylaw No. 3830, 2021.
- (2) Give both bylaws first two readings and identify which fines and fees are to be amended prior to giving the bylaws third reading as amended.
 - (a) That Council give first and second and reading to:
 - (i) Fees and Charges Amendment Bylaw No. 3829, 2021; and
 - (ii) Municipal Ticket Information System Amendment Bylaw No. 3830, 2021.
 - (b) That Council amend section 3 of Fees and Charges Amendment Bylaw No. 3829, 2021 by striking out the \$500 fee for special safety inspection and inserting *(identify new amount)* in its place.
 - (c) That Council amend section 2 of Municipal Ticket Information System Amendment Bylaw No. 3830, 2021 by replacing the amounts under Column 3 for the following items:
 - Item *(identify the item number and Offence under Column 1)* with a fine of *(identify the new fine amount to go under Column 3)*
 - (d) That Council give third reading as amended to:
 - (i) Fees and Charges Amendment Bylaw No. 3829, 2021; and
 - (ii) Municipal Ticket Information System Amendment Bylaw No. 3830, 2021.

Implications

Moving forward with these bylaw amendments concurrently with Council's consideration of CS Bylaw No. 3803 will enable Bylaw Compliance Officers to enforce violations immediately upon adoption.

Recommendation

That Council give first, second and third reading to:

- (a) Fees and Charges Amendment Bylaw No. 3829, 2021; and
- (b) Municipal Ticket Information System Amendment Bylaw No. 3830, 2021.

Attachments:

- (1) Fees and Charges Amendment Bylaw No. 3829
- (2) MTI Amendment Bylaw No. 3830
- (3) 2020-12-16 RTC Nuisance Abatement Bylaw Amendments



The Corporation of the District of North Cowichan

Fees and Charges Amendment Bylaw

Bylaw No. 3829

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

Title

1. This bylaw may be cited as "Fees and Charges Amendment Bylaw No. 3829, 2020".

Amendment

2. That Fees and Charges Bylaw No. 3784, 2020 is hereby amended as follows:
 - a. by removing items 10 [Nuisance (Controlled Substance) Property Inspection] and 11 [Nuisance (Controlled Substance) Compliance Failure] from Schedule A – Administrative Fees, Section 2, Miscellaneous Fees;
 - b. by removing Schedule H – Nuisance Abatement Fees and inserting in its place Schedule H – Nuisance Abatement Fees as attached to this bylaw.
3. That Schedule C – Development and Permitting Fees, Section 1, Building Fees of Fees and Charges Bylaw No. 3784, 2020 is hereby amended by inserting the following fee for Special Safety Inspections required under the Controlled Substances Bylaw No. 3803, 2020:

Section 1 - Building Fees

| Item | Column 1 Description | Column 2 Amount |
|------|--------------------------------|---------------------------|
| 13 | Special safety inspection | \$500 |

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

CORPORATE OFFICER

PRESIDING MEMBER

SCHEDULE G – NUISANCE ABATEMENT FEES

The costs referred to in Section 5.11 of Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 or Section 12.1 of Controlled Substances Bylaw No. 3803, 2020 are to be determined in part by multiplying hourly rates for the following individuals, vehicles or equipment involved in the abatement of a nuisance by the time spent by those individuals, and the time those vehicles and equipment are used in the abatement of the nuisance. These costs apply when the District, by its employees, contractors and agents, enters onto the property to complete the work to abate the nuisance. Costs do not apply when entering the property in accordance with Section 5.14 of Bylaw No. 3804 or when determining to issue a Clean Up Order.

(a) Staff and Personnel Cost Recovery

The following hourly rates, which include the cost of overhead and benefits, apply for every hour or part thereof which any of the following District employees use to carry out the abatement of a nuisance where authorized under section 5.11 of Bylaw No. 3803 or section 12.1 of Bylaw No. 3804. Depending upon the day of the week, the time of day, or the holiday status of when such services are required, the hourly rate may be increased by one and a half or two times.

Section 1 – District Employees

| Item | Column 1 Description | Column 2 Hourly Rate |
|------|---|--------------------------------|
| 1 | Manager of Fire and Bylaw Services | \$ 90.00 |
| 2 | Senior Bylaw Compliance Officer | \$ 65.00 |
| 3 | Bylaw Compliance Officer | \$ 55.00 |
| 4 | Animal Control Officer | \$ 55.00 |
| 5 | Chief Building Inspector | \$ 75.00 |
| 6 | Building Inspector | \$ 60.00 |
| 7 | Operations or Parks and Recreation Manager | \$ 70.00 |
| 8 | Operations or Parks and Recreation Foreman | \$ 60.00 |
| 9 | Operations or Parks and Recreation Employee | \$ 45.00 |
| 10 | Student | \$ 30.00 |

Section 2 – Fire Department Employees

| Item | Column 1 Description | Column 2 Hourly Rate |
|------|--------------------------------|--------------------------------|
| 1 | Fire Chief, or their delegate | \$ 35.00 |
| 2 | Captain | \$ 35.00 |
| 3 | Firefighter | \$ 30.00 |

(b) RCMP Personnel and Equipment Cost Recovery

The costs referred to in Section 5.11 of Bylaw No. 3803 or Section 12.1 of Bylaw No. 3804 for RCMP members are determined in part by a flat fee for each separate attendance and time spent by RCMP members involved in the abatement of a nuisance and the amounts per attendance shall be as follows:

| Item | Column 1 Description | Column 2 Flat Rate |
|------|--------------------------------|------------------------------|
| 1 | RCMP Member | \$250.00 |

(c) Vehicle and Equipment Cost Recovery

The following hourly rates apply for every hour or portion thereof where any of the following equipment and vehicles are used by District employees or Fire Department personnel to carry out the abatement of a nuisance where authorized under section 5.11 of Bylaw No. 3803 or section 12.1 of Bylaw No. 3804. Depending upon the day of the week, the time of day or the holiday status of when such services are required, the hourly rate may be increased by one and a half or two times. Costs imposed to carry out the required work will be subject to a 15% administrative cost recovery fee.

| Item | Column 1 Description | Column 2 Hourly Rate |
|------|--------------------------------|--------------------------------|
| 1 | District Truck | \$ 60.65 |
| 2 | Fire Support Vehicles | \$ 99.25 |
| 3 | Single Axle Dump Truck | \$ 91.25 |
| 4 | Backhoe | \$ 69.85 |
| 5 | Loader | \$ 86.15 |
| 6 | Sweeper | \$142.60 |

(d) Contractor Cost Recovery

For any work carried out by a contractor of the District to carry out the work required under section 5.11 of Bylaw No. 3083 or section 12.1 of Bylaw No. 3804 on behalf of the District, the costs imposed will be the actual cost of the work plus 15% of the contract value.



The Corporation of the District of North Cowichan

Municipal Ticket Information System Bylaw

Bylaw No. 3830

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

Title

1. This bylaw may be cited as "Municipal Ticket Information System Amendment Bylaw No. 3830, 2021".

Amendment

2. That Municipal Ticket Information System Bylaw No. 3464 is hereby amended by deleting Section 11 – Nuisance (Controlled Substance) Bylaw 2006 from Schedule "2" and inserting in its place the following new Section 11, fines for violations under the Controlled Substance Bylaw No. 3803, 2020, in Schedule "2" as follows:

Section 11 - Controlled Substance Bylaw No. 3803, 2020


| Item | Column 1 Offence | Column 2 Section | Column 3 Fine |
|------|---|----------------------------|-------------------------|
| 1 | Disconnect or bypass meter | 4.1 (a) | \$100 |
| 2 | Unlawful use of exhaust vent | 4.1 (b) | \$100 |
| 3 | Obstruct access | 4.1 (c) | \$250 |
| 4 | Alter electrical system | 4.1 (d) | \$100 |
| 5 | Accumulation of hazardous substance | 4.1 (e) | \$100 |
| 6 | Unauthorized building alteration | 4.1 (f) | \$100 |
| 7 | Use water for unauthorized drug production facility | 4.1 (g) | \$100 |
| 8 | Accumulation of mould | 4.1 (h) | \$100 |
| 9 | Obstruct Inspector | 4.1 (j) | \$250 |
| 10 | Remove or alter notice | 4.1 (i) | \$100 |
| 11 | Occupy prior to authorization | 4.1 (k) | \$250 |

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

CORPORATE OFFICER

PRESIDING MEMBER

Report

| | | |
|---------|--|---|
| Date | December 16, 2020 | File: |
| To | Council | |
| From | Michelle Martineau, Manager, Legislative Services | Endorsed:  |
| Subject | Nuisance Abatement Bylaw Amendments for first three readings | |

Purpose

To enable Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 and/or the Controlled Substance Bylaw No. 3803, 2020 to be enforced by municipal ticket and for fees to be established for remedial work completed by the District.

Background

On December 2, 2020, Council gave the first three readings to Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 and/or the Controlled Substance Bylaw No. 3803, 2020 to establish processes for remediating nuisance properties and cost recovery when property owners fail to take action. Both bylaws reference the Fees and Charges Bylaw in relation to special safety inspections and the recovery of costs when the Municipality enters onto the property to complete the work to abate the nuisance.

- Section 5.12 of Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020, states that “the District may charge for work performed under section 5.11 by employees of the District at the hourly rates set out in the Fees and Charges Bylaw, as revised or replaced from time to time.”
- Section 7.1(f) of Controlled Substance Bylaw No. 3803, 2020 states that “where the Inspector has required the Owner to undertake a Special Safety Inspection under Part 6.1, no person may enter or occupy the Parcel subject to such inspection requirement until the Owner has paid all fees imposed by Fees and Charges Bylaw No. 3784, 2020, as amended or replaced from time to time.”

Discussion

Amendments are required to the Fees and Charges Bylaw to establish a fee for a building inspector to conduct a special safety inspection and the costs which the Municipality can recover when it undertakes remedial action; to the Municipal Ticket Information System (MTI) Bylaw to establish fines for non-compliance, and to the Delegation of Authority Bylaw to enable a contractor hired by staff to complete the remedial action work on behalf of the Municipality.

Fees and Charges Bylaw Amendment

Section 194 of the *Community Charter* authorizes Council, by bylaw, to impose a fee payable in respect of a service of the Municipality, use of municipal property, or exercising their authority to regulate, prohibit or impose requirements. The amount of a fee should be sufficient to recover the costs of a service and ensure its future sustainability. Fees are generally applied on a user-pay basis so that only those who benefit from the service bear the expense.

This amendment, included as Attachment 1, proposes to:

- leave the fee for special safety inspections the same as the fee previously established for Nuisance (Controlled Substance) Property Inspection at \$500, but move the fee from Schedule A as a miscellaneous administration fee to Schedule C as a building fee;
- remove the Nuisance (Controlled Substance) Compliance Failure fee for \$1,000 as this is a fine and not a fee; and,
- establish the costs referred to in Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 and Controlled Substances Bylaw No. 3803, 2020 under Schedule G by:
 - increasing the hourly wage of various individuals by 40% to cover overhead and benefits for Municipal employees and rounded up to the nearest \$5, with the exception of firefighters;
 - setting the rate for RCMP personnel and equipment at a flat rate of \$250 per individual RCMP member – this rate is consistent with the rate established by the City of Nanaimo for this same service;
 - using the current Blue Book rates to determine the cost of using municipal vehicles and equipment, plus a 15% administrative cost recovery fee; and,
 - imposing actual costs of the work completed by a contractor plus 15% of the contract value.

MTI Bylaw Amendment

Sections 264 and 265 of the *Community Charter* authorizes Council to designate bylaw enforcement officers to lay an information [impose a fine] by means of a ticket, by bylaw, for contravention of a municipal bylaw identified within the Municipal Ticket Information System Bylaw (MTI Bylaw). To establish a fine, the regulatory sections within the bylaws require the necessary operative language (e.g. no person shall) to be included as an offence within the MTI Bylaw, otherwise, they are simply a regulation and can only be enforced through an injunction in the provincial courts.

This amendment, included as Attachment 2, proposes to replace the offences related to Nuisance (Controlled Substance) Bylaw No. 3246 with those for Controlled Substance Bylaw No. 3803 and Untidy and Unsightly Premises Bylaw 2590 with those for Nuisance Abatement and Cost Recovery Bylaw No. 3804. These new bylaws' fine amounts are consistent with the fines that Council had previously established for the bylaws being replaced. Attachment 3 [Fines and Fees Comparisons] compares the current offences and fines under the existing bylaws with the new bylaws that are replacing them. With broader language in these new bylaws, it has reduced the need to include numerous offences, making it easier for bylaw enforcement officers to select the correct offence when issuing a ticket.

Delegation of Authority Bylaw Amendment

Section 16 of the *Community Charter* empowers Council to authorize other persons to enter on a property without the consent of the owner or occupier in a reasonable manner after giving notice.

The Delegation of Authority Bylaw is currently under review by staff. Therefore, there is no amendment to provide a member of staff with authority to contract the remedial work, where the owner or occupier has failed to take action, out to a third party to complete the work on the Municipality's behalf, being proposed at this time. That amendment will be included in the bylaw review.

Options

- (1) (Recommended Option) Give first three readings to each of the amendment bylaws.
- (2) Give first and second readings to each of the amendment bylaws prior to making any changes in relation to the proposed fees under Bylaw No. 3813 and the fines under Bylaw No 3812. Then give the bylaws third reading as amended.

Implications

Moving forward with these bylaws will enable bylaw enforcement officers to begin to enforce the new bylaws in January 2021, after existing bylaws have been repealed.

Recommendation

1. That Council give first, second and third readings to Fees and Charges Amendment Bylaw No. 3813, 2020.
2. That Council give first, second and third readings to Municipal Ticket Information System Amendment Bylaw No. 3812, 2020.

Attachments:

- (1) Fees and Charges Amendment Bylaw No. 3813, 2020
- (2) Municipal Ticket Information System Amendment Bylaw No. 3812, 2020
- (3) Fines and Fees Comparisons



The Corporation of the District of North Cowichan

Fees and Charges Amendment Bylaw

Bylaw No. 3813

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

Title

1. This bylaw may be cited as "Fees and Charges Amendment Bylaw No. 3813, 2020".

Amendment

2. That Fees and Charges Bylaw No. 3784, 2020 is hereby amended as follows:
 - a. by inserting Schedule G – Nuisance Abatement Fees, hereto attached and forming part of this bylaw;
 - b. by removing items 10 [Nuisance (Controlled Substance) Property Inspection] and 11 [Nuisance (Controlled Substance) Compliance Failure] from Schedule A – Administrative Fees, Section 2, Miscellaneous Fees;
3. That Schedule C – Development and Permitting Fees, Section 1, Building Fees of Fees and Charges Bylaw No. 3784, 2020 is hereby amended by inserting the following fee for Special Safety Inspections required under the Controlled Substances Bylaw No. 3803, 2020:

Section 1 - Building Fees

| Item | Column 1 Description | Column 2 Amount |
|------|--------------------------------|---------------------------|
| 13 | Special safety inspection | \$500 |

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

CORPORATE OFFICER

PRESIDING MEMBER

SCHEDULE G – NUISANCE ABATEMENT FEES

The costs referred to in Section 5.11 of Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 or Section 12.1 of Controlled Substances Bylaw No. 3803, 2020 are to be determined in part by multiplying hourly rates for the following individuals, vehicles or equipment involved in the abatement of a nuisance by the time spent by those individuals, and the time those vehicles and equipment are used in the abatement of the nuisance. These costs apply when the District, by its employees, contractors and agents, enters onto the property to complete the work to abate the nuisance. Costs do not apply when entering the property in accordance with Section 5.14 of Bylaw No. 3804 or when determining to issue a Clean Up Order.

(a) Staff and Personnel Cost Recovery

The following hourly rates, which include the cost of overhead and benefits, apply for every hour or part thereof which any of the following District employees use to carry out the abatement of a nuisance where authorized under section 5.11 of Bylaw No. 3803 or section 12.1 of Bylaw No. 3804. Depending upon the day of the week, the time of day, or the holiday status of when such services are required, the hourly rate may be increased by one and a half or two times.

Section 1 – District Employees

| Item | Column 1 Description | Column 2 Hourly Rate |
|------|---|--------------------------------|
| 1 | Manager of Fire and Bylaw Services | \$ 90.00 |
| 2 | Senior Bylaw Compliance Officer | \$ 65.00 |
| 3 | Bylaw Compliance Officer | \$ 55.00 |
| 4 | Animal Control Officer | \$ 55.00 |
| 5 | Chief Building Inspector | \$ 75.00 |
| 6 | Building Inspector | \$ 60.00 |
| 7 | Operations or Parks and Recreation Manager | \$ 70.00 |
| 8 | Operations or Parks and Recreation Foreman | \$ 60.00 |
| 9 | Operations or Parks and Recreation Employee | \$ 45.00 |
| 10 | Student | \$ 30.00 |

Section 2 – Fire Department Employees

| Item | Column 1 Description | Column 2 Hourly Rate |
|------|--------------------------------|--------------------------------|
| 1 | Fire Chief, or their delegate | \$ 35.00 |
| 2 | Captain | \$ 35.00 |
| 3 | Firefighter | \$ 30.00 |

(b) RCMP Personnel and Equipment Cost Recovery

The costs referred to in Section 5.11 of Bylaw No. 3803 or Section 12.1 of Bylaw No. 3804 for RCMP members are determined in part by a flat fee for each separate attendance and time spent by RCMP members involved in the abatement of a nuisance and the amounts per attendance shall be as follows:

| Item | Column 1 Description | Column 2 Flat Rate |
|------|--------------------------------|------------------------------|
| 1 | RCMP Member | \$250.00 |

(c) Vehicle and Equipment Cost Recovery

The following hourly rates apply for every hour or portion thereof where any of the following equipment and vehicles are used by District employees or Fire Department personnel to carry out the abatement of a nuisance where authorized under section 5.11 of Bylaw No. 3803 or section 12.1 of Bylaw No. 3804. Depending upon the day of the week, the time of day or the holiday status of when such services are required, the hourly rate may be increased by one and a half or two times. Costs imposed to carry out the required work will be subject to a 15% administrative cost recovery fee.

| Item | Column 1 Description | Column 2 Hourly Rate |
|------|--------------------------------|--------------------------------|
| 1 | District Truck | \$ 60.65 |
| 2 | Fire Support Vehicles | \$ 99.25 |
| 3 | Single Axle Dump Truck | \$ 91.25 |
| 4 | Backhoe | \$ 69.85 |
| 5 | Loader | \$ 86.15 |
| 6 | Sweeper | \$142.60 |

(d) Contractor Cost Recovery

For any work carried out by a contractor of the District to carry out the work required under section 5.11 of Bylaw No. 3803 or section 12.1 of Bylaw No. 3804 on behalf of the District, the costs imposed will be the actual cost of the work plus 15% of the contract value.



The Corporation of the District of North Cowichan

Municipal Ticket Information System Bylaw

Bylaw No. 3812

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

Title

1. This bylaw may be cited as "Municipal Ticket Information System Amendment Bylaw No. 3812, 2020".

Amendment

2. That Municipal Ticket Information System Bylaw No. 3464 is hereby amended as follows:
 - a. By deleting Schedule "A" and replacing it with Schedule "A" hereto attached and forming part of this bylaw;
 - b. By deleting Sections 11 and 17 from Schedule "B".
 - c. By inserting Section 22, fines for violations under the Controlled Substance Bylaw No. 3803, 2020, in Schedule "B" as follows:

Section 22 - Controlled Substance Bylaw No. 3803, 2020

| Item | Column 1 | Column 2 | Column 3 |
|------|---|----------------|-------------|
| | Offence | Section | Fine |
| 1 | Disconnect or bypass meter | 4.1 (a) | \$100 |
| 2 | Unlawful use of exhaust vent | 4.1 (b) | \$100 |
| 3 | Obstruct access | 4.1 (c) | \$250 |
| 4 | Alter electrical system | 4.1 (d) | \$100 |
| 5 | Accumulation of hazardous substance | 4.1 (e) | \$100 |
| 6 | Unauthorized building alteration | 4.1 (f) | \$100 |
| 7 | Use water for unauthorized drug production facility | 4.1 (g) | \$100 |
| 8 | Accumulation of mould | 4.1 (h) | \$100 |

| Item | Column 1 Offence | Column 2 Section | Column 3 Fine |
|------|-------------------------------|----------------------------|-------------------------|
| 9 | Obstruct Inspector | 4.1 (j) | \$250 |
| 10 | Remove or alter notice | 4.1 (i) | \$100 |
| 11 | Occupy prior to authorization | 4.1 (k) | \$250 |

d. By inserting Section 23 in, fines for violations under the Schedule "B" as follows:

Section 23 - Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020

| Item | Column 1 Offence | Column 2 Section | Column 3 Fine |
|------|--------------------------------------|----------------------------|-------------------------|
| 1 | Cause a nuisance | 4.1 | \$200 |
| 2 | Permit nuisance to occur on property | 4.2 | \$200 |
| 3 | Fail to comply with Clean-Up Order | 4.3 | \$200 |

READ a first time on

READ a second time on

READ a third time on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "A"

| Item | Column 1 Designated Bylaw | Column 2 Designated Bylaw Enforcement Officers |
|------|--|--|
| 1 | Animal Responsibility Bylaw No. 3740, 2019 | Animal Control Officer Bylaw Compliance Officer Manager of Fire and Bylaw Services Poundkeeper RCMP Officer |
| 2 | Blasting Bylaw No. 3255, 2006 | Bylaw Compliance Officer Director of Engineering Manager of Fire and Bylaw Services |
| 3 | Building Bylaw No. 3172, 2003 | Bylaw Compliance Officer Chief Building Inspector Manager of Fire and Bylaw Services |
| 4 | Business Licence Bylaw No. 3153, 2002 | Business Licence Officer Bylaw Compliance Officer Manager of Fire and Bylaw Services |
| 5 | Controlled Substance Property Bylaw No. 3803, 2020 | Bylaw Compliance Officer Chief Building Inspector Manager of Fire and Bylaw Services RCMP Officer |
| 6 | Fire Protection Bylaw No. 3340, 2008 | Bylaw Compliance Officer Fire Chief Local Assistant to the Fire Commissioner Manager of Fire and Bylaw Services Municipal Forester RCMP Officer |
| 7 | Fireworks Bylaw No. 1579, 1974 | Bylaw Compliance Officer Manager of Fire and Bylaw Services RCMP Officer |
| 8 | Float Home Standards Bylaw No. 3015, 1999 | Chief Building Inspector Bylaw Compliance Officer Manager of Fire and Bylaw Services |
| 9 | Forest Use Bylaw No. 3265, 2007 | Bylaw Compliance Officer Manager of Fire and Bylaw Services Municipal Forester |
| 10 | Highway Use Bylaw No. 2261, 1988 | Animal Control Officer Bylaw Compliance Officer |

| Item | Column 1 Designated Bylaw | Column 2 Designated Bylaw Enforcement Officers |
|------|---|--|
| | | Commercial Transport Inspection Officer Manager of Fire and Bylaw Services Manager of Operations RCMP Officer |
| 11 | Noise Bylaw No. 2857, 1995 | Animal Control Officer Bylaw Compliance Officer Manager of Fire and Bylaw Services RCMP Officer |
| 12 | Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 | Bylaw Compliance Officer Manager of Fire and Bylaw Services |
| 13 | Official Community Plan Bylaw No. 3450, 2011 | Bylaw Compliance Officer Director of Planning and Building Manager of Fire and Bylaw Services |
| 14 | Parks and Public Places Regulation Bylaw No. 3626, 2017 | Bylaw Compliance Officer Director of Parks and Recreation Manager of Fire and Bylaw Services Municipal Forester RCMP Officer |
| 15 | Respectful Spaces Bylaw No. 3796, 2020 | Manager of Fire and Bylaw Services |
| 16 | Sign Bylaw No. 3479, 2012 | Bylaw Compliance Officer Chief Building Inspector Manager of Fire and Bylaw Services |
| 17 | Soil Removal and Deposit Bylaw No. 3311, 2009 | Bylaw Compliance Officer Director of Engineering Manager of Fire and Bylaw Services |
| 18 | Traffic Bylaw No. 2276, 1988 | Bylaw Compliance Officer Manager of Fire and Bylaw Services Manager of Operations RCMP Officer |
| 19 | Waste Collection Bylaw No. 3466, 2012 | Bylaw Compliance Officer Manager of Fire and Bylaw Services Manager of Operations |
| 20 | Waterworks Bylaw No. 3620, 2016 | Bylaw Compliance Officer Manager of Fire and Bylaw Services Manager of Operations |

| Item | Column 1 | Column 2 |
|------|-----------------------------|---|
| | Designated Bylaw | Designated Bylaw Enforcement Officers |
| 21 | Zoning Bylaw No. 2950, 1997 | Bylaw Compliance Officer Director of Planning and Building Manager of Fire and Bylaw Services |

Attachment 4: Fines and Fees Comparisons

Table 1: Fine comparisons between existing Nuisance (Controlled Substance) Bylaw No. 3246 2006 and new Controlled Substance Bylaw No. 3803, 2020

| Existing Bylaw No. 3246 | | | New Bylaw No. 3803 | | |
|-------------------------|---|-------|--------------------|---|-------|
| Section | Description of Offence | Fine | Section | Description of Offence | Fine |
| 2(a) | Disconnect Meter | \$100 | 4.1(a) | Disconnect or bypass meter | \$100 |
| 2(b) | Divert Electrical or Water Distribution System | \$100 | 4.1(a) | <i>See above</i> | |
| 2(c) | Unlawful use of Exhaust Vents | \$100 | 4.1(b) | Unlawful use of exhaust vent | \$100 |
| 2(d) | Install Unauthorized Lighting | \$100 | 4.1(d) | Alter electrical system | \$100 |
| 2(e) | Unlawful Storage or Use of Dangerous Goods | \$250 | 4.1(e) | Accumulation of hazardous substance | \$100 |
| 2(f) | Obstruct Exit or Remove Fire Stopping | \$250 | 4.1(c) | Obstruct access | \$250 |
| 2(g) | Unlawful Alteration of Building | \$100 | 4.1(f) | Unauthorized building alteration | \$100 |
| 2(h) | Cause or Allow Building to House Amphetamines | \$100 | - | | |
| 2(i) | Exhaust Hazardous Vapours | \$100 | 4.1(e) | <i>See above</i> | |
| | | | 4.1 (g) | Use water for unauthorized drug production facility | \$100 |
| 3(a) | Cause or Allow Growth of Mould or Fungus | \$100 | 4.1(h) | Accumulation of mould | \$100 |
| 3(b) | Cause or Allow Accumulation of Pesticides or Chemicals | \$100 | 4.1(e) | <i>See above</i> | |
| 4 | Cause or Allow Noxious or Offensive Trade | \$100 | - | | |
| 5(2) | Fail to Comply with Order to Remove or Reduce Fire Hazard | \$250 | - | | |
| 6(a) | Fail to Inspect Premises | \$100 | - | | |
| 6(b)(i) | Fail to Report Contravention | \$250 | - | | |
| 6(b)(ii) | Fail to Take Compliance Action | \$250 | - | | |
| 8(1)(a) | Fail to Remove or Clean Carpets and Curtains | \$100 | - | | |
| 8(1)(b) | Fail to Clean Walls and Ceilings | \$100 | - | | |
| 8(1)(c) | Fail to Clean Countertops and Cabinets | \$100 | - | | |
| 8(1)(d) | Fail to Clean Ducts and Heaters | \$100 | - | | |

Attachment 4: Fines and Fees Comparisons

| Existing Bylaw No. 3246 | | | New Bylaw No. 3803 | | |
|-------------------------|---|-------|--------------------|------------------------|-------|
| Section | Description of Offence | Fine | Section | Description of Offence | Fine |
| 8(2)(e) | Occupy Prior to Safety Inspection | \$250 | - | | |
| 8(2)(g) | Occupy Prior to Completing Remedial Action | \$250 | - | | |
| 8(2)(h) | Occupy Prior to Paying fees and Service Costs | \$250 | - | | |
| 8(2)(i) | Occupy without Permit | \$250 | - | | |
| 8(2)(j) | Occupy Against Posted Notice | \$250 | - | | |
| 9(1) | Fail to Provide Certification | \$100 | - | | |
| 9(2) | Fail to Submit Certification within 60 days | \$100 | - | | |
| 10(2) | Fail to Notify Prospective Tenants of Prior Grow Op | \$250 | - | | |
| 12(2) | Interfere with an Inspection | \$250 | 4.1(j) | Obstruct Inspector | \$250 |
| 12(4) | Interfere or Obstruct Inspector from Posting Notice | \$250 | 4.1(i) | Remove or alter notice | \$100 |

Table 2: Fine comparisons between existing Untidy & Unsightly Premises Bylaw 2590, 1992 and new Nuisance Abatement & Cost Recovery Bylaw No. 3804, 2020

| Existing Bylaw No. 2590 | | | New Bylaw No. 3804 | | |
|-------------------------|-----------------------------------|-------|--------------------|--------------------------------------|-------|
| Section | Description of Offence | Fine | Section | Description of Offence | Fine |
| 2 | Accumulate Rubbish on Premises | \$200 | 4.2 | Permit nuisance to occur on property | \$200 |
| 3 | Deposit Rubbish | \$200 | 4.1 | Cause a nuisance | \$200 |
| 4 | Unsightly Property | \$200 | 4.2 | <i>See above</i> | |
| 5 | Place Graffiti | \$200 | 4.1 | <i>See above</i> | |
| 6 | Accumulate Brush or Noxious Weeds | \$200 | 4.2 | <i>See above</i> | |
| 7 | Fail to Remove Graffiti | \$200 | 4.3 | Fail to comply with Clean-Up Order | \$200 |

Attachment 4: Fines and Fees Comparisons

Table 3: Fee comparison in Fees and Charges Bylaw between existing fees and proposed amendments

| Schedule | Description | Amount | Schedule | Description | Amount |
|--|--|-----------------|--|---------------------------|--------|
| Schedule A – Administration Fees (Section 2, Misc. Fees) | Nuisance (Controlled Substance) Property Inspection | \$500 | Schedule C – Development and Permitting Fees (Section 1 - Building Fees) | Special safety inspection | \$500 |
| | Nuisance (Controlled Substance) Compliance Failure | \$1,000 | [removed as this is a fine and not a fee] | | |
| | Untidy and unsightly property clean-up | Actual costs | | | |
| | | | | | |

Report

Date April 21, 2021

File:

To Council

From Walter Wiebe, Senior Manager, Financial Services

Endorsed:



Subject Bank Signing Authorities

Purpose

The purpose of this report is to update the RBC Signing Authorities for the District of North Cowichan.

Background

As a result of the appointment of the new Director of Finance and other changes to our signing officers, the bank signing authorities need to be updated.

The current bank signing authority was last changed in 2018 after the general election and a change to the corporate structure. The current agreement includes the recently retired General Manager of Financial and Protective Services and the previous Corporate and Deputy Corporate Officers.

The bank requires a Resolution of Council to give authority for particular persons to act on behalf of the Municipality with respect to banking matters.

Discussion

Changes were scheduled to remove the previous Corporate and Deputy Corporate Officer, but were delayed due to the COVID-19 pandemic and further delayed with the announcement of the General Manager of Financial and Protective Services' retirement. With sufficient signing authorities available, it was decided to postpone the signing authority changes until the new Director of Financial Services position was filled.

The current RBC Signing Authorities include the following:

- Mayor
- Chief Administrative Officer
- General Manager, Financial and Protective Services
- Senior Manager, Financial Services
- Corporate Officer, and
- Deputy Corporate Officer

The recommended RBC Signing Authorities reflecting new officers and titles and are as follows:

- Mayor
- Chief Administrative Officer
- Deputy Chief Administrative Officer
- Director, Financial Services
- Senior Manager, Financial Services
- Manager, Legislative Services, and
- Deputy Corporate Officer

Options

Option 1 **(Recommended Option)** – Authorize those individuals included in the recommended list of RBC Signing Authorities reflecting new officers and titles.

That Council authorize the following individuals as signing authorities :

- Mayor, Albert Siebring;
- Chief Administrative Officer, Edward Swabey;
- Deputy Chief Administrative Officer, Sarah Nixon;
- Director, Financial Services, Talitha Soldera;
- Senior Manager, Financial Services, Walter Wiebe;
- Manager, Legislative Services, Michelle Martineau; and
- Deputy Corporate Officer, Tricia Mayea

Option 2 Modify the recommended list of RBC Signing Authorities.

That Council authorize the following individuals as signing authorities: :

- *[identify name and title of each authorized person]*

Implications

These recommended changes to the RBC Signing Authorities reflect the current corporate structure that approves daily banking transactions for the District of North Cowichan.

Recommendation

That Council authorize the following individuals as signing authorities :

- Mayor, Albert Siebring;
- Chief Administrative Officer, Edward Swabey;
- Deputy Chief Administrative Officer, Sarah Nixon;
- Director, Financial Services, Talitha Soldera;
- Senior Manager, Financial Services, Walter Wiebe;
- Manager, Legislative Services, Michelle Martineau; and
- Deputy Corporate Officer, Tricia Mayea

Council Member Motion - Policy advice re sustainable economic development

Notice to be given on April 21, 2021

Background

Without listing the challenges increasingly facing us, it seems clear that our community must in the future become more socially, environmentally, and economically sustainable and resilient. It seems equally clear that this transition will not occur through polarized political conflict but rather through creative and integrated community imagination.

This motion is aimed at bringing ideas from our local thought leaders and visionaries in the areas of business, industry, labour and employment more fully into the community conversation that is unfolding around the reimagining of our Official Community Plan and our collective future, to provide guidance and leadership as we transition to a new form of economy. We must work together to identify and capitalize on appropriate emerging opportunities so the Cowichan valley can become a shining example of sustainable prosperity, resilience, and of managing and adapting to a changing and challenging world.

Motion

WHEREAS a sustainable and resilient future for our community requires an approach to fostering business, industry and employment opportunities which BOTH contribute to the prosperity all community members reducing social and economic inequality AND lead to the achieving of environmental and climate protection and regeneration goals

AND WHEREAS within our community there is likely a wealth of collective knowledge and ideas for how local government can better create conditions which support and foster local businesses, industries and employment that support climate mitigation, the stewarding of our local environment, and prosperity for all citizens

AND WHEREAS local knowledge and ideas are particularly important at this time when we are developing a new Official Community Plan to guide policy for the next couple of decades AND as we are dealing with and planning an emergence from the Covid 19 pandemic

AND WHEREAS there are a number of possibilities for processing written submissions received from stakeholders which may be minimally onerous on Staff, including: a Staff produced “What we heard” summary; an analysis done by members of the Committee of the Whole and/or members of the EAC and OCP Advisory committees: or through the hiring of a Consultant

NOW THEREFORE BE IT RESOLVED that Council seek the advice and recommendations from key stakeholders representing existing business, agricultural, industrial, labour and other relevant 'think tanks' on the (examples of which include: Cowichan Works, the Cowichan Agricultural Society, the Chemainus BIA, the relevant Chambers of Commerce, our local labour unions – to be determined by Council) on the following questions:

- 1) What can local government do to develop and retain the necessary talent to foster local socially and environmentally sustainable jobs and businesses?
- 2) How can conditions be created to help existing businesses and industries prosper while increasingly contributing to the community's resiliency and sustainability goals?
- 3) What types of sustainable businesses and green industries might be particularly suited to North Cowichan (eg given our location, resources, supporting businesses, and likely social licence)?



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Issue 2
August 2014

Spectrum Management and Telecommunications

Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols

Aussi disponible en français

Canada 

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1. Introduction

This guide is intended to assist Land-use Authorities (LUA) in ensuring effective local participation in decisions regarding proposals to build antennas and their supporting structures within their communities. For the purposes of this guide, an LUA means any local authority that governs land-use issues and includes a municipality, town council, regional commission, development authority, township board, band council or similar body. This guide complements Industry Canada's Client Procedures Circular CPC-2-0-03, Issue 5, [Radiocommunication and Broadcasting Antenna Systems](#). LUAs are encouraged to consult CPC-2-0-03 to better understand roles and responsibilities.

The requirements of CPC-2-0-03 apply to anyone (referred to as a "proponent") who is planning to install or modify an antenna system,¹ regardless of the type. This includes telecommunications carriers, businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air and satellite TV reception). The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes ("third party tower owners"). As well, the procedures contain obligations that apply to existing antenna system owners and operators, including those relating to the use of existing infrastructure (sharing).

This guide specifically addresses two areas:

- **Participation Process:** Addresses the LUA's role in effectively participating and influencing decisions with respect to proposed antenna systems within Industry Canada's antenna siting procedures. Industry Canada believes that antenna siting protocols jointly developed between proponents and LUAs can supplement the Department's antenna siting procedures, while at the same time having a higher degree of acceptance and compliance.
- **Local Protocol Development:** Sets out elements that LUAs might wish to include when developing protocols with proponents of antenna systems.

The federal Minister of Industry has the authority under the [Radiocommunication Act](#) to issue radio authorizations, to approve each site on which radio apparatus, including antenna systems (referred to as "antenna systems" or "installations"), may be located and to approve the erection of all masts, towers and other antenna-supporting structures. Industry Canada's role includes ensuring the orderly development and efficient operation of radiocommunications in Canada. In this regard, Industry Canada considers that the questions, comments and concerns of the local public and the LUA are important elements for proponents to consider when seeking to install, or make major modifications to, an antenna system.

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, all levels of government, wireless service providers, broadcasters, utility companies and other businesses. Antenna systems are an essential component in providing these services and must be installed on towers, buildings or other antenna-supporting structures. Antennas and the structures that support them are integral to wireless network communication systems

¹ For the purposes of this document, an "antenna system" is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so they can be fastened directly to a building or a tower.

and they provide the radio coverage the public and safety services need. With advancements in technology and given the growing demand for high-speed wireless access, communities in Canada are currently experiencing, or will soon experience, the deployment of new antenna systems.

Thanks to their local knowledge, LUAs are well qualified to explain to proponents the particular amenities, cultural or environmental sensitivities, planning priorities and other relevant characteristics of their area. The LUA may also be aware of potential Aboriginal or treaty rights or land claims that may be affected by a proposed installation. Working together, LUAs and proponents can find solutions which address reasonable and relevant concerns or point the way to alternative antenna system siting arrangements. Accordingly, Industry Canada encourages LUAs to develop local protocols to manage the process of identifying their own concerns, as well as those of the public they represent, regarding antenna system modifications or installations.

For the purposes of this document, Industry Canada will refer to any written local guideline, policy or process that addresses the issue of antenna placement as a “protocol”. Cooperation between LUAs and proponents through clear and reasonable protocols can result in the development of new and enhanced wireless services in a community-friendly manner.

Industry Canada² is available to assist in the creation of local land-use protocols for antenna system installations.

2. Participation Process

There are a number of steps a proponent typically follows in choosing a site for an antenna system installation; unless specifically excluded under Industry Canada’s process, one of these steps is consulting with the LUA. The community in an LUA’s area expect it to provide local knowledge, experience and leadership. The LUA can also ensure that any questions, comments or concerns are appropriately addressed by the proponent.

The subsections that follow suggest various aspects of a consultation process that an LUA may want to take into consideration when developing antenna siting protocols. Protocols are an effective means for an LUA to use to convey its preferences, as well as those of the community it represents, to antenna system proponents.

2.1 Placement of Antenna System

Proponents must consider various antenna system placement options, including using existing structures such as building rooftops and water towers, to minimize the impact on the local community. Radiocommunication antennas need to be strategically located to satisfy specific technical criteria and operational requirements. Therefore, there is a limited measure of flexibility in the placement of antennas and proponents are constrained to some degree by:

2 Please refer to *Radiocommunication Information Circular RIC-66* for a list of addresses and telephone numbers for Industry Canada’s regional and district offices. [RIC-66](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html) is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html.

- the need to achieve the required radiocommunication coverage, often in response to public demand;
- the availability and physical limitations of nearby existing structures (towers, rooftops, water towers, etc.) to accommodate additional antennas; and
- the securing of lease agreements to permit access to an existing structure.

Consequently, the LUA's or the public's preferred location for siting an antenna installation may not always be feasible.

LUA's are encouraged to develop protocols that are clear and within their area of responsibility. Protocols can include promoting the placement of antennas in optimal locations from a land-use point of view, or excluding certain types of installations from protocol requirements. Through protocols, an LUA can highlight its local knowledge and expertise related to area sensitivities, including environmental or cultural concerns, and land-use compatibility. Protocols can recognize local amenities and planning priorities while expediting the planning and approvals necessary for the installation of radiocommunication and broadcasting antenna systems.

2.2 Use of Existing Infrastructure (Sharing)³

The installation of a new antenna structure may at times reveal sensitivity in the local community. Therefore, Industry Canada requires proponents to first consider using existing towers or infrastructure (such as rooftops, water towers, utility poles, etc.). This approach is intended to minimize the proliferation of antenna towers. However, it is important to note that technical constraints, such as the need to: achieve a certain amount of radiocommunication coverage; re-use frequencies; and address equipment isolation issues; etc., may prevent a proponent from using an existing structure.

2.3 Preliminary Consultation

LUA's may wish to include in their protocols a mechanism for preliminary consultation. This would allow the proponent, before making any site selection decisions, to inform the LUA of its plans. Also, this initial contact allows a proponent to determine whether an LUA has a protocol in place regarding antenna system installations preferences. Within its own process, Industry Canada considers written formal contact as marking the official commencement of its 120-day⁴ consultation process between the LUA and the proponent.

With a protocol in place, this initial contact allows the LUA an excellent opportunity to:

- inform the proponent of established and documented local requirements and consultation procedures;

3 See also Client Procedures Circular CPC-2-0-17, [Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html). CPC-2-0-17 is available via the Internet at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html>.

4 The 120-day consultation period commences only once the proponent has formally submitted, in writing, all plans required by the LUA, and does not include preliminary discussions with the LUA.

- advise the proponent of historic and environmental land-use sensitivities including any related to potential Aboriginal or treaty right or land claim;⁵
- provide guidance and preferences to the proponent on the various preferred areas and sites to be considered;
- indicate its preferences; and
- provide information concerning any aesthetic or landscaping preferences.

2.4 Involving Local Public

Local public consultation offers a forum for members of the public located near the proposed installation to make comments, ask questions or raise concerns related to the proposed antenna system installation. This is an opportunity for the local public and the LUA to make the proponent aware of local considerations and, in so doing, influence the siting.

Industry Canada's own process recognizes two possible public consultation scenarios:

1. The LUA can set the format for public consultation in its protocol. This could identify situations that require public consultation and those that do not. It is important to note that, in all cases, telecommunications carriers, broadcasting undertakings and third party tower owners must notify and consult with the local public when proposing a new antenna tower.
2. If an LUA's protocol is silent on the issue of public consultation, or if there is no protocol, then the proponent will be required to follow Industry Canada's default public consultation process.

However an LUA is in an ideal position to develop a public consultation process because of its local experience and knowledge. For this reason, the Department encourages LUAs to include public consultation as part of their processes. The LUA, as the representative of the local community, can assist and guide proponents to conduct meaningful consultation by establishing reasonable and timely protocols which ensure local land-use concerns are appropriately addressed.

2.5 Responding to Consultation

Even in cases where the LUA does not have a local protocol, the LUA should take the opportunity built into Industry Canada's procedures to examine carefully the details of the proponent's proposal. During its examination of the proposal, an LUA may ask the proponent for additional information to determine whether there are any local land-use or public concerns. As part of the discussions, the LUA can engage the proponent by suggesting reasonable alternatives and/or mitigation measures that would address any questions, comments or concerns.

To maximize the benefit of this consultation process, both parties have to consider each other's requirements and constraints so they can work effectively together. In so doing, the parties can devise solutions that will minimize the impact of the proposed structure on the local surroundings, while at the same time taking into consideration each other's interests.

5 LUAs are encouraged to refer to online resources [for example, the Aboriginal and Treaty Rights Information System (ATRIS) (http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx)] as applicable.

2.6 Concluding Consultation

Industry Canada advises that an LUA's protocol should include a mechanism for issuing a formal concurrence to mark the end of the consultation with the proponent. This may consist of a formal decision by a designated official or relevant committee or another formal means, such as a sentence or other reference in the town council minutes. If an LUA decides that a consultation ends with the issuance of a building permit, then the protocol should indicate this.

If the proponent has met the public consultation requirements, either through the LUA's or Industry Canada's default process, and neither the LUA nor the public formally communicates any concerns to the proponent about its proposal, Industry Canada will deem that the land-use authority and the public have no objections.

2.7 Impasse Negotiations, Dispute Resolution Process

When developing protocols, LUAs should consider the means by which disputes will be resolved, ensuring they are appropriate for the local community. By documenting this process, all stakeholders will understand their roles and responsibilities as well as the process for resolving disputes. Industry Canada generally favours having the proponent, the local public and the LUA work toward a solution which takes each other's interests into consideration. Where an LUA or a proponent feels it may be helpful to do so, it may engage Industry Canada in an effort to move the discussions forward. Under Industry Canada procedures, if either the LUA or proponent believes discussions have reached an impasse, either can formally request departmental intervention concerning a reasonable and relevant concern. It is anticipated this will occur rarely.

LUAs may wish to consider incorporating alternate dispute resolution options into their protocols. Many alternate dispute resolution processes are interest-based rather than regulatory in nature. Therefore, the parties are more likely to find a mutually beneficial resolution.

2.8 A Timely Process

To avoid unnecessary delays, Industry Canada's process indicates that LUAs are normally expected to conclude the consultation process within 120 days from the receipt of the formal consultation request. Accordingly, when developing protocols, LUAs should not exceed these timelines.

3. Local Protocol Guide Development⁶

3.1 Protocol Principles

The following set of considerations and suggested principles may serve as a guide to LUAs developing protocols that respectfully balance local land-use interests with the benefits that radiocommunication, including broadcasting, brings to a community. The protocol should, as appropriate, address the following:

⁶ Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA). The FCM/CWTA template can be found on the FCM's website, www.fcm.ca.

- Information to proponents describing:
 - areas of historic or environmental importance to the community and the need to minimize the impact of the proposal on these areas; and
 - local preferences for antenna siting.
- Incentives to encourage aesthetically pleasing structures.
- Exclusions, which may build upon those established by Industry Canada (CPC-2-0-03, Section 6).
- Public consultation requirements that Industry Canada believes should be proportional to the proposal and its impact on the local surroundings. LUAs may wish to consider establishing a two-track process:
 - a streamlined concurrence process for less controversial proposals, such as new sites in industrial areas or on municipal properties, for emergency services or personal installations by members of the public (including for amateur radio operation and over-the-air and satellite TV reception), and
 - a process that includes broader public consultation for non-excluded structures likely to be of interest to the local community, such as the construction of new towers used by telecommunications carriers, broadcasting undertakings and third party tower owners.

The protocol should also establish a reasonable processing timeline that respects the timelines established in CPC-2-0-03 for proposals submitted to the LUA for concurrence.

3.2 General Protocol Template

The following elements are provided to aid LUAs in developing protocols dealing with antenna system installations:

Objectives

A short discussion on the overall objectives of the local protocol.

Jurisdiction

A discussion of the LUA's responsibilities and obligations in safeguarding legitimate concerns related to local land-use. Also, the role and responsibility of Industry Canada and the authority granted under the *Radiocommunication Act* to approve the location of radiocommunication facilities.

Consultation with the LUA

This may include:

- criteria for excluding additional antenna systems, other than those listed in the CPC-2-0-03, from LUA consultation;
- process for LUA notification;
- list of all documents and drawings that the proponent must submit;
- processing and administrative fees;
- the means by which the LUA will indicate concurrence; and
- process time frames that respect those established by CPC-2-0-03.

Excluded Antenna Structures

Industry Canada believes that not all antenna systems should be subject to a full land-use or public consultation process. Subjecting all proposals to the full consultation process would place an unnecessary and significant administrative burden on proponents, the LUA and the local public. Under Industry Canada's process, certain proposals are considered to have minimal impact on the local surroundings and so are excluded from public and land-use consultations. Industry Canada believes that consultation requirements should be proportional to the potential impact of the proposal. When establishing a local protocol, LUAs should consider the types of proposals that have minimal impact and so would warrant exemption from land-use and/or public consultation. It should be noted that any exclusion criteria established by the LUA can only augment, as appropriate, those established under Industry Canada's Exclusion List (CPC-2-0-03, Section 6).

Antenna Structures Not Excluded

LUAs may wish to consider the following when developing consultation protocols:

- the type of structure: new, temporary or existing antenna systems as well as non-tower structures;
- the intended use of the structure, whether personal, commercial or safety;
- the effect on significant natural or cultural features; and
- the landscaping, access control, fencing and road access.

Furthermore, LUAs can:

- encourage the placement of new towers in commercial, industrial/agricultural areas and utility or roadway easements;
- ask the proponent to suggest various options for consideration; and
- identify preferred criteria for antenna structure siting for new structures that exceed a specified height.

Public Consultation

Public consultation is an important part of the overall consultation process. Industry Canada believes that the local public should be consulted regarding non-excluded antenna proposals. Consultation allows the community to be involved and so ultimately influence the proposal's siting. Discussions can allow stakeholders to work towards a consensus. While LUAs are free to structure their public consultation process to meet their needs, Industry Canada's process consists of two distinct components:

- **Public Notification** - where the proponent informs the public of the proposed antenna system installation or modification, providing the information needed for a complete understanding of the proposal.
- **Public Engagement** - where the proponent engages the public and responds to all questions and comments, addressing all reasonable and relevant concerns. Public engagement may take various forms, from answering letters to hosting a public meeting or drop-in, depending on the community's level of interest.

Establishing Appropriate Time Frames

It is important that the protocol establish time frames for a consultation process, to ensure timely response to any questions or concerns and to avoid unnecessary delays to the proponent and the LUA.

Industry Canada expects that any time frames established within an LUA's protocol will respect those established by CPC-2-0-03.

Under Industry Canada's procedures (CPC-2-0-03, Section 4.4), construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant land-use authority to an extension for a specified time period in writing. While Industry Canada does not

support a reduction of the three-year time limit, LUAs may wish to consider including in their protocols procedures related to extending the time limit for construction.

Criteria not Necessary to Address Through Local Protocols

As described in Industry Canada's procedures (CPC-2-0-03, Section 7), proponents have specific obligations already subject to federal requirements. Protocols should not impose additional obligations in these areas. However, an LUA may wish to ask questions or seek clarification from proponents concerning their proposed steps and the alternatives available to satisfy these and any other radio authorization requirements. Proponents must comply with:

Health Canada's public radio frequency exposure guidelines - [Safety Code 6](#) (*Limits of Human Exposure to Radiofrequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz - Safety Code (2009)*);

Radio Frequency Interference and Immunity - [EMCAB-2 — Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters](#);

- [Canadian Environmental Assessment Act, 2012](#) – CEAA 2012
- Aeronautical Safety - [Transport Canada](#) and [NAV CANADA](#) requirements for aeronautical safety

4. Conclusion

Land-use authorities, with their local knowledge, experience and leadership ability, have an important role in the consultation process relating to the siting of antenna systems. Clear and reasonable protocols will enable effective participation and cooperation between the LUA and the proponent. Such protocols can be used to identify the interests of the community as well as guiding land-use principles. Moreover, protocols allow for the introduction of radiocommunication services, including broadcasting, in the local community in a timely manner. Protocols can assist proponents planning to install antenna systems, while at the same time giving due consideration to local land-use issues.

Council Member Motion

Notice given on: Wednesday, April 7, 2021

| | |
|--------------|------------------------------|
| Meeting Date | Wednesday, April 21, 2021 |
| From | Councillor Douglas |
| Subject | Street Trees and Shade Trees |

Background

Street trees have a significant but often under appreciated impact on our communities, including residential neighbourhoods, downtown cores and shopping centres. Their benefits are well-documented in the planning and design literature, and have been incorporated into street design guidelines in municipalities across the world. According to well-known landscape planner Randall Arendt: "Streets where shade trees have been planted at regular intervals on both sides are cooler, more attractive to residents and potential buyers, provide more varied habitat, and tend to calm traffic speed, making neighbourhoods safer."¹

Other benefits of tree-lined streets, particularly for municipalities, include:

- Significant reductions in storm water runoff and pollutants
- Enhanced sense of place
- Visual and sound buffers,
- Revitalized commercial centres
- More walkable and bicycle-friendly streets
- Improved air and water quality
- Lower violent and property crime rates
- Decreased urban heat island effect, and
- Increased property values.
- Psychological well-being.
- Increased carbon storage.
- Habitat provision and sub-urban biodiversity.

In contrast, streets without consistent shade tree planting are more barren and hotter, appreciate less in real estate value, and do not calm traffic speed. Sadly, these streets are the norm in many residential and commercial developments.

Traditionally the Municipality of North Cowichan has not required tree-lined streets in major residential developments, but in recent years shade trees have been incorporated into major commercial developments and public works projects, such as the 5,000-hectare Cowichan Commons shopping centre and revitalization projects on Beverly Street, Joan Avenue and Chemainus Road.

¹ Randall Arendt, *Envisioning Better Communities: Seeing More Options, Making Better Choices* (Chicago: American Planning Association, 2010), pages 89-90.

In addition, during the past decade the Municipality adopted policies to encourage more tree-lined streets through the Official Community Plan (2011):

- Policy 2.5.3. "Tree-lined streets...are all important contributors to the quality of the public realm, providing aesthetic benefits and increased property values...Progress will be measured by canopy cover in growth centres (measure of street trees)."
- Policy 2.5.6.8 (b) "Right-of-way widths for local roads within the urban containment boundary...have been set in such a way as to include space for street trees...and other infrastructure designed to improve streetscapes and to reduce negative environmental impacts."

In addition, Local Area Plans (LAP) adopted for the [University Village](#) (2015), [Crofton](#) (2015) and [Bell McKinnon](#) (2018) contain numerous specific policies to encourage and require shade trees in streetscapes. While the policies in these LAPs are important tools for improving streetscape design, they do not apply to significant portions of the Municipality earmarked for future development, nor do they do anything to enhance streetscapes in established suburban neighbourhoods.

Many municipalities in British Columbia and internationally have developed strategies to expand and maintain street trees and shade trees. For example, the City of Surrey has adopted a [Shade Tree Management Plan \(2016\)](#) to protect, enhance, and increase the number shade trees located in public parks and along streets – including planting the maximum number of street trees possible in every new development.

New policies to expand the number of street trees and shade trees could support actions in Council's *Strategic Plan*, including to strengthen environmental policy in all land use planning, and encourage appropriate development charges and amenities to support great development.

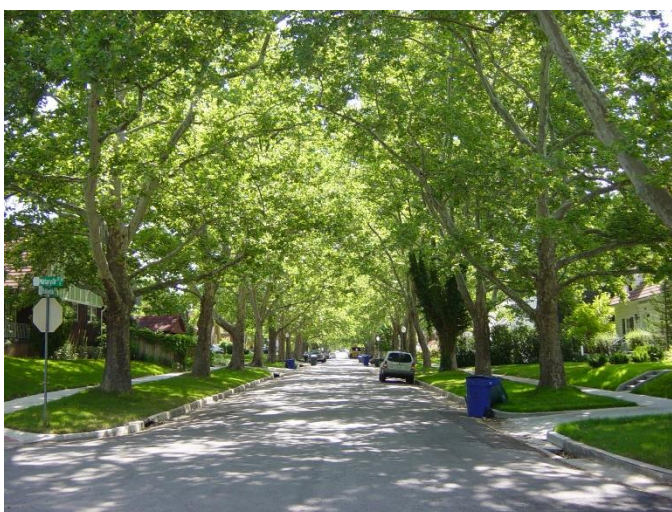
Recommendation

That Council direct staff to introduce policies and regulations to expand the number of street trees and shade trees in residential and commercial developments and public works projects, as part of the new Official Community Plan, Zoning Bylaw, Subdivision Bylaw, Biodiversity Strategy and any other relevant initiatives planned or underway.

Attachments: Attachment 1 - Examples of Streets with and without Shade Trees
 Attachment 2 - Street Tree Policies from North Cowichan LAPs
 Attachment 3 - Highlights from the City of Surrey's Shade Tree Management Plan
 Attachment 4 - Examples of Studies Highlighting Benefits of Street Trees

Attachment 1 - Examples of Streets with and without Shade Trees

Streets with Shade Trees



Streets without Shade Trees



Transformation of Commercial Area through Street Trees (and Densification)²



² ² Randall Arendt, *Envisioning Better Communities: Seeing More Options, Making Better Choices* (Chicago: American Planning Association, 2010), page 129.

Attachment 2 – Street Tree Policies from North Cowichan Local Area Plans (LAP)

University Village Local Area LAP

- The Streetscape Catalogue Matrix (p.28) identifies street trees as requirements in eight of the nine permit areas.
- Section 5.7 states that “the streetscape should offer a range of experiences from tree shade to social gathering/interaction areas.”
- The Boulevard Policies (Section 5.7.2.3), contains the following:
 - New tree plantings shall be selected to provide a high canopy over the street, while remaining above commercial displays and signage (at maturity).
 - Large full canopy tree species shall be installed along the boulevard or within curb bulges where sufficient soil volumes and tree canopies can be accommodated.
 - Columnar and small ornamental trees should be installed within narrow boulevards where soil volumes are insufficient for full canopy trees.
 - A variety of street trees should be planted; tree species shall be selected to establish the landscape character for a given street
- The implementation matrix of the LAP includes “Urban Tree Forest,” with number of existing trees and canopy coverage listed as key performance indicator metrics (p.74).

Crofton LAP

- The Boulevard Policies (section 5.5.2.3) contain identical language to the University Village LAP.
- The Landscape Architecture and Site Planning Policies (section 5.7.2) state that:
 - Efforts should be made to retain as many existing mature private trees as possible. Where existing mature trees have to be removed, they should be replaced with a tree (or trees) of equal value that must: have a minimum caliper size of 50mm (2inches), and have a minimum height of 1.5m.

Bell McKinnon LAP

- The section on Boulevards and Landscaping states that “A variety of street trees should be planted; tree species shall be selected to establish the landscape character for a given street” (p.87).
- Short-term actions described on p.114 include “Street Trees & Boulevard Landscaping Policy,” and “Develop and adopt a policy that outlines specific plantings for stormwater management, street tree separation, wildlife protection and conflict prevention, and environmental stewardship.”
- All new development is required to have a minimum 30-40% tree canopy coverage in order to create a new urban forest (see Section 4.5.1).

Attachment 3 – Highlights from the City of Surrey's Shade Tree Management Plan

In 2016, Surrey launched their [Shade Tree Management Plan](#) to increase the number of shade trees in the City's parks, streets and other public spaces over the next 20 years.

The Plan includes more than 50 actions such as:

- Plant the maximum number of street trees possible in every new development.
- Plant the maximum number of park trees possible in every new park.
- Plant trees within and adjacent to each new park parking lot to achieve 60% tree canopy cover over parking lots.
- Plant 1,000 street trees per year over the next 10 years in existing neighbourhoods.
- Plant 500 park trees per year over the next 10 years in existing parks.



Surrey cites the wide ranging social, economic, and environmental benefits of shade trees. "Trees beautify our neighbourhoods, mitigate heating and cooling costs, reduce storm water impacts, improve air and water quality, increase commercial activity, and are linked to improved health of people." It also supports the City's climate mitigation goals. "In the face of a changing climate evidenced by rising temperatures, longer more intense drought, and more frequent and damaging storms, the need to plant and manage a resilient inventory of shade trees has never been greater."

The City also presents a strong business case for street and park shade trees. "A recent analysis demonstrates that for every \$1.00 spent on the costs of planting, maintaining, and managing shade trees in Surrey, \$3.18 in benefits is realized in the form of energy savings, carbon sequestration, air quality improvements, storm water retention, property value increases, and other benefits."

Attachment 4 – Examples of Studies Highlighting Benefits of Street Trees

Donovan, G., and D. Butry. "Trees in the City: Valuing street trees in Portland, Oregon." *Landscape and Urban Planning*. Volume 94 (2010). Pages 77-83.

https://www.fs.fed.us/pnw/pubs/journals/pnw_2010_donovan001.pdf

Gilstad-Hayden, K., L. Wallace, A. Carroll-Scott, S. Meyer, S. Barbo, C. Murphy-Dunning, and J. Ickovics. "Research note: Greater tree canopy cover is associated with lower rates of both violent and property crime in New Haven, CT." *Landscape and Urban Planning*. Volume 143 (November 2015). Pages 248-253.

<https://www.sciencedirect.com/science/article/abs/pii/S0169204615001607>

Hotte, N., L. Nesbitt, S. Barron, J. Cowan, and Z.C. Cheng. *The Social and Economic Values of Canada's Urban Forests: A National Synthesis*. Canadian Forest Service & UBC Faculty of Forestry. April 2015. <https://urbanforestry.sites.olt.ubc.ca/files/2016/09/The-Social-and-Economic-Values-of-Canada%E2%80%99s-Urban-Forests-A-National-Synthesis-2015.pdf>

U.S. Environmental Protection Agency. *Stormwater to Street Trees: Engineering Urban Forests for Stormwater Management*. April 2013.

<https://nepis.epa.gov/Exe/ZyPDF.cgi/P100H2RQ.PDF?Dockey=P100H2RQ.PDF>

Wolf, K. "Business District Streetscapes, Trees, and Consumer Response." *Journal of Forestry*. Volume 103, No.8 (December 2005). Pages 396-400. <https://www.fs.usda.gov/treearch/pubs/34952>

From: Bear, Chris <chris.bear@rcmp-grc.gc.ca>
Sent: Wednesday, April 14, 2021 9:21 AM
To: Al Siebring; Ted Swabey
Subject: FW: VIIMCU Expansion

Good morning,

Please see below email from Insp Kevin O'Donnell, OIC VIIMCU, regarding possible expansion.

I know from previous discussions with North Cowichan that there was interest in taking part. I leave this with you for consideration.

If you need any further information, please let me know.

Thanks,

Chris

Chris Bear, Inspector
Officer in Charge
North Cowichan/Duncan Royal Canadian Mounted Police (RCMP)/Government of Canada
chris.bear@rcmp-grc.gc.ca / Tel: 250-748-5522 / 250-746-2126

Chris Bear, Inspecteur
Gendarmerie royale du Canada (GRC) de N. Cowichan/Duncan / Gouvernement du Canada

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From: O'Donnell, Kevin <kevin.odonnell@rcmp-grc.gc.ca>

Sent: April 13, 2021 1:37 PM

To: Subject: VIIMCU Expansion

Good afternoon,

Last week myself, S/Sgt. Bosnell and Supt. Wijayakoon had a call with Ward Lymburner, Executive Director, Police Services Branch to discuss VIIMCU expansion. I have sent each of you an email as I have had one on one conversations with each of you where you have raised the issue of VIIMCU expansion. The topic of VIIMCU expansion is still at the forefront for the Province. The Province is working on dealing with a priority which pertains to the South Island Dispatch/Funding Model and will be addressed prior to VIIMCU expansion.

During our conversation with Mr. Lymburner, when asked about the desires of detachments (Sooke, Sidney/North Saanich, North Cowichan/Duncan) becoming part of VIIMCU, indicated that each of your Mayors could draft a letter to his office with their desire to join VIIMCU as well as asking for updates on the overall expansion process. Mr. Lymburner did indicate that political will from the municipalities is something the Province takes into consideration. Another option he suggested is that the questions could be raised, once again, by the local mayors at the next upcoming UBCM.

If you aren't aware, Wayne Rideout has taken over from Brenda Butterworth-Carr. Mr. Rideout has an extensive Major Crime background with the RCMP and should have a good understanding of the issues at hand. Mr. Lymburner did mention that he was meeting with Mr. Rideout in the next week to ten days where the topic of VIIMCU expansion will be discussed. Myself and Supt. Wijayakoon have asked for an update on what direction we will go from there.

I appreciate your patience. I know that this has been going on for several years.

My goal is to provide an update to the other Detachments within the Island District after the scheduled meeting between Mr. Lymburner and Mr. Rideout.

Thank you,

KO

Insp. Kevin O'Donnell O.3359
Senior Investigating Officer - Island District
E Division Major Crime Section
Accredited Team Commander

2881 Nanaimo Street
Victoria B.C
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Email: kevin.odonnell@rcmp-grc.gc.ca

COUNCIL POLICY: COUNCIL CONFERENCE ATTENDANCE

Council Approval Date: December 6, 2006

Department: Legislative Services

Amended: December 15, 2015, November 18, 2020

1. PURPOSE

To identify what conferences and professional development opportunities are provided to Council.

2. SCOPE

This policy applies to all members of Council.

3. POLICY

The recommendations as outlined in the December 9, 2015 report by the CAO, which was endorsed by Council at its December 16, 2015 regular meeting to set as policy, Council attendance at the following conferences, convention, and seminars:

1. Federation of Canadian Municipalities (FCM) – held annually in May/early June

FCM is a national voice of municipal government and advocates on behalf of municipalities across Canada. Municipal leaders meet annually to establish FCM policy on key issues.

The Mayor, and one Councillor (randomly selected) is permitted to attend the FCM annual convention.

2. Union of British Columbia Municipalities (UBCM) – held annually in mid-late September

UBCM provides a common voice for local governments throughout the entire province and it uses the annual convention as the main forum for policy-making. Positions, developed by members are carried out on behalf of the members to other orders of government and organizations involved in local affairs.

All members of Council are permitted to attend the UBCM annual convention.

3. Association of Vancouver Island Coastal Communities (AVICC) – held annually in April

The AVICC is one of five area associations of local governments throughout British Columbia which represent municipalities, regional districts, and other local governments in order to advance local government principles and issues. Area associations work under the umbrella of the UBCM. Resolutions supported by the AVICC are advanced to UBCM for consideration.

All members of Council are permitted to attend the AVICC annual convention.

4. Local Government Leadership Academy (LGLA) – held annually in February

The LGLA is a leadership development initiative which provides training and educational resources to local elected officials and senior administrators across BC. Participants develop competencies needed to effectively manage and lead communities.

The LGLA present a leadership forum annually in February but in the spring immediately following the election puts on an elected officials seminar (in lieu of the leadership forum).

All members of Council are permitted to attend the LGLA yearly Leadership Forum/Elected Officials Seminar held annually.

5. Vancouver Island Economic Alliance (VIEA) – held annually in October

Economic Development within North Cowichan, and through the greater Cowichan Valley, has been a priority of Council and the VIEA is a regional alliance of local government, First Nations, businesses and other key stakeholders that collaborate on broad-based economic development programs to improve and strengthen the region's economic capacity.

All members of Council are permitted to attend the VIEA annual Economic Summit.

6. Miscellaneous seminars, conferences, and conventions

Along with the standard yearly cycle of conferences, there are miscellaneous seminars, conferences, and conventions that arise from time to time.

Requests from any member of Council wishing to attend miscellaneous events held throughout the year must be approved by Council and subject to available budget.

7. Discretionary training budget

The Mayor will be allocated \$1,000 per year and each Councillor will be allocated \$500 per year to use, at their discretion, for personal training and/or professional development in relation to their role on Council. These funds shall be used to cover any registration fees, hotel or travel costs. Any unspent funds at the end of each year will revert back to the general revenue fund.

Members of Council must use their discretionary training budget before requesting any additional training identified under Section 3.6 above (Miscellaneous seminars, conferences, and conventions).

4. PROCEDURE FOR ATTENDANCE

The Executive Assistant to the Mayor and CAO coordinates, registers, and makes the necessary travel arrangements for all approved conferences, conventions, and seminars attended by Council.

Travel allowances, expenses, and reimbursement are outlined in the Travel Expenses Policy, as amended from time to time.

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Program

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Join us on our online event platform for a unique program featuring shorter interactive workshops, motivational speakers and other

innovations to make this a rewarding virtual conference experience.

Whatever your local needs, you'll find something here to take your city or community forward. Through workshops, plenaries and networking opportunities, you'll get new tools to tackle today's challenges and gear up for tomorrow's recovery.

Here's a sneak peek at some of the topics we'll explore.

- Affordable housing
- Rural economic growth
- Anti-racism and equity
- Connecting remote communities
- Ending homelessness
- Climate resilience
- Women in local government
- Social media training
- FCM's tools for local recovery
- Cybersecurity
- Your workforce in 2021
- Last-mile post delivery
- Municipal public libraries
- Plan your tree planting
- Smart Cities
- Agriculture and rural strength
- ...and many more.

There's something for everyone.

Register Now

Schedule

Stay tuned for full details—and for exciting new program announcements to come. All times in the table below are Eastern. (S/I) indicates activities with simultaneous interpretation.

| | |
|------------------------|--|
| Monday, May 31 | |
| 10 a.m.-4 p.m. | Big City Mayors Caucus (BCMC) Meeting (S/I) |
| 1-2 p.m. | Workshops <ul style="list-style-type: none"> • Social media tools: communicating in a virtual world (S/I) • Beyond the books: municipal public libraries during COVID-19 - Presented by CUPE (S/I) |
| 2:30-3:30 p.m. | Workshops <ul style="list-style-type: none"> • Statistics Canada and FCM: Local Insights (S/I) • Connecting rural and remote Canada - Presented by Telesat (S/I) |
| Tuesday, June 1 | |
| 10-10:30 a.m. | Opening Ceremony - Sponsored by CN (S/I) |
| 10:30-11:30 a.m. | President's Forum - Brought to you by Shaw (S/I) |

| | |
|-----------------------|---|
| Monday, May 31 | |
| 11:30 a.m.-12 p.m. | Political Keynote (S/I) |
| 12:30-1:30 p.m. | <p>Workshop</p> <ul style="list-style-type: none"> Gender equality: a priority for both women and men (S/I) |
| 12:30-2:30 p.m. | Connected Labs (8 x 15 minutes) |
| 12:30-3:30 p.m. | Trade Show |
| 1:30-2:30 p.m. | <p>Workshop</p> <ul style="list-style-type: none"> Modernizing the health and safety management of employees - Presented by Ceridian (S/I) |
| 2:30-3:30 p.m. | <p>Workshops</p> <ul style="list-style-type: none"> Green Municipal Fund: investing in your community's future (S/I) Empowering western innovation to drive economic recovery (S/I) |
| 4-4:30 p.m. | 3 rd VP Candidates speeches (S/I) |
| 4:30-5 p.m. | Political Keynote (S/I) |
| 5-6 p.m. | Ask the Experts |
| 5:30-6:30 p.m. | Regional Caucus Networking (BC, P&T) |

| | |
|--------------------------|--|
| Monday, May 31 | |
| Wednesday, June 2 | |
| 8:30-9:30 a.m. | Regional Caucus Networking (QC, ON, Atlantic) |
| 9-10 a.m. | Ask the Experts |
| 9:30-10:30 a.m. | Welcome Day 2 and Political Keynote (S/I) |
| 10:30 a.m.-12:30 p.m. | Connected Labs (8 x 15 minutes) |
| 10:30 a.m.-1:30 p.m. | Trade Show |
| 10:45-11:45 a.m. | Workshop <ul style="list-style-type: none"> • Anti-racism and building inclusive communities (S/I) |
| 11:45 a.m.-12:45 p.m. | Workshop <ul style="list-style-type: none"> • Building connected communities for Canada's future - Presented by Rogers (S/I) |
| 12:45-1:45 p.m. | Workshops <ul style="list-style-type: none"> • Food Security - Presented by Egg Farmers (S/I) • Customizing energy solutions for your municipality (S/I) |
| 2-2:30 p.m. | 3rd VP announcement and explanation of the election process for candidates for Board positions (S/I) |
| 2:30-3 p.m. | Political Keynote (S/I) |

| | |
|-------------------------|---|
| Monday, May 31 | |
| 3:15-5:30 p.m. | Selection of candidates for Board of Directors |
| 5:30-6:30 p.m. | Selection of candidates for Regional Chairs |
| Thursday, June 3 | |
| 9-10 a.m. | Ask the Experts |
| 9:30-10:15 a.m. | Welcome Day 3 and Plenary: Overcoming online harassment of women and elected officials (S/I) |
| 10:15-11 a.m. | Resolution Plenary (S/I) |
| 11:30 a.m.-12 p.m. | Political Keynote (S/I) |
| 12-1 p.m. | Rural Plenary (S/I) |
| 1:30-2:30 p.m. | <p>Workshop</p> <ul style="list-style-type: none"> Ending homelessness: lessons from home and abroad (S/I) |
| 1:30-3:30 p.m. | Connected Labs (8 x 15 minutes) |
| 1:30-4:30 p.m. | Trade Show |
| 2:30-3:30 p.m. | <p>Workshop</p> <ul style="list-style-type: none"> Last mile delivery: a sustainability perspective - Presented by Canada Post (S/I) |

| | |
|-----------------------|--|
| Monday, May 31 | |
| 3:30-4:30 p.m. | <p>Workshops</p> <ul style="list-style-type: none"> • How FCM programs are empowering smaller communities (S/I) • Fraudulently induced transfer: a growing concern for municipalities - Presented by Frank Cowan (S/I) |
| 5-6:30 p.m. | Gala Networking |
| Friday, June 4 | |
| 9:30-10 a.m. | Welcome Day 4 (S/I) |
| 10 a.m.-2 p.m. | AGM and closing remarks (S/I) |

Program subject to change without notice.



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Register Now!

This year's conference has something for everyone. From innovative learning and networking opportunities to keynote speeches from national party leaders to our always-popular trade show. You'll find all the hallmarks of our FCM conference you know and love—plus brand new features tailored to a virtual environment.

Meeting online has its advantages. With no need to travel across the country and the lowest registration fees we've had in years, more people from your municipality can attend this year. And with a jam-packed program, the value of your registration has never been higher.

Join us at AC2021 to celebrate the incredible resilience of frontline leaders—and to showcase how municipalities of all sizes are vital to moving this country forward. Don't miss it.

Register yourself and your staff by April 23 to qualify for our early-bird rate. The first 1,000 registered delegates will receive a (non-virtual!) delegate gift bag with material from many of our sponsors, courtesy of Canada Post.



Register Now

To register, you will need to [sign in to the FCM Portal](#) and go to “Upcoming Events” on the home page. If you do not have a Portal account, please contact the [membership team](#) and they will email you a personalized link to set your username and password.

The conference registration is sponsored by the Municipal Information Network.



As a full conference participant, you get access to:

- All scheduled programming, including plenaries, workshops and sessions
- On-demand educational programming during and post-conference
- Our virtual trade show
- Networking events
- Accredited conference delegates can vote in the FCM Board of Directors elections (FCM Member – Elected Official)¹
- The first 1,000 registered delegates will receive a delegate gift bag from our sponsors

FCM annual conference registration is open to:

- Municipal/provincial/federal and territorial government elected officials and staff
- FCM partners
- Event sponsors
- Registered Trade Show exhibitors
- Students
- Speakers, panelists, and other approved guests

Media outlets who want to participate in the conference must contact FCM's [Media Team](#).

Registration fees

| Registration type (Full conference only) | Early Bird (March 29 to April 23) | Regular (April 24 to June 4) |
|--|---|------------------------------------|
| Member | | |
| Municipal / Affiliate <ul style="list-style-type: none"> Elected official Staff | \$600 | \$670 |
| Non-Member | | |
| Municipal <ul style="list-style-type: none"> Elected official Staff | \$700 | \$790 |
| Provincial / Federal / Territorial government <ul style="list-style-type: none"> Elected representative Staff | \$700 | \$790 |

| Registration type (Full conference only) | Early Bird (March 29 to April 23) | Regular (April 24 to June 4) |
|--|--|---|
| Exhibitor / Sponsor / Corporate partner (Only current registered exhibitors / sponsors are eligible for these fees) | \$455 | \$510 |
| Students Important: all students must be full-time students and show proper proof of current enrollment (student ID) before they register. Contact registration to provide proof and get your access code to register. | \$135 | \$149 |

Credit card only (VISA, AMEX or MasterCard. 13% HST will be added to your registration fee.

¹To vote in the [FCM Board election](#), you must be an accredited conference delegate (FCM Member – Elected Official). This is different from last year’s virtual Board election—and closer to the simplified “real time” voting of past in-person events. (Accredited delegates must connect with their own conference login to vote.)

If you have any questions, please contact FCM’s [registration desk](#) or call 613-907-6317.

Terms and Conditions

Conference Code of Conduct

The Federation of Canadian Municipalities is committed to the highest standard of respect and dignity at each one of its events, may they be in-person or online. All participants at the 2021 virtual Annual Conference and Trade Show must comply with FCM's Code of Conduct. The code mandates that participants conduct themselves in a safe and welcoming manner and are treated with respect and dignity, free from harassment, violence and discrimination. This core ethical standard applies to all facets of the conference where participants are in attendance.

FCM does not tolerate harassment of any kind. Should you be subject to—or witness any—inappropriate or threatening behaviour or language, please notify registration staff by email at register@fcm.ca. Anyone found to be acting in such a manner will have their registration revoked and asked to leave the virtual conference platform immediately.

Authorized Soliciting and Marketing

Except for authorized Sponsors and Exhibitors, delegates may not use the conference as a forum for soliciting and marketing to FCM's municipal delegates. Those delegates wishing to have such privileges are encouraged to register for the virtual conference as a Sponsor or Exhibitor. Otherwise, FCM may revoke the registration of the delegates who, in the opinion of FCM, conduct such soliciting and marketing activities.

Contact Information

A list of all conference participants (name, title, organization and email) will be shared with conference Sponsors and Exhibitors via the lead retrieval system. In addition, whenever you interact with another participant inside the virtual platform, you agree to share your contact information as per your virtual profile.

Early-bird registration

Early-bird registration ends **Friday, April 23, 2021 (11:59 p.m. ET)**.

Payments

Registration fees must be paid in full by credit card (VISA, MasterCard or American Express) at the time of registration.

Taxes

The Canada Revenue Agency (CRA) has determined that the legal status of FCM must change from charitable to not-for-profit. This change in legal status results in taxable registration fees for FCM conferences. In keeping with the GST/HST place of supply rule, registration fees are taxed based on the location where the conference is held. In 2021, the conference is being held virtually in the province of Ontario and the applicable 13% HST is being applied. Each municipality is entitled to claim the applicable input tax credit (ITC).

Cancellations

If you need to cancel or change your registration for FCM's 2021 Annual Conference and Trade Show, you must do so in writing by [sending us an email](#). Cancellation requests will **NOT** be accepted by any other means.

Cancellation fees will be applied to conference registration.

Refund schedule and policy

The amount of your refund will depend on when we receive your notice of cancellation. Please consult this schedule for refund amounts:

| Notice of cancellation received by: | Refund: |
|---|--------------|
| By April 23 (11:59 p.m. ET) | 100 per cent |
| Between April 24 and May 14 (11:59 p.m. ET) | 50 per cent |

| Notice of cancellation received by: | Refund: |
|--|----------------|
| On and after May 15 | No refund |

For cancellations received before April 23, refunds will be credited to you on the original credit card used for payment. The following information will appear on the credit card statement once the refund is completed: FCM-FED CND MUN.

After May 15, refunds will only be considered for medical or personal emergencies. Please [send us an email](#) to request a refund due to an emergency. For medical emergencies, you must attach a letter from your doctor. The deadline to submit these requests is June 9, 2021.

We do not issue a refund or credit for portions of the conference which you did not attend.

Substitutions

Registration for the 2021 Annual Conference and Trade Show cannot be shared between two or more participants. Only one individual can be registered under a single registration, for the duration of the conference. However, delegates may nominate another person from their organization to attend in their place, up to 24 hours before the start of the event. Please [send us an email](#) to request a substitution. If a registered delegate is unable to find a substitute to take his or her place, the cancellation policy applies.

Registration Confirmation

An email confirmation will be sent once registration has been completed and fully paid online. From your account in the FCM portal, you will be able to update your profile, modify your registration, and print a copy of your registration invoice.

Program

FCM reserves the right to make changes to the 2021 Annual Conference and Trade Show program at any time.

Photographs

FCM may take screen shots of delegates attending the 2021 Annual Conference and Trade Show. These photos may be used on FCM's social media channels. They will not be distributed to third parties.

For any questions, please contact FCM's [registration desk](#) or call 613-907-6317.



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From: Al Siebring <mayor@northcowichan.ca>
Date: April 14, 2021 at 9:13:49 PM PDT
To: Ted Swabey <Ted.Swabey@northcowichan.ca>
Cc: Terri Brennan <terri.brennan@northcowichan.ca>
Subject: Re: CHA Application to UBCM - UBCM Strengthening Communities Fund

Ted:

Further to our discussion by phone yesterday, this came up at the CVRD Board meeting tonight.

CVRD truly doesn't have the capacity.. partly because of their physical (water inundation) issues, and partly because their Finance Department is pretty lean right now (due - among other things - to Talitha's departure,) and they're already administering a ton of other approved grants and grant applications.

I informed the Board of our discussion yesterday, and the notion that MNC *might* have the capacity to take the lead on this file. The good thing is that John Horne has done a lot of the legwork on this already in terms of the specifics of the grant application and what the money would be used for/is needed for.

And UBCM *has* now granted an extension to the application deadline to the end of this month.

I didn't promise the Board anything.. said that ultimately it would be up to Council to determine whether we would go ahead with this, and that this determination would also be coloured by what our staff would have to say about the capacity issues. The Board did pass an open-ended resolution, authorizing the Board Chair to write a letter of support for whatever local government might wish to take this on, and there were also commitments from Ladysmith, Duncan, and the Town of Lake Cowichan to that effect.

Should we decide not to do it, I believe Duncan might be interested in taking the lead as well, although Mayor Staples never actually articulated that in the discussion.

So please include this on next week's Council agenda. I can provide a background report if staff are overloaded on this. Let me know.

(And for the record - and as a title for this item on the Aenda, the application would be for about \$2.5M from the "*UBCM COVID-19 Strengthening Community Services*" program, with funds envisioned to be spent throughout the Cowichan Region, but mostly in "the core" of Duncan/North Cowichan.)

Al Siebring,
Mayor,
District Municipality of North Cowichan.

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From: Al Siebring
Sent: Tuesday, April 13, 2021 11:37 AM
To: Ted Swabey
Cc: Terri Brennan
Subject: Fw: CHA Application to UBCM - UBCM Strengthening Communities Fund

FYI...

Is this something we'd want to take on? Do we have capacity?

Al Siebring,
Mayor,
District Municipality of North Cowichan.

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From: Brian Carruthers <Brian.Carruthers@cvrld.bc.ca>
Sent: Tuesday, April 13, 2021 11:32 AM
To: Aaron Stone; Al Siebring; Michelle Staples; Bob Day (bobkday@lakecowichan.ca)
Subject: CHA Application to UBCM - UBCM Strengthening Communities Fund

Hello Mayors,

I was on a call this morning with CHA reps as well as Aaron and Michelle to discuss the CVRD's involvement in submitting a \$2.5M grant application to UBCM on behalf of the CHA and other partner organizations. The challenge is that the CHA put the brakes on the application prior to Easter due to concerns with their capacity to deliver the activities under the grant. Since that time, the CHA has regrouped and will partner with other organizations to deliver the program with CHA functioning as program overseer and undertaking the administrative work. Unfortunately this decision by CHA was just communicated to the CVRD yesterday and staff are not able to bring a report to the Board as there are still financial details to sort out. Staff will be reaching out to UBCM today to see if there is any opportunity for an extension to the April 16 application deadline.

In the meantime, I wanted to make you all aware that this issue will be raised under Report of the Chairperson tomorrow at Board and we will be updating the Board on this grant opportunity. The CVRD Finance Dept. is under extreme capacity stress right now with the loss of Talitha, managing the office water break insurance claim and all other grant opportunities we have or are taking advantage of. Staff will not be recommending that the CVRD take this on so there may be an opportunity for one of the municipal partners to apply on behalf of the CHA. Just making you aware of this prior to the meeting tomorrow in case you want to consider if your municipality has the capacity to apply for this grant on behalf of the CHA. Of course, this will be dependent on UBCM allowing an extension for submitting an application.

Thanks,
Brian

Brian Carruthers
Chief Administrative Officer
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
Tel: 250.746.2510 / Toll Free: 1.800.665.3955 / Fax: 250.746.2513

As a result of the COVID-19 pandemic, I may be working away from the office and, although I will be checking email and voicemail messages regularly, there may be a delay in my response. Additional information with regard to CVRD operations during the COVID-19 pandemic is available on our website at www.cvrld.bc.ca.

Thank you for your patience.

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

COVID-19 Restart Funding for Local Governments

Strengthening Communities' Services

2021 Program & Application Guide

1. Introduction

The Government of Canada and the Province of British Columbia are providing \$540 million in shared funding to local governments under the Safe Restart Agreement to manage the impacts of the global COVID-19 pandemic. These investments will help to protect public health and safety, prepare for potential future waves of the virus, and further support the safe reopening of economies.

Strengthening Communities' Services Program

The COVID-19 pandemic has led to an increase in the visibility of unsheltered homelessness in many communities, and related community health and safety challenges.¹ Many local governments and Treaty First Nations, despite already experiencing pressures on revenues and staff capacity, have responded to these challenges with a variety of services, infrastructure, and coordination with health authorities and social sector service providers.

Some of society's most vulnerable members face challenges that have worsened in the context of COVID-19. This includes groups that are more likely to experience homelessness and are more vulnerable to the health and safety risks associated with living unsheltered, such as Indigenous people, women, and gender diverse people. People who lack adequate housing are more likely to suffer from a range of health challenges, including mental health and substance abuse issues, and are highly vulnerable to COVID-19.

Within the Safe Restart funding, \$100 million is being delivered through the Strengthening Communities' Services Program, which aims to support unsheltered homeless populations and address related community impacts through an application-based program. The goal of this program is to support local governments and Treaty First Nations that wish to take action, understanding that this will complement parallel provincial efforts. This program is meant to bridge the period between the COVID-19 outbreak and the post-COVID recovery period. The funding is being administered by UBCM on behalf of the Province and the Government of Canada.

Intended Outcomes

The intent of the Strengthening Communities' Services program is to assist local governments and Treaty First Nations with:

- Improved health and safety of unsheltered homeless people living in public or private spaces, including reduced risk of COVID-19 or other disease transmission;
- Reduced community concerns about public health and safety in neighbourhoods where unsheltered homeless populations are seeking temporary shelter and services;

¹ [Homeless Hub's definition of homelessness](#) describes a range of physical living situations. Unsheltered homelessness refers to "people who lack housing and are not accessing emergency shelters or accommodation, except during extreme weather conditions." This includes people living in public or private spaces without consent (parks, sidewalks, squares, vacant buildings, lots, etc.) and people living in places not intended for permanent human habitation (vehicles; garages, attics or buildings not designed for habitation; makeshift shelters, shacks or tents).

- Improved coordination among eligible applicants and health/social service providers, Indigenous organizations and others working on housing, homelessness and service provision; and;
- Increased capacity of eligible applicants to work with homeless persons and Indigenous organizations towards culturally safe and trauma-informed responses.

2. Eligible Applicants

All local governments (municipalities, regional districts, and the Islands Trust) and Treaty First Nations (as defined by the *Interpretation Act*) in BC are eligible to apply.

Eligible applicants can submit one application per intake, including regional applications or participation as a partnering applicant in a regional application.

3. Funding Guidelines

The Strengthening Communities' Services Program can contribute up to 100% of the cost of eligible activities.

It is recommended that eligible applicants follow the Funding Guidelines below. Funding permitting, applications for projects that exceed the Funding Guidelines may be considered for funding provided that applicants are able to demonstrate evidence of need in the community and provide a rationale for the request. If the total funding request exceeds the available funding, applicants that have requested additional funds may be asked to reduce their funding request.

Table 1: Funding Guidelines

| Population (based on 2019 BC Stats Population Estimates) | Funding Guideline |
|--|-------------------|
| Under 5,000 | \$200,000 |
| 5,000-40,000 | \$450,000 |
| 40,000-75,000 | \$1,250,000 |
| 75,000-200,000 | \$2,500,000 |
| 200,000-500,000 | \$3,500,000 |
| 500,000 or greater | \$10,000,000 |

In order to ensure transparency and accountability in the expenditure of public funds, all other financial contributions for eligible portions of the project must be declared and, depending on the total value, may decrease the value of the grant. This includes any other grant funding and any revenue that is generated from activities that are funded by the Strengthening Communities' Services Program.

4. Eligible Projects

To be eligible for funding, applications must demonstrate that proposed activities meet one or more of the intended outcomes of the program (see Section 1), and all of the following:

- Demonstrate evidence of need in the community (e.g. unsheltered homeless population estimates, housing needs report, community concerns about public health and safety) and provide a rationale for how these issues have been exacerbated by COVID-19;
- Provide temporary solutions that address increased urgent and immediate needs related to unsheltered homelessness and do not create ongoing long-term financial obligations that will not be supported by the applicant;

- Include new activities or expansion of existing activities with costs incurred after September 17, 2020;
- Be capable of completion by the applicant within one year of the date of grant approval.

Applicants must choose to apply as a single applicant (i.e. an individual local government as identified in Section 2) or as part of a regional project.

Regional Projects

Funding requests from two or more eligible applicants for regional projects may be submitted as a single application for eligible collaborative projects. In this case, the maximum funding available would be based on the combined funding guidelines of each of the eligible applicants included in the application. It is expected that regional projects will demonstrate cost-efficiencies in the total grant request.

The primary applicant submitting the application for a regional project is required to submit a resolution as outlined in Section 7 of this guide. Each partnering applicant is required to submit a resolution that clearly states their approval for the primary applicant to apply for, receive, and manage the grant funding on their behalf.

5. Requirements for Funding

As part of the approval agreement, approved projects must meet the following requirements for funding:

- Any in-person activities, meetings, or events meet physical distancing and other public health guidance in relation to COVID-19.
- Activities must comply with all applicable privacy legislation under the *Freedom of Information and Protection of Privacy Act* in relation to the collection, use, or disclosure of personal information while conducting funded activities. Personal information is any recorded information about an identifiable individual other than their business contact information. This includes information that can be used to identify an individual through association or inference.

In addition, as part of both the development of the application package and the delivery of the approved project, local governments are encouraged to engage with local First Nations and Indigenous organizations. Engagement by local governments both locally and regionally can help build relationships with First Nations, benefit both communities and enhance reconciliation. More information on engagement best practices is available [here](#).

6. Eligible & Ineligible Costs & Activities

Eligible costs are direct costs that are approved for funding, properly and reasonably incurred, and paid by the applicant to carry out eligible activities. Eligible costs can be incurred after September 17, 2020 to the date of submission of the final report.

Table 2 identifies examples of activities that are eligible for funding. Other activities that support the intent of the program may be considered for funding. Eligible activities must be cost-effective.

| Table 2: Activities Eligible for Funding (including but not limited to) |
|--|
| <p>1. Improved health and safety of unsheltered homeless people living in public or private spaces, including reduced risk of COVID-19 or other disease transmission</p> <ul style="list-style-type: none"> • Temporarily increasing emergency shelter capacity, availability, and services, including: <ul style="list-style-type: none"> ○ Expansion of existing shelters (e.g. more beds, staff, hours, and shelter-based services); ○ Creation of new temporary shelter spaces within existing buildings or land (e.g. in a civic centre or church, motel rooms), including minor renovations or minor improvements; and ○ Adherence to COVID-19 public health regulations (e.g. shelter capacity reductions, extra cleaning staff, physical distancing, rental of motel rooms to allow infected individuals to safely isolate). • Providing other temporary options or enhancements for unsheltered homeless populations (e.g. temporary structures such as shipping containers; tents; platforms; fire retardant tarps; warming tents). • Providing temporary, incremental services (including basic supplies) that are specifically related to supporting unsheltered homeless populations such as: <ul style="list-style-type: none"> ○ Food and water; ○ Bathroom facilities, showers, laundry; ○ Cleaning and waste management; ○ Harm reduction; ○ Security; ○ First aid; ○ Fire safety; and ○ Outreach teams to connect people to resources and support programs. |
| <p>2. Reduced community concerns about public health and safety in neighbourhoods where unsheltered homeless populations are seeking temporary shelter</p> <ul style="list-style-type: none"> • Fostering positive dialogue between unsheltered homeless people, bylaw and protective services, and neighbourhoods or community members (e.g. liaison program with bylaw enforcement). • Promoting understanding and cooperation through peer-based and/or neighbourhood participatory activities for site cleaning, security, communications etc. • Providing programs or services that offer storage or security for belongings of unsheltered homeless populations. • Funding incremental expenditures relating to protective services and bylaw enforcement. • Participating in, supporting or coordinating community engagement strategies (e.g. neighbourhood outreach, public education materials, participatory dialogues). |
| <p>3. Improved coordination among eligible applicants and health/social service providers, Indigenous organizations and others working on housing, homelessness and service provision</p> <ul style="list-style-type: none"> • Partnering with Indigenous leadership, communities and organizations. • Participating in, supporting or coordinating cross-jurisdictional working groups and service teams related to housing, homelessness, and service provision. |

- Participating in, supporting or coordinating joint communications programs with health authorities.
- Collaborating with health authorities and non-profit service providers on supporting harm reduction services and initiatives to connect people to health services.
- Liaising with public health officials on environmental safety, infection prevention and control and overdose prevention focusing on unsheltered homeless populations.
- Collaborating with local fire commissioners to increase fire safety.
- Participating in, supporting or coordinating peer-based support services including development of peer teams.

4. Increased capacity of eligible applicants to work with homeless persons and Indigenous organizations towards culturally safe and trauma-informed responses

- Training for elected officials, program administration and front-line staff, bylaw and protective services staff, and peers supporting unsheltered homeless populations, addressing topics such as:
 - Trauma: causes, effects, and trauma-informed approaches;
 - Crisis de-escalation;
 - Awareness of Housing First and harm reduction principles;
 - The distinct needs and barriers of Indigenous peoples at risk of homelessness, as well as Indigenous cultural safety and cultural humility training; and
 - The distinct needs and barriers of groups at higher risk of homelessness, including youth, women at risk of violence, LGBTQ2S, people with disabilities (including mental illness, brain injury and cognitive impairments).

Additional Eligible Costs & Activities

In addition to the activities identified in Table 2, the following expenditures are also eligible provided they relate directly to eligible activities:

- Honoraria for community members with lived experience of unsheltered homelessness that are participants in funded activities
- Incremental applicant staff and administration costs (i.e. creating a new position or adding new responsibilities to an existing position)
- Consultant or other contract costs relating to service provision
- Public information and engagement costs
- Temporary lease/rental costs related to the delivery of eligible activities
- Minor renovations related to the delivery of eligible activities

Ineligible Costs & Activities

Any activity that is not outlined in Table 2 or the 'Additional Eligible Costs & Activities' section is not eligible for grant funding. This includes:

- Development of funding application package
- Development of architectural, engineering, or other design drawings for the construction or renovation of facilities
- Routine or ongoing operating and/or planning costs or activities that are not incremental to the project

- Purchase of software, software licences, service subscriptions, or membership fees
- Legal, audit, or interest fees or fees to incorporate a society
- Fundraising, lobbying, or sponsorship campaigns
- Project-related fees payable to the eligible applicant(s) (e.g. permit fees, DCCs, etc.)
- Purchase of promotional items, door/raffle prizes, give-away items, and/or gifts for community members
- Major capital improvements to existing facilities and/or construction of new, permanent facilities
- Long-term, permanent capital investments including the purchase of land and/or buildings

7. Application Requirements & Process

Application Deadline

The application deadline is April 16, 2021. Applicants will be advised of the status of their applications within 90 days of the application deadline.

Required Application Contents

All applicants are required to submit an electronic copy of the complete application, including:

- Completed Application Form with all required attachments.
- Detailed budget that indicates the proposed expenditures from Strengthening Communities' Services program funding and other sources (if applicable) and that aligns with the proposed activities outlined in the application form. Although additional funding or support is not required, any other grant funding or in-kind contributions must be identified.
- Council, Board, Local Trust Committee or Treaty First Nation resolution, indicating support for the current proposed activities and willingness to provide overall grant management.
- For regional projects: Council, Board, Local Trust Committee, Treaty First Nation resolution from each partnering applicant that clearly states approval for the primary applicant to apply for, receive, and manage the grant funding on their behalf.
- Optional: Up to three letters of support as evidence of partnership or collaboration with partners such as community-based organizations, non-profit service providers, health authorities and public health units, local First Nations and/or Indigenous organizations.

Submission of Applications

Applications should be submitted as Word, Excel or PDF files. Total file size for email attachments cannot exceed 20 MB.

All applications should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: lgps@ubcm.ca

Review of Applications

UBCM will perform a preliminary review of all applications to ensure the required application contents have been submitted and to ensure that eligibility criteria have been met.

Following this, an Evaluation Committee will assess and score all eligible applications. Higher scores will be given to applications that:

- Demonstrate greater alignment with the intent of the Strengthening Communities' Services program (i.e. address multiple program outcomes).

- Provide evidence of need in the community (e.g. existing homelessness plans, strategies or initiatives; unsheltered homeless population estimates; community concerns about safety) and provide a rationale for how these issues have been exacerbated by COVID-19.
- Demonstrate partnership and engagement with Indigenous leadership, organizations, and communities.
- Demonstrate a plan for communicating and engaging with unsheltered homeless populations to include perspectives of people with lived experience.
- Apply an anti-stigma lens and increase public awareness and understanding of causes and responses to homelessness.
- Include proposed activities and costs that are part of comprehensive, multi-faceted, approach to addressing unsheltered homelessness.
- Include collaboration with distinct needs-serving organizations, public health, health authorities, non-profit organizations, other local governments, police, bylaw enforcement, etc.
- Demonstrate cost-effectiveness.
- Demonstrate a plan for winding up and concluding the funded activities (or continuing with alternative sources of funding).

Point values and weighting will be established within each of these scoring criteria. Only those applications that meet a minimum threshold point value will be considered for funding.

The Evaluation Committee will consider the population and provincial, regional, and urban/rural distribution of proposed projects. Recommendations will be made on a provincial priority basis. All funding decisions will be made by UBCM.

| |
|---|
| All application materials will be shared with the Province of BC. |
|---|

8. Grant Management & Applicant Responsibilities

Grants are awarded to eligible applicants only and, as such, the applicant is responsible for completion of the project as approved and for meeting reporting requirements.

Applicants are also responsible for proper fiscal management, including maintaining acceptable accounting records for the project. UBCM reserves the right to audit these records.

Notice of Funding Decision & Payments

All applicants will receive written notice of funding decisions. Approved applicants will receive an Approval Agreement, which will include the terms and conditions of any grant that is awarded, and that is required to be signed and returned to UBCM.

Grants are awarded in two payments: 50% at the approval of the project and when the signed Approval Agreement has been returned to UBCM and 50% when the project is complete and UBCM has received and approved the required final report and a financial summary.

Please note that in cases where revisions are required to an application, or an application has been approved in principle only, the applicant has 30 days from the date of the written notice of the status of the application to complete the application requirements. Applications that are not completed within 30 days may be closed.

Progress Payments

To request a progress payment, approved applicants are required to submit:

- Description of activities completed to date;
- Description of funds expended to date; and

- Written rationale for receiving a progress payment.

Changes to Approved Projects

Approved grants are specific to the project as identified in the application, and grant funds are not transferable to other projects. Approval from UBCM will be required for any significant variation from the approved project.

To propose changes to an approved project, applicants are required to submit:

- Amended application package, including updated, signed application form, updated budget, and an updated Council, Board, Treaty First Nation or Local Trust Committee resolution.
- Written rationale for proposed changes to activities and/or expenditures.

Applicants are responsible for any costs above the approved grant unless a revised application is submitted and approved prior to work being undertaken.

Extensions to Project End Date

All approved activities are required to be completed within the time frame identified in the approval agreement and all extensions beyond this date must be requested in writing and be approved by UBCM. Extensions will not exceed one year.

9. Final Report Requirements & Process

Final reports are required to be submitted within 30 days of completion of the project. Applicants are required to submit an electronic copy of the complete final report, including the following:

- Completed Final Report Form with all required attachments (see Appendix 1).
- Detailed financial summary that indicates the actual expenditures from the Strengthening Communities' Services program funding and other sources (if applicable) and that aligns with the actual activities outlined in the final report form.
- Copies of any materials that were produced with grant funding.
- Optional: any photos or media related to the funded project.

Please note, as a requirement of funding, the program and approved projects may be subject to a compliance audit.

Submission of Final Reports

Final reports should be submitted as Word, Excel or PDF files. Total file size for email attachments cannot exceed 20 MB.

All interim and final reports should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: lgps@ubcm.ca

Review of Final Reports

UBCM will perform a preliminary review of all final reports to ensure the required report elements have been submitted.

All final report materials will be shared with the Province of BC.

10. Additional Information

For enquiries about the application process or general questions regarding the Strengthening Communities' Services program, please contact UBCM at lgps@ubcm.ca or (250) 356-0930.

PUBLIC HEARING INFORMATION PACKAGE

Digital Version

Agricultural Land Reserve Exclusion Application for 8682 Trans-Canada Highway

Public Hearing Notice & Application

- 1 Notice of Public Hearing for **April 21, 2021** at **6:00 p.m.**
- 2 Public Hearing Ad – 1st Notification – April 8, 2021
- 3 Public Hearing Ad – 2nd Notification – April 15, 2021
- 4 Letter dated August 17, 2019 from John and Jeri Wyatt (ALC Exclusion Application Proposal)
- 5 Agricultural Land Commission Exclusion Application
- 6 Subject Property

Staff Reports & Presentations

- 1 Staff Report to Regular Council – will be available April 16, 2021
- 2 Council Presentation – will be available April 16, 2021

Minutes

- 1 Excerpt from September 4, 2019 Regular Council Minutes (ALC Application Recommendation)
- 2 Excerpt from January 20, 2020 Special Council Minutes (Public Hearing and Referral Recommendation)

Correspondence

- 1 Letter dated April 24, 2019 from Agricultural Land Commission (Removal of Campsite)
- 2 Letter dated September 12, 2019 to Minister of Agriculture from Mayor Siebring (ALC Exclusion Application)
- 3 Letter dated February 7, 2020 to John and Jeri Wyatt (ALC Exclusion Application)

Public Comments Received Prior to Statutory Notice

- 1 No Public Comments Received To Date

Public Comments Received after Statutory Notice and Prior to Public Hearing

- 1 No Public Comments Received to Date

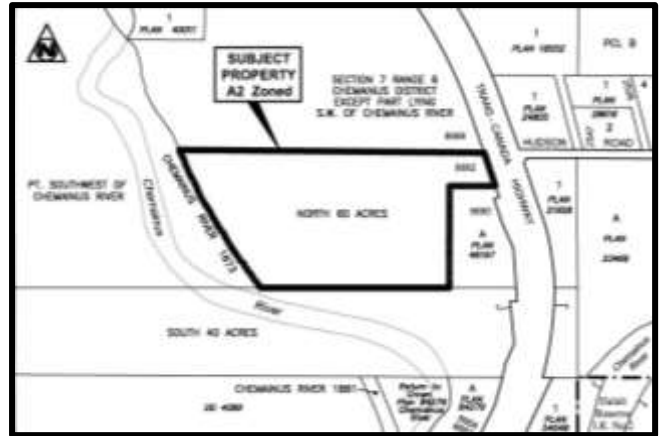
NOTICE OF PUBLIC HEARING

North Cowichan Council will hold a Public Hearing at **6:00 p.m.** on **Wednesday, April 21, 2021** to allow Council to receive public input on a proposed Agricultural Land Commission Exclusion application. 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 verbally. To view the hearing as it is streamed live go to 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.

ALC Exclusion Application Proposal

The Municipality of North Cowichan intends on making an application pursuant to Section 29 (1) of the *Agricultural Land Commission Act* to exclude from the Agricultural Land Reserve the subject property outlined on the adjacent map which is legally described as:

The subject property is the North 60 Acres of Section 6, Range 6, Chemainus District, Except That Part Lying South West of the Chemainus River, and Except Parts in Plans 18552 and 46197, and is located at 8682 Trans-Canada Highway – PID: 009-489-134.



Public Input

If you believe your interests in land will be affected by the proposed application, you are encouraged to submit your comments in writing to Mayor and Council before **1:00 p.m.** on **Monday, April 19, 2021**, using any of the writing methods identified below. Comments may also be shared verbally following the instructions provided below.

1. In Writing:

Written submissions will be accepted by:

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

2. Verbally:

Details and instructions on how to participate verbally will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings and at our automated Public Hearing Info Line: 250-746-3264.

Please Note: Submissions should reference the ALC Exclusion Application 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 address 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, and phone numbers and signatures). Any submission after the conclusion of the Public Hearing will not be accepted.

Copies of relevant documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing.

Rob Conway, Director of Planning and Building

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 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

MUNICIPALITY OF
NORTH
Cowichan

**PUBLIC HEARING
NEWSPAPER
ADVERTISEMENTS
Publication Dates:
April 8 and 15, 2021**

(Notice will be added to Information Package when published)

NOTICE OF PUBLIC HEARING

North Cowichan Council will hold a Public Hearing at **6:00 p.m. on Wednesday, April 21, 2021** to allow Council to receive public input on a proposed Agricultural Land Commission Exclusion application and proposed Bylaw 3819 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 verbally. To view the hearing as it is streamed live go to 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.

ALC Exclusion Application Proposal

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The subject property is the North 60 Acres of Section 6, Range 6, Chemainus District, Except That Part Lying South West of the Chemainus River, and Except Parts in Plans 18552 and 46197, and is located at 8682 Trans-Canada Highway – PID: 009-489-134.



Bylaw 3819 - "Zoning Amendment Bylaw (2772 Herd Road), 2021"

Bylaw 3819 proposes to amend section 52(4)(e) [density in the Rural Zone (A2)] of "Zoning Bylaw 1997," No. 2950 by including the subject property to the list of properties permitted to have two residential buildings by adding the following paragraph as subsection (x):

"(x) 2772 Herd Road (PID: 002-831-732)"

The purpose of the proposed bylaw is to allow for a detached second dwelling on the subject property as outlined in bold on the adjacent map.



Public Input

If you believe your interests in land will be affected by the proposed application or the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council before **1:00 p.m. on Monday, April 19, 2021**, using any of the writing methods identified below. Comments may also be shared verbally following the instructions provided below.

1. In Writing:

Written submissions will be accepted by:

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

2. Verbally:

Details and instructions on how to participate verbally will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings and at our automated Public Hearing Info Line: 250-746-3264.

Please Note: Submissions should reference the ALC Exclusion Application or Bylaw 3819, and include your name and the civic address or legal description of the land affected by the proposals. Please be advised that all submissions, including the individual's name and address 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, and phone numbers and signatures). Any submission after the conclusion of the Public Hearing will not be accepted.

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MUNICIPALITY OF
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Cowichan's Ts'ewulhutun Health Centre gets overdose response grant

BY KEVIN ROTHBAUER

Cowichan Tribes' Ts'ewulhutun Health Centre is one of six groups on Vancouver Island that will receive grants from a provincial program to expand overdose response and awareness efforts.

"People living in rural, remote and Indigenous communities are best equipped to address the overdose crisis on the ground in their communities," Minister of Mental Health and Addictions Sheila Malcolmson said in the grant announcement. "I'm grateful for the wisdom and expertise of community leaders whose innovative projects are making a difference during two public health emergencies."

Other recipients are Gwa'sala-Nakwax-da'xw Nations, Indigenous Women's Sharing Society, Kwakiutl District Health Council, Dudes Club Society, West Coast Community Resources. More than \$1 million in grants is being distributed to 23 rural, remote and Indigenous communities and organizations throughout B.C.

"Trust is an important part of mental health supports, so it's important that people be able to access culturally appropriate supports in their own communities," said Courtenay-Comox MLA Ronna-Rae Leonard. "These First Nations and community organizations are doing great work getting people the care they need close to home, and I'm glad to see them being supported."

People living in rural and remote areas face obstacles such as longer travel distances to health care access, and limited supplies of Naloxone and harm-reduction services. The aim of the grants is to better connect those people to life-saving supports, reduce stigma, and develop harm-reduction policies.

First Nations people and Indigenous communities are over-represented when it comes to overdose deaths and an increasingly toxic drug supply has magnified the impact of the overdose crisis, the press release noted. Data from January to October 2020 shows First Nations people died from overdose at a rate 5.5 times higher than other residents in B.C.

"Intergenerational trauma stemming from a history of colonization and racism has given way to a terrible reality that Indigenous peoples continue to be disproportionately impacted by the overdose crisis in the province," said Minister of Indigenous Relations and Reconciliation Murray Rankin. "This crisis has only intensified during the COVID-19 pandemic. This new funding will help those struggling connect with community-led, culturally appropriate programs, which is vital to support recovery and promote healing."

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Bylaw 3819 proposes to amend section 52(4)(e) [density in the Rural Zone (A2)] of "Zoning Bylaw 1997," No. 2950 by including the subject property to the list of properties permitted to have two residential buildings by adding the following paragraph as subsection (x):

"(x) 2772 Herd Road (PID: 002-831-732)"

The purpose of the proposed bylaw is to allow for a detached second dwelling on the subject property as outlined in bold on the adjacent map.



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MUNICIPALITY OF
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Cat Rescue taking over from LCARS needs your empties, time

BY SARAH SIMPSON

After taking over from the Lake Cowichan Animal Rescue Society which, in January, closed its doors after 13 years, Cowichan Cat Rescue needs volunteers in the Lake Cowichan area.

It's a bit of a return to its roots for CCR. "People might not remember but before LCARS was created Cowichan Cat Rescue did cover that area," recalled Jean Hamilton, CCR's managing trustee. "We were much smaller in those days but we always covered the area with our low cost program and continued to help with ferals for a number of years. We are hoping that with the addition of a few volunteers in that community we will have a seamless transition."

Since LCARS has closed its doors, CCR is expanding its programs to Lake Cowichan and environs including Yubou, Honeymoon Bay, and Mesachie Lake.

"We will want a couple of people who can foster. We would love to have a couple of people who can use a trap or are willing to learn," Hamilton said. "Someone who can transport cats back and forth for Duncan vet appointments would be extremely helpful, and a few people who could step up and become colony feeders should the need arise would be a life saver."

A luxury, Hamilton said, would be a volunteer to help with fundraising in the community, since most of CCR's active volunteers live at the south end of the Valley "and that is a wicked drive," she added.

She knows it's a lot to ask, but it's also a lot of ground to cover and there's a lot of work to be done.

"We are not able to jump in and work fast, which is our preferred model, due to the continuing effects of the COVID-19 crisis," she admitted. "We are expecting a tough year again this year, with all the cats we are not able to get fixed quickly producing a large number of litters. Cats that we could not get fixed due to a lack of vet availability last year are already giving birth to 2021 kittens and the kittens they had last year are also now breeding. We need more vets in the Valley and we need the pandemic to be brought under control!"

For now bottle drives have become their main fundraising activity because they can be pulled off with pretty easy COVID-19 safety protocols.

"But no bottle drive would garner enough income to cover the expenses a community the size of Lake Cowichan and area will generate," Hamilton said.

A CCR fundraiser is, however, slated for Saywell Park on April 17 from 10 a.m. until 2 p.m. Residents near and far are encouraged to bring their empties to the park in support of their felines friends.

"The money will go into the general account and be used as needed in any part of our territory, from Malahat through Ladysmith."

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Board of Education seeking feedback on budget

The Cowichan Valley School District board of education has launched its annual budget survey and is hoping the public will help guide the budget process by sharing its thoughts.

This year's survey focuses on Beyond Education, the Cowichan Valley School District's strategic plan, and asks for the public's guidance on budgeting for the path forward. In addition to asking for feedback in these areas, the board is reporting back to the community on the advances made as a result of last year's responses.

"The school district's budget is the financial plan that resources our schools and allows us to deliver programs that helps prepare our learners for a world they will create," noted Candace Spilsbury, chair of the board of education. "This year is so much different than those before as we are contending with the realities of a year-long worldwide pandemic. We are asking for your feedback as community engagement around our budget is a key aspect of determining where we put our resources."

The survey is available at <https://www.surveymonkey.com/r/LNNPJQY> and can be found on the Cowichan Valley School District's Facebook and Twitter accounts as well as website (www.sd79.bc.ca).

Hard copy surveys can be printed at schools. Survey responses will be collected until Tuesday, April 20.

No action to be taken against councillor

North Cowichan councillor Tek Manhas' action in posting a sexist meme on his personal Facebook page did not violate the municipality's code of conduct, council has concluded.

After a review, North Cowichan's lawyers determined that, although the post is not in alignment with council's strategic values related to inclusion and a respectful workplace, the post was not a breach of the rules.

"Councillor Manhas has apologized and removed the post from his Facebook page and recognizes that a post of this nature does not meet the standard council is aspiring to, related to its workplace," a release from CAO Ted Swabey's office stated.

"This matter was reviewed by council and the matter has been concluded."

The meme is of an old man holding a cigarette and can of beer saying "When your woman is acting up, just tell her 'less bitchen' more kitchen. Women love it when you rhyme."

In a post last week on his Facebook page, Manhas said, "Last June I shared a post from somebody that at the time I thought was funny. However, upon further self reflection and comments from the public I have taken down the post. I sincerely apologize for any negative effects or harm this may have caused to many people."

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

8/17/2019

Dear Mr. Swabey:

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

Yours Truly

John & Jeri Wyatt

Opening Statements – by Bill Routley (attachment #1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Relevant Issues (attachment 2)

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

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

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

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

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

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

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

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

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

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

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

8. Next Steps---

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

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

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

Preamble:

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

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

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

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

OR

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



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

January 24, 2019

ALC C&E File 50724

DELIVERED ELECTRONICALLY:

FIPPA s. 22(1)

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

Dear Property Owner(s):

Unauthorized Commercial Activity in the Agricultural Land Reserve

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

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

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

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

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

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

ALC C&E File 50724

John & Jeri Wyatt

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

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

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

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

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

Sincerely,



Paula Blanchard
Compliance and Enforcement Officer
Provincial Agricultural Land Commission

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

Honourable Doug Donaldson

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

Parliament Buildings

Victoria, British Columbia V8V 1X4

Dear Minister Donaldson:

8/6/2019

Urgent : we need a Water licence for Agriculture use.

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

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

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

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

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

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

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

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

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

Thank you for your attention to these matters.

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

Yours Truly

John & Jeri Wyatt

Chemainus River Campground
8682 Trans Canada Hwy.
Chemainus, B.C. V0R 1K4

FIPPA s. 22(1)

prepared by:

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

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

(See Full Report Attached)

| | | |
|-------------|--|--|
| CC - | Premier John Horgan Ministry of Agriculture Honourable Lisa Beare Mayor and Council North Cowichan Doug Routley MLA <ul style="list-style-type: none">• Honourable George Heyman | premier@gov.bc.ca iana.popham.MLA@leg.bc.ca lisa.beare.MLA@leg.bc.ca council@northcowichan.ca DOUGLAS.ROUTLEY.MLA.BC.CA ENV.Minister@leg.bc.ca |
|-------------|--|--|



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

PREPARED FOR:

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

PREPARED BY:

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

August 10, 2019

MADRONE ENVIRONMENTAL SERVICES LTD.

1051 CANADA AVENUE • DUNCAN • BC • V9L 1N3

TEL 250-740-8845 • FAX 250-746-9920 • WWW.MADRONE.CA

DOSSIER: 18-0188

Executive Summary

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

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

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

For soil polygon 1 (see Figure 1):

The improved Land Capability for the soil polygon1 would be rated at a Class 5P stoniness limitation.

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

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

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

For soil polygons 4, 5 & 6

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

For soil polygons 2 & 3:

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

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

Additional considerations for the property include:

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

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

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

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

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

¹ of total 10.74 ha Site area

July 31/2018



July 31, 2018

OCCUPANT

Dear Water User:



Dave Johnson

Permitted Authorizations Officer - Water

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

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

Re: Water Conservation Request

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

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

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

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

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

Page 1 of 2

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

Water Authorizations
West Coast Region

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

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

You can search for your water licence details here:

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

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

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

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

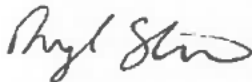
governmentofbc.maps.arcgis.com/apps/MapSeries/index.html

Water Survey of Canada:

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

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

Thank you,



Darryl Slater

Water Manager

West Coast Natural Resource Region

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



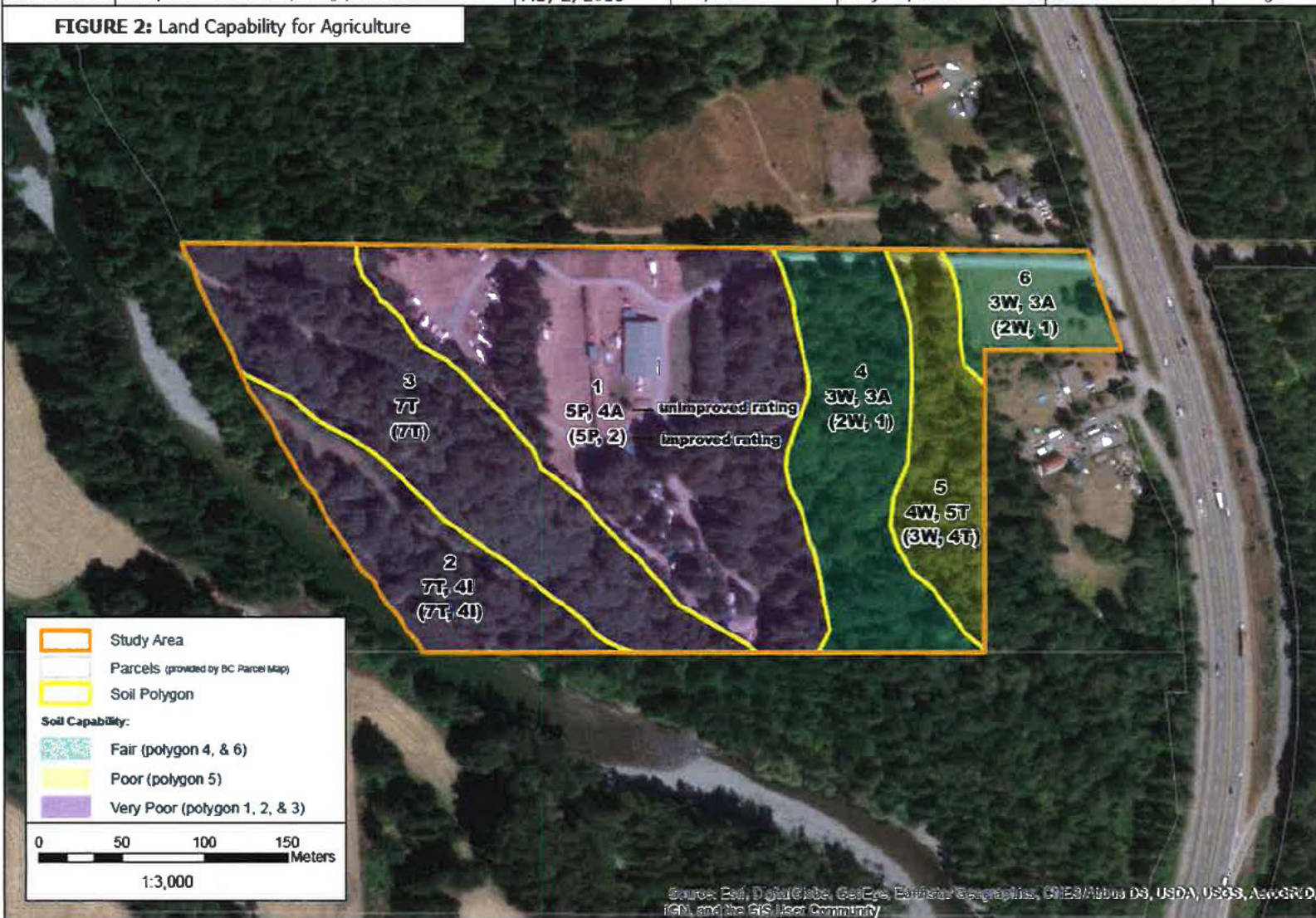
| | | | | | |
|---|---|-----------------------------------|-------------------------------------|--|---|
|  | PROJECT: Land Capability Assessment: 8682 TransCanada Hwy | LOCATION: Chemainus, BC | CLIENT: John & Jeri Wyatt | DOSSIER NO: 18.0158 |  |
| | ASSESSED BY: Harry Williams M.Sc., P.Ag., R.P.Bio.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

FIGURE 2: Land Capability for Agriculture






THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

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

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


B. Hollingshead
Regional Water Manager

File: 0310703

Issued: September 12, 1994

Conditional Licence: 107767

The Corporation of the District of North Cowichan

7030 Trans Canada Highway

P.O. Box 278, Duncan, BC

Building Department

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

BUILDING PERMITPermit #: **BP006767**

Folio: 15064-000

Issued Date: May 5, 2014

Permit Type: **AGRICULTURE - NEW**

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

Address: **8682 TRANS CANADA HWY**

Legal: SEC 6 RGE 6 CHEM

Zone: A2 RURAL ZONE

P.I.D. 009-489-134

Applicant: CHEMAINUS RIVER CAMPGROUND

Address: 8682 TRANS CANADA HWY CHEMAINUS BC V0R 1K4

Phone: (250)246-9357

Owner: WYATT, JERI D

WYATT, JOHN R

Phone:

Phone: 250-246-3161

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

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

Building Information:

TYPE OF IMPROVEMENT: NEW

CONSTRUCTION VALUE: 10,000.00

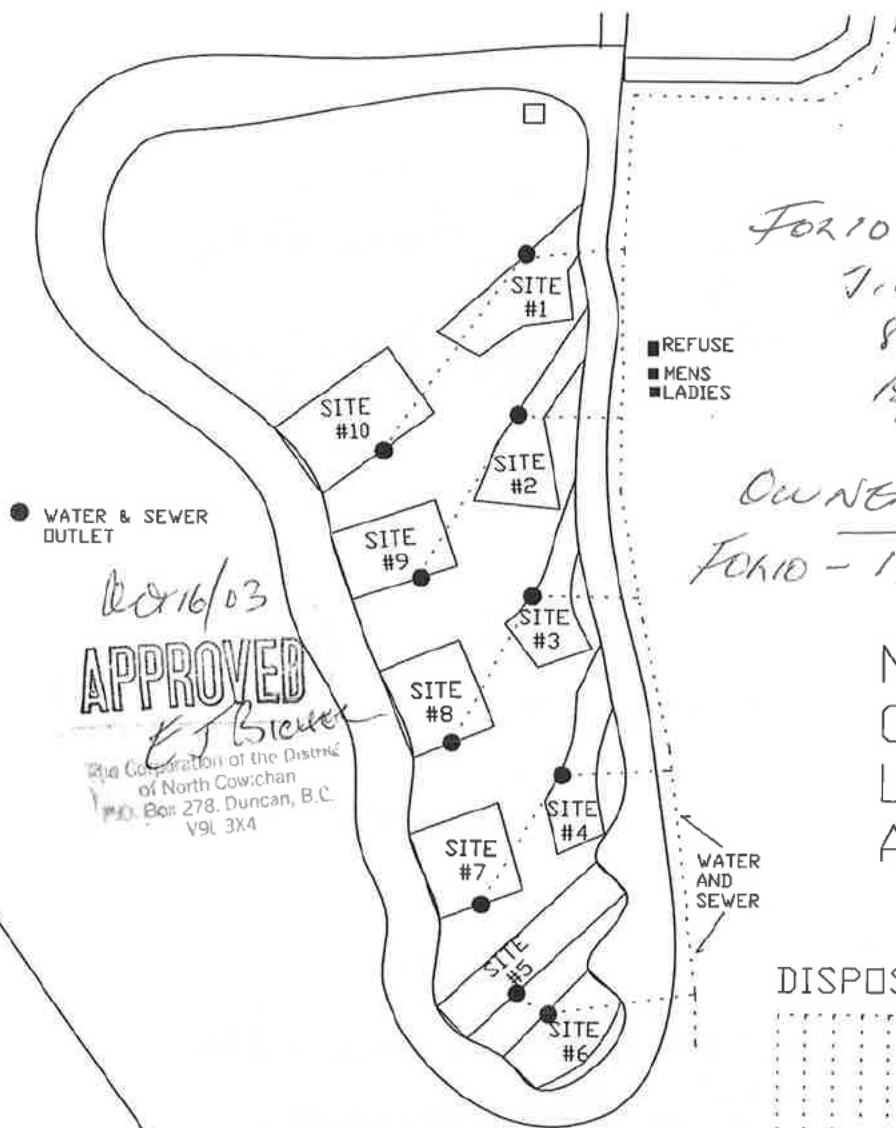
Special Conditions:

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

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

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

Applicant: *Jd Wyatt*Building Inspector: *Bruce L. Clephant**Signed May 20, 2014**Sent Ron Hurdle May 22, 2014**May 5/ 2014*



FOI 10-15064-000

J. Wyatt.

8 682 T.C.A.

Bp 4 236-03.

OWNER COPY

FOI 10-15064-000

NORTH &
CHEMAIN
LYING S
AND PL

The Corporation of the District of North Cowichan

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

Folio No. 15064-000

Plumbing

CERTIFICATE ISSUED
DATE

Sept. 27/05

**BUILDING PERMIT -
CERTIFICATE OF OCCUPANCY**

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

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

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

BUILDING AREA 7863 (SQUARE FEET) OWNER / AGENT John Woytt ADDRESS _____



MUNICIPALITY OF NORTH COWICHAN
7030 Trans Canada Highway
Bruce L. Oliphant
Chief Building Inspector
Local Assistant Fire Commissioner
P.O. Box 278
Duncan, B.C. V9L 3X4
Telephone: (250) 746-3125
Facsimile: (250) 746-3154
Email: bruce.oliphant@northcowichan.ca
www.northcowichan.ca

wichan
.000

S.F.D.
only

Project Complete
CERTIFICATE ISSUED
DATE Aug. 14 / 2012 B20
#1866

**BUILDING PERMIT -
CERTIFICATE OF OCCUPANCY**

PERMIT TO CONSTRUCT RESIDENCE (TYPE OF IMPROVEMENT) NO. (2) STORY S.F.D. ATTACHED STORAGE (PROPOSED USE) NUMBER OF DWELLING UNITS 1
AT (LOCATION) 8682 T.C. HWY (NO.) 8680 T.C. HWY. RR#1 CHEM (STREET) ZONING DISTRICT A-2

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

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

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

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

AREA 5000 (SQUARE FEET) OWNER J. & J. WYATT - 8680 T.C. HWY. ADDRESS RR#1 CHEM. - VOR 1KO



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 60375

Application Status: In Progress

Applicant: Chemainus River Campground

Agent: Municipality of North Cowichan

Local Government: District of North Cowichan

Local Government Date of Receipt: This application has not been submitted to local government yet.

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Exclusion

Proposal: To exclude the entire parcel of land from the Agricultural Land Reserve

Agent Information

Agent: Municipality of North Cowichan

Mailing Address:

7030 Trans Canada Highway

Duncan, BC

V9L 6A1

Canada

Primary Phone: (250) 746-3263

Email: mairi.bosomworth@northcowichan.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 009-489-134

Legal Description: N 60 AC OF SEC 6 R 6 CHEMAINUS EXC PT LYING SW OF THE CHEMAINUS RIVER & EXC PTS IN PLS 18552 & 46197

Parcel Area: 10.7 ha

Civic Address: 8682 Trans Canada Hwy., Chemainus, BC, V0R 1K4

Date of Purchase:

Farm Classification:

Owners

1. **Name:** Chemainus River Campground

Address:

8682 Trans-Canada Highway

Chemainus, BC

V0R 1K4

Canada

FIPPA s. 22(1)

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

Currently, there is no agriculture that takes place on the property - nor has there ever.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

There have never been any agricultural improvements made to the property.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

The following non-agricultural uses are present on the property:

- 21 recreational vehicle sites with electricity and water service hook-ups*
- 24 tent sites with no service hook-ups*
- Principal residence of 3,000 square feet*
- Storage shed/garage of 3,200 square feet*
- Gardening shed of 288 square feet*
- Pump house of 64 square feet*
- Washrooms and shower facility of 720 square feet with 5 washrooms and 6 showers*

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Forested, residences and accessory

East

Land Use Type: Other

Specify Activity: Trans-Canada Highway

South

Land Use Type: Other

Specify Activity: Chemainus River, unused, steep terrain

West

Land Use Type: Other

Specify Activity: Chemainus River, unused

Proposal

1. How many hectares are you proposing to exclude?

10.73 ha

2. What is the purpose of the proposal?

To exclude the entire parcel of land from the Agricultural Land Reserve

3. Explain why you believe that the parcel(s) should be excluded from the ALR.

This property has never been used for agricultural purposes, nor will it ever be used in the future. To do so it would involve extensive and costly management. Not only is the soil of poor quality - 25% is 7T, 50% is 5AP and 25% is 4A with the moderate slope of the land from the 7T western bluff to the 7T creek cutting through the eastern side of the property, the property is also situated adjacent to the Chemainus

River, and any type of animal farm or crop farm that requires extensive use of fertilizers would be too great of a risk of contaminating the river.

Applicant Attachments

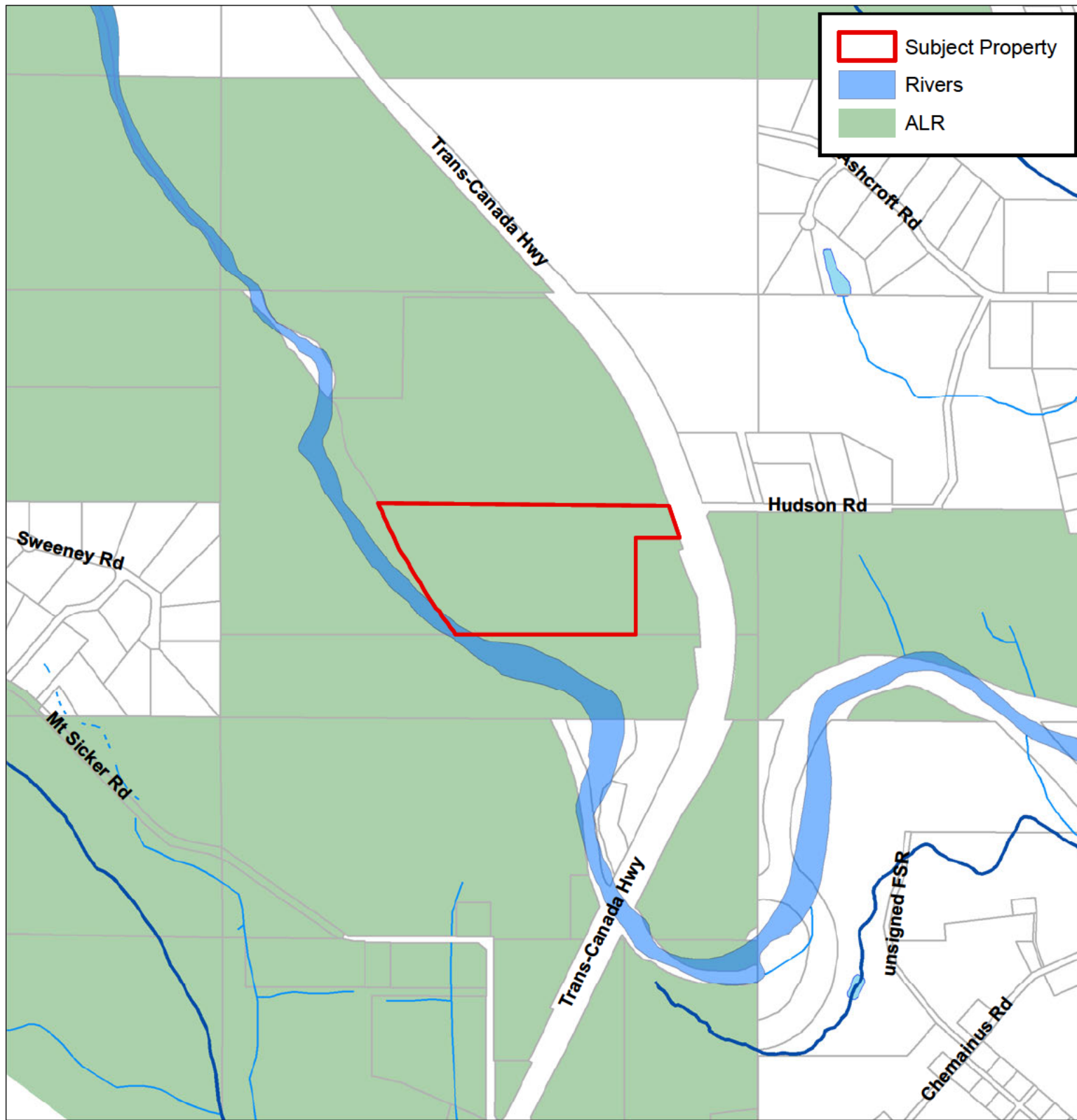
None.



ALC Attachments

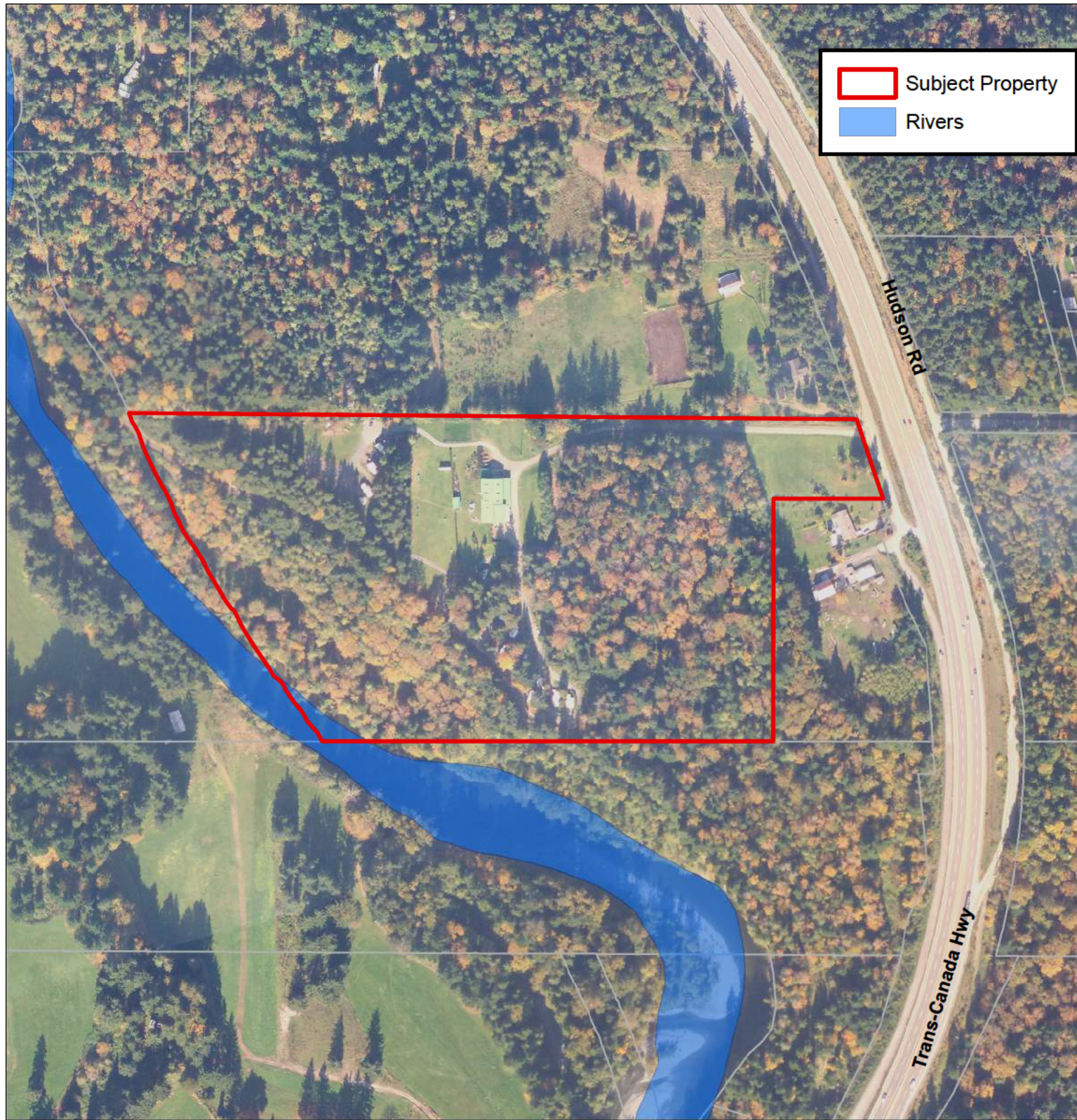
None.

Decisions

None.





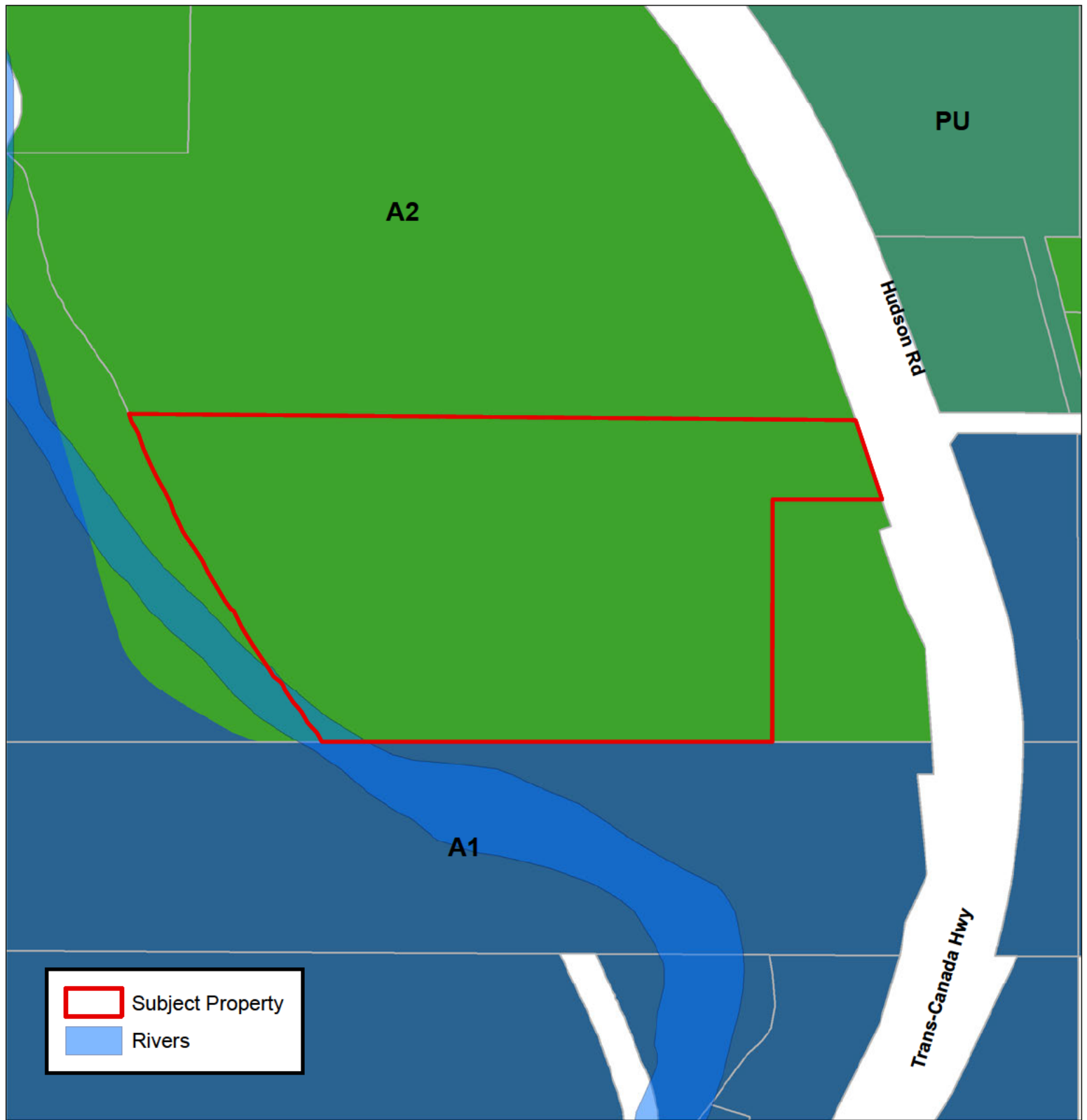
| | | | | | |
|--|---|--------------------------|--|---------------|-------------------|
|  |  | LOCATION MAP | | DATE: | September 5, 2017 |
| | | 8682 TransCanada Highway | | TYPE: | ALR Non-Farm Use |
| | | | | FILE: | ALR00018 |
| | | | | SCALE: | 1:10,000 |





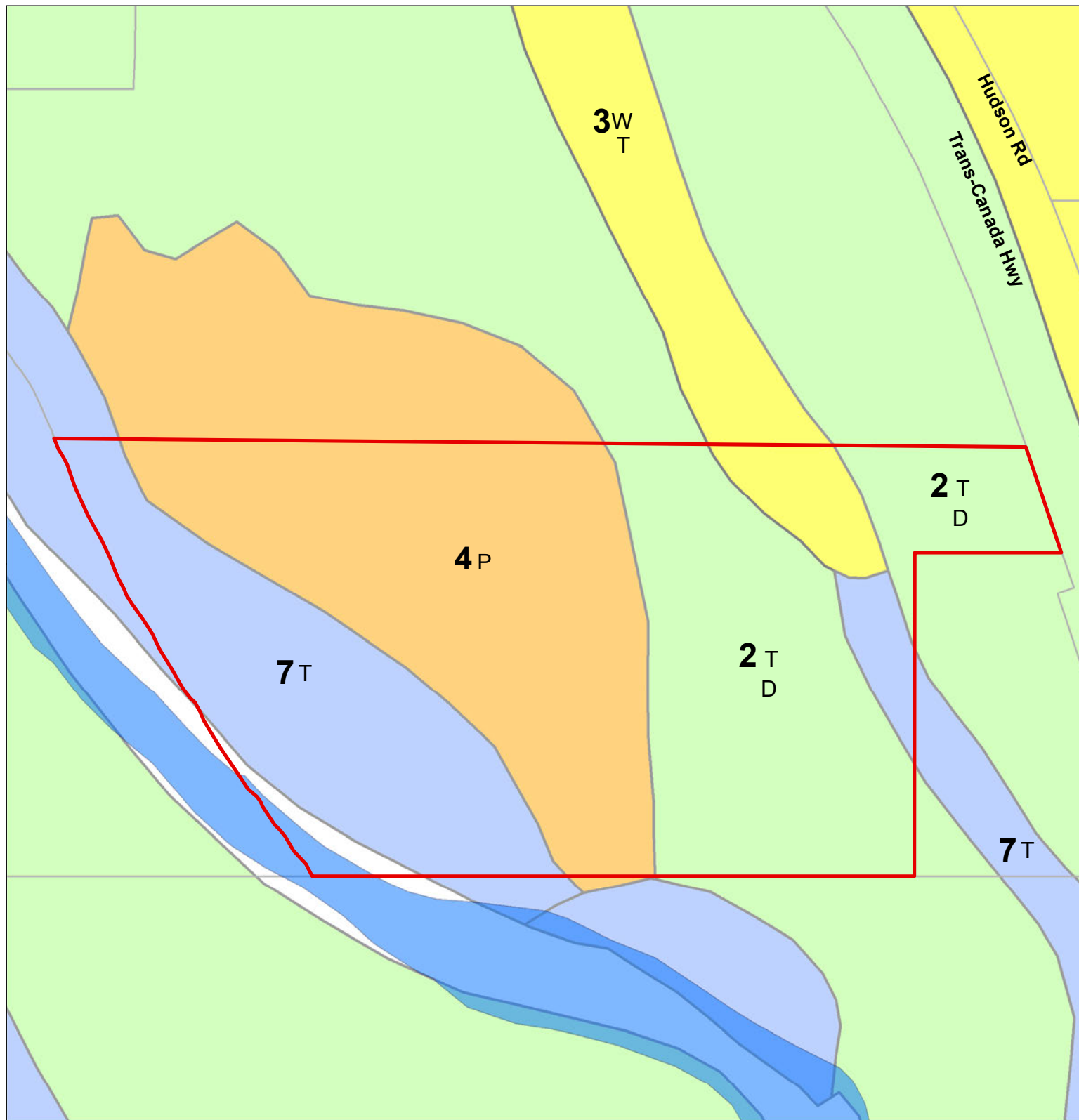
Subject Property



Rivers

| | | | | |
|--|--------------------------|--|--------|-------------------|
|   | ORTHOPHOTO | | DATE: | September 5, 2017 |
| | 8682 TransCanada Highway | | TYPE: | ALR Non-Farm Use |
| | | | FILE: | ALR00018 |
| | | | SCALE: | 1:4,000 |



| | | | | | |
|--|---|--------------------------|--|---------------|-------------------|
|  |  | ZONING MAP | | DATE: | September 5, 2017 |
| | | 8682 TransCanada Highway | | TYPE: | ALR Non-Farm Use |
| | | | | FILE: | ALR00018 |
| | | | | SCALE: | 1:4,000 |



|  |  | IMPROVED SOIL CLASS RATING | | DATE: | May 17, 2017 |
|--|---|----------------------------|--|--------|------------------|
| | | 8682 Trans-Canada Highway | | TYPE: | ALR Non-Farm Use |
| | | | | FILE: | ALR00018 |
| | | | | SCALE: | 1:3,000 |



PROJECT:
Land Capability Assessment: 8682 TransCanada Hwy

LOCATION:
Chemainus, BC

CLIENT:
John & Jeri Wyatt

DOSSIER NO:
18.0158

ASSESSED BY:
Harry Williams M.Sc., P.Ag., R.P.Bio.

FIELD DATE:
May 2, 2018

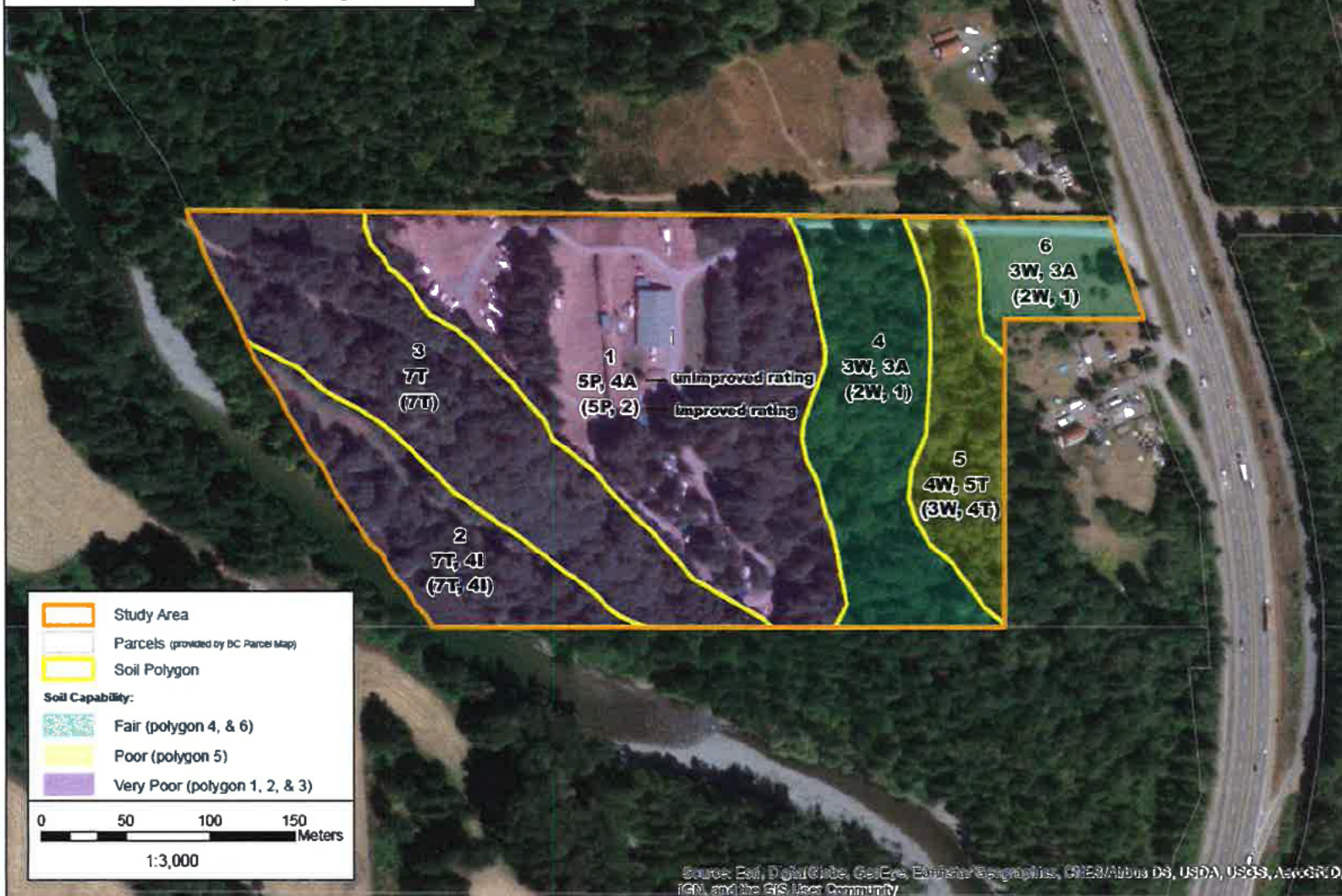
MAP SCALE:
1:3,000

MAPPING DATE:
May 14, 2018

DRAWN BY:
Jessica Yellowlees



FIGURE 2: Land Capability for Agriculture





1
PLAN 40011

**SUBJECT
PROPERTY
A2 Zoned**

SECTION 7 RANGE 6
CHEMAINUS DISTRICT
EXCEPT PART LYING
S.W. OF CHEMAINUS RIVER

1
PLAN 18552

PCL B

1
PLAN 24805

HUDSON

1 4
PLAN 28616
2539
2 ROAD

TRANS-CANADA
HIGHWAY

8688

8682

8680
A
PLAN 46197

1
PLAN 21958

A
PLAN 23466

PT. SOUTHWEST OF
CHEMAINUS RIVER

CHEMAINUS
RIVER 1873

NORTH 60 ACRES

River

SOUTH 40 ACRES

CHEMAINUS RIVER 1881

DD 4089

Return to
Crown
Plan 84279
Chemainus
River

A
PLAN 84279
8664
8662

1
PLAN 54048

Halalt
Reserve
I.R. No.2

Chemainus
River

STAFF REPORT & COUNCIL PRESENTATION

(Presentation will be available April 16, 2021)

COUNCIL MINUTES

6.4 DELEGATION: Brad Grigor, Chair of the Committee for the Chemainus Valley Cultural Arts Society

Mr. Brad Grigor, Chair of the Committee for the Chemainus Valley Cultural Arts Society (CVCAS) was in attendance to provide Council with an overview of the work that the Society has been doing over the past 20 years to support and foster arts and culture in the Municipality of North Cowichan (i.e. the summertime music programs at the Chemainus Waterwheel Bandshell). He then outlined the recent and planned activities being undertaken by the CVCAS for the community and the region, including establishing the permanent Rainforest Arts Gallery, First Nations projects and the challenges faced. He concluded his presentation by briefing Council on the Society's initiative to develop a regional professional Community Arts Centre in North Cowichan, including the current progress towards funding a professional, independent feasibility study. They were seeking Council's support to:

- Appoint a Councillor as a liaison to the CVCAS Board;
- Provide a letter of support for the CVCAS Community Arts Centre;
- Authorize staff to participate in interviews during the Feasibility Study; and
- Include an A-Team member (Peter Collum) on the OCP Advisory Board.

The Mayor advised Mr. Grigor that Council would consider the Society's requests at a future Council meeting.

6.5 DELEGATION: Bill Routley, Re: Chemainus River Campground

Bill Routley was in attendance to speak on behalf of the owners of the Chemainus River Campground (John and Jeri Wyatt) who were advised by the Agricultural Land Commission that their campground was in non-compliance and ordered the Wyatt's to remove all construction associated with the campground and return the property back to its form Agricultural capacity no later than October 1, 2019.

Mr. Routley then provided a history of the campground since its inception in 1986 and noted that at no point was the land used for agriculture; therefore, it would be unreasonable to shut down the campground. He asked for Council's assistance, on behalf of the Wyatt's, to either make an application to the Agricultural Land Commission (under Section 29 of the ALC Act) to have the Chemainus River campground lands excluded from the Agricultural Land Reserve or to support an application to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to increase the water licence to accommodate agricultural use.

It was moved and seconded:

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

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

- **By shutting down the campground there will be a loss of temporary and permanent housing which is unreasonable given the housing crisis we are facing;**
- **The land was previously never used for Agriculture purposes as it was forest; and**
- **The existing water licence, which permits 1,000 gallons a day from the Chemainus River for domestic use only, would not support agriculture use without a substantial increase to the water licence to accommodate agriculture use during the growing season.**

CARRIED

7. PUBLIC INPUT

Council received brief public input regarding agenda items from registered speakers.

8. REPORTS CONTINUE:

8.1 Setbacks for all Other Principal Buildings On Agricultural Lands

It was moved and seconded:

That staff be directed to prepare a zoning amendment bylaw to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' as follows:

- **In the A1 zone - from 46 m to 25 m for front yard setbacks and from 46 to 15 m for side and rear yard setbacks, except for those lands abutting residentially zoned properties which are subject to 30 m setbacks from the abutting property line;**
- **In the A2 zone - from 30 m to 25 m for front yard setbacks and from 30 m to 15 m for side and rear yard setbacks, except for those lands abutting residentially zoned properties which are subject to 30m setbacks from the abutting property line; and**
- **In the A3 zone - from 30 m to 25 m for front yard setbacks, and from 30 m to 15 m for rear yard setbacks.**

(Opposed: Douglas; Justice)

CARRIED

Councillor Toporowski declared a conflict of interest for items 8.2, 9.1, 9.2 and 9.3 as Cowichan Tribes is a partner in the Costa Canna Corporation and she is a Cowichan Tribes Council member and left the Council Chambers at 5:06 p.m.

Councillor Manhas declared a conflict of interest for items 8.2, 9.1, 9.2 and 9.3 as his employer has submitted a rezoning application for a retail cannabis store and left the Council Chambers at 5:06 p.m.

By consensus Council recessed the meeting at 5:06 p.m. for a 10 minute break.

The meeting resumed at 5:15 p.m.

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

It was moved and seconded:

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

CARRIED

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

It was moved and seconded:

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

(Opposed: all Members)

DEFEATED

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

It was moved and seconded:

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

CARRIED

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

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

Council heard from Councillor Douglas regarding his proposed motion.

It was moved and seconded:

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

CORRESPONDENCE



Agricultural Land Commission

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

September 24, 2019

ALC C&E File: Oats 50724/NRIS 58315

DELIVERED ELECTRONICALLY:

FIPPA s. 22(1)

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

Dear Property Owner(s):

Removal of Campsite – ALC File: 56336

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

This letter serves to inform you that the Agricultural Land Commission (the "ALC" or the "Commission") Compliance & Enforcement Department issued a letter on January 24, 2019 requiring a report on your plans to restore the Property back to its original agricultural capability as it was prior to the unauthorized use. This report was to be submitted no later than June 28, 2019 however, the report has not been received to date.

The letter also advised that you are required to remove the unauthorized campground sites and any and all related campground services by October 01, 2019.

As a reminder, on April 09, 2018 you received a letter advising that the Panel refused the proposal to authorize the existing campground uses on the Property, including 21 recreational vehicle sites with electricity and water service hookups, 24 tent sites with no services, and a washroom/shower facility; and, refuses the proposal to expand the campground facility by adding an additional 10 sites. We note a reconsideration request was submitted and it was refused by the Executive Committee on August 22, 2018.

Based on the above information, please contact me upon receipt of this letter to advise of your plans concerning the unauthorized use of the site. I can be reached at 604-209-9311 or Paula.Blanchard@gov.bc.ca. Note an inspection of the site will be conducted to confirm compliance in the near future.

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

John & Jeri Wyatt

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

Sincerely,



Paula Blanchard
Compliance and Enforcement Officer

cc: Aimee McGowan, Land Use Planner, ALC, Burnaby (via email: ALC.Island@gov.bc.ca)
Glenn Morris, Manager Planning & Development, Municipality of North Cowichan (via email: Glenn.Morris@northcowichan.ca)

September 12, 2019

The Honourable Lana Popham
Minister of Agriculture
Room 325 Parliament Buildings
Victoria, BC V8W 1X4

via email: AGR.Minister@gov.bc.ca

Dear Minister Popham

Re: ALR Exclusion Application for Chemainus River Campground

I am writing you today regarding what is a very difficult file for us in the Municipality of North Cowichan. It involves an enforcement order from the Agricultural Land Commission. Let me begin by recounting a brief conversation I had on this file with MLA Doug Routley a few months ago. (His constituency includes the land in question). I had asked Mr. Routley to speak to you on this file, and his response was that "the ALC is a Commission for a reason. And that reason is to prevent politicians such as you and I from interfering in its operational decisions." Madame Minister, I completely understand that principle. But sometimes, we have to exercise leadership on specific issues. I believe this case is one of those times.

First of all, to the present state of affairs. You should know that North Cowichan will be submitting an application to the Agricultural Land Commission (ALC) under Section 29 of the *ALC Act* seeking to exclude the Chemainus River Campground lands at 8682 Trans-Canada Highway from the Agricultural Land Reserve (ALR). The ALC has recently informed the owners of the Chemainus River Campground that it will be pursuing enforcement action on the property; however, it is our hope that at minimum, this enforcement action will be set aside pending the outcome of North Cowichan's forthcoming application.

There is a considerable history to this file. The campground has been in existence since 1986 and was legally authorized and permitted by North Cowichan at that time. In addition to being a recreational campground, the property provides a great deal of value to our local community in that it has been providing permanent housing to a number of people over the years including – currently – about 12 individuals. It is a boon to our local tourism economy; a well-run establishment where the owners take

great pride in what they offer to the community. If the campground is required to shut down, there will be a loss of both temporary and permanent housing. Given the housing shortage that is affecting our community, forcing the closure of this facility would be patently unreasonable, and counter to your government's objectives with respect to the provision of affordable housing.

This reality is further strengthened when some of the other issues associated with this file are taken into consideration. A 2018 report by Madrone Environmental Services describes the area of the property used for the campground as having limited agricultural potential due to poor, gravelly soils. Additionally, if this land is to be used for agriculture, the existing water licence for the property will need to be raised from 1,000 gallons/day (domestic use) to an estimated 4-million gallons for each growing season. That water would have to come from the Chemainus River which – as you may be aware – is of great significance to the appurtenant Halalt First Nation. The Halalt went all the way to the Supreme Court of Canada in an effort to protect their interest in that river and the associated watershed. My Council – like your government – is committed to the notion of “reconciliation” and, given the history on this aspect of the file, I trust you can understand how difficult it would be for us to support any application involving this scope of water usage out of that watershed.

There is a long history to this property, which includes the ALC granting approval for a campground in 1986 in a steep-sloped gravel area directly adjacent to the River; an area of the property that was entirely unsuitable, and which would likely never be considered under today's SPEA regulations. In subsequent years, the owners developed the campground in a more suitable flat area, without realizing the import of this change. In 2017, they submitted an application to the ALC to expand, and were made aware that the campground was illegal and must be dismantled entirely. The owners applied to the ALC to regularize the existing operation, but despite North Cowichan's support, the application and their subsequent appeal were denied.

North Cowichan has now agreed to submit a S. 29 exclusion application on the owners' behalf. The enforcement order from the ALC includes a requirement that the owners “return the property back to its former Agricultural capacity.” Madame Minister, this property *never had* “agricultural capacity.” It is primarily forested, and the soils assessment (see above) shows limited agricultural potential. The only thing that has ever grown on this land is trees, many of which were taken down well before the current owners took possession.

With regard to the exclusion application, you should also know that my Council did not authorize this action lightly. As a Municipality, we are absolutely committed to the principle of preserving Agricultural Land. Our Official Community Plan identifies the notion of “*protecting the agricultural land base*” as a key priority. But sometimes, we need to acknowledge that errors were made with respect to lands that were included in the ALR in 1974, when the original lines were drawn. I firmly believe that this is one of those instances.

Rob Conway, North Cowichan's Director of Planning, has been in touch with staff at the ALC to make them aware that the exclusion application is forthcoming. I'm sure that the details and history will be thoroughly examined through the application process. In the meantime, I would once again respectfully request that ALC enforcement action on the property be put in abeyance.

In closing, my staff will be reaching out to your team imminently to seek to arrange a time for us to discuss this matter at the upcoming Union of BC Municipalities gathering the week of September 23.

Sincerely



Al Siebring
Mayor

mayor@northcowichan.ca

cc: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development, FLNR.Minister@gov.bc.ca
Honourable George Heyman, Minister of Environment and Climate Change Strategy, ENV.Minister@gov.bc.ca
Honourable Selina Robinson, Minister of Municipal Affairs and Housing, MAH.Minister@gov.bc.ca
Doug Routley, Member of the Legislative Assembly for Nanaimo-North Cowichan, douglas.routley.MLA@leg.bc.ca
Kim Grout, Chief Executive Officer, Agricultural Land Commission, Kim.Grout@gov.bc.ca
North Cowichan Council
Ted Swabey, Chief Administrative Officer, Municipality of North Cowichan
Rob Conway, Director of Planning, Municipality of North Cowichan
Karen Robertson, Corporate Officer, Municipality of North Cowichan
John and Jeri Wyatt, [REDACTED] **FIPPA s. 22(1)**

February 7, 2020

Prospero No: ALR00029
Folio No: 15064-000
Reference No: 3025-20 19.01

John and Jeri Wyatt
8682 Trans Canada Highway
CHEMAINUS BC V0R 1K4

Dear Mr. & Mrs. Wyatt

RE: Agriculture Land Reserve Exclusion Application for 8682 Trans Canada Highway

We are in receipt of your letter dated February 3, 2020 regarding the Agricultural Land Commission (ALC) exclusion application for 8682 Trans Canada Highway. As you know from our recent discussions, the notification for the application was done in accordance with the ALC's standard notification procedures for ALC exclusion applications and in consultation with ALC staff. I understand and acknowledge your concern that the notice did not identify that the application will be made by the Municipality rather than the property owner, and that the application will be made under Section 29 of the ALC Act (exclusion application by a local or first nation government or the commission) rather than Section 30 (exclusion application by owner).

With respect to your assertion that Section 30(1) no longer exists in the ALC Act because it has been repealed, I can advise that Section 30 does in fact remain in the Act. Bill 15 proposes to repeal Section 30, but has not yet been passed by the British Columbia Legislature and therefore has no force or effect.

I also wish to comment on your suggestion that Planning Department staff should have put forward a more strongly worded application on your behalf. As you have made abundantly clear in your letter and our recent discussions, the exclusion application is being made directly by the Municipality (Section 29) and is not an application made on your behalf. The reasons for the Municipality initiating the application were identified in the September 4, 2019 Council resolution and those reasons will be communicated to the Agricultural Land Commission when the application is submitted, along with comments received in response to the notice and public hearing. Staff have been directed by Council to prepare and submit the application and were not requested by Council to comment on its merits and implications.

February 7, 2020

The notifications for the application will be re-issued, citing Section 29 of the ALC Act and the Municipality of North Cowichan as the applicant. At your request, we intend to schedule the public hearing for April 15, 2020 so that your representative can be present. You will be provided with a copy of the application and public hearing notice when it is re-issued.

Lastly, I wish to advise that the Municipality does not intend to publish a redaction of the initial notice, as re-issuing the notice will address any administrative errors or omissions that may have occurred.

Sincerely

A handwritten signature in black ink, appearing to be 'Rob Conway', with a long horizontal stroke extending to the right.

Rob Conway, MCIP RPP
Director of Planning and Building

Rob.conway@northcowichan.ca

pc: Mayor and Council
Ted Swabey, CAO

PUBLIC COMMENTS

(NO COMMENTS RECEIVED TO DATE)

PUBLIC HEARING INFORMATION PACKAGE

Digital Version

Zoning Amendment Bylaw 3819 (2772 Herd Road)

Public Hearing Notice & Draft Bylaw No. 3819

- 1 Notice of Public Hearing for **April 21, 2021 at 6:00 p.m.**
- 2 Public Hearing Ad – 1st Notification – publication date: April 8, 2021
- 3 Public Hearing Ad – 2nd Notification – publication date: April 15, 2021
- 4 Draft Bylaw No. 3819
- 5 Subject Property

Staff Reports & Presentations

- 1 Staff Report to March 17, 2021 to Regular Council
- 2 Presentation to March 17, 2021 Regular Council

Minutes

- 1 Excerpt from March 17, 2021 Regular Council Minutes (1st & 2nd Reading) – Not Adopted

Correspondence

- 1 Letter dated January 11, 2021 from Applicant (Development Rationale)
- 2 Letter dated January 21, 2021 to Applicant (Application Acknowledgement)

Public Comments Received Prior to Statutory Notice

- 1 No Comments received to date.

Public Comments Received after Statutory Notice and Prior to Public Hearing

- 1 No Comments received to date.

NOTICE OF PUBLIC HEARING

North Cowichan Council will hold a Public Hearing at **6:00 p.m.** on **Wednesday, April 21, 2021** to allow Council to receive public input on proposed Bylaw 3819 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 verbally or by submitting their comments in writing in advance of the hearing. To view the hearing as it is streamed live go to 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 3819 - "Zoning Amendment Bylaw (2772 Herd Road), 2021 proposes to amend section 52(4)(e) [density in the Rural Zone (A2)] of "Zoning Bylaw 1997," No. 2950 by including the subject property to the list of properties permitted to have two residential buildings by adding the following paragraph as subsection (x):

"(x) 2772 Herd Road (PID: 002-831-732)"

The purpose of the proposed bylaw is to allow for a detached second dwelling on the subject property as outlined in bold on the adjacent map.



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 by **1:00 p.m. on Monday, April 19, 2021**, using any of the writing methods identified below. Comments may also be shared verbally following the instructions provided below.

1. In Writing:

Written submissions will be accepted by:

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

2. Verbally:

Details and instructions on how to participate verbally will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings and at our automated Public Hearing Info Line: 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 address 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, and phone numbers and signatures). Any submission after the conclusion of the Public Hearing will not be accepted.

A copy of the bylaw and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing.

Rob Conway, Director of Planning and Building

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 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



**PUBLIC HEARING
NEWSPAPER
ADVERTISEMENTS
Publication Dates:
April 8 and 15, 2021**

(Notice will be added to Information Package when published)

NOTICE OF PUBLIC HEARING

North Cowichan Council will hold a Public Hearing at **6:00 p.m. on Wednesday, April 21, 2021** to allow Council to receive public input on a proposed Agricultural Land Commission Exclusion application and proposed Bylaw 3819 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 verbally. To view the hearing as it is streamed live go to 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.

ALC Exclusion Application Proposal

The Municipality of North Cowichan intends on making an application pursuant to Section 29 (1) of the *Agricultural Land Commission Act* to exclude from the Agricultural Land Reserve the subject property outlined on the adjacent map which is legally described as:

The subject property is the North 60 Acres of Section 6, Range 6, Chemainus District, Except That Part Lying South West of the Chemainus River, and Except Parts in Plans 18552 and 46197, and is located at 8682 Trans-Canada Highway – PID: 009-489-134.



Bylaw 3819 - "Zoning Amendment Bylaw (2772 Herd Road), 2021"

Bylaw 3819 proposes to amend section 52(4)(e) [density in the Rural Zone (A2)] of "Zoning Bylaw 1997," No. 2950 by including the subject property to the list of properties permitted to have two residential buildings by adding the following paragraph as subsection (x):

"(x) 2772 Herd Road (PID: 002-831-732)"

The purpose of the proposed bylaw is to allow for a detached second dwelling on the subject property as outlined in bold on the adjacent map.



Public Input

If you believe your interests in land will be affected by the proposed application or the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council before **1:00 p.m. on Monday, April 19, 2021**, using any of the writing methods identified below. Comments may also be shared verbally following the instructions provided below.

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Please Note: Submissions should reference the ALC Exclusion Application or Bylaw 3819, and include your name and the civic address or legal description of the land affected by the proposals. Please be advised that all submissions, including the individual's name and address 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, and phone numbers and signatures). Any submission after the conclusion of the Public Hearing will not be accepted.

Copies of relevant documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing.

Rob Conway, Director of Planning and Building

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7030 Trans-Canada Highway, Duncan BC V9L 6A1
T: 250-746-3100 F: 250-746-3133 www.northcowichan.ca

MUNICIPALITY OF
NORTH
Cowichan

Cowichan's Ts'ewulhutun Health Centre gets overdose response grant

BY KEVIN ROTHBAUER

Cowichan Tribes' Ts'ewulhutun Health Centre is one of six groups on Vancouver Island that will receive grants from a provincial program to expand overdose response and awareness efforts.

"People living in rural, remote and Indigenous communities are best equipped to address the overdose crisis on the ground in their communities," Minister of Mental Health and Addictions Sheila Malcolmson said in the grant announcement. "I'm grateful for the wisdom and expertise of community leaders whose innovative projects are making a difference during two public health emergencies."

Other recipients are Gwa'sala-Nakwax-da'xw Nations, Indigenous Women's Sharing Society, Kwakiutl District Health Council, Dudes Club Society, West Coast Community Resources. More than \$1 million in grants is being distributed to 23 rural, remote and Indigenous communities and organizations throughout B.C.

"Trust is an important part of mental health supports, so it's important that people be able to access culturally appropriate supports in their own communities," said Courtenay-Comox MLA Ronna-Rae Leonard. "These First Nations and community organizations are doing great work getting people the care they need close to home, and I'm glad to see them being supported."

People living in rural and remote areas face obstacles such as longer travel distances to health care access, and limited supplies of Naloxone and harm-reduction services. The aim of the grants is to better connect those people to life-saving supports, reduce stigma, and develop harm-reduction policies.

First Nations people and Indigenous communities are over-represented when it comes to overdose deaths and an increasingly toxic drug supply has magnified the impact of the overdose crisis, the press release noted. Data from January to October 2020 shows First Nations people died from overdose at a rate 5.5 times higher than other residents in B.C.

"Intergenerational trauma stemming from a history of colonization and racism has given way to a terrible reality that Indigenous peoples continue to be disproportionately impacted by the overdose crisis in the province," said Minister of Indigenous Relations and Reconciliation Murray Rankin. "This crisis has only intensified during the COVID-19 pandemic. This new funding will help those struggling connect with community-led, culturally appropriate programs, which is vital to support recovery and promote healing."

NOTICE OF PUBLIC HEARING

North Cowichan Council will hold a Public Hearing at **6:00 p.m. on Wednesday, April 21, 2021** to allow Council to receive public input on a proposed Agricultural Land Commission Exclusion application and proposed Bylaw 3819 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 verbally. To view the hearing as it is streamed live go to 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.

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The subject property is the North 60 Acres of Section 6, Range 6, Chemainus District, Except That Part Lying South West of the Chemainus River, and Except Parts in Plans 18552 and 46197, and is located at 8682 Trans-Canada Highway – PID: 009-489-134.



Bylaw 3819 - "Zoning Amendment Bylaw (2772 Herd Road), 2021"

Bylaw 3819 proposes to amend section 52(4)(e) [density in the Rural Zone (A2)] of "Zoning Bylaw 1997," No. 2950 by including the subject property to the list of properties permitted to have two residential buildings by adding the following paragraph as subsection (x):

"(x) 2772 Herd Road (PID: 002-831-732)"

The purpose of the proposed bylaw is to allow for a detached second dwelling on the subject property as outlined in bold on the adjacent map.



NOTICE OF PUBLIC HEARING

North Cowichan Council will hold a Public Hearing at **6:00 p.m. on Wednesday, April 21, 2021** to allow Council to receive public input on a proposed Agricultural Land Commission Exclusion application and proposed Bylaw 3819 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 verbally. To view the hearing as it is streamed live go to 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.

ALC Exclusion Application Proposal

The Municipality of North Cowichan intends on making an application pursuant to Section 29 (1) of the *Agricultural Land Commission Act* to exclude from the Agricultural Land Reserve the subject property outlined on the adjacent map which is legally described as:

The subject property is the North 60 Acres of Section 6, Range 6, Chemainus District, Except That Part Lying South West of the Chemainus River, and Except Parts in Plans 18552 and 46197, and is located at 8682 Trans-Canada Highway – PID: 009-489-134.



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The purpose of the proposed bylaw is to allow for a detached second dwelling on the subject property as outlined in bold on the adjacent map.



Public Input

If you believe your interests in land will be affected by the proposed application or the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council before **1:00 p.m. on Monday, April 19, 2021**, using any of the writing methods identified below. Comments may also be shared verbally following the instructions provided below.

1. In Writing:

Written submissions will be accepted by:

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

2. Verbally:

Details and instructions on how to participate verbally will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings and at our automated Public Hearing Info Line: 250-746-3264.

Please Note: Submissions should reference the ALC Exclusion Application or Bylaw 3819, and include your name and the civic address or legal description of the land affected by the proposals. Please be advised that all submissions, including the individual's name and address 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, and phone numbers and signatures). Any submission after the conclusion of the Public Hearing will not be accepted.

Copies of relevant documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing.

Rob Conway, Director of Planning and Building

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 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

MUNICIPALITY OF
NORTH
Cowichan

Board of Education seeking feedback on budget

The Cowichan Valley School District board of education has launched its annual budget survey and is hoping the public will help guide the budget process by sharing its thoughts.

This year's survey focuses on Beyond Education, the Cowichan Valley School District's strategic plan, and asks for the public's guidance on budgeting for the path forward. In addition to asking for feedback in these areas, the board is reporting back to the community on the advances made as a result of last year's responses.

"The school district's budget is the financial plan that resources our schools and allows us to deliver programs that helps prepare our learners for a world they will create," noted Candace Spilsbury, chair of the board of education. "This year is so much different than those before as we are contending with the realities of a year-long worldwide pandemic. We are asking for your feedback as community engagement around our budget is a key aspect of determining where we put our resources."

The survey is available at <https://www.surveymonkey.com/r/LNNPJQY> and can be found on the Cowichan Valley School District's Facebook and Twitter accounts as well as website (www.sd79.bc.ca).

Hard copy surveys can be printed at schools. Survey responses will be collected until Tuesday, April 20.

No action to be taken against councillor

North Cowichan councillor Tek Manhas' action in posting a sexist meme on his personal Facebook page did not violate the municipality's code of conduct, council has concluded.

After a review, North Cowichan's lawyers determined that, although the post is not in alignment with council's strategic values related to inclusion and a respectful workplace, the post was not a breach of the rules.

"Councillor Manhas has apologized and removed the post from his Facebook page and recognizes that a post of this nature does not meet the standard council is aspiring to, related to its workplace," a release from CAO Ted Swabey's office stated.

"This matter was reviewed by council and the matter has been concluded."

The meme is of an old man holding a cigarette and can of beer saying "When your woman is acting up, just tell her 'less bitchen' more kitchen. Women love it when you rhyme."

In a post last week on his Facebook page, Manhas said, "Last June I shared a post from somebody that at the time I thought was funny. However, upon further self reflection and comments from the public I have taken down the post. I sincerely apologize for any negative effects or harm this may have caused to many people."



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (2772 Herd Road), 2021

Bylaw No. 3819

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

- 1 This Bylaw may be cited as *"Zoning Amendment Bylaw No. 3819, 2021"*.
- 2 That Zoning Bylaw 1997, No. 2950, section 52 (4) (e) [density in the Rural Zone (A2)] is amended by adding the following property to the list as subsection (x):
"(x) 2772 Herd Road (PID:002-831-732)"

READ a first time on March 17, 2021

READ a second time on March 17, 2021

This bylaw as advertised in the Cowichan Valley Citizen on _____, 2021 and the _____, 2021
and the municipality's website and notice board on _____, 2021

CONSIDERED at a Public Hearing on

READ a third time on

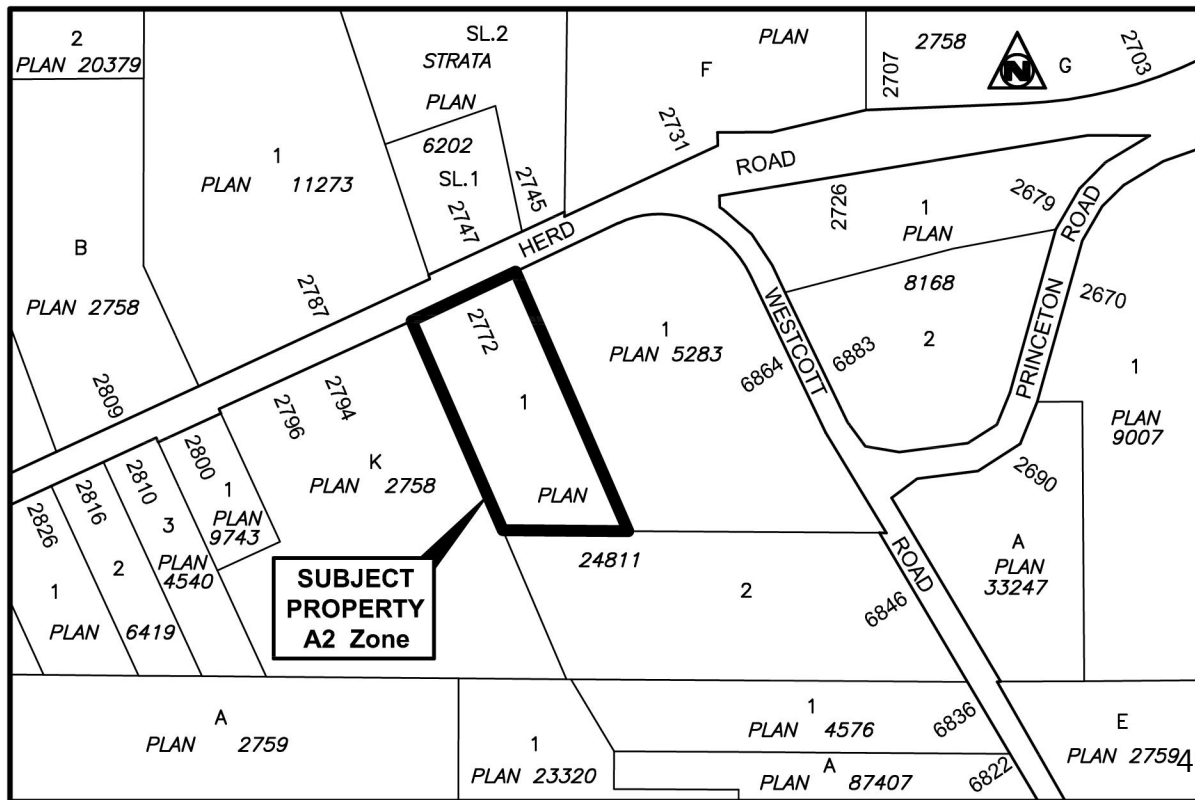
APPROVED by Ministry of Transportation and Infrastructure on

COVENANT registered on

ADOPTED on


CORPORATE OFFICER

PRESIDING MEMBER



STAFF REPORT & COUNCIL PRESENTATION

Report

| | | | |
|---------|--|-----------|---|
| Date | March 17, 2021 | File: | 3360-20 20.20 |
| To | Council | | |
| From | Anthony Price, Planning Technician | Endorsed: |  |
| Subject | Zoning Amendment Application No. ZB000147 (2772 Herd Road) | | |

Purpose

To introduce Bylaw No. 3819, which proposes a site-specific zoning amendment at 2772 Herd Road, to permit a second detached dwelling unit in addition to a principal single family dwelling in the Rural (A2) zone.

Background

On December 18, 2019, Council adopted the Second Dwelling Rural Lands Policy, which established the following criteria for site-specific zoning amendment applications for second dwellings outside the Urban Containment Boundary (UCB):

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

Discussion

Site Context

The subject property is a 0.82 Ha (2.04 acre) lot, outside of the Agricultural Land Reserve (ALR), bordering the UCB in close proximity to Bell McKinnon Road and the future site of the Cowichan District Hospital (Attachments 1 & 2). The Rural (A2) parcel currently contains a single-family dwelling and forest, with a gradual slope towards the south-east.

Land Use Context

The neighbouring properties are also zoned A2 (Rural) and are outside of the ALR (Attachment 3). The adjacent and surrounding land use generally consists of one and two storey rural homes on properties of 0.8 ha (2 acres) and larger in size.

Proposal

The applicant is requesting a text amendment to the A2 Zone (Attachment 5), which would permit a detached second dwelling limited to a maximum habitable gross floor area of 92m². If the subject property were over 2 hectares (4.94 acres), the proposed would not require a zoning amendment. In accordance with the Second Dwelling Rural Lands Policy, registration on the title of a Section 219 covenant securing the policy requirements will be necessary prior to adopting the zoning amendment bylaw. The applicant is aware of the policy and is agreeable to registering a covenant over the property as a rezoning condition.

Official Community Plan (OCP) Designation

The Subject Property is designated as "Rural" within the OCP.

HOUSING & SERVICES in RURAL AREAS:

OCP Policy:

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

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

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

Policy 2.1.5.9 *The Municipality generally discourages the development of accessory (second) residences on rural lands, except to address farm labour housing needs.*

OCP policies 2.1.5.6 and 2.1.5.9 speak to discouraging additional density. Staff note that the A2 zoning that applies to the subject property allows up to two dwelling units in the form of a two family dwelling (duplex) or a single family dwelling with a secondary suite. The requested zoning amendment would allow for a second dwelling to be detached from the principal dwelling without increasing the maximum number of dwellings permitted under the zoning (i.e. two). The request as presented complies with OCP Policy, as no increase in net density (i.e. the number of dwellings per parcel) will result should Council approve this application.

HOUSING:

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

Servicing and Infrastructure:

Confirmation through a Registered Onsite Wastewater Practitioner has been provided by the applicant, indicating that the subject property can support a second on-site septic system.

Municipal water servicing is available. A building permit is required for the applicant to construct the second dwelling and connect to the Municipal water service if the zoning amendment application is approved.

Analysis & Conclusion

This application is generally compliant with Official Community Plan land use policies and the Second Dwelling Rural Lands Policy. Detached second dwellings can provide housing for young adults, single and two person households, individuals with special needs, and the elderly. It is generally more affordable than conventional single family housing and can contribute positively to the stock of available rental housing.

The recently published Housing Needs Assessment Report 2021 has provided additional clarity on North Cowichan residents' housing needs. The report identified that the average household size has decreased and that there is an increased need for more one-bedroom dwelling units. There is also a significant demand for affordable rental housing, with 41% of North Cowichan's renter households in core housing need, and 13% are in extreme core housing need. For these reasons, staff recommend approval of the application.

Applications for second dwellings in rural areas are presently being considered on a case-by-case basis through the rezoning application process. Council consented to this approach when it established the Second Dwelling Rural Lands policy in December of 2019. It was done as an interim measure until the OCP update and Zoning Bylaw review projects are completed. These larger bylaw review processes should identify community housing needs and preferences and provide direction on various housing issues, including detached second dwellings. As the public has not had an opportunity to provide input on a comprehensive approach to second dwellings, the public hearing will provide an important opportunity for the public to provide feedback on this site-specific application. Although Council has the authority to waive the public hearing before considering adoption of the proposed zoning amendment, it is not recommended for this application.

Communications and Engagement

If Council gives first and second reading to Zoning Amendment Bylaw No. 3819 and forwards the application to a public hearing, owners and occupants of the properties within a 60-metre radius of the subject property will be notified, and advertisements will be placed in the local newspaper in accordance with the requirements of the *Local Government Act*.

Options

Option 1 (Recommended):

That Council give first and second reading to Zoning Amendment Bylaw No. 3819, 2021 to permit a second detached residential dwelling at 2772 Herd Road and a public hearing be scheduled for Bylaw No. 3819 in accordance with the *Local Government Act*.

Option 2:

That Council deny Zoning Amendment Application ZB000147 to permit a second detached residential dwelling at 2772 Herd Road.

Implications

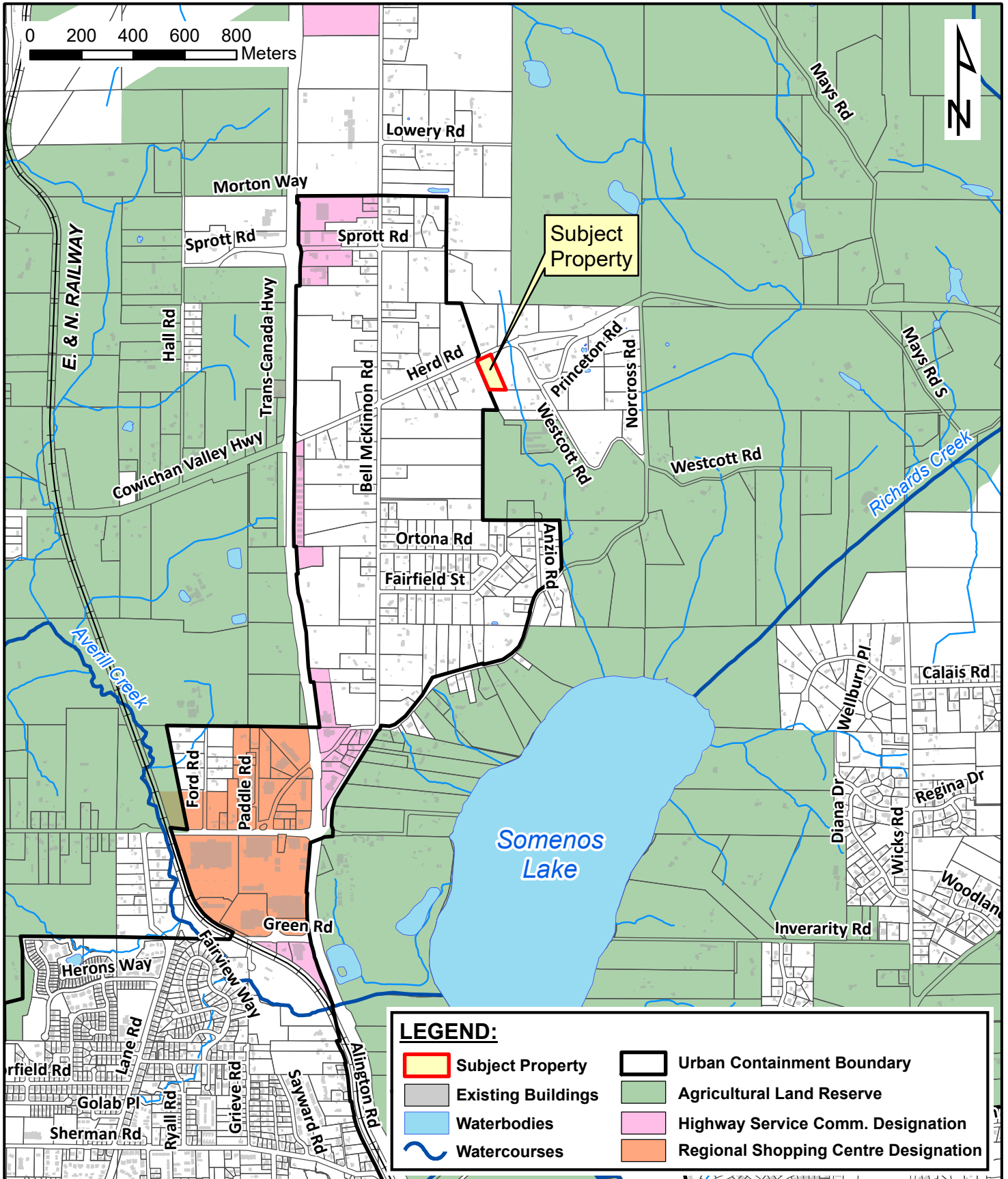
If Council denies the application, the applicant would not be permitted to construct a second detached dwelling unit on the subject property.

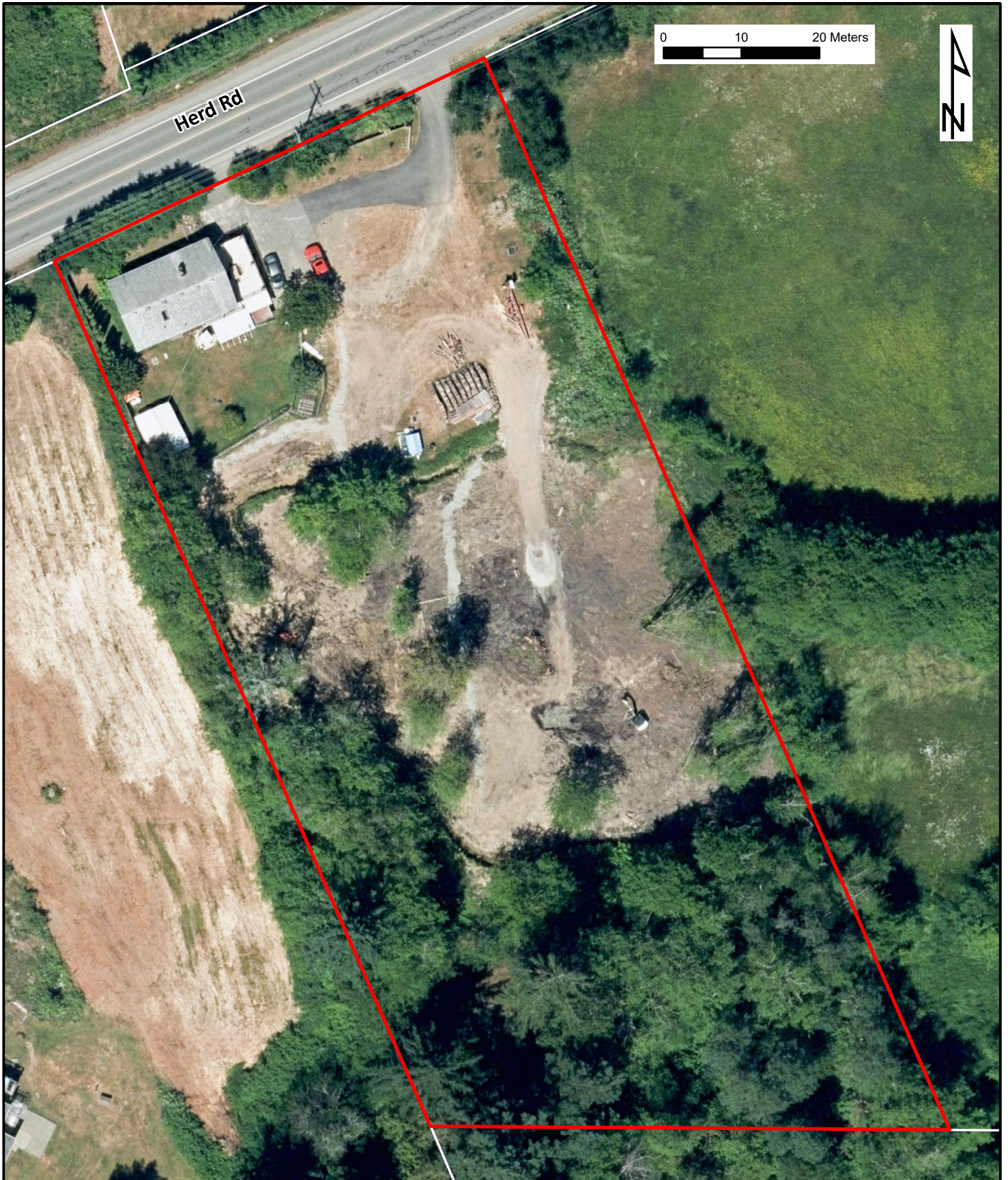
Recommendation

That Council give first and second reading to Zoning Amendment Bylaw No. 3819, 2021 to permit a second detached residential dwelling at 2772 Herd Road and a public hearing be scheduled for Bylaw No. 3819 in accordance with the *Local Government Act*.

Attachments:

1. Location Map
2. Orthophoto
3. Zoning
4. Site Plan
5. Rural Zone (A2)
6. Draft Zoning Amendment Bylaw No. 3819

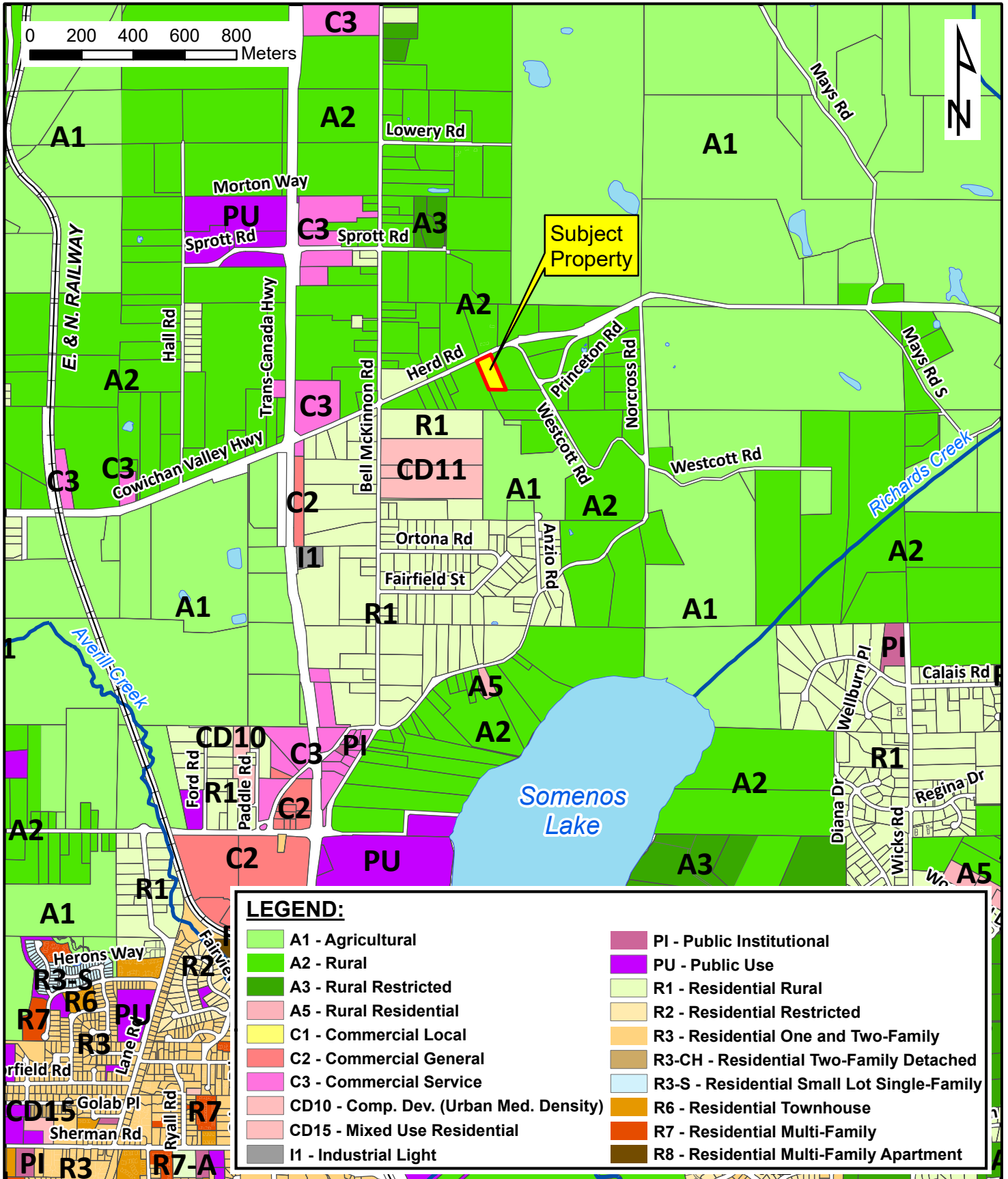




0 10 20 Meters



| | | | | |
|---|---|--|--------|-------------------|
|  | ORTHOPHOTO MAP | | DATE: | February 19, 2021 |
| | (Orthophoto is from 2019 aerial photography) | | TYPE: | Zoning Amendment |
| | 2772 Herd Road | | FILE#: | ZB000147 |



Rural Zone (A2)

Permitted Uses

- 52 (1) The permitted uses for the A2 zone are as follows:
- Accessory Dwelling Unit
 - Agriculture
 - Agricultural Storage
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Craft Distillery
 - Forestry Use
 - Greenhouse
 - Home-based Business
 - Kennel
 - Manufactured Home
 - Riding Stable
 - Single-Family Dwelling
 - Supportive Housing
 - Temporary Mobile Home (subject to the Temporary Mobile Home Permit Bylaw). [BL3754]
 - Two-Family Dwelling [BL3302, BL3457, BL3520]

Minimum Lot Size

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

Minimum Frontage

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

Density

- (4) The maximum permitted density in the A2 zone is one residential building per lot, except in the following circumstances:
- (a) where land is not within the Agricultural Land Reserve, and is at least two hectares (4.94 acres) in area, a maximum of two residential buildings are permitted with a maximum of two dwelling units;
 - (b) where land is within the Agricultural Land Reserve, and is at least two hectares (4.94 acres) in area, additional dwelling units may, with Agricultural Land Commission approval, be permitted for bona fide farm labour;
 - (c) where a Temporary Mobile Home is permitted, subject to the Temporary Mobile Home Permit Bylaw; [BL3754]
 - (d) despite paragraph (a), a maximum of two residential buildings with a total combined maximum of three dwelling units is permitted on 941 Arbutus Avenue (PID 000-232-556);
 - (e) despite paragraph (a), a maximum of two residential buildings with a total combined maximum density of two dwelling units is permitted on the following properties:
 - (i) 3252 Gibbins Road (PID 006-360-378);
 - (ii) 3286 Gibbins Road (PID 004-555-562);
 - (iii) 3276 Gibbins Road (PID 002-343-789);
 - (iv) 3240 Gibbins Road (PID 002-742-501);
 - (v) Lot 1..., Plan 21749, Banks Road (PID 002-705-087);
 - (vi) B-3228 Gibbins Road (PID 001-252-267);
 - (vii) Lot 4..., Plan 8636, Cliffs Road (PID 005-586-429);
 - (viii) 3088 Cliffs Road (PID 005-586-445);
 - (ix) Lot 5..., Plan 8636, Cliffs Road (PID 005-586-437);

- (x) Part of Lot 11..., Plan 2785, Banks Road (PID 006-360-742);
- (xi) Part of Lot 1..., Plan 9537 (PID 005-338-859);
- (xii) A-3228 Gibbins Road (PID 000-041-874);
- (xiii) repealed;
- (xiv) 3246 Gibbins Road (PID 028-738-080);
- (xv) Lot A..., Plan 10506 (PID 005-267-412);
- (xvi) 3186 Gibbins Road (PID 005-409-292).

[BL3287; BL3697; BL3757]

Maximum Lot Coverage

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

Minimum Setbacks

- (6) The minimum permitted setbacks for the A2 zone are as follows:
 - (a) Single-Family Dwellings and Two-Family Dwellings
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (b) Mobile Homes
 - Yard, Front, 30.0 m (98.42')
 - Yard, Side, 12.0 m (39.37')
 - Yard, Rear, 12.0 m (39.37')
 - (c) All Other Principal Buildings
 - Yard, Front, 25 m (82.02')
 - Yard, Side, 15 m (49.21')
 - Yard, Rear, 15 m (49.21')".
 - Yard, Abutting Residentially Zoned Property, 30 m (98.42') [BL3767]
 - (d) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 8.0 m (26.25')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (e) Temporary Mobile Homes
 - To be sited in accordance with the provisions of the Temporary Mobile Home Permit Bylaw. [BL3754]
 - (f) Kennel
 - Yard, Front, 30 m (98.43')
 - Yard, Side, 30 m (98.43')
 - Yard, Rear, 30 m (98.43') [BL3758]

Maximum Building Height

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

Conditions of Use

- (8) The conditions of use for the A2 zone are as follows:
 - (a) Bed and breakfast uses may have no more than six sleeping units and may be conducted in a maximum of one accessory building (with no kitchen) and/or one dwelling unit.
 - (b) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;

- (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use.
- (c) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed ten, including resident staff,
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,
 - (iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve,
 - (iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained, and
 - (v) each single-family dwelling unit may contain this use where the property is two hectares (4.94 acres) or greater and has two single-family dwelling units.
- (d) despite section 52 (1), "campground (seasonal)" is a permitted use on 3042 River Road, and "campground (short-term)" is a permitted use on 8701 Chemainus Road, 8682 and 9090 Trans-Canada Highway, and 3800 Gibbins Road for a maximum of 25 campsites during a gathering for an event. [BL3662]
- (e) [Repealed; BL3697].
- (f) a maximum of 14 gatherings for an event with up to 150 attendees, and 20 events with up to 20 attendees, are permitted per year on 3800 Gibbins Road.
[BL3083, BL3302, BL3323, BL3521, BL3554, BL3662]
- (g) A kennel must not be located on a lot less than 8000 m² (1.98 acres) in area. [BL3758]



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (2772 Herd Road), 2021

Bylaw No. 3819

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

- 1 This Bylaw may be cited as *"Zoning Amendment Bylaw No. 3819, 2021"*.
- 2 That Zoning Bylaw 1997, No. 2950, section 52 (4) (e) [density in the Rural Zone (A2)] is amended by adding the following property to the list as subsection (x):

"(x) 2772 Herd Road (PID:002-831-732)"

READ a first time on _____, 2021

READ a second time on _____, 2021

This bylaw as advertised in the Cowichan Valley Citizen on _____, 2021 and the _____, 2021 and the municipality's website and notice board on _____, 2021

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED by Ministry of Transportation and Infrastructure on

COVENANT registered on

ADOPTED on

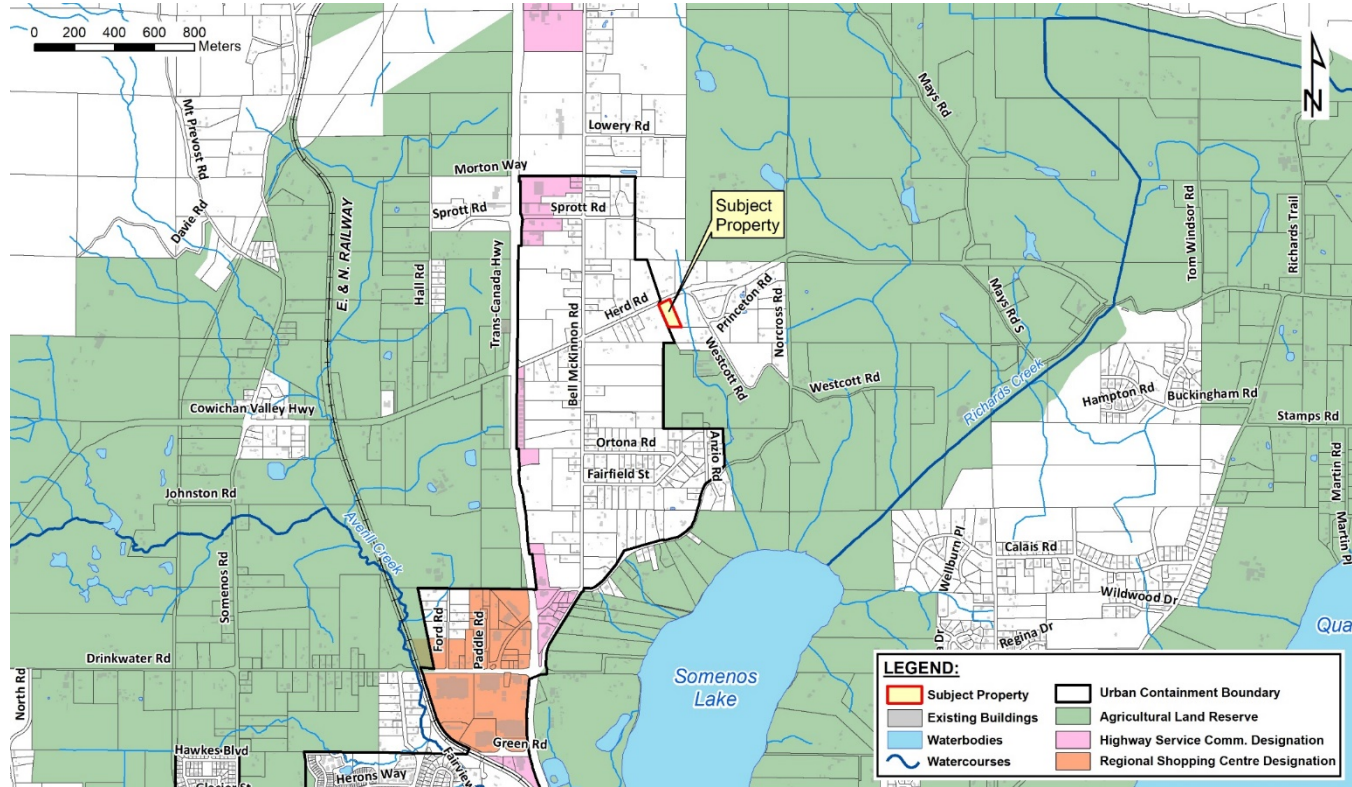
CORPORATE OFFICER

PRESIDING MEMBER

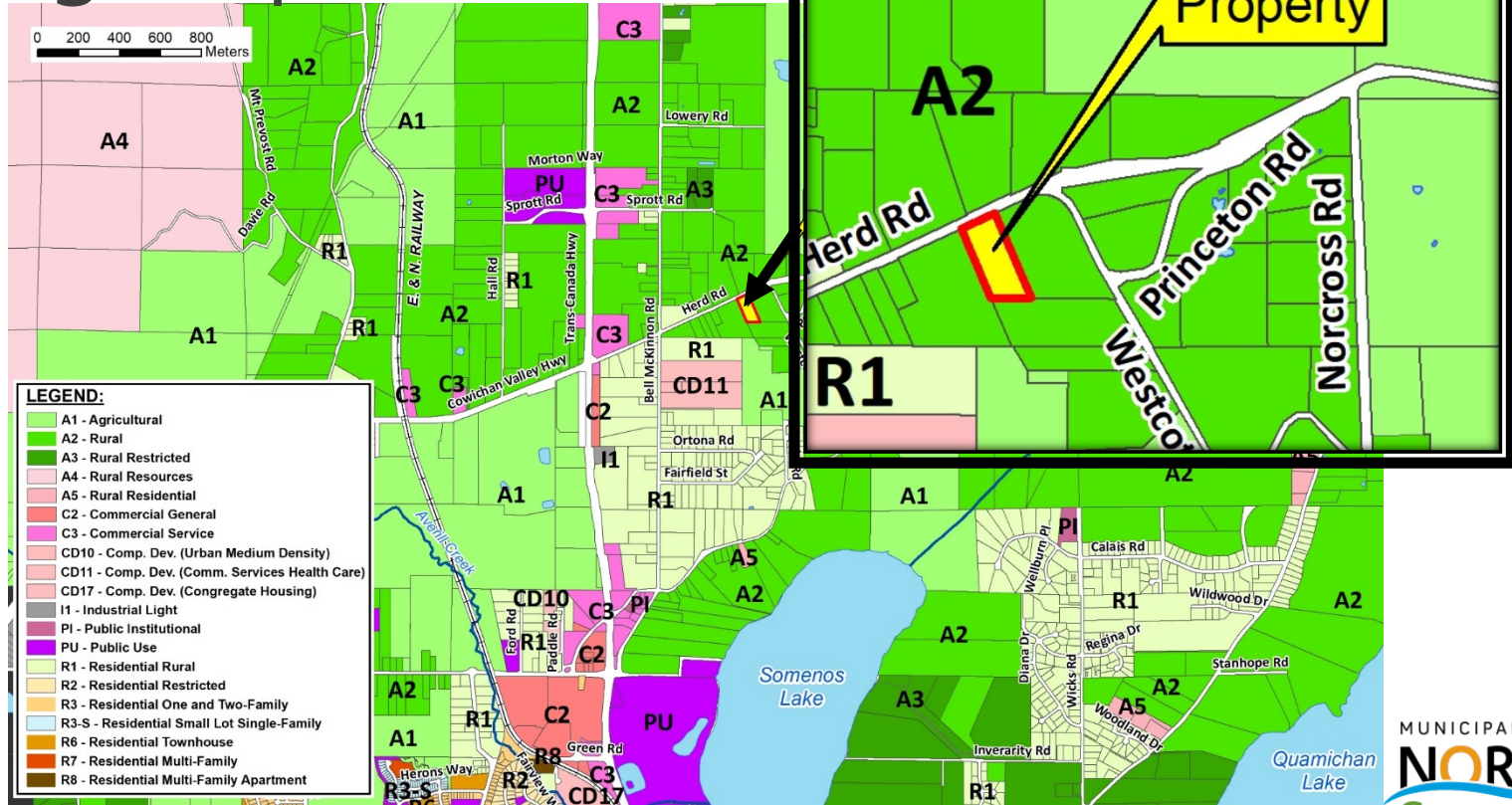
Zoning Bylaw Amendment Application No. ZB000147

Address: 2772 Herd Road
Applicant: Lila Baban

Location Map



Zoning Map



Orthophoto



Zoning Amendment Proposal

- Rezone to permit a detached second dwelling at this address
- The Subject Property is located:
 - *A2 (Rural Zone)*
 - *Bordering the UCB in close proximity to Bell McKinnon Road and the future site of the Cowichan District Hospital*

Zoning Amendment Proposal Continued

- 'Two-family dwelling' permitted under the A2 zone
 - *The request is to re-allocate the same density to two detached residential buildings.*
 - *The applicant has agreed to enter into a restrictive covenant to limit the use of the property and size of the second dwelling*
- The application is consistent with the OCP and Second Dwelling Rural Lands Policy
 - *Property size is 0.82 ha (2.04 acres); Serviced by municipal water*

Covenant Restrictions

- Prohibits future subdivision and stratification
- Second dwelling limited to a maximum of 92m² (990.3ft²) of gross floor area

The site plan shows a property with an asphalt driveway, a dwelling, and a deck. A proposed carriage house site is indicated by a dashed line. The plan includes various dimensions and a building setback line. A detail view of the proposed carriage house site is shown in the upper right corner, with dimensions and a note indicating the bottom of the bank. The plan is labeled 'Rem 1 PLAN 5283'.

Rem 1
PLAN 5283

Site Photos



Site Photos



Site Photos



Site Photos



COUNCIL MINUTES

IT WAS MOVED AND SECONDED:

That Council direct Inspector Bear from Duncan/North Cowichan RCMP to report back to Council with options for police presence in Chemainus including pros and cons. CARRIED

7. BYLAWS

7.1 Municipal Ticket Information System Amendment Bylaw No. 3812, 2020 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt Municipal Ticket Information System Amendment Bylaw No. 3812, 2020. CARRIED

7.2 Zoning Amendment Application No. ZB000147 (2772 Herd Road)

IT WAS MOVED AND SECONDED:

That Council give first and second reading to Zoning Amendment Bylaw No. 3819, 2021 to permit a second detached residential dwelling at 2772 Herd Road and a public hearing be scheduled for Bylaw No. 3819 in accordance with the *Local Government Act*. CARRIED

8. REPORTS

8.1 REPORTS FOR DECISION

8.1.1 Agricultural Land Commission Exclusion Application (ALR00034) & Joint OCP-Zoning Amendment Application (OCP00015) for 3137 Henry Road

Mayor Siebring had technical difficulties and left the meeting at 4:28 p.m., and Acting Mayor, Tek Manhas assumed the Chair. Mayor Siebring returned to the meeting at 4:32 p.m. and resumed the Chair.

IT WAS MOVED AND SECONDED:

That the meeting be extended to 6:00 p.m. CARRIED

IT WAS MOVED AND SECONDED:

1. That Council deny application ALR00034 for exclusion of a 2.1 hectare portion at 3137 Henry Road from the Agricultural Land Reserve.
2. That Council deny OCP/zoning bylaw amendment application OCP0015 to re-designate and rezone a 2.1 hectare portion of 3137 Henry Road from Rural to Chemainus Industrial and from Rural Restricted (A3) to Light Industrial (I1).

(Opposed: Manhas, Sawrie, Siebring and Toporowski)

DEFEATED

IT WAS MOVED AND SECONDED:

That the following motion:

1. *That Council authorize application ALR00034 be forwarded to the Agricultural Land Commission recommending the exclusion of the 2.1*

CORRESPONDENCE

January 11, 2021

To Whom It May Concern

My wife and I would love to build a secondary dwelling on her family property. For the last 8 years or so we have been living with her parents as a single family unit. We have a wonderful relationship but we feel it is time for us to expand. In the future we would like to grow our family and our own space would better suit that. With a rising housing market, the cost of childcare and the fact that her parents are retired and willing to continue helping the family dynamic it would be ideal to stay close by.

Lila is an only child and her parents have made it clear that we will inherit the property. We would still prefer stay close to them though. COVID 19 has brought a new level to our relationship which has reminded us that her parents are getting older and we want to be able to help them take care of them, their house and property as they become less able to maintain the load.

Our amendment would be regarding the policy on secondary dwellings on lands outside of the urban containment boundary. We are very willing to put in the necessary covenants to stay within North Cowichan's rules regarding agricultural zoning. Our plan is for a carriage house (under 92m squared. Policy 4.1) The land will be restricted by covenant to prevent subdivision including strata subdivision (4.2.) Our property falls under policy point 4.3 B – 0.4 ha (1 acre) where no Municipal sewer exists.

Over the past two years we have worked at the landscape turning unused wasted spaces into usable land that stays true to the areas dynamic. We want to keep the area looking similar to nearby properties, we both grew up on Herd Rd and love that the area is more rustic and open. What we don't want is to subdivide and take away from what makes the Herd Rd area so nice.

We chose this spot based on the original house's septic field location as well as the overall property landscape. We did take down some alder trees for this but they will not go to waste because the original house still has a wood stove. We did leave the fir and cedar trees in place and our plan is to plant some new orchard trees between the houses as well as possibly a willow tree and some new cedars. Our hope now that the land is usable would be to have more green space and less concrete and asphalt.

We have talked to our neighbours and they support our plans. We all see how the Herd Rd/ Bell McKinnon area is developing. The area is changing with the new hospital coming in next door to us and we want to grow with the area.

Thank you,
Ryan King & Lila Baban

January 21, 2021

Prospero No: ZB000147
Folio No: 06309-000
File No: 3360-20 20.20

Lila Baban
Ryan King
2772 Herd Road
DUNCAN BC V9L 6A3

Dear Ms. Baban and Mr. King

Re: Zoning Bylaw Amendment for 2772 Herd Road¹

We are in receipt of your rezoning application for the above-noted property registered to Lakandula Baban. The application fee in the amount of \$2500.00 is also acknowledged.

Anthony Price, Planning Technician will be your key contact and may be reached by phone at 250-746-3260 or by email to anthony.price@northcowichan.ca. Please contact him directly should you have any questions.

Please reference our file number ZB000147 on all future correspondence pertaining to this application.

Sincerely



Rob Conway, MCIP, RPP
Director of Planning and Building


/fb

¹ LOT 1 SECTION 8 RANGE 6 SOMENOS PLAN 24811 - PID: 002-831-732

PUBLIC COMMENTS

(NO COMMENTS RECEIVED TO DATE)

Report

| | | |
|---------|--|---|
| Date | April 21, 2021 | Prospero No. ALR00029 Folio No. 15064-000 |
| To | Council | |
| From | Mairi Campeau, Community Planner | Endorsed:  |
| Subject | Agricultural Land Commission Exclusion Application for 8682 Trans-Canada Highway | |

Purpose

To provide Council with information and options regarding the Municipality of North Cowichan's application to exclude land from the Agricultural Land Reserve (ALR) at 8682 Trans-Canada Highway.

Background

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

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

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

- By shutting down the campground there will be a loss of temporary and permanent housing which is unreasonable given the housing crisis we are facing;*
- The land was previously never used for Agriculture purposes as it was forest; and*
- The existing water license, which permits 1,000 gallons a day from the Chemainus River for domestic use only, would not support agriculture use without a substantial increase to the water license to accommodate agriculture use during the growing season.*

Staff subsequently initiated the ALC exclusion application and prepared a staff report that was reviewed at the January 15, 2020, Regular Council meeting where the following resolution was passed:

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

A public hearing for the application was scheduled for April 15, 2020, but was cancelled due to the COVID-19 pandemic and the public health order prohibiting public gatherings. Now that the Municipality is equipped to conduct electronic public hearings and Council has authorized it, the public hearing has been rescheduled for April 21, 2021.

Discussion

The staff report from the January 15, 2020, Council meeting regarding the ALR exclusion application is included with this report as Attachment 1. The staff report provides information regarding the current and past use of the property as well as some policy context. The September 19, 2019 letter to the Minister of Agriculture from Mayor Siebring is provided in Attachment 2.

The applicant for this application is in the Municipality of North Cowichan and must follow Section 29 of the *ALC Act*. The application process includes receiving consent from the owners, notifying adjacent owners and the public, and holding a public hearing before submitting an application. Following the public hearing, Council must decide by resolution if it wishes to forward the application to the ALC and may choose to provide a recommendation to the ALC in the resolution.

In addition to the general application documents, an exclusion application requires that notice of the application be given by:

- Notice of Exclusion Application (Attachment 3) – the application must be advertised on two separate occasions in a local newspaper.
- Serving Notice – a signed copy of the application and Notice of Exclusion application document must be given to all registered owners of land in the ALR that share a common boundary with the property.
- Notification Sign – A notification sign must be placed on the subject property.

The above notification requirements have been satisfied. The application process also requires that the local government consider if the exclusion application should be forwarded to adjacent local governments and First Nations. At the January 15, 2020, Council meeting, Council directed the application be referred to Halalt First Nations with a 30 day response period. The application was referred to Halalt on February 24, 2021. and to date no response has been received.

The purpose of the public hearing is to allow the public an opportunity to comment on the application before Council decides if it wishes to forward it to the ALC for its review and decision. Any comments received from the public at the public hearing will be provided to the ALC, should Council decide to forward the application.

Options

Following the close of the public hearing, Council can consider the following options:

- Option 1 (**Recommended**):

That Council forward the application to exclude 8682 Trans Canada Highway from the Agricultural Land Reserve to the Agricultural Land Commission with a recommendation that the application be approved for reasons outlined in the September 12, 2019 letter to the Minister of Agriculture from Mayor Siebring.

- Option 2:
That Council withdraw the application to exclude 8682 Trans Canada Highway from the Agricultural Land Reserve, with the ALC.

As Council previously directed that an application to exclude 8682 Trans Canada Highway from the ALR be prepared and submitted, Option 1 is recommended. However, Council may wish to reconsider this previous direction based on information received at the public hearing.

Implications

If Council chooses Option 1, the application will be forwarded to the ALC for its review and decision. If approved, the campground use may continue. If the application is denied, the property owner would be required to bring the use of the property into compliance with applicable *ALC Act* regulations.

If Council chooses Option 2, the ALR exclusion application would be withdrawn, and the property owner would be required to bring the use of the property into compliance with applicable *ALC Act* regulations.

Recommendation

That Council forward the application to exclude 8682 Trans Canada Highway from the Agricultural Land Reserve to the Agricultural Land Commission with a recommendation that the application be approved for reasons outlined in the September 12, 2019 letter to the Minister of Agriculture from Mayor Siebring.

Attachments:


Attachment 1: January 15, 2020 Staff Report

Attachment 2: September 12, 2019 letter to the Minister of Agriculture from Mayor Siebring

Attachment 3: Notice of Exclusion Application

Attachment 4: Letter from property owners

Report

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

Purpose

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

Background

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

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

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

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

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

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

Discussion

Property Details

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

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

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

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

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

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

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

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

Agricultural Land Commission and Reserve

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

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

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

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

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

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

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

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

Zoning

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

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

Official Community Plan

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

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

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

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

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

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

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

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

Objective 1: Protect the Agricultural Land Base

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

Options

Option 1:

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

Option 2:

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

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

Implications

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

Recommendation

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

Attachments (6)

Attachment 1: Location Map

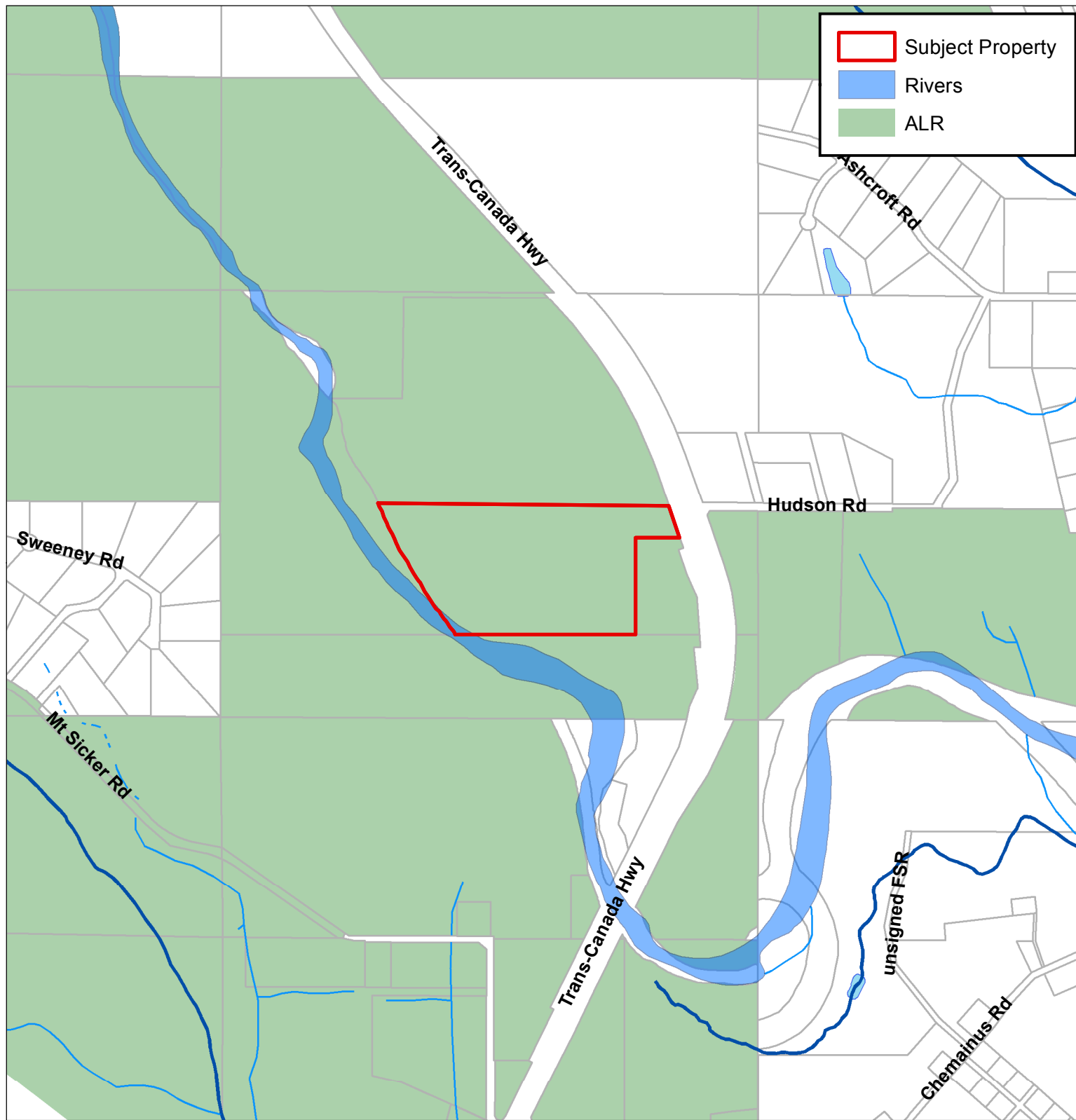
Attachment 2: Orthophoto



Attachment 3: Zoning Map

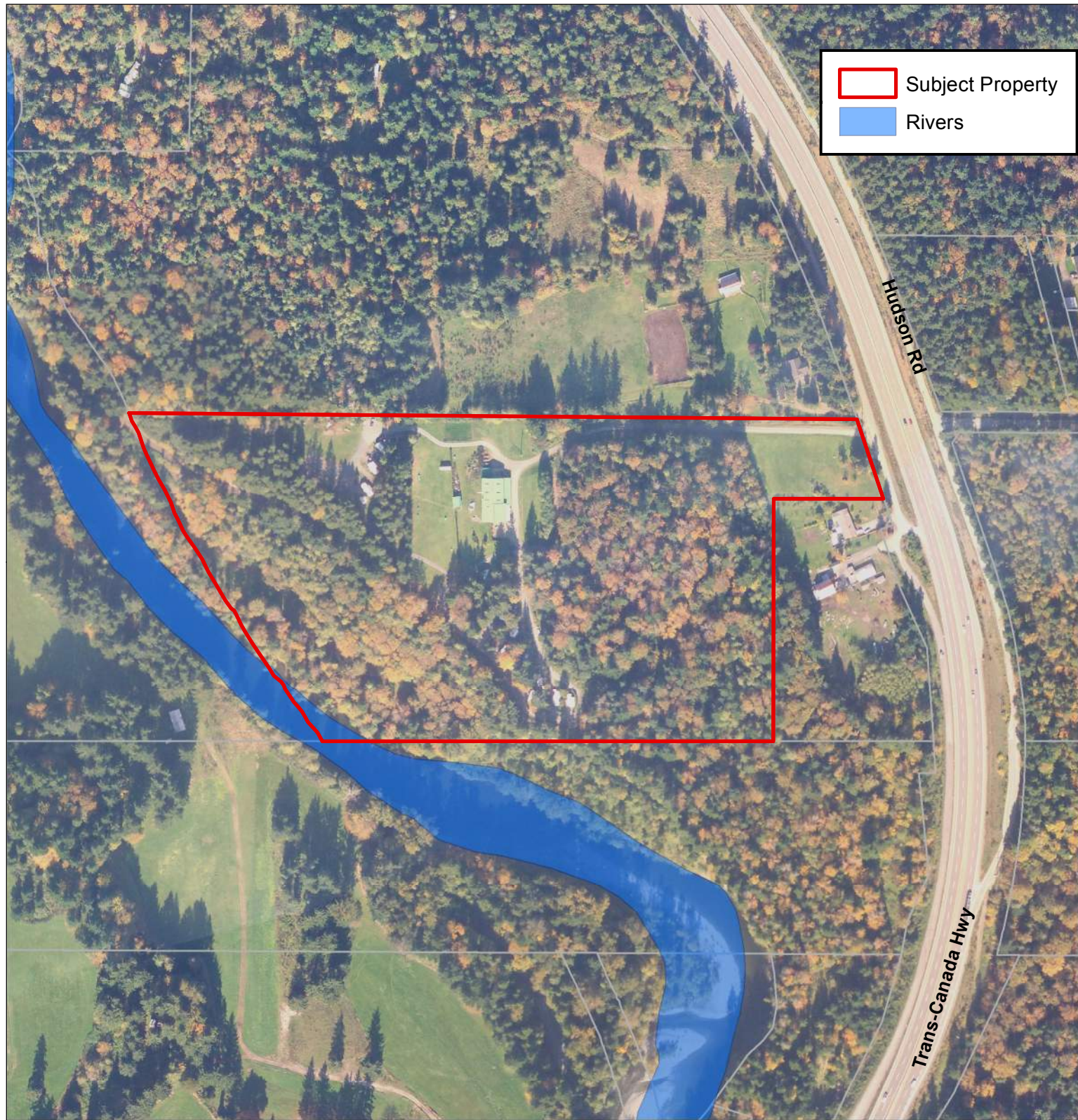
Attachment 4: Soil Class – North Cowichan

Attachment 5: Soil Class – Madrone Environmental

Attachment 6: Letter from property owners



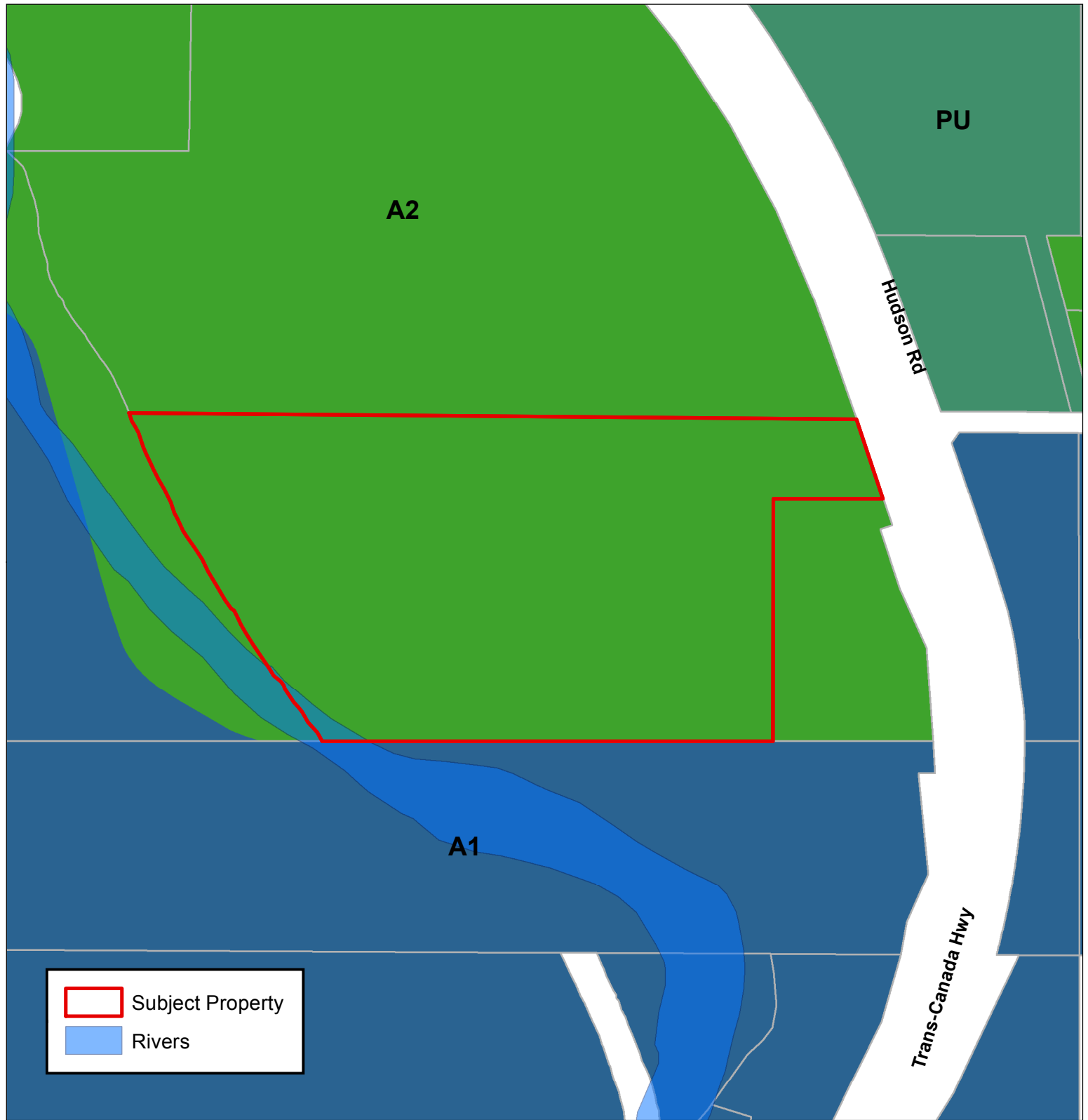
| | | | | | |
|--|---|--------------------------|--|---------------|--------------------|
|  |  | LOCATION MAP | | DATE: | September 19, 2019 |
| | | 8682 TransCanada Highway | | TYPE: | ALR Exclusion |
| | | | | FILE: | ALR00029 |
| | | | | SCALE: | 1:10,000 |



Subject Property

Rivers

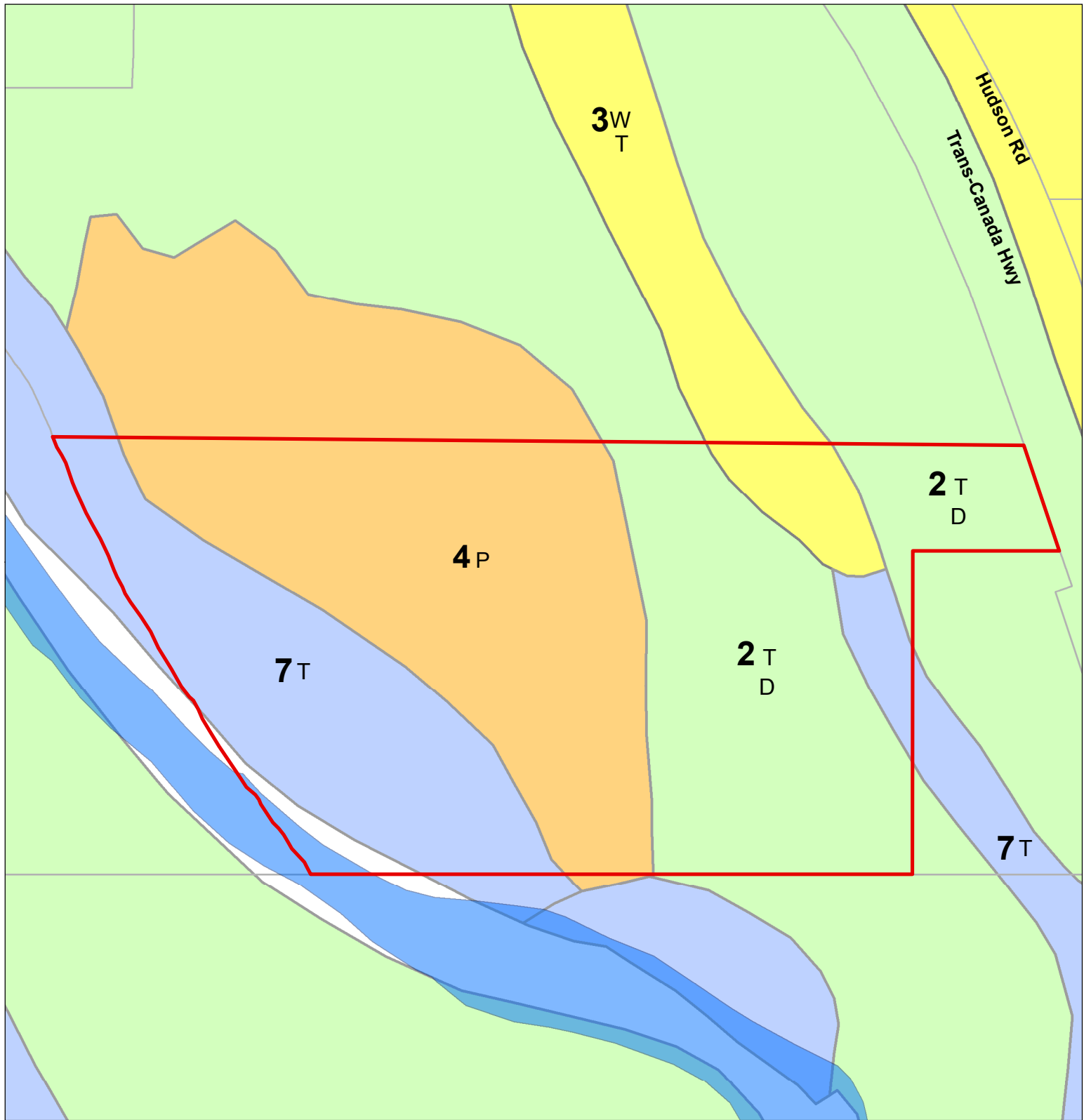
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| <div> <div> MUNICIPALITY OF NORTH Cowichan </div> <div> </div> </div> | ORTHOPHOTO | | DATE: | September 19, 2019 |
| | 8682 TransCanada Highway | | TYPE: | ALR Exclusion |
| | | | FILE: | ALR00029 |
| | | | SCALE: | 1:4,000 |





Subject Property

Rivers

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



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

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

FIGURE 2: Land Capability for Agriculture



September 12, 2019

The Honourable Lana Popham
Minister of Agriculture
Room 325 Parliament Buildings
Victoria, BC V8W 1X4

via email: AGR.Minister@gov.bc.ca

Dear Minister Popham

Re: ALR Exclusion Application for Chemainus River Campground

I am writing you today regarding what is a very difficult file for us in the Municipality of North Cowichan. It involves an enforcement order from the Agricultural Land Commission. Let me begin by recounting a brief conversation I had on this file with MLA Doug Routley a few months ago. (His constituency includes the land in question). I had asked Mr. Routley to speak to you on this file, and his response was that "the ALC is a Commission for a reason. And that reason is to prevent politicians such as you and I from interfering in its operational decisions." Madame Minister, I completely understand that principle. But sometimes, we have to exercise leadership on specific issues. I believe this case is one of those times.

First of all, to the present state of affairs. You should know that North Cowichan will be submitting an application to the Agricultural Land Commission (ALC) under Section 29 of the *ALC Act* seeking to exclude the Chemainus River Campground lands at 8682 Trans-Canada Highway from the Agricultural Land Reserve (ALR). The ALC has recently informed the owners of the Chemainus River Campground that it will be pursuing enforcement action on the property; however, it is our hope that at minimum, this enforcement action will be set aside pending the outcome of North Cowichan's forthcoming application.

There is a considerable history to this file. The campground has been in existence since 1986 and was legally authorized and permitted by North Cowichan at that time. In addition to being a recreational campground, the property provides a great deal of value to our local community in that it has been providing permanent housing to a number of people over the years including – currently – about 12 individuals. It is a boon to our local tourism economy; a well-run establishment where the owners take

great pride in what they offer to the community. If the campground is required to shut down, there will be a loss of both temporary and permanent housing. Given the housing shortage that is affecting our community, forcing the closure of this facility would be patently unreasonable, and counter to your government's objectives with respect to the provision of affordable housing.

This reality is further strengthened when some of the other issues associated with this file are taken into consideration. A 2018 report by Madrone Environmental Services describes the area of the property used for the campground as having limited agricultural potential due to poor, gravelly soils. Additionally, if this land is to be used for agriculture, the existing water licence for the property will need to be raised from 1,000 gallons/day (domestic use) to an estimated 4-million gallons for each growing season. That water would have to come from the Chemainus River which – as you may be aware – is of great significance to the appurtenant Halalt First Nation. The Halalt went all the way to the Supreme Court of Canada in an effort to protect their interest in that river and the associated watershed. My Council – like your government – is committed to the notion of “reconciliation” and, given the history on this aspect of the file, I trust you can understand how difficult it would be for us to support any application involving this scope of water usage out of that watershed.

There is a long history to this property, which includes the ALC granting approval for a campground in 1986 in a steep-sloped gravel area directly adjacent to the River; an area of the property that was entirely unsuitable, and which would likely never be considered under today's SPEA regulations. In subsequent years, the owners developed the campground in a more suitable flat area, without realizing the import of this change. In 2017, they submitted an application to the ALC to expand, and were made aware that the campground was illegal and must be dismantled entirely. The owners applied to the ALC to regularize the existing operation, but despite North Cowichan's support, the application and their subsequent appeal were denied.

North Cowichan has now agreed to submit a S. 29 exclusion application on the owners' behalf. The enforcement order from the ALC includes a requirement that the owners “return the property back to its former Agricultural capacity.” Madame Minister, this property *never had* “agricultural capacity.” It is primarily forested, and the soils assessment (see above) shows limited agricultural potential. The only thing that has ever grown on this land is trees, many of which were taken down well before the current owners took possession.

With regard to the exclusion application, you should also know that my Council did not authorize this action lightly. As a Municipality, we are absolutely committed to the principle of preserving Agricultural Land. Our Official Community Plan identifies the notion of “*protecting the agricultural land base*” as a key priority. But sometimes, we need to acknowledge that errors were made with respect to lands that were included in the ALR in 1974, when the original lines were drawn. I firmly believe that this is one of those instances.

Rob Conway, North Cowichan's Director of Planning, has been in touch with staff at the ALC to make them aware that the exclusion application is forthcoming. I'm sure that the details and history will be thoroughly examined through the application process. In the meantime, I would once again respectfully request that ALC enforcement action on the property be put in abeyance.

In closing, my staff will be reaching out to your team imminently to seek to arrange a time for us to discuss this matter at the upcoming Union of BC Municipalities gathering the week of September 23.

Sincerely



Al Siebring
Mayor

mayor@northcowichan.ca

cc: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development, FLNR.Minister@gov.bc.ca
Honourable George Heyman, Minister of Environment and Climate Change Strategy, ENV.Minister@gov.bc.ca
Honourable Selina Robinson, Minister of Municipal Affairs and Housing, MAH.Minister@gov.bc.ca
Doug Routley, Member of the Legislative Assembly for Nanaimo-North Cowichan, douglas.routley.MLA@leg.bc.ca
Kim Grout, Chief Executive Officer, Agricultural Land Commission, Kim.Grout@gov.bc.ca
North Cowichan Council
Ted Swabey, Chief Administrative Officer, Municipality of North Cowichan
Rob Conway, Director of Planning, Municipality of North Cowichan
Karen Robertson, Corporate Officer, Municipality of North Cowichan
John and Jeri Wyatt, [REDACTED] **FIPPA s. 22(1)**

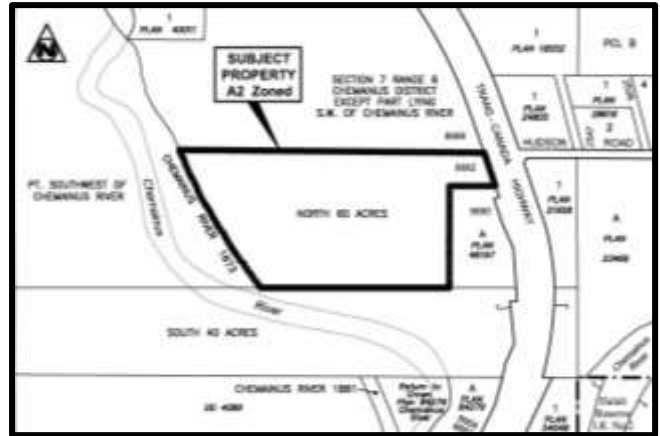
NOTICE OF PUBLIC HEARING

North Cowichan Council will hold a Public Hearing at **6:00 p.m.** on **Wednesday, April 21, 2021** to allow Council to receive public input on a proposed Agricultural Land Commission Exclusion application. 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 verbally. To view the hearing as it is streamed live go to 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.

ALC Exclusion Application Proposal

The Municipality of North Cowichan intends on making an application pursuant to Section 29 (1) of the *Agricultural Land Commission Act* to exclude from the Agricultural Land Reserve the subject property outlined on the adjacent map which is legally described as:

The subject property is the North 60 Acres of Section 6, Range 6, Chemainus District, Except That Part Lying South West of the Chemainus River, and Except Parts in Plans 18552 and 46197, and is located at 8682 Trans-Canada Highway – PID: 009-489-134.



Public Input

If you believe your interests in land will be affected by the proposed application, you are encouraged to submit your comments in writing to Mayor and Council before **1:00 p.m.** on **Monday, April 19, 2021**, using any of the writing methods identified below. Comments may also be shared verbally following the instructions provided below.

1. In Writing:

Written submissions will be accepted by:

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

2. Verbally:

Details and instructions on how to participate verbally will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings and at our automated Public Hearing Info Line: 250-746-3264.

Please Note: Submissions should reference the ALC Exclusion Application 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 address 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, and phone numbers and signatures). Any submission after the conclusion of the Public Hearing will not be accepted.

Copies of relevant documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing.

Rob Conway, Director of Planning and Building

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 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

MUNICIPALITY OF
NORTH
Cowichan

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

8/17/2019

Dear Mr. Swabey:

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

Yours Truly

John & Jeri Wyatt

Opening Statements – by Bill Routley (attachment #1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Relevant Issues (attachment 2)

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

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

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

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

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

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

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

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

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

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

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

8. Next Steps---

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

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

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

Preamble:

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

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

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

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

OR

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

Ten Attachments: (attachment #4)

Attachments

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



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

January 24, 2019

ALC C&E File 50724

DELIVERED ELECTRONICALLY:

FIPPA s. 22(1)

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

Dear Property Owner(s):

Unauthorized Commercial Activity in the Agricultural Land Reserve

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

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

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

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

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

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

ALC C&E File 50724

John & Jeri Wyatt

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

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

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

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

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

Sincerely,



Paula Blanchard
Compliance and Enforcement Officer
Provincial Agricultural Land Commission

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

Honourable Doug Donaldson

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

Parliament Buildings

Victoria, British Columbia V8V 1X4

Dear Minister Donaldson:

8/6/2019

Urgent : we need a Water licence for Agriculture use.

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

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

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

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

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

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

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

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

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

Thank you for your attention to these matters.

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

Yours Truly

John & Jeri Wyatt

Chemainus River Campground
8682 Trans Canada Hwy.
Chemainus, B.C. V0R 1K4

FIPPA s. 22(1)

prepared by:

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

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

(See Full Report Attached)

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

- **Honourable George Heyman**

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



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

PREPARED FOR:

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

PREPARED BY:

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

August 10, 2019

MADRONE ENVIRONMENTAL SERVICES LTD.
1051 CANADA AVENUE • DUNCAN • BC • V9L 1N3
TEL 250-740-8845 • FAX 250-746-9920 • WWW.MADRONE.CA

DOSSIER: 18-0188

Executive Summary

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

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

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

For soil polygon 1 (see Figure 1):

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

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

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

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

For soil polygons 4, 5 & 6

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

For soil polygons 2 & 3:

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

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

Additional considerations for the property include:

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

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

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

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

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

¹ of total 10.74 ha Site area

July 31/2018



July 31, 2018

OCCUPANT

Dear Water User:



Dave Johnson

Permitted Authorizations Officer - Water

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

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

Re: Water Conservation Request

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

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

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

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

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

Page 1 of 2

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

Water Authorizations
West Coast Region

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

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

You can search for your water licence details here:

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

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

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

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

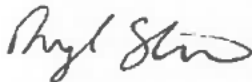
governmentofbc.maps.arcgis.com/apps/MapSeries/index.html

Water Survey of Canada:

https://wateroffice.ec.gc.ca/report/real_time_e.html?stn=081HA001

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

Thank you,



Darryl Slater

Water Manager

West Coast Natural Resource Region

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



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

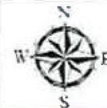
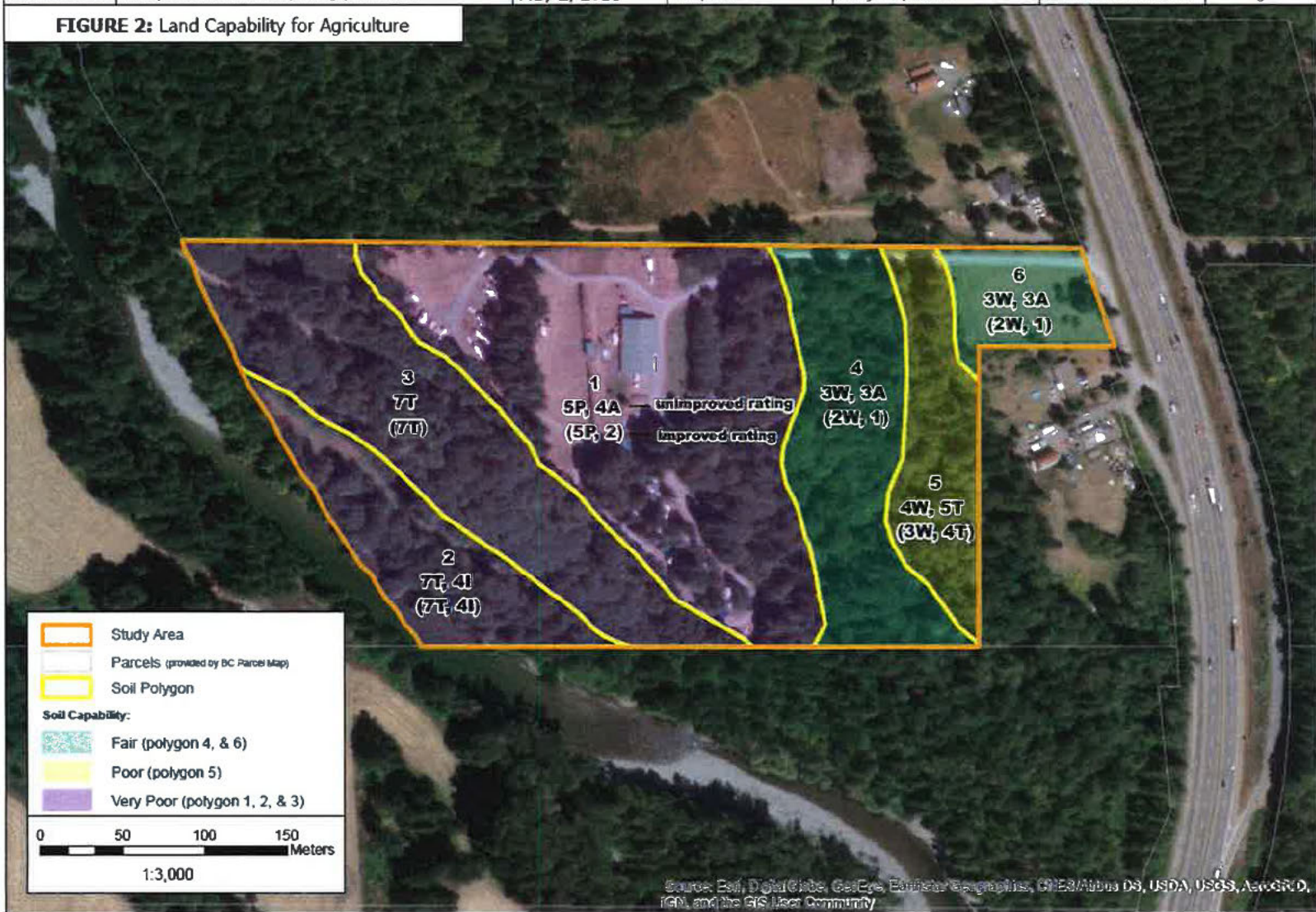


FIGURE 2: Land Capability for Agriculture






THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

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

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


B. Hollingshead
Regional Water Manager

File: 0310703

Issued: September 12, 1994

Conditional Licence: 107767

The Corporation of the District of North Cowichan

7030 Trans Canada Highway

P.O. Box 278, Duncan, BC

Building Department

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

BUILDING PERMITPermit #: **BP006767**

Folio: 15064-000

Issued Date: May 5, 2014

Permit Type: **AGRICULTURE - NEW**

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

Address: **8682 TRANS CANADA HWY**

Legal: SEC 6 RGE 6 CHEM

Zone: A2 RURAL ZONE

P.I.D. 009-489-134

Applicant: CHEMAINUS RIVER CAMPGROUND

Address: 8682 TRANS CANADA HWY CHEMAINUS BC V0R 1K4

Phone: (250)246-9357

Owner: WYATT, JERI D
WYATT, JOHN RPhone:
Phone: 250-246-3161

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

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

Building Information:

TYPE OF IMPROVEMENT: NEW

CONSTRUCTION VALUE: 10,000.00

Special Conditions:

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

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

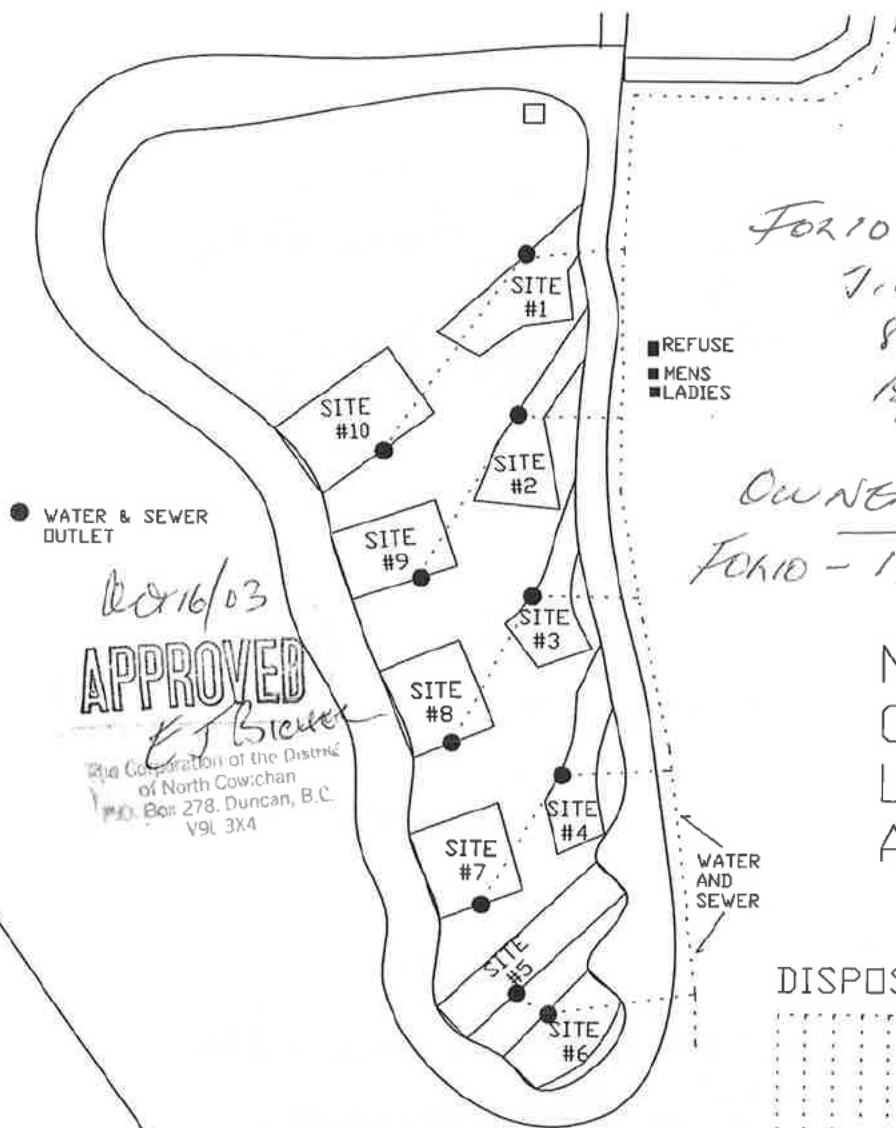
The department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the department in accordance with the requirements of the various codes.

Applicant: Jd WyattBuilding Inspector: Bruce L. Clephant

Signed May 20, 2014

Sent Ron Hurdle May 22, 2014

May 5/ 2014



FOI 10-15064-000

J. Wyatt.

8 682 T.C.A.

Bp 4 236-03.

OWNER COPY

FOI 10-15064-000

NORTH &
CHEMAIN
LYING S
AND PL

The Corporation of the District of North Cowichan

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

Folio No. 15064-000

Plumbing

CERTIFICATE ISSUED
DATE

Sept. 27 / 05

**BUILDING PERMIT -
CERTIFICATE OF OCCUPANCY**

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

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

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

BUILDING AREA 7863 (SQUARE FEET) _____
OWNER / AGENT John Wygott _____
ADDRESS _____



MUNICIPALITY OF NORTH COWICHAN
7030 Trans Canada Highway
Bruce L. Oliphant
Chief Building Inspector
Local Assistant Fire Commissioner
P.O. Box 278
Duncan, B.C. V9L 3X4
Telephone: (250) 746-3125
Facsimile: (250) 746-3154
Email: bruce.oliphant@northcowichan.ca
www.northcowichan.ca

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S.F.D.
only

Project Complete

CERTIFICATE ISSUED
DATE Aug. 14 / 2012

**BUILDING PERMIT -
CERTIFICATE OF OCCUPANCY**

PERMIT TO CONSTRUCT RESIDENCE (TYPE OF IMPROVEMENT) NO. (2) STORY S.F.D. ATTACHED STORAGE (PROPOSED USE) NUMBER OF DWELLING UNITS 1
AT (LOCATION) 8682 T.C. HWY (NO.) 8680 T.C. HWY. RR#1 CHEM (STREET) ZONING DISTRICT A-2

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

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

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

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

AREA 5000 (SQUARE FEET) _____
OWNER J. & J. WYATT - 8680 T.C. HWY.
ADDRESS RR#1 CHEM. - VOR 1KO



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (2772 Herd Road), 2021

Bylaw No. 3819

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

- 1 This Bylaw may be cited as "*Zoning Amendment Bylaw No. 3819, 2021*".
- 2 That Zoning Bylaw 1997, No. 2950, section 52 (4) (e) [density in the Rural Zone (A2)] is amended by adding the following property to the list as subsection ~~(xviii)~~ (xviii):

~~(xvii)~~ (xvii) 2772 Herd Road (PID:002-831-732)"

READ a first time on March 17, 2021

READ a second time on March 17, 2021

This bylaw as advertised in the Cowichan Valley Citizen on _____, 2021 and the _____, 2021 and the municipality's website and notice board on _____, 2021

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED by Ministry of Transportation and Infrastructure on

COVENANT registered on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER