

Municipality of North Cowichan

Regular Council

AGENDA

Wednesday, May 5, 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 133 080 2476, and then press # to join the meeting.

2. APPROVAL OF CONSENT AGENDA

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.

2.1. Draft Committee Minutes

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

2.1.1. April 16, 2021 Sub-Group of OCP Advisory Group 10 - 11

2.1.2. April 20, 2021 Environmental Advisory Committee 12 - 13

2.2. Correspondence

Recommendation:
That the following correspondence is received for information purposes only:

2.2.1. Letter from Town of View Royal to Premier Horgan requesting that hospital security staff be given authority and necessary training 14 - 14

2.2.2.	Letter from District of Clearwater requesting support for the designation of invasive Asian clams as Prohibitive Aquatic Invasive Species	15 - 15
2.2.3.	Letter from District of Clearwater advising Council of their endorsement of the 9-8-8 Crisis Line Initiative	16 - 16
2.2.4.	Email request to pursue Federal funding for trash collection in Cowichan's waterways and elsewhere	17 - 17
2.2.5.	Email requesting the beautification of North Cowichan's landscaping	18 - 51
2.2.6.	Email requesting response to questions related to (potentially) polluted water being dumped in local gravel pits	52 - 52
2.2.7.	Letter from Minister Heyman in response to Mayor Siebring's March 15, 2021 letter supporting PACE	53 - 54
2.2.8.	Email requesting Council investigate the forest carbon offset initiative and keep the pause on logging in place until the forest review is completed	55 - 56
2.2.9.	Resignation of Christopher Crowther from the Official Community Plan Advisory Group	57 - 59
2.2.10.	Email suggesting use group purchasing for solar panel purchases	60 - 60
2.2.11.	Email requesting an increase to fine amounts on timber poaching and patrols of Six Mountains	61 - 61

3. APPROVAL OF 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].

4. ADOPTION OF MINUTES

4.1. Regular Council meeting held April 21, 2021 for adoption 62 - 71

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 21, 2021.

5. MAYOR'S REPORT

6. DELEGATIONS AND PRESENTATIONS

6.1. Island Health - Wellness and Recovery Centre 72 - 73

Purpose: To provide Council with an update on the renovations that are underway for the Wellness and Recovery Centre at 5878 York Road and present their approach to mental health and substance use for the community.

6.2. Canadian Union of Postal Workers 74 - 106

Purpose: The Canadian Union of Postal Workers' to present their 'Delivering Community Power' initiative, as requested by Council at their April 7, 2021 regular meeting.

7. 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

8. BYLAWS

8.1. Zoning Amendment Bylaw (Lot 7, Wellburn Place), 2020, No. 3809 for adoption 107 - 107

Purpose: To consider adoption of Zoning Amendment Bylaw (Lot 7, Wellburn Place), 2020, No. 3809, which received third reading following the public hearing on January 20, 2021, now that the section 219 covenant has been registered on title. If adopted, this bylaw will permit a second detached dwelling unit in addition to a principal single family dwelling in the Rural Residential (R1) zone.

Recommendation:

That Council adopt Zoning Amendment Bylaw (Lot 7, Wellburn Place), 2020, No. 3809.

8.2. Controlled Substance Bylaw No. 3803, 2020 for adoption 108 - 121

Purpose: To consider adoption of Controlled Substance Bylaw No. 3803, 2020, which received third reading at the April 21, 2021 Regular Council meeting, now that the bylaw has been deposited with the Minister of Health. If adopted, this bylaw will replace Nuisance (Controlled Substance) Bylaw No. 3246, 2006 by modernizing the language and updating the regulations to ensure that they are relevant and enforceable.

Recommendation:

That Council adopt Controlled Substance Bylaw No. 3803, 2020.

- 8.3. Municipal Ticket Information Systems and Fees and Charges Bylaw Amendments for adoption** 122 - 126
- Purpose: To consider adoption of Fees and Charges Amendment Bylaw No. 3829, 2021 and Municipal Ticket Information System Amendment Bylaw No. 3830, 2021, which received first three readings at the April 21, 2021 Regular Council meeting (subject to adoption of Bylaw No. 3803). If adopted, these bylaws will enable 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 or its agents.
- Recommendation:
That Council adopt:
1. Fees and Charges Amendment Bylaw No. 3829, 2021; and
 2. Municipal Ticket Information System Amendment Bylaw No. 3830, 2021.
- 8.4. Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 for first three readings** 127 - 160
- Purpose: To introduce Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 ("BON Bylaw No. 3677"), which proposes to establish a bylaw adjudication system for the Municipality of North Cowichan ("MNC").
- Recommendation:
That Council give first, second and third readings to Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021.
- 8.5. Delegation of Authority Bylaw No. 3814, 2021 for first three readings** 161 - 185
- Purpose: To introduce proposed amendments to the Delegation of Authority Bylaw to reflect current positions, update limits, and introduce potential new delegated authorities in relation to notices, and appointing officers for bylaw enforcement and controlling noxious weeds.
- Recommendation:
That Council give first, second, and third readings to Delegation of Authority Bylaw, No. 3814, 2021.
- 8.6. Revenue Anticipation Borrowing Bylaw for first three readings** 186 - 188
- Purpose: To introduce Revenue Anticipation Borrowing Bylaw No. 3828, 2021, to enable the Municipality to borrow money for a short term, if needed, to continue municipal operations while waiting for anticipated revenue (e.g. property taxes) to be received.
- Recommendation:
That Council give first three readings to Revenue Anticipation Borrowing Bylaw No. 3828, 2021.

8.7. Nuisance Abatement and Cost Recovery Amendment Bylaw No. 3804, 2021 for first three readings 189 - 198

Purpose: To consider an amendment to the Nuisance Abatement and Cost Recovery Bylaw to include the control of noxious weeds and make the Manager of Bylaw and Business Licensing Services responsible for enforcement oversight.

Recommendation:

That Council gives first, second and third readings to Nuisance Abatement and Cost Recovery Amendment Bylaw No. 3832, 2021.

9. REPORTS

9.1. REPORTS FOR DECISION

9.1.1. North Cowichan Civic Building – Electrical Contract 199 - 204

Purpose: To approve entering into a CCDC 17 Trade Contract between the District of North Cowichan and Houle Electric Ltd. for the electrical portion of the North Cowichan Civic Building project in the amount of \$4,370,808.

Recommendation:

That Council approve entering into a CCDC 17 Trade Contract between the District of North Cowichan and Houle Electrical Ltd. for the electrical portion of the North Cowichan Civic Building project in the amount of \$4,370,808.

9.1.2. Fuller Lake Arena Roofing Capital Project – Tender Award 205 - 207

Purpose: To award the Fuller Lake Arena Roofing Capital Project contract and consider options to address the budget shortfall.

Recommendation:

That Council award the Fuller Lake Arena Roofing contract to Flynn Canada Ltd. for \$1,295,335 plus GST;

And, That Council directs staff to amend the 2021 Financial Plan funding of the Fuller Lake Arena Roofing Project as follows;

- i. \$150,000 from General Revenue
- ii. \$720,000 from the Municipal Reserve Fund
- iii. \$507,637 from Appropriated Surplus.

9.2. REPORTS FOR INFORMATION

9.2.1. Revised Official Community Plan (OCP) Work Plan and Project Schedule 208 - 211

Purpose: To provide Council with a revised work plan and project schedule for the OCP Update project.

10. NOTICES OF MOTIONS

10.1. Raising the Pride Flag for the month of June

Purpose: So that Councillor Sawrie may introduce the following motion which she intends to move at the May 19, 2021 regular Council meeting:

"That Council direct Staff to fly the Pride Flag on the Cowichan Aquatic Centre flag pole for the month of June, as part of an annual ongoing protocol."

NOTE: the wording of the notice of motion was updated on May 3, 2021.

11. UNFINISHED AND POSTPONED BUSINESS

12. NEW BUSINESS

12.1. Policy Advice regarding Sustainable Economic Development

212 - 213

Purpose: So that Councillor Justice may move the motion he gave notice on at the April 21, 2021 Regular Council meeting.

Recommendation:

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 aspects of economic development (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?

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)?

12.2. Communications Tower / Antenna Systems Approval Policy

214 - 221

Purpose: So that Councillor Marsh may move the motion she gave notice on at the April 21, 2021 regular Council meeting.

Recommendation:

That the District Municipality of North Cowichan adopt a Council policy for Communication Towers and Antenna Systems Approval;

That the Municipality of North Cowichan develop a Wireless Telecommunication Tower Permit

And further that the policy establishes and the permit upholds the preferences of Council for enhanced public consultation and location & design guidelines in the Towers and Antenna System approval process, taking into account the Government of Canada's guidelines on antenna sitings via the Innovations, Science and Economic Development Ministry. (ISED)

12.3. Cowichan Estuary Restoration and Conservation Association's advice and recommendations regarding Official Community Plan Update Project

222 - 236

Purpose: To consider the reply received from the Cowichan Estuary Restoration and Conservation Association in response to Council's March 3, 2021 request for their advice and recommendation on what is necessary to achieve Council's goals of restoration and regeneration of North Cowichan's lakes, streams, rivers and estuaries and protecting biodiversity, in relation to the land use policy development within the revised Official Community Plan.

13. 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

14. CLOSED SESSION

Recommendation:

That Council close the May 5, 2021 Regular Council meeting at ___ p.m. to the public on the basis of the following section(s) 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)(i) - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- *90(1)(m) - a matter that, under another enactment, that being section 16 of the Freedom of Information and Protection of Privacy Act, is such that the public may be excluded from the meeting; 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.*

14.1. Minutes from the April 21, 2021 regular closed Council for adoption

14.2. Closed under section 90(1)(i) Legal Advice

14.3. Closed under section 90(1)(e) Land, 90(1)(m) FOIPPA s. 16 - relations with an aboriginal government, and 90(2)(b) negotiations

15. RISE AND REPORT

16. ADJOURNMENT

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

**April 16, 2021, 3:30 p.m.
Electronically**

Members Present Cam Campbell
 Mona Kaiser
 David Messier
 Shannon Waters

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

Consultant Present Rob Barrs, Modus
 Suzy Lunn, Modus

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

IT WAS MOVED AND SECONDED:

That the Sub-Group of Official Community Plan Advisory Group approve the agenda as circulated.

CARRIED

3. ADOPTION OF MINUTES

3.1 Sub-Group of Official Community Plan Advisory Group Minutes

The Sub-group received the minutes, followed by a discussion seeking clarification on the minutes.

IT WAS MOVED AND SECONDED:

That the minutes of the Sub-Group of OCP Advisory Group meeting held March 26, 2021 be adopted.

CARRIED

4. BUSINESS

4.1 Official Community Plan (OCP) Growth Scenarios

A brief introduction to the online engagement platform, Miro, was provided. The consultant then led the Sub Group through each map with a discussion and an opportunity for members to ask questions.

Once the discussion regarding the scenarios was finished, the Sub Group discussed and asked questions on what the next steps were. The working group then passed the following motion:

IT WAS MOVED AND SECONDED:

That the Sub Group has completed their task and to report back to the OCP Advisory Group.

CARRIED

5. NEW BUSINESS

None.

6. ADJOURNMENT

The meeting ended at 5:39 p.m.

Signed by Chair

Certified by Recording Secretary

Municipality of North Cowichan Environmental Advisory Committee MINUTES

**April 20, 2021, 1:30 p.m.
Electronically**

Members Present	Councillor Kate Marsh, Chair Neil Anderson Cam Campbell Bruce Coates David Coulson Per Dahlstrom Dr. Jana Kotaska Sandra McPherson Dr. Jesse Patterson Dr. Geoffrey Strong Dr. Shannon Waters
Members Absent	Ashley Muckle
Staff Present	David Conway, Director, Engineering Projects Dave Preikshot, Senior Environmental Specialist Shaun Chadburn, Environmental Programs Coordinator Sarah Grieves, Engineering Technologist - Environmental Programs Tricia Mayea, Deputy Corporate Officer
Others Present	Dr. Gordon McIntosh, Facilitator Jeremy Murphy, SSG Consultant

1. CALL TO ORDER

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

Dave Preikshot, Senior Environmental Specialist introduced Sarah Grieves, the District's new Engineering Technologist – Environmental Programs employee to the Committee.

2. APPROVAL OF AGENDA

It was moved and seconded:

That the Committee approve the agenda as circulated.

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:

That the Committee adopt the minutes of the meeting held March 16, 2021.

CARRIED

4. BUSINESS

Dr. Gordon McIntosh facilitated the business items of this meeting.

4.1 Introduction from Dr. Gordon McIntosh, BPI Ice Breaker

The Committee members shared the results of the Behavioral Patterns Inventory exercise.

4.2 CAEP Actions - Sorting, Prioritization and Responsibility Process

The Committee reviewed the draft CAEP actions list and categorized the significance of each action by assigning a High, Medium or Low significance rating to each action/initiative.

5. NEW BUSINESS

None.

Bruce Coates and Dr. Jana Kotaska left the meeting at 4:38 p.m.

6. ADJOURNMENT

The meeting ended at 4:42 p.m.

Certified by Recording Secretary

Signed by Chair;



TOWN OF VIEW ROYAL

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April 1, 2021

Honourable John Horgan
Premier of British Columbia
PO Box 9041 Stn Prov Govt
Victoria, BC V8W 9E1

VIA EMAIL: premier@gov.bc.ca

Dear Premier Horgan:

RE: Request for Authority and Training for Hospital Security Staff

It has come to the attention of View Royal Council that there is an excessive use of police resources in hospital emergency waiting rooms as officers must remain with persons apprehended under section 28 of the *Mental Health Act* until the individual is transferred to the care of a physician. This requirement sees costly police resources tied up in emergency waiting rooms often for lengthy periods of time.

As such, we are requesting that hospital security staff be given the authority and necessary training to take custody of patients apprehended under the *Mental Health Act* on arrival at the hospital.

Allowing hospital security staff to assume this role from police officers would not only provide a less costly approach for taxpayers, but would also ease the burden on police resources, enabling them to provide timely services where they are needed in the community.

Thank you for consideration of this request.

Sincerely,

David Screech
Mayor

cc. Hon. David Eby, Attorney General and Minister responsible for Housing
Hon. Adrian Dix, Minister of Health
Hon. Sheila Malcolmson, Minister of Mental Health and Addictions
All UBCM Municipalities



April 12, 2021

Dear BC Municipalities

RE: Designation of invasive Asian clams as Prohibitive Aquatic Invasive Species

Please be advised that at a District of Clearwater Regular Council meeting held on April 6, 2021, Mayor and Council expressed their support for correspondence received from the District of Sicamous regarding a species of clams, *Corbicula fluminea*, which threaten the natural biodiversity of lakes in the B.C. Interior. To echo the District of Sicamous Council passed the following resolution:

“THAT Council direct Administration to provide a letter of support for the District of Sicamous campaign against invasive Asian clams and forward to municipalities in B.C..”

Council understands the delicate nature of our inland aquatic ecosystems and the threat posed by introducing new species into such an environment. We would therefore call upon the B.C. Government to use its authority to designate Asian clams as an Aquatic Invasive Species under the Controlled Alien Species Regulation.

Yours truly,

Merlin Blackwell
Mayor

DISTRICT OF CLEARWATER

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PO Box No. 157

209 Dutch Lake Road

Clearwater BC V0E 1N0

districtofclearwater.com



April 12, 2021

Dear BC Municipalities

RE: Endorsement of 9-8-8 Crisis Line Initiative

Please be advised that at a District of Clearwater Regular Council meeting held on April 6, 2021, myself and Council expressed appreciation for the initiative to create a 9-8-8 crisis line and passed the following resolution:

“THAT Council direct Administration to provide a letter of support for the 9-8-8 Crisis Line Initiative to be addressed and distributed to BC Municipalities.”

Council understands the critical significance of reducing the barriers that a person in crisis will face when seeking resources. Through unanimous consent, the District of Clearwater supports the creation of a national 3-digit suicide prevention hotline in Canada. This initiative is particularly timely given the considerable pressures on the mental health of Canadians that have manifested during the COVID-19 pandemic.

Yours truly,

Merlin Blackwell
Mayor

DISTRICT OF CLEARWATER

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Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, April 16, 2021 3:24 PM
To: Council
Subject: Federal help for trash collection in Cowichan's waterways and elsewhere

Dear North Cowichan and Duncan Mayors, Councillors, and CVRD Directors:

Please find and read Cowichan MP Alistair McGregor's kind, informative letter to my cogent concerns — and a possible federal solution — regarding plastic and other trash fouling Cowichan's precious waterways. Please also pursue apparent federal funding for wonderful community-led projects helping stop this disgusting, and sadly ongoing, local pollution problem.

Yours humbly and sincerely,

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

FIPPA s. 22(1)

Hi [REDACTED],

Thank you for including our office in your email to the Municipality of North Cowichan regarding waterway plastics collection.

As you may be aware, in 2018, Alistair wrote a letter to the Minister of Environment and Climate Change, and the Minister of Fisheries, Oceans and Coast Guard to highlight the need for federal assistance to encourage investment in marine pollution control systems such as Seabins. I will attach Alistair's letter for your reference.

In 2019, more than 170,000 Canadians signed the NDP introduced Motion M-151 petition, calling on the federal government to develop a national strategy to combat plastic pollution through regulations: to reduce plastic debris from storm-water, industrial micro-plastics, and consumer single-use plastics. The petition also called for permanent funding for cleanup of derelict fishing gear, community led projects, and education and outreach campaigns.

Later that year, thanks to the tireless work of NDP MPs and their constituents, Motion M-151 passed unanimously in the House of Commons.

I have shared your correspondence with Alistair, and he has asked me to tell you that he will be bringing your recommendation forward at the next Cowichan Stewardship Roundtable meeting that he's able to attend.

Thank you again for bringing this to our attention.

Kind regards,

Robert Martin

Constituency Assistant
Alistair MacGregor, MP Cowichan-Malahat-Langford

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Tuesday, April 20, 2021 1:14 PM
To: Council
Subject: Fwd: Colorful, too say the least

Dear Mayors and Councillors:

Dutch beauty in the midst of Covid! So lovely. With all due respect to our hard-working works' crews, why can't Duncan and North Cowichan councils emulate this colourful landscaping here to lend much-needed positive vibes to all Cowichanians — and to lure far more tourists here when our local businesses need them most? Enjoy the floral beauty, everyone!

Yours most truly,

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

Begin forwarded message:

From: [REDACTED] FIPPA s. 22(1)
Subject: Colorful, too say the least
Date: April 20, 2021 at 10:59:04 AM PDT
To: Adrian Popescu <popescu@mindspring.com>

Most of you probably know of the world-famous Keukenhof, the most beautiful tulip garden in the world. Every year millions of tourists visit this garden. That's a huge lot considering the garden is only open in spring! Every year, a hard-working crew makes sure the garden looks as good as ever, including this year!

This year is 'special'. Keukenhof is closed, for the first time in 71 years. But that doesn't mean there are no flowers. On the contrary; the flowers look incredible and get as much attention and care as always. All the passionate gardeners do their work as they're

used to. Because even without people, nature and the show of the garden goes on. I've been photographing the tulips since forever, mostly in the countryside. I photographed them from all angles you can possibly imagine, but there was one thing that I still wanted to capture one time in my life: Keukenhof without any other people. This seemed impossible, until this year's April 2020.

With the COVID-19 virus keeping everyone at home and tourists away, I knew this was my only chance of making this happen. I contacted Keukenhof explaining what I had in mind and they were so kind to let me photograph the garden for a day.

When I visited the park it looked at its best. Interestingly enough, we have experienced the sunniest April EVER in the Netherlands, making all the flowers pop very fast.

Photographing in broad daylight with the strong sun was a challenge.

But forget about the photography for a moment: walking around there all alone, with only the sounds of birds and the incredible smell of all these flowers, is an experience by itself. I sometimes just sat next to the flowers and the water, enjoying nature for 30 minutes long. It was just a magical experience.

Having no people in the park allowed me to photograph paths and angles in a certain way that you normally don't get to see because of the crowds.

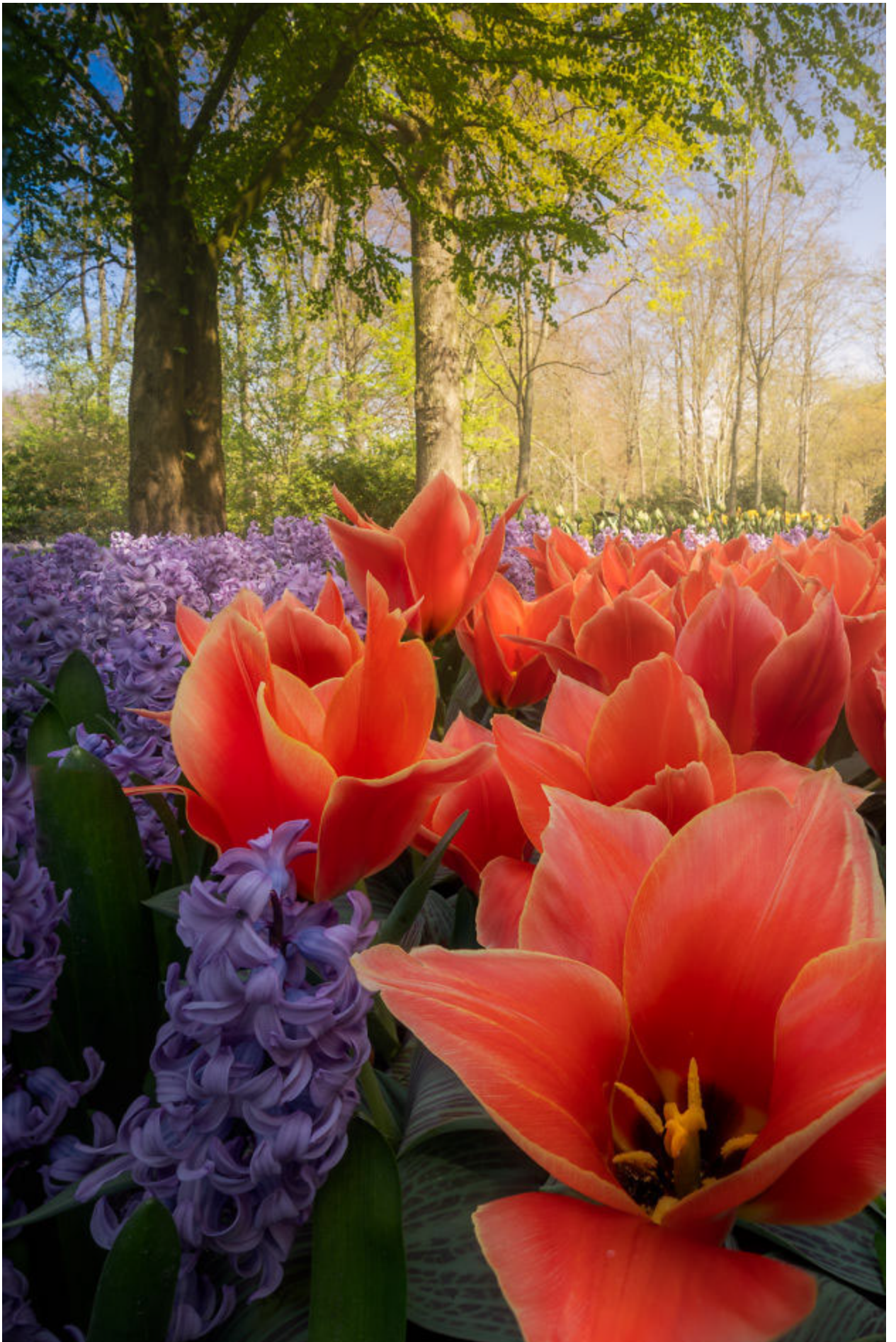
This photo series is an initiative from myself in collaboration with Keukenhof. We aim to show the beauty of the park through these images. Too bad there's no smell involved



With no people around, these zig-zag paths become visible showing the attention to detail in the layout of the garden.



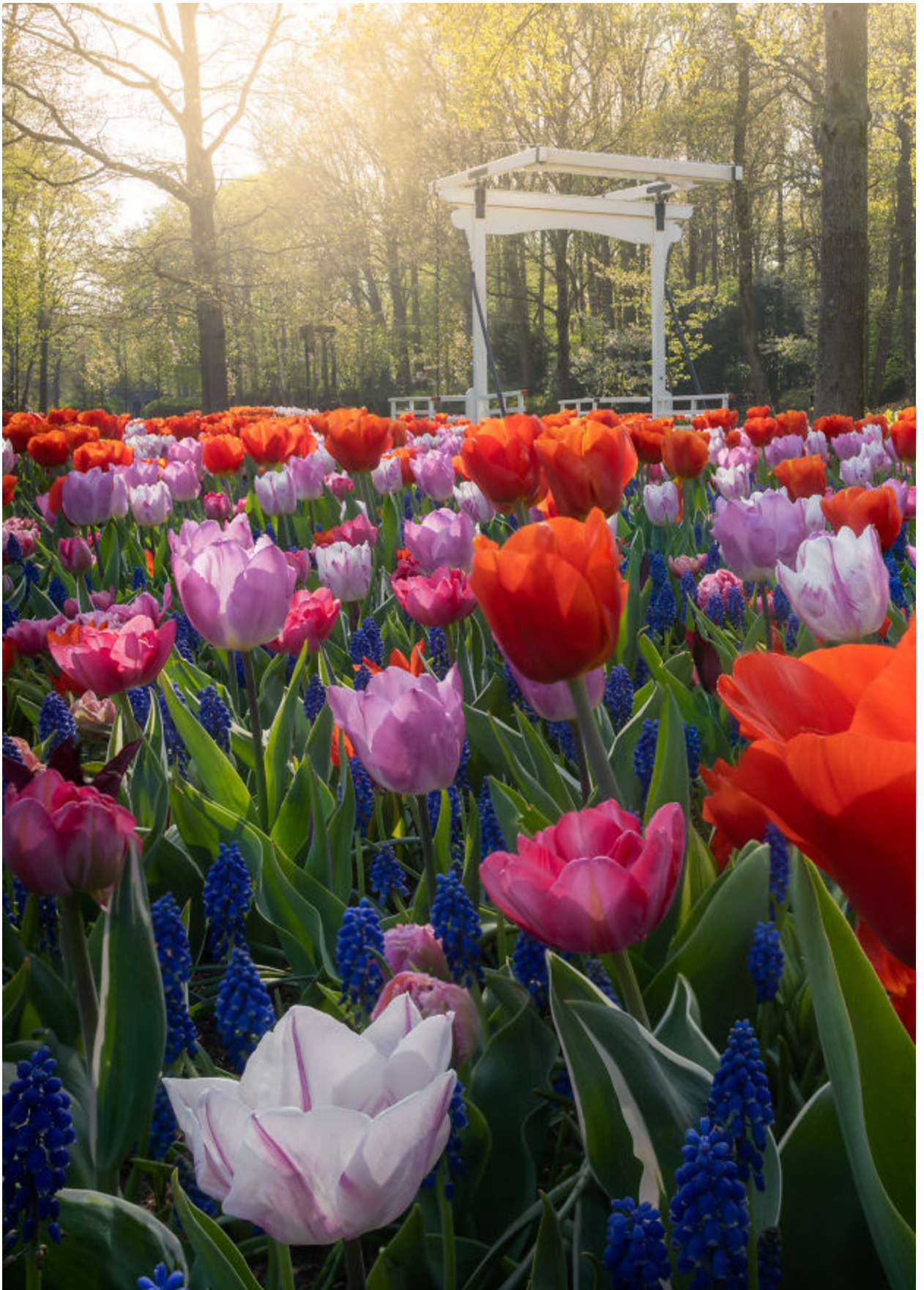
The famous Keukenhof windmill. The miller was so kind to move it to the correct position for pictures.



A rare species of tulips that I had not seen before.



The world-famous 'Blue River.' A road of blue grape hyacinths zigzagging through the trees.



In Keukenhof, you can find a bunch of classic Dutch bridges. This is one of them right at the

entrance, surrounded by a sea of colorful tulips.



Did I mention the attention to detail? From the ground, I didn't even see this, but when I flew my drone a few meters up it appeared that these were planted in the shape of a tulip flower!



Seas of tulips around my favorite area of the park: the pool with the fountain in the middle.



Lines and lines of tulips, hyacinths, and narcissus flowers in between the trees.



I love to photograph dreamy portraits of flowers, and the Keukenhof is perfect for that with its many different kinds of flowers.



My favorite places in the Keukenhof are the pools. Seeing the water reflecting the trees and flowers gives such a calm feeling. If you look closely you can see a gardener do his work. Because even with no people visiting the garden, the work goes on.



In some parts of the park, you can find endless seas of different colored tulips that together make a beautiful abstract color palette.



The little paths make harmony with the trees and different flowers all around them.



An image of the white bridge near the entrance of the park showing the scale of a hill with thousands of tulips that can be seen in front of it.



**A low angle perspective in the part of the park
that I'd like to call 'cherry blossom garden'
where you can find dozens of cherry
blossoms combined with tulips. Did I mention
the smell!?**



A high key portrait of the *Fritillaria Imperialis* flower. One of my favorite flowers in the park.



Zigzag lines of flowers, water, and paths almost looks like these scenes are dancing.



Attention to great detail of lines and shapes in which the flowers are planted is the signature design of The Keukenhof. I love how they combine these flowers with beautiful trees. And they all blossom at the same time.



Dare to be different. A white tulip with a red leaf standing out in the lot, with a viewpoint on the tulip fields in the background.



A portrait image of grape hyacinth.



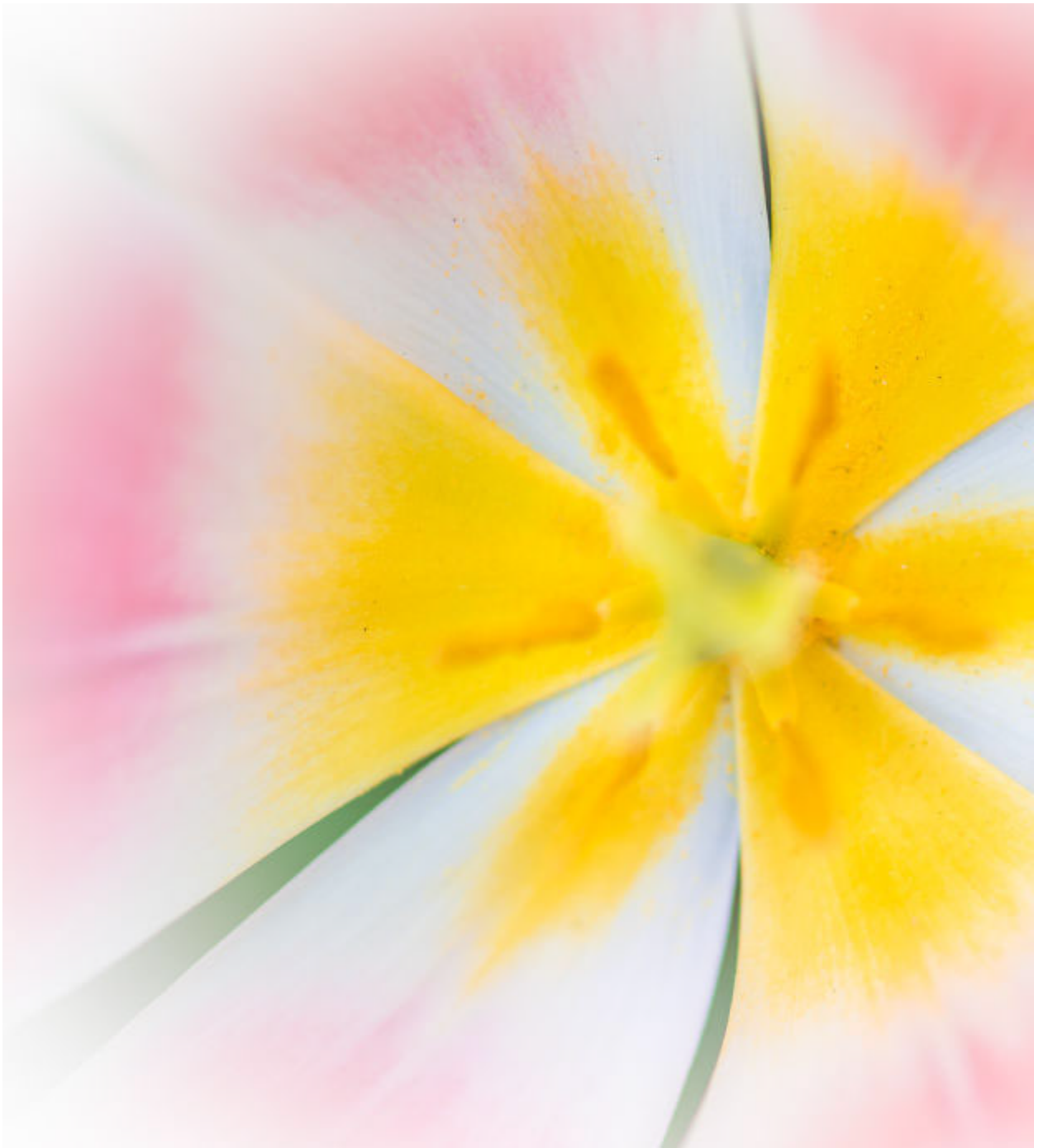
**Real summer vibes with green trees, blue sky,
and circular shapes of tulips. It's only spring,
but this image already reminds me of
summer.**



I love how you can see these lines and shapes of tulips in the park.



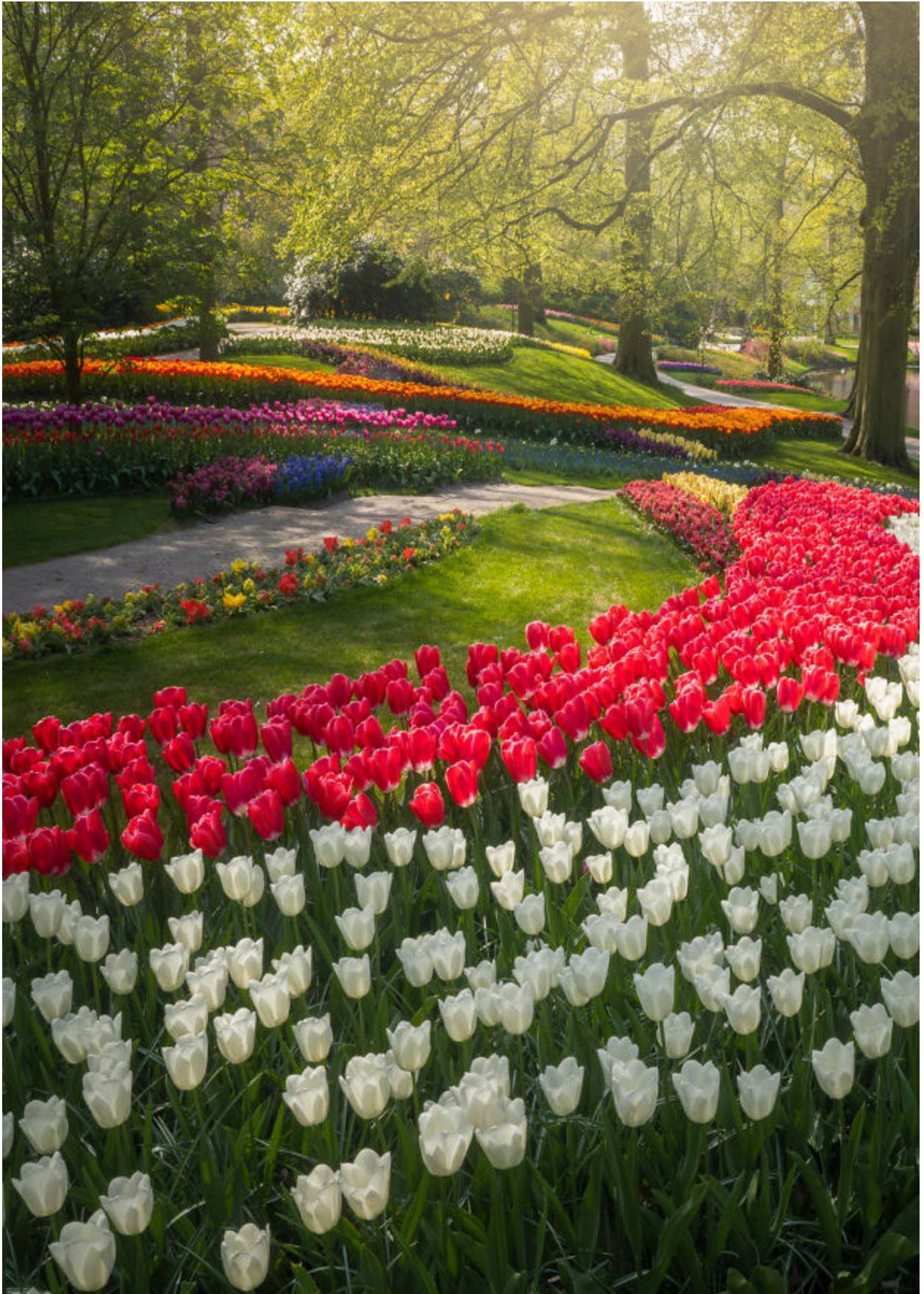
Sun peaking through the trees in the afternoon, with the lines and paths of flowers making harmony with each other.



**All the different flowers are perfect for doing
macro images in the park.**



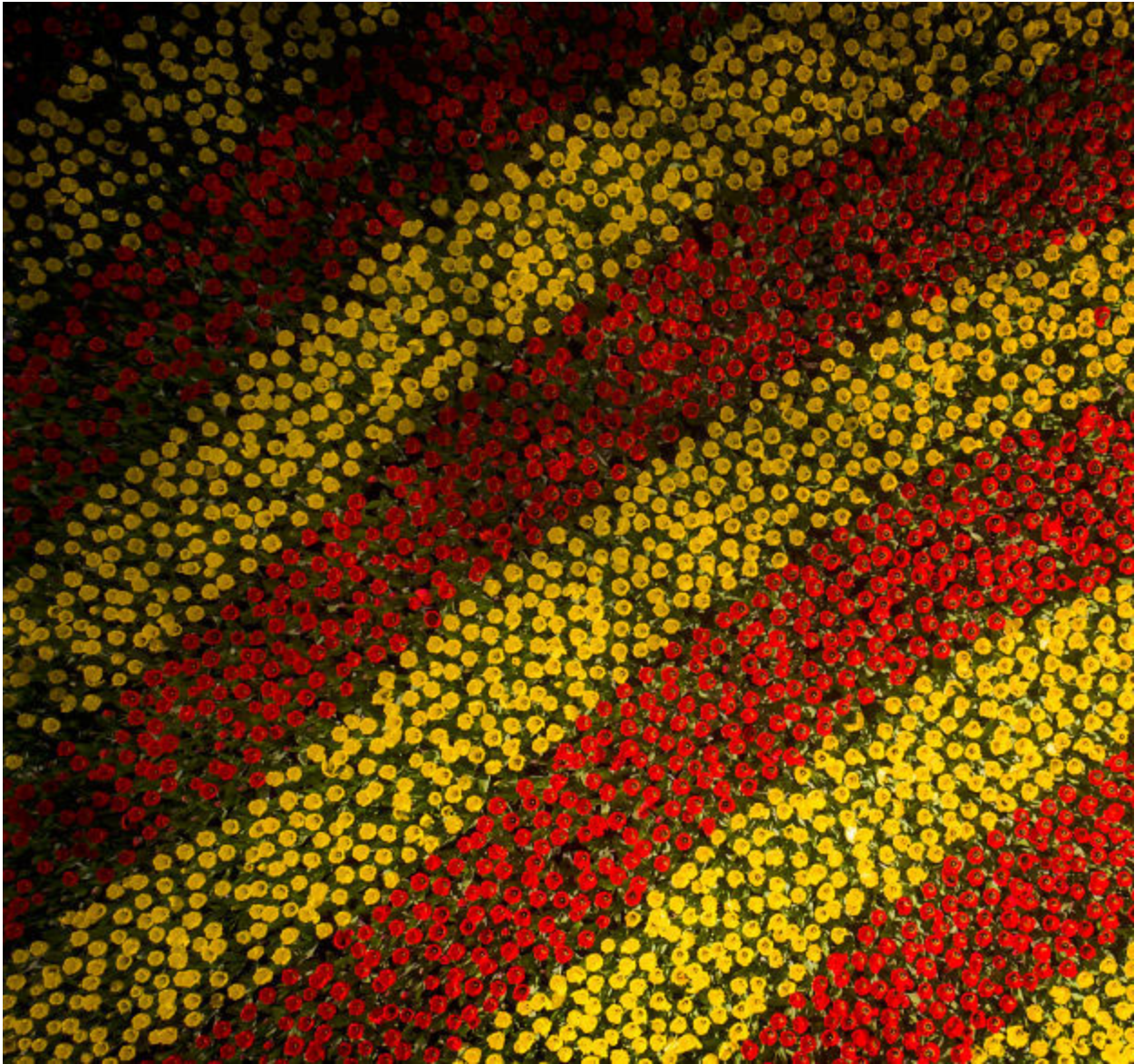
One of my favorite little scenes in the park: a Japanese cherry blossom tree with a beautiful shape with a path through flowers leading up to it. It looks like a scene out of a fairytale.



My favorite area with part of the big pool on the right. Lines and shapes of tulips all pointing towards the middle.



It's in the details with these small patches of different colored hyacinth flowers carefully placed on the grass between the trees.



The red and yellow carpet of tulips as seen from a drone perspective from about 10 meters up.



A portrait of an interesting breed of a narcissus flower.



I really couldn't get enough of these patches of different kinds of flowers with different colors along the paths and the trees everywhere in the park.



See-through along the walking bridges in the park with cherry blossoms on top.



Water reflecting the beauty of the trees.



Virus-free. www.avg.com

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, April 23, 2021 3:39 PM
To: duncan@duncan.ca
Subject: Polluted water being dumped in local gravel pits

Dear Mayors, Councillors, and CVRD Directors:

I am writing this letter to inform all levels of our local governments about what seems to be a standard practice that could be polluting our precious groundwater.

Today (April 23) at about 1 p.m. I noticed several truck-rigs owned by Coquitlam's Sea To Sky Drilling Services Ltd. preparing to sink test wells on the long-vacant site at the corner of the city's Duncan and James streets.

As background, that's the site of the former Esso bulk-oil depot, and of the former Cowichan News Leader Pictorial newspaper that rented the old Doman building.

After the News Leader burned in March 2003, it was reported the pavement under the Leader offices, and on the Esso site, was contaminated and had to be remediated during the following number of years.

Ensuring absence of fuel in the soil would lead to a provincial remediation certificate. It would be needed to sell the site at a better price.

The Sea To Sky worker was attaching a hose to a city water hydrant to fill containers for use in the drilling process.

I am not intimate with drilling processes but he basically explained that water would enter ground test holes then be pumped back to the surface, and collected.

But here's the shocker: He said the fouled water — potentially containing fuel traces or worse — would likely be dumped in a local gravel pit once Sea To Sky gets the pit owner's permission.

That waste waster, containing unknown levels of pollutants, would leach downward into our groundwater and aquifers already under attack from various compounds including oil, chemicals and sewage.

My letter has been sent to our various local governments since the source water here came from Duncan. The receiving gravel pit may be anywhere — including land in the CVRD or North Cowichan.

I assume simply dumping fouled drill-test water into a gravel pit is illegal under Fisheries and B.C. Water Branch legislation, for starters.

If not, it should be.

Same story if this practice isn't illegal under our municipal and regional bylaws.

Who is guarding against this seeming polluting practice?

Where is that fouled water supposed to go?

What are the penalties for not following proper disposal regulations?

How often does this disturbing scenario happen here in Cowichan?

What can the CVRD and our councils do to end this practice that seemingly threatens our precious water?

Can the CVRD contact Sea to Sky (604-939-5473) and gain some cogent answers?

Please debate this issue and discuss it with our staff members. Thanks in advance.

Yours in health and safety,

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



Reference: 374384

April 23, 2021

His Worship Mayor Al Siebring
and Councillors
District of North Cowichan
PO Box 278
Duncan BC V9L 3X4

Sent via email: mayor@northcowichan.ca

Dear Mayor Siebring and Council:

Thank you for your letter of March 15, 2021, sharing your support for Property Assessed Clean Energy (PACE).

Attaining significant energy efficiency improvements and greenhouse gas emission reductions from existing buildings in B.C. is a priority for this government. As you may know, the development of PACE is included in the mandate letters for the [Minister of Energy, Mines and Low Carbon Innovation](#) and the [Minister of Municipal Affairs](#), who is directed to support the Minister of Finance to establish PACE financing.

Through our StrongerBC Economic Recovery Plan, the Province has committed to add \$8 million to CleanBC's existing Building Innovation Fund and \$2 million to support the development of a Property Assessment Clean Energy financing tool, as well as to helping more people and businesses conserve energy and reduce power bills. This work will consider PACE and alternative financing programs and how such a program can be effectively implemented in the B.C. context.

A PACE program can be complex and involve many potential risks. Our goal is to ensure that a potential B.C. PACE program is practical, effective, fair and straightforward to administer. To meet this goal, work has been underway since fall 2020 on developing a PACE Roadmap and Implementation Plan. Once the PACE Roadmap is finalized, an update will be publicly available, and provided to organizations including PACE BC, the Union of British Columbia Municipalities and their members. As you have correctly pointed out, ensuring that commercial, institutional and residential buildings are increasingly energy-efficient is central to emission reductions and B.C.'s climate plan. I see development and implementation of PACE as a key component in achieving our common climate goals.

...2

- 2 -

Thank you again for taking the time to write.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Heyman', with a stylized, cursive script.

George Heyman
Minister

cc: Honourable Josie Osborne, Minister of Municipal Affairs
Honourable Bruce Ralston, Minister of Energy, Mines and Low Carbon Innovation

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, April 26, 2021 1:54 PM
To: Al Siebring; Rob Douglas; Debra Toporowski; Kate Marsh; Rosalie Sawrie; Christopher Justice; Tek Manhas; Agenda
Subject: North Cowichan climate change success story

re: agenda item: 2021/22 Budget Plan

from: Cowichan Valley Citizen - Letters to the Editor
North Cowichan climate change success story

It is nice to be able to report a positive story on climate change mitigation, especially with the new Canadian commitment to reducing greenhouse gases.

North Cowichan has managed to reduce annual net carbon emissions by almost 20,000 tonnes through one initiative.

By pausing the logging program in 2020 for the forest review, the municipality will sequester an extra 40,000 tonnes of carbon by the end of 2021.

This is a big deal, go to <https://www.myclimate.org/> and look at what one tonne is equivalent to in driving and flying.

The savings in net emissions are roughly equivalent to 18,000 medium sized gas powered cars driving from Maple Bay to Duncan every day for a year.

This will make us the envy of other small communities trying to meet their climate change mitigation goals.

These savings were calculated and supported by two independent consulting firms hired by the municipality.

3GreenTree Ecosystems did the math and the Sustainability Solutions Group included the calculations in their climate change modeling.

It took courage from the mayor and the majority of councilors who voted in April to continue the logging pause through 2021.

Reducing emissions is not going to be cheap, there is a cost to most government emission reduction strategies.

What's interesting about this forest carbon sequestration strategy is that it doesn't have to increase the municipal budget and increase property taxes.

The consultants tell us that if we stop the logging (except for fire mitigation and blowdown removal) we can sell carbon offsets and generate revenue comparable to the logging program.

I hope that mayor and council will fully investigate the forest carbon offset initiative and keep the logging on pause until the forest review is completed.

This is a good news story that shows that North Cowichan can be a leader in climate change mitigation.

 FIPPA s. 22(1)

Ginny Gemmell

From: Christopher Crowther [REDACTED] FIPPA S. 22(1)
Sent: Tuesday, April 27, 2021 5:58 AM
To: Council
Subject: OCP Committee Resignation

Dear Council

I writing to inform you that I have resigned from the OCP Citizens Advisory Committee, effective April 16 2021.

I don't believe that the OCP advisory committee is being treated as an asset in this process. I don't recall the advisory committee being informed that the process had consumed 85% of the budget by February 2021, nor being informed that the creation the subcommittee would lead to resources being pulled away from other parts of the process.

Had we been informed of the budget shortfall, I believe the committee would have found ways to economize the process (ie abandon the community character segment) so that we could instead allocate our municipal resources to target higher priority needs.

In fact, on March 17 2021 I requested that the OCP committee meet to consider expediting the community character and growth management stages so that the public engagement phase could begin. Within 30 minutes, my request was undermined by CAO Ted Swabey who tried to bury my request in tangential procedural issues, rather than facilitate further discussion or forward the request to the appropriate point of contact. I persevered, and on March 18 Chris Hutton wrote the following to the group:

"...I look forward to discussing the merits of an additional meeting with the OCP Chair in the coming days. Additionally, we are intending to provide a report for Council's consideration outlining the concerns raised by the group to confirm the current trajectory of the OCP project and find ways to improve this process. We are working to bring this to the soonest possible Council meeting and are targeting April 7. "

An additional meeting to discuss expediting the process was not held, and instead on April 7 Council was asked to approve an extra \$55K to fund an extension of the OCP process.

My request for a meeting to consider expediting the community character and growth management stages was born of frustration that had been building throughout 2021, but really came to a head after our advisor and ambassador group was subject to a unfettered tirade on March 9th and March 11th 2021 from an ambassador with large property interests in the Bell McKinnon LAP. He had used the OCP volunteer email list as a platform to launch a polemic against council and also extended his rant into full page coverage in the local paper.

The use of the email chain for such self serving polemics was left unchecked by municipal staff, despite the fact that this person had clearly mischaracterized the role of Council in the lead up to the Committee of the Whole meeting. The hostility and inappropriateness of the tirade was unsettling, yet there was no support from our CAO or other staff to redirect this energy into a productive channel. I took it upon myself to respond to this person, and was thanked privately by numerous committee members for doing so.

That unchecked abuse of the OCP volunteer group completed a pattern for me that I did not want to discover. Discussion hostile to council is welcome, but questions of allocation of municipal resources are shunned. It became clear to me at that point, and reinforced by the April 7 request for more funding, that the OCP committee has been treated like a mushroom - fed manure and left in the dark. It is very presumptuous of staff to assume that committee participants desire to continue working within a process that is so adversarial. I now believe that this OCP process is a needlessly adversarial political game that is wasting precious municipal resources and will lead to further divisions throughout North Cowichan.

After the orientation session at the outset of this process I was left very concerned as we were not provided with a formal structure and had to self organized through our own social networks to coalesce and elect a chair person. Since those early days I have been surprised at the lack of information that we have been provided and the superficial nature of the community character and growth management segments of the process.

Community character could have been centered around an objective exploration of the institutional character of North Cowichan, as told by reviewing the allocation of municipal resources, investigating case studies of municipal land sales, and searching for how corporate structure and policy inhibit/empower local residents. Instead where are pursuing a path that is highly subjective and divisive.

Growth management is lacking fundamental data on limits to growth, water budgets across demand types, build out projections for BMLAP and how they relate to long term estimated population growth. We also do not have clear understanding of the implications of upzoning established neighbourhoods for density - a process that will predictably lead to rising house prices and renovictions. The BMLAP is becoming a side show that is taking up all the air in OCP process,. Yet we lack clear numbers on how much municipal subsidy the plan requires, and also what amount of population growth and what market segment would be needed to actually implement the plan.

I would also like to alert council to the fact that there are many assumptions in our OCP process that are based on the MFR remaining as a recreational resource. However, our forestry review is still paused and therefore we need to pay close attention to ensuring that the OCP outcomes are not predicated on factors that could change if the MFR is managed differently in the future.

It is deeply concerning that homelessness prevention and affordable housing discussions are not being facilitated during the OCP process. This despite an explosion of homelessness, the ratification of the CVRD affordable housing tax in the last election, and the directive from MNC councils strategic priorities to seek partnerships for affordable housing. (To my knowledge MNC has not submitted proposals for new projects under recent RFPs from the province; and the two housing coop projects that are proceeding were approved by the previous council; the forthcoming BC Housing site on Drinkwater is independent of MNC).

The municipality has not provided a robust method of facilitating free and informed discussion among OCP advisory committee members, and our ability to communicate electronically and with council has been attacked by our CAO and the mayor. This infringement on our rights as citizens has cast a chill over the committee. I have been subject to unwarranted mischaracterizations of my motives by the mayor and CAO while offering bona fide contributions to council (ie Feb 2 2021 CoW "double dipping" email). Meanwhile, other members of this process (with windfall profits at stake in the BMLAP area) have been given a green light to vandalized the process with polemics against council.

At the end of the day, we are spending over a quarter million dollars on a process that is leading to division within our town. I find this to be unacceptable, especially as we in the middle of a historic global health crisis of COVID-19 and a climate emergency. I cannot support nor volunteer for a process that is rife with cloak and dagger dynamics and has the effect of dividing our community.

It is for these reasons that I will be stepping down from this committee.

I wish everyone good health and wellness during this very trying time. Hopefully we can find a way to use the OCP process to find common ground.

Sincerely,
Chris Crowther

Ginny Gemmell

From: [REDACTED]
Sent: Tuesday, April 27, 2021 8:58 AM
To: Council
Subject: Group solar panel purchase

FIPPA S 22(1)

Hi,

I learned recently that in Belgium, municipalities buy solar panels in bulk with interested parties and then have them all installed by a single contractor to push the price of buying and installing them. Apparently they use a group purchasing organization that organizes offers of potential sellers and contractors.

I thought it was a fantastic idea I just wanted to share. Would definitely help a bunch in the battle against climate change!

Cheers

[REDACTED] FIPPA S 22(1)

--

[REDACTED] Full Stack

Developer Website: <https://belgocanadian.com> Email: [REDACTED]

Phone: [REDACTED]

[REDACTED] FIPPA S 22(1)



Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Tuesday, April 27, 2021 10:30 AM
To: Council
Subject: Stop forest-reserve timber poaching!

Dear Mayor and Council:

North Cowichan tragically continues to lose trees in our forest reserve due to illegal poaching, an activity council is elected and paid to stop.

I suggest council hire a team of watchdog wardens now to constantly patrol our precious Six Mountains to help end this disgraceful, preventable criminal activity.

Moreover, I suggest council quickly increase fines for illegal poaching and trespassing vehicles to \$10,000, for starters. Also, boost rewards to that same amount for folks who accurately report such timber thefts and trespassing to police or to municipal staff.

While municipal logging in our reserve is stalled — pending long-overdue public consultations about future reserve uses — it seems despicable chain-saw criminals are hard at work.

These valuable trees are our property. Our eco-legacy is being cut under our noses, making our lame municipal-bylaw enforcement a sad joke.

Wake up and smell your environmental priorities council, before more of our priceless trees are lost to criminals.

Yours truly,

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

Municipality of North Cowichan Council - Regular and Public Hearings MINUTES

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

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Kate Marsh (arrived at 2:01 p.m.) 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 Rob Conway, Director, Planning and Building Shawn Cator, Director, Operations Talitha Soldera, Director, Financial Services Martin Drakeley, Manager, Fire and Bylaw Services Jason Birch, Chief Information Officer Shaun Mason, Municipal Forester Tammy Isaachsen, Acting Manager, Communications and Public Engagement Anthony Price, Planning Technician 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 1:30 p.m.

2. APPROVAL OF AGENDA

2.1 Approval of Consent Agenda

Item 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] was pulled from the Consent Agenda and added to New Business

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 26, 2021 Sub-Group of OCP Advisory Group

That the following correspondence is received for information purposes only:

April 21, 2021 - Regular Council and Public Hearings Minutes

- 2.1 March 21, 2021 email received from resident regarding Building Permit Application BP009146
 - 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
 - 2.3 April 1, 2021 letter from resident regarding the Bell McKinnon Road Local Area Plan
 - 2.4 April 4, 2021 email from resident regarding the projected tax increase for 2021
 - 2.5 April 5, 2021 email from resident regarding Diamond Head Consulting's tree protection recommendation
 - 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
 - 2.7 April 8, 2021 email and letter from City of Port Moody to BC Municipalities requesting endorsement for the Help Cities Lead Campaign
 - 2.9 April 8, 2021 email from resident regarding the future use of the current Cowichan District Hospital
 - 2.10 April 13, 2021 email from resident regarding Duncan/North Cowichan's drug addictions, mental health and homelessness issue
 - 2.11 April 13, 2021 email from resident regarding trash pickup on Drinkwater and North Roads
 - 2.12 April 14, 2021 email from resident regarding noise complaint along 49th Parallel Grocery Store in Chemainus
 - 2.13 April 14, 2021 email from resident regarding proposed cell tower at Evans Park
 - 2.14 April 14, 2021 from resident regarding wolf hunt on southern Vancouver Island
 - 2.15 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
- ADOPTED ON CONSENT

2.2 Approval of Regular Agenda

Item 7.1 [Zoning Bylaw Amendment Application No. ZB000145 (Lot A, Skinner Road) – Rental Apartment Building] was removed from the agenda.

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

3. ADOPTION OF MINUTES

3.1 Regular Council meeting held April 7, 2021 for adoption

IT WAS MOVED AND SECONDED:

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

CARRIED

4. MAYOR'S REPORT

The Mayor yielded the floor to Councillor Sawrie to report on the 'Clean Where You Are Cowichan – Earth Day Clean Up' beginning on Earth Day [April 22]. More information can be found by visiting: facebook.com/cleancowichan2021

5. DELEGATIONS AND PRESENTATIONS

5.1 Cynthia Montgomery - Quamichan Lake Neighbourhood Association

Ms. Montgomery provided a presentation on behalf of the Quamichan Lake Neighbourhood Association requesting that Council consider adopting a Tree Protection Bylaw for the Municipality of North Cowichan.

6. PUBLIC INPUT

Council received no public input.

7. BYLAWS

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

This item was removed from the agenda.

7.2 Financial Plan and Property Tax Rates Bylaws

IT WAS MOVED AND SECONDED:

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.

CARRIED

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

IT WAS MOVED AND SECONDED:

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

CARRIED

Councillor Marsh arrived at the meeting at 2:01 p.m.

7.4 Amendments to Controlled Substance Bylaw No. 3803

IT WAS MOVED AND SECONDED:

That Council rescind third reading of Controlled Substance Bylaw No. 3803, 2020.

CARRIED

IT WAS MOVED AND SECONDED:

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. CARRIED

IT WAS MOVED AND SECONDED:

That Council give Controlled Substance Bylaw No. 3803, 2020 third reading as amended. CARRIED

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

IT WAS MOVED AND SECONDED:

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. CARRIED

8. REPORTS

8.1 REPORTS FOR DECISION

8.1.1 Bank Signing Authorities

IT WAS MOVED AND SECONDED:

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. CARRIED

8.2 REPORTS FOR INFORMATION

None.

9. NOTICES OF MOTIONS

9.1 Policy Advice regarding Sustainable Economic Development

Councillor Justice provided notice of the following motion which will be considered under New Business 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 aspects of economic development (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)?*

9.2 Communications Tower / Antenna Systems Approval Policy

Councillor Marsh provided notice of the following motion which will be considered under New Business at the May 5, 2021 Regular Council meeting:

That the District Municipality of North Cowichan adopt a Council policy for Communication Towers and Antenna Systems Approval;

And further that the policy establishes the preferences of Council for enhanced public consultation and location & design guidelines in the Towers and 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

IT WAS MOVED AND SECONDED:

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.

CARRIED

11. NEW BUSINESS

11.1 Policy Development Related to Street Trees

IT WAS MOVED AND SECONDED:

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.

CARRIED

11.2 Vancouver Island Integrated Major Crime Unit (VIIMCU) Expansion

IT WAS MOVED AND SECONDED:

That Council direct the Mayor to write to the Solicitor General to advise that the North Cowichan/Duncan Detachment is still potentially 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.

CARRIED

11.3 Attendance at FCM's Annual Convention

IT WAS MOVED AND SECONDED:

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.

CARRIED

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

IT WAS MOVED AND SECONDED:

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. CARRIED

11.5 Consent Agenda Item 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]

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write to Minister Conroy asking for a moratorium on recreational wolf hunting on Vancouver Island pending scientific studies. CARRIED

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 meeting at 2:59 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. CARRIED

Council, by unanimous consent, recessed the meeting at 2:59 p.m. and reconvened in Closed Session at 3:15 p.m.

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.

IT WAS MOVED AND SECONDED:

That the meeting be recessed at 4:07 p.m. to reconvene at 6:00 p.m. this evening. CARRIED

15. PUBLIC HEARINGS 6:00 P.M.

Council reconvened the meeting at 6:02 p.m. and due to technical difficulties being experienced by the Community Planner, who is providing a presentation on the first public hearing, Council by unanimous consent, changed the order of the public hearings and considered item 15.2 before item 15.1.

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

Mayor Siebring outlined the public hearing process and called the public hearing to order at 6:41 p.m. for Agricultural Land Reserve (ALR) Exclusion Application ALR00029 (Chemainus River Campground - 8682 Trans-Canada Highway).

The Corporate Officer noted that no petitions or late submissions had been received prior to the hearing.

Council then received a presentation from Mairi Campeau, Community Planner and Building who introduces the proposed amendment and answered questions of Council.

The Corporate Officer noted that one submission was received regarding the application, from Gerry Plester who was neither in favour nor opposed but asked whether the Municipality will put the equivalent amount of land that is removed from the ALR back into the ALR. This submission was included in the public hearing information package on the website and circulated to Council prior to the hearing. Other correspondence that was noted that was included in the information package were the letters from the Agricultural Land Commission and Mayor Siebring from 2019 and two letters from the applicant submitted in 2020 and April 2021.

The property owners, who purchased the land in 1980 and have been operating a campground since that time, provided a verbal presentation that included an overview of the history of the property and answered questions of Council.

The Mayor called for submissions from members of the public for a first time. No one wished to speak to the application.

The Mayor called for submissions from the public for a second and third time. No one wished to speak to the application.

Mayor Siebring closed the public hearing for Agricultural Land Reserve (ALR) Exclusion Application ALR00029 (Chemainus River Campground - 8682 Trans-Canada Highway) at 7:24 p.m.

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

Mayor Siebring called the public hearing to order at 6:03 p.m. for Zoning Amendment Bylaw (2772 Herd Road), 2020, No. 3819.

The Corporate Officer noted that no petitions were received but two late written submissions were received prior to the hearing in relation to the Zoning Amendment application:

1. Brandon McIlmoyle [6864 Westcott Rd] was in support of the rezoning application but asked that the drainage problems on the property be addressed and requested that Council include a condition requiring drainage consultation and analysis, with subsequent modifications as needed.
2. Strato Malamas [6846 Westcott Rd] was in support of the rezoning application but asked that the drainage situation on the property be rectified before construction commences.

Council then received a presentation from Anthony Price, Planning Technician who introduced the proposed amendment and answered questions of Council.

The Corporate Officer noted that no other submissions were received from the public in relation to the Zoning Amendment application, other than noting the letters to and from the applicant that had been included in the information package.

The Mayor called for submissions from members of the public for a first time, and the following people spoke to the application:

- Strato Malamas, [6846 Westcott Rd] adjoining neighbour to the proposed zoning amendment, spoke in favour of the zoning amendment, however he noted that recently there was a ditch dug on the adjoining perimeter of his property that redirects water from 2772 Herd Road to his property [6846 Westcott Rd]. He asked whether Council could address this issue.
- Sheldon Cleaves, father-in-law of the owners of the neighbouring property on the east side of 2772 Herd Rd [6864 Westcott Rd], spoke in favour of the zoning amendment, however noted that the drainage problem is a real concern for the owners and their future plans to plant an orchard on their property.
- Strato Malamas [6846 Westcott Rd] spoke for a second time regarding the drainage, noting that there was a bobcat working on the property recently.

The Mayor called for submissions from the public for a second and third time. No one wished to speak to the application.

Mayor Siebring closed the second public hearing for Zoning Amendment Bylaw (2772 Herd Road), 2021, No. 3819 at 6:40 p.m.

16. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS

The Council meeting resumed at 7:25 p.m.

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

IT WAS MOVED AND SECONDED:

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.

CARRIED

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

IT WAS MOVED AND SECONDED:

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). CARRIED

IT WAS MOVED AND SECONDED:

That Council read for a third time Zoning Amendment Bylaw (2772 Herd Road) No. 3819, 2021 as amended. CARRIED

IT WAS MOVED AND SECONDED:

That prior to Council considering adoption of Zoning Amendment Bylaw (2772 Herd Road) No. 3819, 2021, the applicant provide confirmation that a Section 219 covenant has been registered on the title of the subject property to require a storm water management plan prepared by a qualified professional and completion of drainage works in accordance with recommendations of the storm water management plan prior to issuance of a building permit for a detached second dwelling. CARRIED

17. ADJOURNMENT

IT WAS MOVED AND SECONDED:

That Council adjourn the meeting at 7:50 p.m. CARRIED

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: April 15, 2021
Name of Applicant: Suzanne Germain On behalf of: Island Health (Vancouver Island Health Authority)
Address: _____
Email: suzanne.germain@viha.ca Phone: 250-216-3652

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.

Island Health is in the process of developing a Cowichan Valley Wellness and Recovery Centre, located at 5878 York Road, North Cowichan. Renovations are currently underway with the Centre scheduled to open later this year. The Centre will offer a holistic approach to mental health and substance use through prevention, treatment and recovery services for people living with mental health and substance use challenges in the Cowichan Valley. Island Health recognizes the community's interest in continued dialogue about the Cowichan Valley Wellness and Recovery Centre and the services the Centre will provide to vulnerable people living with mental health and substance use challenges in our community. We will be engaging the community through meetings and information sessions beginning mid/late-May. Island Health would like to begin this public dialogue process by making a presentation to North Cowichan Council. Please see attached description of presenters and suggested content.

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:

There will be three (3) presentations

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 _____

Cowichan Valley Wellness and Recovery Centre

Presentation to North Cowichan Council

Preferred Dates: May 5 or May 19, 2021

Presenters: Dana Leik, Director, Mental Health and Substance Use Services, Island Health

Dr. Shannon Waters, Medical Health Officer, Island Health

Shayne Williams, Executive Director, Lookout Health and Housing Society

Presentation Outline:

- Introductions
- Purpose and Objectives of Presentation –The opioid public health crisis, the need for mental health and substance use services in Vancouver Island communities and the goals of the Wellness and Recovery Centre (WRC)
- Best Practice Approaches to Substance Use Services, Supports, Life Saving Interventions and Stigma
- Background/History of substance use services and overdose prevention in Cowichan Valley
- WRC Service Model: Prevention, Early Intervention, Treatment and Recovery
 - Mental Health and Substance Use Services, including new investments and services
 - Overdose Prevention Services
 - Tablet Injectable Opioid Agonist Therapy
- Addressing safety, security, garbage/litter
- Community Dialogue process
- Questions and Answers

DELEGATION APPLICATION for Virtual Meeting

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Date: April 13, 2021
Name of Applicant: Kate Holowatiuk On behalf of: Canadian Union of Postal Workers
Address: 377 Bank street Ottawa, ON K2P 1Y3
Email: kholowatiuk@cupw-sttp.org Phone: 780-884-3962

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.

I will be presenting to the council the Canadian Union Of Postal Workers' Delivering Community Power initiative. This is a reimagining of Canada Post with services to support every community. CUPW has a plan to address climate change and deliver vital services to every corner of the country. These include postal banking, elder check-ins, retrofitting existing buildings, transitioning the delivery fleet to zero emission vehicles and creating community hubs with high-speed internet access.
To date, Canada Post and the federal government have made small steps to improve services and address their carbon footprint, but need to do more halt the effects of climate change in Canada.
I am asking the council to join over 900 other municipalities and villages in endorsing the initiatives by passing a resolution of support. I am also asking that council send a letter to Ms. Anita Anand, the minister of public services and procurement, who is responsible for Canada Post.

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: 1 _____

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.

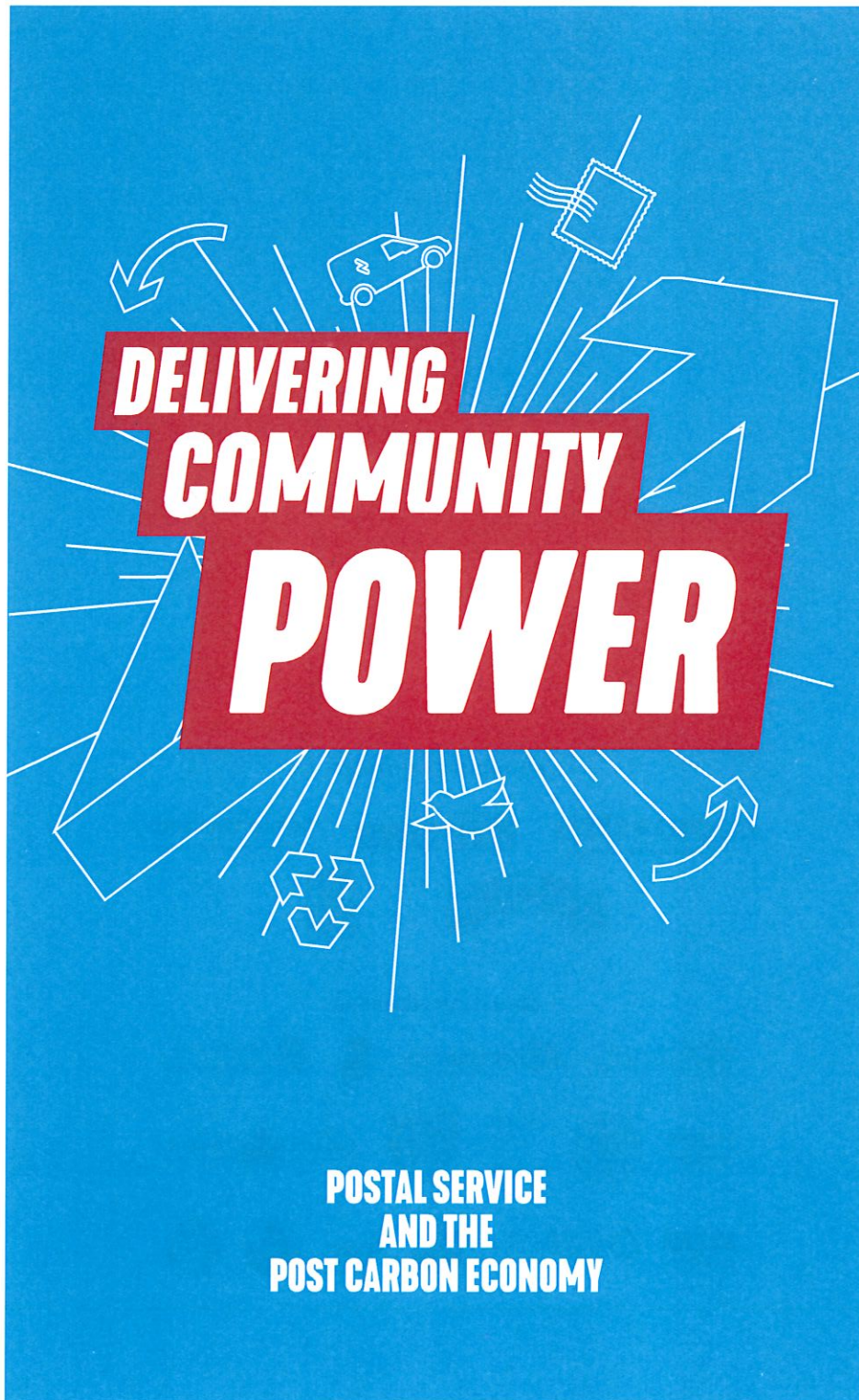
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For Internal use only

Funding request (if any) reviewed by General Manager, Financial and Protective Services ☐ Yes

Request approved (date) _____ Date of Meeting _____



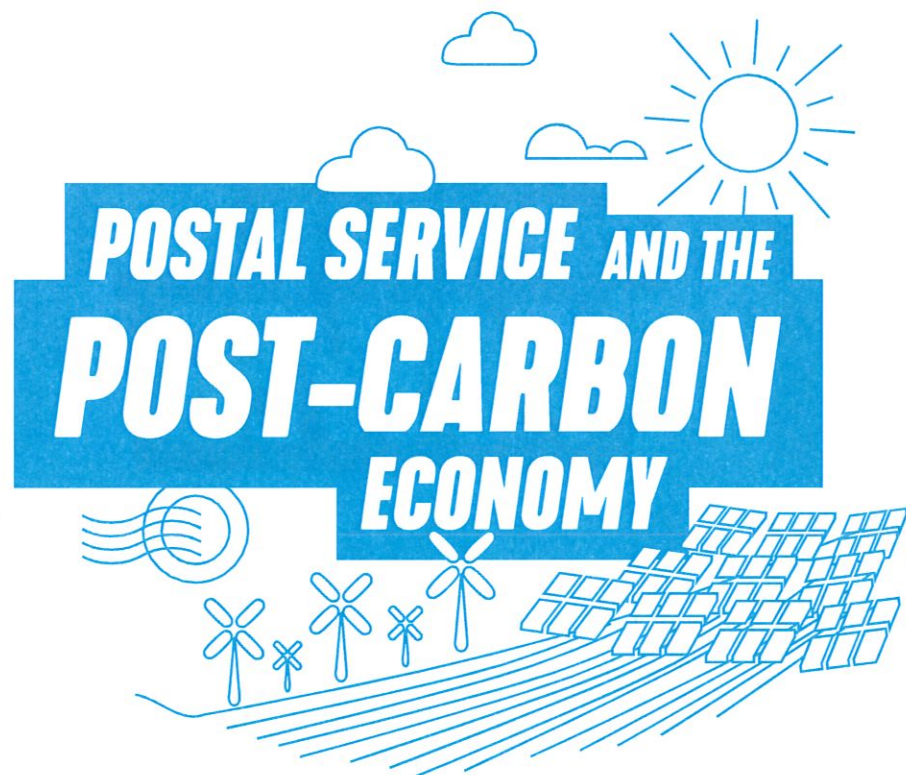
FOUNDING PARTNERS



COALITION MEMBERS



**DELIVERING
COMMUNITY
POWER**



We are at a crossroads. Our land, air and water are already feeling the effects of climate change. Economic inequality and precarious work are on the rise. Layoffs in fossil fuels extraction industries are leading to more economic uncertainty. Scientists tell us that, to prevent climate catastrophe, we must transition completely off fossil fuels in our lifetime.

Canada can run entirely on renewable electricity by 2035 and transition to a 100% clean economy by 2050. If that's what we want, we have to start now.

“We can sometimes feel overwhelmed by the sheer number of urgent and complex issues before us. What’s beautiful about Delivering Community Power is how it takes on economic, environmental and social issues at the same time. Our post offices can become centres of community care and economic development, while bringing emissions down — this is the kind of leap we need in Canada.”

NAOMI KLEIN



We have to make a *Just Transition* — one that takes care of the people and communities paying the price for waste and pollution, and that also improves everybody's economic and social circumstances.

THE POSTAL SYSTEM CAN DRIVE THIS TRANSITION.

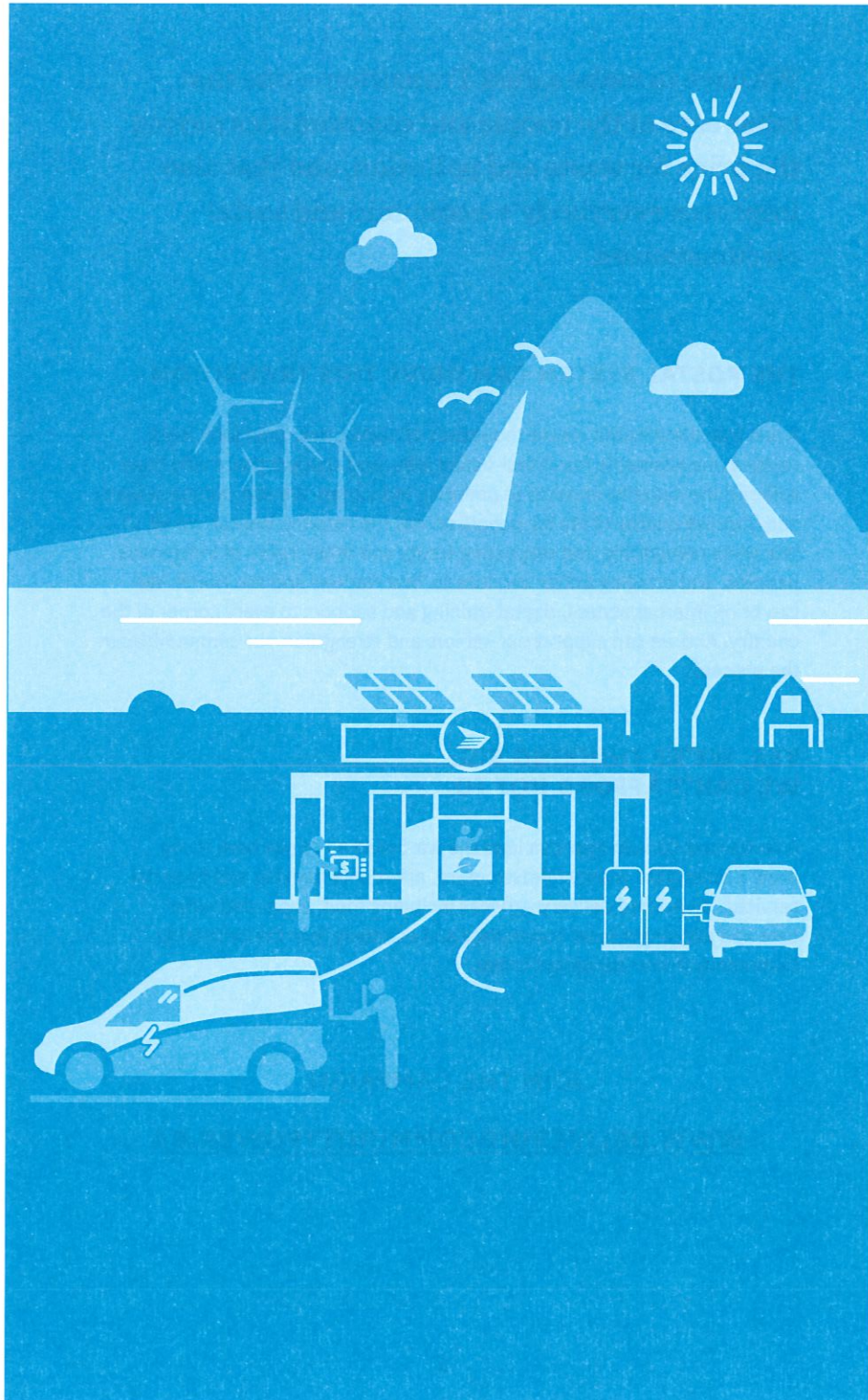
A just transition would create thousands of stable, well-paid jobs, help replace unsustainable fossil-fuel-based jobs, and support those who have suffered the negative impacts of polluting industries. We can reduce poverty and improve quality of life for people across the country. We can do all this while recognizing and respecting treaty and other rights of Indigenous peoples, and bringing better services to First Nations and the North. We can bring internet access, digital training and support to every corner of the country. And we can support our seniors and strengthen our communities in the process.

YES, WE'RE THINKING BIG. WE CAN'T AFFORD NOT TO.

A revitalized Canada Post can lead the way; read on to see how. If you want a renewable energy infrastructure, affordable banking and financial services, diversified delivery services including food, expanded elder care and a stronger local community and economy, join the Delivering Community Power campaign today.

JOIN THE CAMPAIGN

WWW.DELIVERINGCOMMUNITYPOWER.CA





Many Canadians see Canada Post as a place to mail a care package, buy stamps, pick up online purchases, or buy the latest commemorative coin. Some consider the post office past its prime: the last decade has seen efforts to cut, devalue and undermine this self-sustaining public service. But the cuts have been fiercely resisted by people across the country, and we stopped the Harper-era cuts. It's time to think about growth and not just preservation.

What if our cherished national institution, with its vast physical infrastructure and millions of daily human interactions, could offer us more? What if the post office could play a central role in building our next economy—an economy that is more stable, more equal, and less polluting?

It's a powerful vision but we will need support to make it happen.
Will you join us?

IMAGINE...

- Charging stations for electric vehicles at post offices
- A renewable energy postal fleet
- Postal banking that provides inclusive financial services, especially to those underserved by commercial banks, like in rural and many Indigenous communities
- Door-to-door mail carriers checking in on seniors and people with mobility issues, keeping more people in their own homes for longer
- Post offices as community hubs for digital access and social innovation, connecting communities and climate-friendly businesses to customers
- A consolidated last-mile delivery service that eases congestion in urban centres and reduces the environmental impact of our cities

We want a 100% renewable economy that addresses inequality, empowers us to make change, and improves our lives.

Our post office can deliver it.

Meet the 21st century post office

Mary is going to her rural post office in Tatamagouche, Nova Scotia, to mail a letter. Things have really changed over the past few years.

Outside, her neighbour's electric car is plugged into the post office's public charging station. Next to it, a rural mail carrier is loading food and other products into a new electric Canada Post delivery van. On the post office's roof are solar panels, and a wall display tracks how much power they're generating.

Stepping inside, Mary sees a poster for programs that make solar panels and energy-saving home retrofits available to everyone. As the clerk takes Mary's parcel at the counter, she explains that the post office is once again offering banking services, providing the community with accessible banking and helping local businesses grow and thrive.

A week later, Mary heads back to the post office to sign up for solar panels. There is a lot of activity at the post office today as a group of young students are using the free community space to network and brainstorm their ideas for the community, and sharing the space with a local artisan's pop-up retail kiosk.

On the way out, she's greeted by a postal worker who just completed his route, which included checking in with some of the local independent-living seniors and those with limited mobility.

He reminds Mary that there are more options now that the post office is helping make broadband internet available in the area, extending farther than the big for-profit telecoms are willing to go.





Canada Post's vast infrastructure and delivery network has the potential to become the hub of a green and social economy. Here's how we could do it:

- 1** Transition the Canada Post fleet to **100% renewable energy**. Canada Post has the largest public vehicle fleet in the country. Infrastructure funding and wise investment from Canada Post's profits could add to the nationwide electric vehicle charging network — supporting a general shift to low-carbon vehicles. Postal electric vehicles could use new charging stations at depots and post offices that would serve the general public too.
- 2** **Retrofit Canada Post** buildings for energy efficiency. This could create local jobs, support apprenticeships and help inspire communities to take further action on energy and resource conservation.
- 3** Offer financial services through the post office again. **Postal Banking** would diversify and stabilize Canada Post's revenues the way it has done for numerous postal services worldwide. And with some of that revenue, the postal bank could have a social service mandate: to offer a better alternative to payday loans, support local businesses, ensure financial access for people currently underserved by the banks.

“Meeting our climate commitments requires a bold vision, and public support for that vision. By working closely with communities, Canada Post could deliver green innovation in ways that address their concerns and meet their needs.”

DAVID SUZUKI

- 4** Expand door-to-door delivery services. **Door-to-door delivery** of parcels and lettermail by a single mail carrier reduces emissions, compared to every customer driving to pick up their mail.
- 5** **Expand services** to support seniors, people with disabilities, and others who need some support to live independently in their homes. Mail carriers, already the eyes and ears of their neighbourhoods, could check in on seniors, and connect residents to other public health and social services.
- 6** Turn post offices into **community and digital access hubs**. Local entrepreneurs can use the post office as a meeting space or pop-up shop to connect with customers, and the post office could also become a uniquely dependable showcase of local quality products. Post offices could help bring affordable internet access, and digital training and support to the 3.4 million Canadians who lack it. And in some communities the post office could be the place to use high-speed internet for those who don't have access at home.

We own the biggest
retail network in
the country.

*What will we do
with it?*

4,613
TIM HORTONS



6,300
POST OFFICES



Note: Some of these 6300 are full-service corporate-operated post offices, while some are franchises. All of them are contact points with people in the communities where they live and work. Combine this with the only delivery network that goes to everyone, and that's the scale of infrastructure we have to build on.

WHY CANADA POST?

What would you do if you owned...

- **The biggest chain of retail outlets in the country?**
- **A way to easily communicate and connect with every household from coast to coast to coast?**
- **A logistics network that can reach people and move materials to every corner of the world's second-largest country?**

We own it. Canada Post isn't just a mail and parcel delivery service; it's a powerful national logistics network that could address some of our most pressing challenges, such as:

- **climate change**
- **supporting an aging population to live independently**
- **providing financial services to remote and low-income communities**
- **using revenues to help fund other public initiatives.**

And the Canada Post Act, which created the service, mandates the postal service to adapt to our communications needs as they change.

“Postal workers operate a network every day that connects everybody in the country with services that they rely on. We know our neighbours and our customers and we see their needs. The urgency for action on climate change is evident in our work. We’re proud of the service and we know its potential. We just need the support to make it a reality.”

JAN SIMPSON
CANADIAN UNION OF POSTAL WORKERS



For longer than Canada has been a country, Canada Post has provided the same world-class service to everyone in the country. By reinventing our post office as the engine of the next economy, we will connect people and communities into the next century.

As lettermail decreases and parcels rise with the explosion of e-commerce, Canada Post has to respond and adapt. We can make sure that the shift serves our real changing needs, and addresses climate change too. This is the moment!

Plus, some of these ideas would even help boost Canada Post's revenues or save costs — helping to keep the service financially self-sustaining.

LOGISTICS IN THE DIGITAL WORLD

The growth of the internet has had far-reaching changes on most people's lives. For Canada Post, it has led to a decline in the amount of letters delivered, but also an explosion of parcel deliveries due to online shopping. And there's the opportunity: as a cherished institution with unparalleled presence in communities large and small, the largest fleet and retail network of anyone, Canada Post could be the instrument to retool our society for a major environmental shift.

The explosion of parcels also means that in big cities worldwide, city streets are increasingly congested by deliveries. Too many different deliveries are being done by vehicles that aren't filled to capacity, adding to congestion and air pollution.

Canada Post should be used to the fullest by government to reduce traffic in major urban areas. Getting everything delivered with fewer vehicles must become a priority. Canada Post already delivers the "last mile" for many large parcel companies in many rural areas. The Belgian Post is pioneering a similar service in cities.

INSPIRED BY INNOVATIONS IN POSTAL SERVICES WORLDWIDE

The **United Kingdom, France, New Zealand, Brazil** and **Italy** all have successful postal banking services that assist rural, remote and low income communities while providing stable revenues for the postal service. **Russia, China** and **India** are now implementing postal banking.

Japan expanded postal worker service to provide assistance to seniors, deliver food, check in on those with limited mobility. And they offer insurance coverage.

Swiss Post combined public transportation with mail transport in rural areas. The Post also offers online payment processing for businesses.

The German postal service, **Deutsche Post**, is now manufacturing an electric delivery vehicle in three sizes. They developed their own custom vehicle, the Streetscooter, specifically to deliver mail and parcels.

Australia Post acts as an alternative to Paypal.

Poste Italiane provides e-commerce services for businesses.

The **French post office** has many similarities to Canada Post — fewer letters, and an increasing number of parcels. La Poste has risen to the challenge of a changing world through embarking on the provision of new services, all the while maintaining to-the-door, six-day-a-week delivery. The French postal bank is enormously profitable, earning profits before tax of 1.1 billion Euros in 2017. But it doesn't stop there, as La Poste has embarked on new services focused on the “silver economy” — such as checking in on seniors using delivery agents.



“In Germany, many municipalities now produce more power from renewable sources than they consume — creating 400,000 new jobs in the process. Widespread local participation was the key to making that transition happen. Canada Post and postal banking can help bring this same approach to Canada, speeding the transition to renewables in ways that directly benefit local communities.”

DR. HANS THIE
ADVISOR TO DIE LINKE

TADZIO MUELLER
ROSA LUXEMBURG FOUNDATION



Postal banking is relatively straightforward: like the big banks you're used to, post offices can provide everyday financial services like chequing and savings accounts, loans and insurance. In many countries, postal banks are also mandated to provide financial access for all citizens and to play a role in addressing social inequalities.

While hundreds of thousands of Canadians don't have bank accounts at all, Canada's six largest banks earned more than \$42 Billion in 2017. Access to banking is particularly limited for Indigenous communities; only 54 of 615 First Nations are served by local bank branches.

About 2 million people a year in Canada use payday lenders, which often charge interest rates of over 400%.

Every year, workers in Canada transfer billions of dollars in remittances overseas, but the cost of sending money can be as high as 20% on smaller amounts. These high rates hurt the people that depend upon them the most.

“Rural Canada needs better services, especially in over 1200 communities where we have a public post office and there are no banks or credit unions. For example, in Welshpool, New Brunswick, people have to take a ferry to the US and then cross back into Canada just to get to a bank! Why should rural residents have to travel for hours when they could just go to their Postmaster?”

BRENDA MCAULEY
NATIONAL PRESIDENT, CANADIAN POSTMASTERS AND
ASSISTANTS ASSOCIATION

Postal banking could provide the financial services that everyone needs at affordable rates.

It could also be used to deliver government loans, grants and subsidies to boost renewable energy development and energy-saving retrofits. By offering banking services through its network of over 6000 postal outlets, Canada Post could overnight become the most accessible bank in the country.

WHAT WOULD POSTAL BANKING LOOK LIKE HERE?

- access to financial services for everyone including savings and loan, insurance, investments
- public-interest mandate for financial inclusion
- better rates on international remittances

*“Renewable manufacturing
production. Retrofitting. Better
rural services. Assistance for seniors.
When I look at this proposal, I see
the potential for thousands of good
jobs, in every community across the
country. Let’s make it happen.”*

DONALD LAFLEUR
EXECUTIVE VICE PRESIDENT, CANADIAN LABOUR CONGRESS





GREEN JOBS

Purchasing Canadian union-made electric cars and vans for the postal fleet could create jobs for auto workers and mechanics, boosting our manufacturing sector.

ELECTRIC VEHICLE INFRASTRUCTURE

Turning post offices into charging stations for electric cars would help build Canada's green infrastructure.

DIGITAL ACCESS

Post offices could become community internet providers in underserved areas, provide services like 3D printing, support for e-Government services like the census, and could provide connectivity through mobile devices as well.



FINANCING COMMUNITIES AND CLEAN ENERGY

Providing access to credit via a postal bank to those dependent on seasonal, precarious, or low-income work can stop predatory payday lenders, while communities could access one-stop support for clean energy grants, energy-efficient heating systems, green power generation and cost-saving retrofits.

SUPPORTING INDEPENDENT-LIVING SENIORS

In some locations in Canada as well as in France and Japan, postal workers check in on seniors and others who need support to live independently in their homes. We could roll out a national program to help connect Canada's aging population with healthcare and social services; deliver grocery orders; and bring peace of mind to their loved ones.

LOCAL BUSINESSES

Canada Post offices could connect innovative local businesses to customers and communities through the largest retail network in the country.

NATION-TO-NATION CONNECTIONS AND SERVICES

Indigenous peoples have been rising up as defenders of the land, fighting for a greater voice so as to guide us all on the path to our sustainable future. Canada Post began as a part of the colonial system — we have to recognize that as our starting point and acknowledge that Indigenous peoples have a right to reshape it and help determine its future role in connecting the peoples who live here.

Meanwhile postal and other services to First Nations, and many Métis and Inuit populations, are often lacking. Postal services themselves, which should serve all residents of this land evenly, are inconsistent, franchised out, and delivered differently in many indigenous communities. In the North, Canada Post has cut back service in many ways, including eliminating flat rate pre-paid shipping boxes, and even withdrawing services from some communities.

The federal government requires Canada Post to be financially self-sufficient, but this doesn't mean it couldn't make basic services a priority, using the postal network to promote health and equity for residents on reserves and in the North.

Canada Post used to operate the Food Mail program, which helped make healthy food more affordable in the North, but the program was replaced with Nutrition North, which subsidizes retailers instead and isn't getting reliable results. Bringing back an improved version of Food Mail could make a real difference in the health and food security of northern residents.

“Boom and bust resource extraction has polluted our communities and spoiled much of our lands. But Indigenous peoples are at the forefront fighting for alternatives. Jobs that don’t destroy our land and water. Affordable access to renewable energy, banking services and secure healthy local food. This proposal will make a difference in First Nations and rural communities across the country.”

CLAYTON THOMAS-MULLER

STOP IT AT THE SOURCE CAMPAIGNER, 350.ORG

Payday loans and predatory credit services take advantage of vulnerable populations, disproportionately hurting Indigenous people. Postal banking, with a mandate for financial inclusion for all, could address financial problems for many vulnerable people instead of leaving them to rely on the for-profit legal loan sharks, trapped in a cycle of debt.

Canada Post’s workforce still under-represents the Indigenous population. CUPW is working to push Canada Post to adopt more inclusive hiring practices. The Delivering Community Power vision cannot be complete until access to jobs is equitable and the systemic racism and suppression of traditional teachings is addressed. We’ll need everyone’s wisdom to make this happen.



We know this is an ambitious package of proposals.

With the will and energy, we could start on a few parts of the vision right away:

- public-access EV charging stations
- green building retrofits
- promoting post offices as community hubs that are responsive to community needs
- senior check-in
- grocery delivery

... others within a year or two:

- electric vehicle fleet transformation, supporting canadian auto plants in producing EVs
- postal banking
- consolidated last-mile delivery
- bring back the Food Mail program
- review and improve services to First Nations and Inuit communities
- rural and remote high-speed internet access

... then one day:

- overhauled food distribution network
- carbon-free, renewable and self-sufficient energy network for the postal system

WHAT POSTAL WORKERS ARE DOING TO REALIZE THIS VISION

- We are building political will for change—bringing together more and more allies, municipalities, and activists to endorse the Delivering Community Power vision
- We walk the walk. CUPW has audited its own environmental footprint and identified areas to mitigate it in its buildings, its transportation, and other operations. We are ready to lead by example.
- CUPW has included the ideas in this document —postal banking, electric fleet transformation, building retrofits, and the rest —as demands in negotiations with Canada Post, putting the vision right at the heart of the union’s work.
- CPAA is mobilizing with rural residents in our communities to keep rural post offices open and fight the reduction of services.
- CPAA is vigorously campaigning for postal banking and raising awareness among Postmasters, Assistants, and rural communities.
- We’re working on tools for postal workers to work with local Canada Post management to pursue these ideas in their own workplaces. Direct collective action in communities helps build the political will to make a large-scale transformation. Postal workers are trying to create joint environmental committees in the workplace.

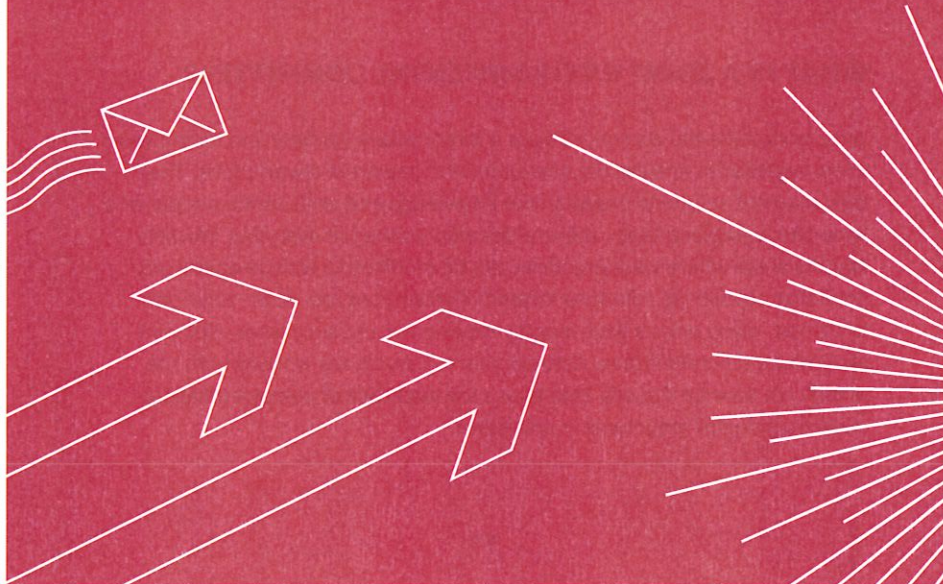
WHAT IS A JOINT ENVIRONMENTAL COMMITTEE?

Joint environmental committees are a forum where workers and employers come together to analyse the environmental impact of a workplace. They then map out solutions based on the knowledge and skills of the people who know the workplace best - the workers who do the job everyday. Workers identify areas where work practices can be modified to reduce emissions, providing bottom-up solutions instead of attempted top-down solutions. In Europe, many unions have lengthy experience and successes with joint environmental committees. Autoworkers in Canada are working with the model. It’s time for Canada Post to use the expertise of postal workers to make meaningful reductions in emissions.

Delivering Community Power is a bold vision for the future we want. To make it a reality, we need people across the country to let the government know it's time to act.

WHAT YOU CAN DO:

- 1** Join us. Visit www.DeliveringCommunityPower.ca to join the call for Canada Post to Deliver Community Power.
- 2** Bring the campaign to your community!
 - Join or host a local event
 - Collect petition signatures & show your MP that it's what voters want
 - Request free copies of this booklet to share with friends, family, co-workers
- 3** Support your postal workers in their negotiations with Canada Post—they've put these proposals on the bargaining table!



FOUNDED BY:
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CPAA-ACMPA.CA | ACORNCANADA.ORG

CUPE-SCFP 1979



AUTHORIZED BY THE OFFICIAL AGENT FOR THE CANADIAN UNION OF POSTAL WORKERS.
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JULY 2019 EDITION

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The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (Lot 7 Wellburn Place), 2020

Bylaw No. 3809

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. 3809, 2020"*.
- 2 That Zoning Bylaw 1997, No. 2950, section 56 (4) [density in the Residential Rural Zone (R1) is amended by adding the following paragraph as subsection (j):
 - "(j) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on Lot 7 Wellburn Place (PID:031-028-314)"

READ a first time on December 2, 2020

READ a second time on December 2, 2020

This bylaw was advertised in the Cowichan Valley Citizen on the 7 day of January, 2021 and the 14 day of January, 2021 and the municipality's website and notice board on the 18 day of December, 2020

CONSIDERED at a Public Hearing on January 20, 2021

READ a third time on January 20, 2021

COVENANT registered on April 20, 2021

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



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 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;

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 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 April 21, 2021

READ a third time as amended on April 21, 2021

DEPOSITED WITH THE MINISTER OF HEALTH on April 26, 2021

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

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 April 21, 2021
READ a second time on April 21, 2021
READ a third time on April 21, 2021
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 April 21, 2021
READ a second time on April 21, 2021
READ a third time on April 21, 2021
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date	May 5, 2021	File:
To	Council	
From	Michelle Martineau, Manager, Legislative Services	Endorsed: 
Subject	Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 for first three readings	

Purpose

To introduce Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 ("BON Bylaw No. 3677"), which proposes to establish a bylaw adjudication system for the Municipality of North Cowichan ("MNC").

Background

At the October 4, 2017 meeting, Council authorized staff to ask the provincial government to add the MNC to the Bylaw Notice Enforcement Regulation.

8.4 Bylaw Offence Notice Enforcement Bylaw

It was moved and seconded:

That Council:

1. ask the Provincial government to add North Cowichan to Schedule 1 of the *Bylaw Notice Enforcement Regulation*; and
2. direct staff to provide a report including a recommended Bylaw Offence Notice Enforcement Bylaw, and options for shared adjudication services with other local governments.

CARRIED

As a result of this request, the MNC was added to the list of bodies under Schedule 1 of the [Local Government Bylaw Notice Enforcement Act](#) (the "Act") on December 6, 2017, and authorized to issue bylaw notices.

Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 ("BON Bylaw No. 3677"), which is being presented for first three readings, was identified as one of the deliverables under the CAO's 2021 Business Plan as part of the modernization and/or creation of new regulatory bylaws action item.

Discussion

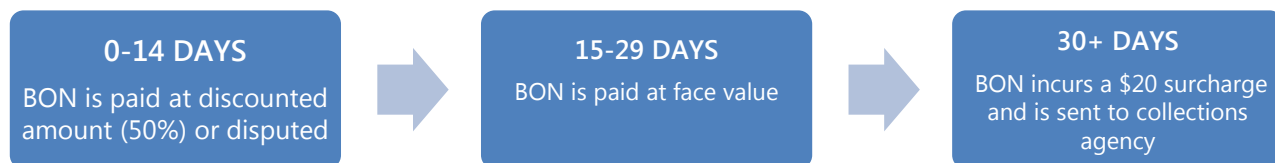
Under the Act, the MNC may establish a bylaw notice adjudication system as an alternative to the provincial court for resolving minor bylaw contraventions. This system enables the MNC to implement a more cost-efficient administrative system for enforcing minor bylaw contraventions.

A Bylaw Compliance Officer may write a bylaw offence notice (a "BON"). It can be delivered in various ways, whereas a municipal ticket (an "MTI") must be served upon a person. Another distinction between the two types of enforcement is the maximum penalty which Council may impose. The maximum fine for a BON is \$500, and the maximum fine for an MTI is \$1,000.

- *Bylaw Notice Dispute Adjudication System*

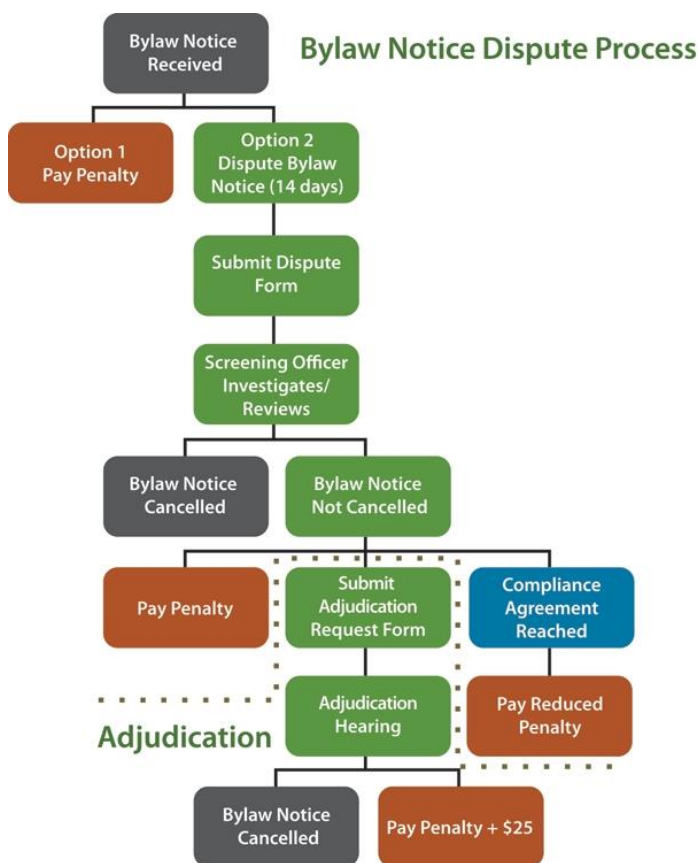
The benefits of a Bylaw Notice Dispute Adjudication System include the following:

- eliminates the requirement for personal service (i.e. can be left on a vehicle or mailed);
- establishes a dedicated forum for resolving bylaw enforcement disputes;
- uses a resolution-based approach to obtaining independently adjudicated decisions;
- avoids unnecessary attendance of witnesses;
- avoids the need to hire legal counsel; and,
- promotes timely resolution of bylaw enforcement disputes.



Anyone receiving a BON a person has 14 days to pay the fine at the 50% reduced rate or dispute the ticket, similar to an MTI. After 14 days have passed, the 50% reduction is eliminated, and the face value of the fine must be paid. If the BON is still not paid after 30 days, a late fee (surcharge) is applied, and it may be sent for collection.

If the BON is disputed, the Screening Officer will investigate. The Screening Officer has the authority to cancel the BON if they believe the allegation did not occur, offer to enter into a compliance agreement where compliance is the goal, or uphold the BON. If the BON is upheld the individual would either pay the face value of the fine or request an adjudication hearing. The decision of the Adjudicator is final as the Act does not allow for appeals. Attachment 2 provides a snapshot of the timeline from issuance of the BON through to being sent to collections if unpaid after 30 days.



Currently, eight local governments are participating in the Nanaimo Bylaw Notice Dispute Adjudication Registry System ("DARS"), Nanaimo, Duncan, Port Alberni, Parksville, Tofino, Port Clements and the Regional Districts of Nanaimo and Alberni-Clayoquot. The City of Nanaimo administers the DARS and provides the venue and facilities to hear disputes. The DARS agreement is included in Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 ("BON Bylaw No. 3677") as Schedule "B." All costs associated with an adjudication and participation in DARS are outlined in the Fees Schedule attached to the agreement.

- *Penalty Amounts and Reductions*

The bylaw adjudication system allows for both reduced penalties for early payment and a late fee (surcharge) for late payments. It is staff's opinion that discounts will be an incentive for payment and may increase compliance and reduce the number of tickets sent to collections. As the ultimate goal is to encourage voluntary compliance and not create a financial hardship on residents, the fine structure established in Schedule "B" of BON Bylaw No. 3677 was established as follows:

- **\$100 for minor violations** where safety is not an issue or an individual may be unaware of the regulation, such as failing to obtain a dog licence, loitering, and parking infractions;
- **\$200 for mid-range violations** where there are multiple offences or flagrant disregard, such as failing to provide a safe environment for animals, tampering with a building permit or water meter, and failing to comply with the terms of a business licence; and,
- **\$300 for major violations** for obstruction or where there has been willful damage or there is a risk to public safety or health, such as intentionally injuring an animal, damaging a memorial or monument in a cemetery, and obstructing fire services personnel.

The following offences, where historically there have been repeat offenders, have been established with escalating fines for repeat offences within the same calendar year:

- Allowing animals to trespass on private property;
- Allowing a dog to be off-leash in public; and,
- Unlawful burning.

The fine amounts have been kept below what is permitted under the Act to:

- Allow for increased escalation of fines, especially for those classified as major violations;
- Provide differing amounts between the BON and MTI to offer Bylaw Compliance Officers varying fines to apply based upon the severity of the offence; and,
- Avoid potential financial hardships for residents.

The Act allows Council to discount fines for early payment when paid by a set date within the bylaw or when entering into a compliance agreement. BON Bylaw No. 3677 proposes to reduce the penalty by 50% if paid within 14 days or 35% if a compliance agreement has been entered into. A compliance agreement is an agreement that the offender and the Screening Officer (typically the Manager of Bylaw and Business Licensing Services) enter into where both parties have agreed to the terms and conditions set out for compliance. The maximum duration for a compliance agreement is one year, and those offences where a compliance agreement may potentially be entered into are identified with a "YES" in column A4. Entering into one is at the discretion of the Screening Officer. The reduction has been set at an amount lower than the early payment reduction to encourage offenders to pay early and reduce the administrative burden of having to send out repeat letters advising of the repercussions of late payment or having to send unpaid tickets to collections. This 35% is consistent with the fee paid to North Cowichan's collection contractor for services when collecting amounts in excess of \$200.

- *Ticket Management Software*

Additional software is required to ensure the effective management of ticket notices, organization of evidence, tracking of adjudications, and online payment of outstanding tickets. MNC intends to purchase and implement an additional Tempest module for ticket management. The expansion of an existing system allows for minimized ongoing costs and reduced requirements for staff training.

The one-time cost for this software module is anticipated to be \$10,000 in licensing and \$38,000 in professional services, along with a recurring increase in annual software maintenance costs of approximately \$2,000.

Mobile parking ticket issuance will not be included in this initial implementation. It may be brought forward for Council's consideration once MNC fully understands the workload impact of paper ticket issuance. Staff will begin tracking data on the time spent completing a paper BON ticket and entering the information from that ticket and evidence into Tempest between June and August. This will help determine if the benefit in Bylaw Compliance Officers and administrative staff time saved merits the purchase of parking enforcement and ticketing software and equipment for potential consideration in the 2022 budget process.

Options

- (1) **(Recommended)** That Council give first, second and third readings to Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021.
- (2) Amend fine amounts, including reductions and late fees, designated Bylaw Enforcement Officers and Screening Officers, or offences which a compliance agreement may be entered into. This option would require three separate motions:
 - (a) That Council give first and second readings to Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021.
 - (b) That Council amend Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 by:
 - *[identify sections to be changed]*
 - (c) That Council give third reading to Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 as amended.
- (3) That Council refer Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 back to staff with the following changes to be made to the bylaw prior to Council's consideration:
 - *[give direction to staff on changes to be made]*

Implications

Although the BON fines are lower than MTIs, the volume of tickets issued and the fines collected will likely increase, particularly due to parking violations. The annual membership fee for joining the Nanaimo DARS is \$300. The cost of adjudication will vary depending on volume and the length of the hearing. These costs are set out in Schedule B of the agreement.

The initial cost for ticket management software is anticipated to be \$50,000 for 2021, with a recurring increase of \$2,000 for software maintenance in future years. The initial costs will be funded from a combination of Enterprise Software projects nearing completion and under budget and existing consulting budgets.

Recommendation

That Council give first, second and third readings to Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021.

Attachment:

- (1) Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021



The Corporation of the District of North Cowichan

Bylaw Offence Notice Enforcement Bylaw

Bylaw 3677

Contents

- 1 Citation
- 2 Definitions
- 3 Terms
- 4 Bylaw enforcement officers
- 5 Screening officers
- 7 Powers, duties and functions of screening officers
- 10 Bylaw contraventions
- 11 Offence and penalties
- 12 Period of paying a disputed bylaw notice
- 13 Bylaw notice dispute adjudication registry
- 16 Form of bylaw notice
- 17 Severability
- Schedule A
- Schedule B

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

Citation

- 1 This Bylaw may be cited as "Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021".

Definitions

- 2 In this Bylaw:

"Act" means the *Local Government Bylaw Notice Enforcement Act [SBC 2003] C. 60 as revised or replaced from time to time*;

"Bylaw Enforcement Officer" means a person in a class designated under section 4 of this Bylaw;

"CAO" means the Chief Administrative Officer for the District of North Cowichan;

"District" means the District of North Cowichan;

"Registry" means the Bylaw Notice Adjudication Registry established by this Bylaw;

"Screening Officer" means a person in a class designated under section 6 of this Bylaw.

Terms media

- 3 Unless otherwise defined, terms in this Bylaw have the same meaning as defined in the Act and Regulation.

Bylaw Enforcement Officers

- 4 Persons acting as any of the following are designated as Bylaw Enforcement Officers for the purposes of this Bylaw and the Act:
 - (1) Peace Officer;
 - (2) Bylaw Compliance Officers;
 - (3) Animal Control Officers; and
 - (4) Municipal Forester.

Screening Officers

- 5 The position of Screening Officer is established.
- 6 The following are designated classes of persons appointed by the District as Screening Officers in accordance with the Act:
 - (1) Manager of Fire and Bylaw Services;
 - (2) Manager of Bylaw and Business Licensing Services;
 - (3) Corporate Officer;
 - (4) CAO; and
 - (5) Deputy CAO.

Powers, Duties and Functions of Screening Officers

- 7 The powers, duties and functions of screening officers are set out in the Act, and include the following:
 - (1) Where requested by the person against whom a contravention is alleged, communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw notice dispute adjudication system and the fee or fees payable in relation to the bylaw notice enforcement process;
 - (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the Act:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the notice;
 - (c) the complainant or their representative;
 - (d) the District's staff and record-keepers regarding the disputant's history of bylaw compliance;

ATTACHMENT 1

- (3) To prepare and enter into compliance agreements under the Act with persons who dispute bylaw notices, including to establish terms and conditions for compliance that the Screening Officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw; and
 - (4) To cancel bylaw notices in accordance with the Act or District policies and guidelines.
- 8 The bylaw contraventions in relation to which a Screening Officer may enter into compliance agreement are indicated in column A4 of Schedule "A" attached to this Bylaw.
- 9 The maximum duration of a compliance agreement is one year.

Bylaw Contraventions

- 10 The bylaws and bylaw contraventions designated in Schedule "A", attached hereto and forming part of this Bylaw may be dealt with by bylaw notice.

Offence and Penalty

- 11 The penalty for a bylaw contravention referred to in section 10 is as follows:
- (1) Subject to subsection 11(2) and 11(3), is the penalty amount set out in Column A1 of Schedule "A".
 - (2) If payment is received by the District:
 - (a) within 14 days of the person receiving or being presumed to have received the bylaw notice, the applicable penalty is the Early Payment Penalty set out in Column A2 of Schedule "A";
 - (b) between 15 and 28 days of the person receiving or being presumed to have received the bylaw notice, the applicable penalty is the Penalty set out in Column A1 of Schedule "A"; or
 - (c) more than 28 days after the person received or is presumed to have received the bylaw notice, is subject to a late payment surcharge of \$20 in addition to the penalty under subsection 11(2)(b), and is the Late Payment Penalty set out in Column A3 of Schedule "A".
 - (3) If a Compliance Agreement is entered into in accordance with section 9 of this Bylaw, the penalty shall be reduced by 35% of the penalty amount set out under subsection 11(2).

Period for Paying a Disputed Notice

- 12 A person who receives a bylaw notice must either:
- (1) within 14 days after the date on which the person received or is presumed to have received the bylaw notice:
 - (a) pay the Early Payment Penalty in the amount specified in subsection 11(2)(a); or

ATTACHMENT 1

- (b) request the dispute adjudication by filling in the appropriate portion of the bylaw notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail to the District; or
- (2) pay the indicated Penalty after 14 days of receiving the bylaw notice, subject to the applicable surcharge for late payment in accordance with subsection 11(2)(c), but no person may dispute the bylaw notice after 14 days of receiving it.

Bylaw Notice Dispute Adjudication Registry

- 13 The Registry, with an address of 411 Dunsmuir Street, Nanaimo, BC V9R 6B9, is established as a bylaw adjudication system in accordance with the Act to resolve disputes in relation to bylaw notices issued under this Bylaw.
- 14 The Registry may serve more than one local government and for that purpose, the Mayor and the Corporate Officer are authorized to execute the Nanaimo Bylaw Notice Dispute Adjudication Registry Agreement, attached as Schedule "B" and forming part of this bylaw.
- 15 Every person who is unsuccessful in a dispute adjudication must pay the District the penalty set out in the bylaw notice and must pay the Registry an adjudication fee of \$25 for the purpose of the District recovering the costs of the adjudication system.

Form of Bylaw Notice

- 16 The District's Corporate Officer may from time to time provide for the form or forms of the bylaw notice, provided the notice complies with section 4 of the Act.

Severability

- 17 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

READ a first time on
READ a second time on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

ATTACHMENT 1

Schedule "A"

DESIGNATED BYLAWS CONTRAVENTIONS AND PENALTIES

The penalties may be reduced by 35%, where a compliance agreement is shown as "yes" in column A4.

Animal Responsibility Bylaw No. 3740, 2019					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
3	Keep more than 6 companion animals	\$100	\$50	\$120	YES
3	Harbour more than 3 dogs	\$100	\$50	\$120	YES
3	Harbour more than 5 cats	\$100	\$50	\$120	YES
4	Keep rabbits in an unsecured outdoor pen	\$100	\$50	\$120	YES
5 (a)	Improper keeping of bees	\$100	\$50	\$120	YES
5 (b)	Fail to prevent swarming	\$100	\$50	\$120	YES
6	Cat running at-large without identification	\$100	\$50	\$120	YES
7	Fail to provide cat identification	\$100	\$50	\$120	YES
7.1	Cat not spayed or neutered	\$100	\$50	\$120	YES
8 (a)	Illegal breeding of exotic animal	\$200	\$100	\$220	YES
8 (b)	illegal possession of exotic animal	\$200	\$100	\$220	YES
8 (c)	illegal shipping of exotic animal	\$200	\$100	\$220	YES
8 (d)	illegal release of exotic animal	\$200	\$100	\$220	YES
8 (e)	illegal exhibit of exotic animal	\$200	\$100	\$220	YES
8 (f)	Display exotic animal in public	\$200	\$100	\$220	YES
9	Permit exotic animal to be at-large	\$200	\$100	\$220	
18 (a)	Abandon animal	\$300	\$150	\$320	
18 (b)	Injure an animal	\$300	\$150	\$320	
18 (c)	Tease or provoke an animal	\$300	\$150	\$320	
18 (d)	Cause pain to an animal	\$300	\$150	\$320	
18 (e)	Train an animal to fight	\$300	\$150	\$320	
19 (a)	Fail to provide animal with drinking water	\$200	\$100	\$220	
19 (b)	Fail to provide animal with drinking food	\$200	\$100	\$220	
19 (c)	Fail to provide basic animal care requirements	\$200	\$100	\$220	
19 (d)	Fail to provide animal with proper exercise	\$200	\$100	\$220	
19 (e)	Fail to provide veterinary care to animal	\$200	\$100	\$220	
20	Fail to meet outdoor shelter requirements	\$200	\$100	\$220	YES
21 (i)	Fail to provide animal shelter from the elements	\$200	\$100	\$220	YES
21 (ii)	Fail to provide animal space to move	\$200	\$100	\$220	YES
21 (iii)	Fail to provide animal shelter from the sun	\$200	\$100	\$220	YES
21 (iv)	Fail to provide animal shelter with bedding	\$200	\$100	\$220	YES
21 (a)	Excessive confinement of a dog	\$200	\$100	\$220	YES
22	Fail to meet sanitation requirements for animal shelter or enclosure	\$100	\$50	\$120	
23 (a) (i)	Unlawful tethering of animal with choke collar	\$200	\$100	\$220	YES
23 (a) (i)	Unlawful tethering of animal with rope	\$200	\$100	\$220	YES
23 (a) (iii)	Unlawful tethering of animal with improper collar or harness	\$200	\$100	\$220	YES
23 (b)	Fail to provide sufficient length of tether	\$200	\$100	\$220	YES
23 (c)	Tether animal for longer than 2 hours	\$200	\$100	\$220	YES
23 (d)	Tether animal to a traffic control device	\$200	\$100	\$220	YES
23 (e)	Tether animal within 3 metres of facility	\$200	\$100	\$220	YES

ATTACHMENT 1

Animal Responsibility Bylaw No. 3740, 2019					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
	access				
24 (a)	Unlawful transport of animals in motor vehicle	\$200	\$100	\$220	
24 (b)	Unlawful confinement of an animal without adequate ventilation	\$300	\$150	\$320	
25 (a)	Unlawful exercising of a dog next to a motor vehicle	\$200	\$100	\$220	
25 (b)	Unlawful exercising of a dog next to a bicycle	\$100	\$50	\$120	YES
27	Use, set, or maintain a trap	\$300	\$150	\$320	
28	Allow animals to trespass on private property <i>(first offence in a calendar year)</i>	\$100	\$50	\$120	YES
28	Allow animals to trespass on private property <i>(second offence in a calendar year)</i>	\$200	\$100	\$220	
28	Allow animals to trespass on private property <i>(third and subs offences in a calendar year)</i>	\$300	\$150	\$320	
29	Allow dog to be off-leash in public <i>(first offence in a calendar year)</i>	\$100	\$50	\$120	YES
29	Allow dog to be off-leash in public <i>(second offence in a calendar year)</i>	\$200	\$100	\$220	
29	Allow dog to be off-leash in public <i>(third and subs offences in a calendar year)</i>	\$300	\$150	\$320	
30	Insufficient care, custody or control of a dog	\$100	\$50	\$120	YES
32	Permit a dog to obstruct a pathway or municipal sidewalk	\$100	\$50	\$120	YES
33	Fail to securely confine a snake or other reptile in a public place	\$100	\$50	\$120	
34	Insufficient control of an animal in a public place	\$100	\$50	\$120	YES
35 (a)	Unlawful horse performances	\$300	\$150	\$320	YES
35 (b)	Unlawful dog performances	\$300	\$150	\$320	YES
35 (c)	Unlawful animal display or show at fair or pet show	\$300	\$150	\$320	YES

Blasting Bylaw No. 3255, 2006					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
1	No blasting permit	\$100	\$50	\$120	YES
3(4)(a)	Blast after 6:00 p.m. but before 7:00 a.m.	\$100	\$50	\$120	YES
3(4)(b)	Blasting on Sunday	\$100	\$50	\$120	YES
3(4)(c)	Fail to abide with conditions of blasting near school	\$100	\$50	\$120	YES
3(4)(d)	Blast when conditions prohibit blasting	\$100	\$50	\$120	YES
3(4)(e)	Fail to abide with conditions of blasting permit	\$100	\$50	\$120	YES
3(5)(a)	Fail to arrange pre-blast inspection	\$100	\$50	\$120	YES
3(5)(b)	Fail to provide inspection report when requested	\$100	\$50	\$120	YES
3(5)(c)	Fail to provide seismic monitoring	\$100	\$50	\$120	YES
3(5)(d)	Fail to give notice of exceeding maximum	\$100	\$50	\$120	YES

ATTACHMENT 1

Blasting Bylaw No. 3255, 2006					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
	ground vibration				
3(5)(e)	Fail to keep accurate records	\$100	\$50	\$120	YES
3(5)(f)	Fail to make records available upon request	\$100	\$50	\$120	YES
3(6)	Exceed maximum ground vibration	\$100	\$50	\$120	YES
3(8)	Fail to return cancelled permit	\$100	\$50	\$120	YES
4(1)(a)	Fail to give notice of blast within 300 metres of house	\$100	\$50	\$120	YES
4(1)(b)	Fail to take necessary precautions to protect affected property	\$200	\$100	\$220	YES
4(2)	Fail to warn of blast near public thoroughfare	\$100	\$50	\$120	YES
4(3)	Blast within 300 metres of hospital without giving 24 hours' notice	\$200	\$100	\$220	YES
4(4)	Fail to give notice of blast adjacent to public utility	\$200	\$100	\$220	YES
4(5)	Interfere with Director of Engineering	\$300	\$150	\$320	

Building Bylaw No. 3172, 2003					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
6(a); 14(1)	No building permit	\$100	\$50	\$120	YES
6(b)	Fail to abide with work stop order	\$200	\$100	\$220	
6(c)	Submit false permit application information	\$100	\$50	\$120	YES
6(d)	Interfere with Building Inspector's duties	\$300	\$150	\$320	
6(e)	Work contrary to plans	\$100	\$50	\$120	YES
6(f)	Tamper with notice, permit or certificate	\$200	\$100	\$220	
6(g)(i); 16(1)	No occupancy permit	\$100	\$50	\$120	YES
6(g)(ii)	No occupancy permit after change	\$100	\$50	\$120	YES
6(g)(iii)	Occupancy contrary to permit or notice	\$100	\$50	\$120	YES
14 (2)	Fail to comply with BC Building Code	\$200	\$100	\$220	YES
14(4)(a)	Fail to post permit	\$100	\$50	\$120	YES
14(4)(b)	Fail to obtain occupancy certificate	\$100	\$50	\$120	YES
14(4)(c)	Fail to post address	\$100	\$50	\$120	YES
14(4)(d)(i)	Fail to provide sufficient sewer depth	\$100	\$50	\$120	YES
14(4)(d)(ii)	Improper sewer connection	\$100	\$50	\$120	YES
14(4)(e)	Fail to furnish sewer hookup information	\$100	\$50	\$120	YES
14(5)	Fail to obtain survey of non-encroachment	\$100	\$50	\$120	YES

Business Licence Bylaw No. 3153, 2002					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2 (1)(a)	Carry on business without a licence	\$200	\$100	\$220	YES
2 (1)(b)	Fail to obtain separate licence for location	\$200	\$100	\$220	YES
7.2 (2)(a)	Operate a mobile food service business without Island Health approval	\$200	\$100	\$220	YES

ATTACHMENT 1

Business Licence Bylaw No. 3153, 2002					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
7.2 (2)(b)	Operate a mobile food service business without BC Safety Authority approval	\$200	\$100	\$220	YES
7.2 (2)(c)	Operate a mobile food service business without motor vehicle insurance	\$200	\$100	\$220	YES
7.2 (2)(d)	Operate a mobile food service business without liability insurance	\$200	\$100	\$220	YES
7.2 (2)(e)	Operate a mobile food service business without a discharge management plan	\$200	\$100	\$220	YES
7.2 (3)	Sell unpermitted goods from mobile food service	\$200	\$100	\$220	YES
7.2 (4)	Operate in area not zoned for mobile food service	\$200	\$100	\$220	YES
7.2 (5)	Fail to provide permission letter to operate mobile food service	\$200	\$100	\$220	YES
7.2 (6)(a)	Operate mobile food service outside of designated location	\$200	\$100	\$220	YES
7.2 (6)(b)	Operate mobile food service on public property without permission from CAO	\$200	\$100	\$220	YES

Campground Bylaw No. 2140, 1984					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
4 (a)	Fail to obtain campground permit	\$100	\$50	\$120	YES
8 (a)	Fail to comply with conditions for a campground plot	\$200	\$100	\$220	YES
16	Improper disposal of garbage or refuse	\$100	\$50	\$120	YES
17 (a)	Fail to maintain campground equipment	\$200	\$100	\$220	YES
17 (b)	Fail to remove flammable debris	\$100	\$50	\$120	YES
17 (c)	Unlawful fire	\$200	\$100	\$220	YES
17 (d)	Fail to post sewage disposal instructions	\$100	\$50	\$120	YES
17 (e)	Fail to display bylaw	\$100	\$50	\$120	YES
18 (a)	Allow unlawful tent or trailer to remain	\$100	\$50	\$120	YES
18 (b)	Place tent or trailer other than on a plot	\$100	\$50	\$120	YES
18 (c)	Improper connection to water system	\$100	\$50	\$120	YES
19	Unlawful extension or alteration of campground	\$100	\$50	\$120	YES
19	Obstruction of duties	\$300	\$150	\$320	

Cemeteries Bylaw No. 2933, 1977					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
4	Use a grave space without permission	\$200	\$100	\$220	YES
20 (1)	Place unpermitted items on, above or around a grave	\$100	\$50	\$120	YES
21 (1)	Plant, remove or cut down a tree, shrub or plant	\$200	\$100	\$220	YES

ATTACHMENT 1

Cemeteries Bylaw No. 2933, 1977					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
22	Remove, damage or deface memorial or monument	\$300	\$150	\$320	YES
22	Remove, damage or deface a fence, gate, structure, or improvement	\$300	\$150	\$320	YES
23	Cause a disturbance	\$100	\$50	\$120	YES

Controlled Substance Property Bylaw No. 3803, 2020					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
4.1 (a)	Disconnect meter	\$100	\$50	\$120	
4.1 (b)	Unlawful use of exhaust vent	\$100	\$50	\$120	YES
4.1 (c)	Obstruct access	\$200	\$100	\$220	
4.1 (d)	Alter electrical system	\$200	\$100	\$220	YES
4.1 (e)	Accumulation of hazardous substance	\$200	\$100	\$220	YES
4.1 (f)	Unauthorized building alteration	\$100	\$50	\$120	YES
4.1 (g)	Use water for unauthorized drug production facility	\$100	\$50	\$120	YES
4.1 (h)	Accumulation of mould	\$100	\$50	\$120	YES
4.1 (i)	Obstruct Inspector	\$300	\$150	\$320	
4.1 (j)	Remove or alter notice	\$200	\$100	\$220	
4.1 (k)	Occupy prior to authorization	\$100	\$50	\$120	YES

False Alarm Bylaw No. 3610, 2016					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2	Fail to maintain alarm system	\$100	\$50	\$120	YES

Fire Protection Bylaw No. 3340, 2008					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2(1)	Allow fire hazard	\$200	\$100	\$220	YES
2(2)	Fail to clean chimney when required	\$100	\$50	\$120	YES
2(3)	Accumulate combustible waste	\$200	\$100	\$220	YES
2(4)	Block Aisle, Passage or Stairway	\$200	\$100	\$220	YES
2(5)(a)	Flammable substances in vacant building	\$200	\$100	\$220	YES
2(5)(b)	Unsecured vacant building	\$100	\$50	\$120	YES
2(6)(b)	Unsecured fire damaged building	\$100	\$50	\$120	YES
2(7)	Fail to clean-up debris when required	\$100	\$50	\$120	YES
2(8)	Refuse to allow inspection	\$300	\$150	\$320	YES
2(9)	Fail to eliminate fire hazard	\$200	\$100	\$220	YES
3(2)	Fail to obey order to assist	\$200	\$100	\$220	YES
3(7)	Fail to comply with evacuation order	\$200	\$100	\$220	YES

ATTACHMENT 1

Fire Protection Bylaw No. 3340, 2008					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
3(10)	Obstruct fire services personnel	\$300	\$150	\$320	
3(12)	Obstruct access to fire hydrant	\$200	\$100	\$220	YES
3(8)	Enter restricted area	\$200	\$100	\$220	
3(11)	Open fire hydrant	\$200	\$100	\$220	YES
7(1)	Unlawful incineration	\$100	\$50	\$120	YES
9	Unsupervised outdoor fire	\$200	\$100	\$220	YES
11(1), 12	Unlawful burning (<i>first offence in a calendar year</i>)	\$100	\$50	\$120	YES
11(1), 12	Unlawful burning (<i>second offence in a calendar year</i>)	\$200	\$100	\$220	YES
11(1), 12	Unlawful burning (<i>third and subsequent offence in a calendar year</i>)	\$300	\$150	\$320	YES
11(2)	Fail to meet open burning requirements	\$300	\$150	\$320	YES
11(3)	Fail to use an air curtain burner	\$300	\$150	\$320	YES
12	Non-compliant recreational fire pit	\$100	\$50	\$120	YES

Fireworks Bylaw No. 1579, 1974					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2(a)	Sell fireworks	\$100	\$50	\$120	YES
2(b)	Unlawfully possess fireworks	\$100	\$50	\$120	YES
2(b)	Unlawfully discharge fireworks	\$200	\$100	\$120	YES

Float Home Standards Bylaw No. 3015, 1999					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
5	No building permit	\$100	\$50	\$120	YES
6	Fail to post building permit	\$100	\$50	\$120	YES
8	Flotation system design not certified	\$100	\$50	\$120	YES
9	Pumps not in working order	\$100	\$50	\$120	YES
9	Fail to provide sounding pipes or access to sounding pipes	\$100	\$50	\$120	YES
10	Fail to equip with a bilge alarm system	\$100	\$50	\$120	YES
11	Inadequate design for local conditions	\$100	\$50	\$120	YES
12	Insufficient buoyancy for flotation system	\$100	\$50	\$120	YES
13	Insufficient stability for flotation system	\$100	\$50	\$120	YES
15	Superstructure not compliant with BC Building Code	\$100	\$50	\$120	YES
16	Electrical work not compliant with BC Electrical Safety Act	\$100	\$50	\$120	YES
17	Gas work not compliant with BC Gas Safety Act	\$100	\$50	\$120	YES
18	Unlawful gas-powered lighting, heating or cooking systems	\$100	\$50	\$120	YES
19	No gas detector, audio-visual alarm, or shut-off valve	\$100	\$50	\$120	YES

ATTACHMENT 1

Float Home Standards Bylaw No. 3015, 1999					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
20	Unapproved water source	\$100	\$50	\$120	YES
21	Plumbing not compliant with BC Plumbing Code	\$100	\$50	\$120	YES
22	Unapproved sewage disposal system	\$100	\$50	\$120	YES
23	No safety equipment	\$100	\$50	\$120	YES
24	No portable fire extinguisher at entrance	\$100	\$50	\$120	YES
25	Improperly placed fire extinguisher	\$100	\$50	\$120	YES
26	Insufficient fire protection	\$100	\$50	\$120	YES
27	Smoke detectors or alarms not compliant with BC Building Code	\$100	\$50	\$120	YES
28	Insufficient moorage lines	\$100	\$50	\$120	YES
30	Obstructed access to shore	\$200	\$100	\$220	YES
31	Pier or walkway less than 1.5 m in width	\$100	\$50	\$120	YES
32	Walkway not equipped with non-slip surface	\$100	\$50	\$120	YES
33	No handrails on inclined walkways or ramps	\$100	\$50	\$120	YES
34	No construction permit	\$100	\$50	\$120	YES
35	No site plan or development permit	\$100	\$50	\$120	YES
37	Fail to submit site plans for approval	\$100	\$50	\$120	YES
38	Changes in site plan not authorized	\$100	\$50	\$120	YES
39	Inaccurate or insufficient record keeping	\$100	\$50	\$120	YES
40	Register not available during office hours	\$100	\$50	\$120	YES
43	Insufficient distance between float homes	\$200	\$100	\$220	YES
45	Insufficient open water access	\$100	\$50	\$120	YES
47	Insufficient access to float home	\$100	\$50	\$120	YES
49	Fail to connect to sewage disposal system	\$200	\$100	\$220	YES
51	Sewage or oil discharged into water	\$200	\$100	\$220	YES
51	Notice of sewage discharge prohibition not posted	\$100	\$50	\$120	YES
52	Fail to install sewer pump-out system	\$100	\$50	\$120	YES
53	Fail to provide access to sewer pump-out system	\$100	\$50	\$120	YES
54	Improper placement of sewer laterals	\$100	\$50	\$120	YES
56	No fire safety plan	\$200	\$100	\$220	YES
59	Fail to keep marina clean	\$100	\$50	\$120	YES
60	Fail to test fire fighting equipment	\$100	\$50	\$120	YES
61	Fail to inspect fire fighting equipment	\$100	\$50	\$120	YES
62	Fail to empty fire extinguisher	\$100	\$50	\$120	YES
63	Fail to inspect fire hose	\$100	\$50	\$120	YES
64	Fail to keep marina free of obstructions	\$200	\$100	\$220	YES
65	Insufficient lighting	\$100	\$50	\$120	YES
66	Refuse to assist in pre-fire planning	\$200	\$100	\$220	YES
68	No fire extinguishers at designated areas	\$100	\$50	\$120	YES
69	Improperly installed standpipe system	\$100	\$50	\$120	YES
70	No fire standpipe systems in required areas	\$100	\$50	\$120	YES
71	Improper standpipe for pier in excess of 61 m in length	\$100	\$50	\$120	YES
72	Improper standpipe for pier in excess of 6157.4 m in length	\$100	\$50	\$120	YES
73	Improperly installed hydrant or water supply	\$100	\$50	\$120	YES

ATTACHMENT 1

Float Home Standards Bylaw No. 3015, 1999					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
75	Fail to provide emergency notification means	\$100	\$50	\$120	YES

Forest Use Bylaw No. 3265, 2007					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2 (1) (a)	Enter forest when closed	\$100	\$50	\$120	YES
2 (1) (b)	Litter in forest	\$100	\$50	\$120	YES
2 (1) (c)	Remove forest products without permit	\$200	\$100	\$220	YES
2 (1) (d)	Operate vehicle off road	\$300	\$150	\$320	YES
2 (1) (e) (i)	Open fire when restricted	\$100	\$50	\$120	YES
2 (1) (e) (ii)	Open fire creating fire hazard	\$200	\$100	\$220	YES
2 (1) (f)	Enter active logging area	\$100	\$50	\$120	YES
2 (1) (g)	Damage trees or streams	\$200	\$100	\$220	YES
2 (1) (h)	Build unauthorized trails or structures	\$200	\$100	\$220	YES
2 (1) (i)	Remove, destroy or deface signs	\$200	\$100	\$220	YES
2 (1) (j)	Camp	\$100	\$50	\$120	YES

Highway Use Bylaw No. 2261, 1988					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
3(1)	Obstruct or foul highway	\$200	\$100	\$220	YES
3(2), (3)	Fail to remove material from highway	\$200	\$100	\$220	YES
3(4)	Park vehicle for upkeep on highway	\$100	\$50	\$120	YES
3(5)	Damage highway through release of effluent	\$100	\$50	\$120	YES
3(6)	Drag logs or timber over highway	\$200	\$100	\$220	YES
3(7)	Drive on highway or boulevard with spiked tires	\$200	\$100	\$220	YES
4 (a)	Unlawful excavation	\$100	\$50	\$120	YES
4 (b)	Cause highway damage	\$200	\$100	\$220	YES
4 (c)	No construction permit	\$100	\$50	\$120	YES
4 (d)	Plant tree or shrub in boulevard	\$100	\$50	\$120	YES
4 (e)	Remove or interfere with curb or sidewalk	\$200	\$100	\$220	YES
4 (f)	Remove tree from highway	\$200	\$100	\$220	YES
4 (g)	Change level of highway	\$300	\$150	\$320	YES
4 (h)	Stop or obstruct flow of water	\$200	\$100	\$220	YES
5(1)(b)	Fail to comply with construction permit	\$200	\$100	\$220	YES
6(1)	No highway access permit	\$100	\$50	\$120	YES
7	Open unimproved highway	\$200	\$100	\$220	YES
9	Unauthorized interference with traffic	\$100	\$50	\$120	YES
10	Place merchandise on highway without permit	\$100	\$50	\$120	YES
11(1)	Animal at large on highway	\$100	\$50	\$120	YES
11(2)	Un-permitted animal on sidewalk	\$100	\$50	\$120	YES
11(3)	Animal tethered on highway	\$100	\$50	\$120	YES
13(1)	Fail to obey no heavy truck route restriction	\$200	\$100	\$220	
14(1)	Fail to remove snow or ice from sidewalk	\$200	\$100	\$220	YES
14(2)	Fail to maintain boulevard	\$200	\$100	\$220	YES

ATTACHMENT 1

Highway Use Bylaw No. 2261, 1988					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
16	Fail to comply with order of Traffic Control Officer	\$200	\$100	\$220	

Mobile Home Parks Bylaw No. 1775, 1984					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
1.03	Unlawful construction of a mobile home park	\$100	\$50	\$120	YES
1.06	Operate mobile home park unlawfully	\$200	\$100	\$220	YES
3.05	No permit	\$100	\$50	\$120	YES
2.02 a.	Improper location of mobile home	\$100	\$50	\$120	YES
3.01 a.	Fail to properly dispose of garbage	\$100	\$50	\$120	YES

Noise Bylaw No. 2857, 1995					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2	Allow noise to cause disturbance	\$100	\$50	\$120	YES
3(1)	Permit animal to cause a disturbance	\$100	\$50	\$120	YES
3(2)	Use of stereo equipment outside permitted hours	\$100	\$50	\$120	YES
3(2)	Use of musical instrument outside permitted hours	\$100	\$50	\$120	YES
3(3)	Permit engine/motor vehicle noise to cause disturbance	\$100	\$50	\$120	YES
3(4)	Construction outside of permitted hours	\$100	\$50	\$120	YES
3(4)	Demolition outside of permitted hours	\$100	\$50	\$120	YES
3(5)	Use of loudspeaker, device or instrument which causes a disturbance	\$100	\$50	\$120	YES

Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
4.1	Cause a nuisance	\$100	\$50	\$120	YES
4.2	Permit nuisance to occur on property	\$200	\$100	\$220	YES
4.3	Fail to comply with Clean-Up Order	\$300	\$150	\$320	

Parks and Public Places Regulation Bylaw No. 3626, 2017					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2 (a)	Destroy, damage, remove a tree or plant	\$200	\$100	\$220	YES
2 (b)	Plant a tree, sapling or flower without authorization	\$100	\$50	\$120	YES

ATTACHMENT 1

Parks and Public Places Regulation Bylaw No. 3626, 2017					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2 (c)	Deface a wall, fence or other structure	\$300	\$150	\$320	YES
2 (d)	Build a structure or shelter without authorization	\$100	\$50	\$120	YES
2 (e)	Remain overnight without authorization	\$200	\$100	\$220	YES
2 (f)	Loiter	\$100	\$50	\$120	YES
2 (g)	Foul or pollute a body of water or beach	\$200	\$100	\$220	YES
2 (h)	Obstruct use of park	\$200	\$100	\$220	YES
2 (i)	Discharge fireworks	\$100	\$50	\$120	YES
2 (j)	Set or cause a fire	\$300	\$150	\$320	
2 (k)	Enter or remain in park after hours	\$100	\$50	\$120	YES
2 (l)	Park vehicle in prohibited area	\$100	\$50	\$120	YES
2 (m)	Obstruct municipal employee	\$300	\$150	\$320	
2 (n)	Cause disturbance with a device, motor or instrument	\$100	\$50	\$120	YES
2 (o)	Possess liquor	\$100	\$50	\$120	YES
2 (p)	Disorderly, dangerous or offensive conduct	\$100	\$50	\$120	YES
2 (q)	Littering	\$100	\$50	\$120	YES
2 (r)	Unauthorized food truck	\$100	\$50	\$120	YES
2 (s)	Unauthorized performance	\$100	\$50	\$120	YES
4	Unauthorized sale of goods or services	\$100	\$50	\$120	YES
5 (1)	Fail to obtain a park or facility use permit	\$100	\$50	\$120	YES

Respectful Spaces Bylaw No. 3796, 2020					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
6(2)	Commit or engage in inappropriate behaviour in a municipal facility	\$300	\$150	\$320	YES
6(3)	Commit or engage in inappropriate behaviour in a public space	\$300	\$150	\$320	YES

Sewer Services Bylaw No. 2964, 1998					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
4	Discharge substance into sanitary sewer system	\$200	\$100	\$220	YES
5	Interfere with sanitary sewer system	\$200	\$100	\$220	
7	Cause sludge from septic tank to enter sanitary sewer system	\$200	\$100	\$220	YES
9	Obstruct official entry onto property	\$300	\$150	\$320	
13	No plumbing permit	\$100	\$50	\$120	YES
23 (1)	Discharge a prohibited fuel into sanitary sewer system	\$200	\$100	\$220	YES
23 (2)	Discharge a pesticides, insecticide, herbicide or fungicide into sanitary sewer system	\$100	\$50	\$120	YES
23 (3)	Discharge toxic substance into sanitary sewer system	\$200	\$100	\$220	YES
23 (4)	Discharge radioactive material into sanitary sewer	\$200	\$100	\$220	YES

ATTACHMENT 1

Sewer Services Bylaw No. 2964, 1998					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
	system				
23 (5)	Discharge material from a cesspool sanitary sewer system	\$100	\$50	\$120	YES
23 (6)	Discharge substance which interferes with operation of sanitary sewer system	\$200	\$100	\$220	YES
23 (7)	Discharge storm water into sanitary sewer system	\$100	\$50	\$120	YES
23 (8)	Discharge special waste into sanitary sewer system	\$100	\$50	\$120	YES
23 (9)	Discharge high temperature waste into sanitary sewer system	\$100	\$50	\$120	YES
23 (10)	Discharge human or animal waste into sanitary sewer system	\$100	\$50	\$120	YES
23 (11)	Discharge waste into sanitary sewer system causing health or safety hazard	\$200	\$100	\$220	YES
24 (1)	Discharge wastewater with B.O.D. in excess of 300 mg per L	\$100	\$50	\$120	YES
24 (2)	Discharge wastewater with C.O.D. in excess of 600 mg per L	\$100	\$50	\$120	YES
24 (3)	Discharge wastewater with suspended solids	\$100	\$50	\$120	YES
24 (4)	Discharge garbage into sanitary sewer system	\$100	\$50	\$120	YES
24 (5)	Discharge concentrated industrial wastewater into sanitary sewer system	\$100	\$50	\$120	YES
24 (6)	Discharge petroleum industrial wastewater into sanitary sewer system	\$200	\$100	\$220	YES
24 (7)	Discharge substance which will solidify into sanitary sewer system	\$100	\$50	\$120	YES
24 (8)	Discharge industrial wastewater into sanitary sewer system	\$100	\$50	\$120	YES
24 (9)	Discharge noxious gas into sanitary sewer system	\$200	\$100	\$220	YES
24 (10)	Discharge dyes into sanitary sewer system	\$100	\$50	\$120	YES
24 (11)	Discharge inert suspended or dissolved solids into sanitary sewer system	\$100	\$50	\$120	YES
24 (12)	Discharge diluted prohibited substances into sanitary sewer system	\$100	\$50	\$120	YES
24 (13)	Discharge substance not amenable to treatment into sanitary sewer system	\$100	\$50	\$120	YES
24 (14)	Discharge substance that alters the structure of waste in sanitary sewer system	\$100	\$50	\$120	YES
24 (15)	Discharge containing a prohibited substance into sanitary sewer system	\$200	\$100	\$220	YES
42	Fail to obtain a plumbing permit	\$100	\$50	\$120	YES

Sign Bylaw No. 3479, 2012					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2(1)	No sign permit	\$100	\$50	\$120	YES
8	Posting political poster or bill without paying deposit	\$100	\$50	\$120	YES

ATTACHMENT 1

Sign Bylaw No. 3479, 2012					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
11	Sign in poor repair	\$100	\$50	\$120	YES

Soil Removal and Deposit Bylaw No. 3311, 2009					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
3 (1)	Remove soil or deposit fill without a permit	\$100	\$50	\$120	YES
3 (4) (a)	Remove soil without completing a hydrological report	\$100	\$50	\$120	YES
3 (4) (b)	Remove soil to change drainage	\$200	\$100	\$220	YES
3 (4) (c)	Remove soil which affects adjacent property	\$200	\$100	\$220	YES
3 (4) (d)	Remove soil which causes damage	\$200	\$100	\$220	YES
3 (4) (e)	Remove soil which causes a health or safety risk	\$200	\$100	\$220	YES
3 (4) (f)	Cause dust or noise to become a nuisance	\$100	\$50	\$120	YES
3 (4) (g)	Reduce viability of agricultural land	\$100	\$50	\$120	YES
15 (a)	Removes soil without a permit	\$100	\$50	\$120	YES
15(c)	Fail to comply with a permit term or condition	\$200	\$100	\$220	YES
15(d)	Fail to comply with an order or notice given	\$200	\$100	\$220	
15(e)	Refuse or hinder an inspection	\$200	\$100	\$220	

Temporary Mobile Home Bylaw No. 1685, 1976					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
15	Occupy mobile home after permit expires	\$100	\$50	\$120	YES
19	Fail to pay permit fees, water or sewer rates	\$100	\$50	\$120	YES

Traffic Bylaw No. 2276, 1988					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
7(1)(a)	Stop or park over-length vehicle in lane	\$100	\$50	\$120	YES
7(1)(b)	Stop or park over-length vehicle in angle parking zone	\$100	\$50	\$120	YES
7(2)	Park over-weight vehicle on highway	\$100	\$50	\$120	YES
7(3)	Park trailer on highway more than 2 hours	\$100	\$50	\$120	YES
8(a)	Park within 6 m of intersection	\$100	\$50	\$120	YES
8(b)	Park within 2 m of intersecting lane	\$100	\$50	\$120	YES
8(c)	Park obstructing roadway	\$100	\$50	\$120	YES
8(d)	Unauthorized angle parking on highway	\$100	\$50	\$120	YES
8(e)	Park on highway more than 24 hours	\$100	\$50	\$120	YES
8(f)	Park obstructing exit of parked vehicle	\$100	\$50	\$120	YES
9(a)	Stop or park on boulevard or boulevard crossing	\$100	\$50	\$120	YES
9(b)	Stop or park within 2 m of private road	\$100	\$50	\$120	YES
9(b)	Stop or park within 2 m of driveway	\$100	\$50	\$120	YES

ATTACHMENT 1

Traffic Bylaw No. 2276, 1988					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
9(b)	Stop or park within 2 m of sidewalk crossing	\$100	\$50	\$120	YES
9(c)	Park next to curb painted yellow or red	\$100	\$50	\$120	YES
9(c)	Park in bus stop zone	\$100	\$50	\$120	YES
9(c)	Park next to line on road with no curb	\$100	\$50	\$120	YES
9(c)	Park next to white walking lane line	\$100	\$50	\$120	YES
9(d)	Park in fire zone	\$100	\$50	\$120	YES
9(e)	Park in restricted zone longer than permitted	\$100	\$50	\$120	YES
12	Fail to reduce speed to avoid splashing pedestrian	\$100	\$50	\$120	YES
11(a)	Jaywalking	\$100	\$50	\$120	YES
11(b)	Fail to step out of roadway for emergency vehicle	\$100	\$50	\$120	YES
13(1)	Leave bicycle on highway, sidewalk, or walkway	\$100	\$50	\$120	YES
13(2)	Fail to park bicycle in designated area	\$100	\$50	\$120	YES
14(1)	Place traffic sign on highway	\$100	\$50	\$120	YES
14(1)	Place traffic sign in view of highway	\$100	\$50	\$120	YES
14(2)	Interfere with traffic control device	\$100	\$50	\$120	
14(2)	Damage traffic control device	\$200	\$100	\$220	
14(2)	Remove traffic control device	\$200	\$100	\$220	

Waste Collection Bylaw No. 3466, 2012					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
3(1)	Unlawful garbage container	\$100	\$50	\$120	YES
3(2)	Unlawful kitchen organics container	\$100	\$50	\$120	YES
3(6)	Fail to use a compostable liner	\$100	\$50	\$120	YES
3(7)	Unlawful disposal of syringes, sharp objects, dusty materials or liquids	\$200	\$100	\$220	YES
3(8)	Unlawful disposal of explosive substances	\$300	\$150	\$320	YES
4(a)	Fail to drain or bag wet garbage	\$100	\$50	\$120	YES

Waterworks Bylaw No. 3620, 2016					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2	Unauthorized water service connection	\$100	\$50	\$120	
13 (1)	Tamper with meter	\$200	\$100	\$220	
17 (3) (a) (i)	Violate water conservation measures: stage one (even numbered addresses)	\$100	\$50	\$120	YES
17(3) (a) (ii)	Violate water conservation measures: stage two (even numbered addresses only on Wed & Sat)	\$200	\$100	\$220	YES
17 (3) (b) (i)	Violate water conservation measures: stage one (odd numbered addresses)	\$100	\$50	\$120	YES
17 (3) (b) (ii)	Violate water conservation measures: stage two (odd numbered addresses only on Thur & Sun)	\$200	\$100	\$220	YES
17 (4)	Violate water conservation measures: stage three	\$300	\$150	\$320	YES
17 (5)	Exceed maximums for watering trees and shrubs	\$100	\$50	\$120	YES

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Waterworks Bylaw No. 3620, 2016					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
17 (6)	Operate irrigation system in excess of 4 hours	\$100	\$50	\$120	YES
17 (7) (a)	Fill swimming pool during stage three	\$100	\$50	\$120	YES
17 (7) (b)	Wash a vehicle during stage three	\$100	\$50	\$120	YES
17 (7) (c)	Wash a house, fence or deck during stages two or three	\$100	\$50	\$120	YES
17 (7) (c)	Wash a driveway or sidewalk during stages two or three	\$100	\$50	\$120	YES
22(1) (a)	Use excessive quantity of water	\$100	\$50	\$120	YES
22(1) (b)	Improper disposal of water	\$100	\$50	\$120	YES
22(1) (d)	Increase amount of water entitlement	\$100	\$50	\$120	YES
22(1) (e)	Use water from service which bypasses meter	\$200	\$100	\$220	YES
22(1) (f)	Use water before meter is installed	\$100	\$50	\$120	YES
22(1) (c); 22(1) (g)	Supply water to other premises	\$100	\$50	\$120	YES
22(1) (h)	Use water to wash street	\$100	\$50	\$120	YES
24(1)	Unlawful entry to watershed	\$100	\$50	\$120	YES
29(5)	Fail to provide backflow prevention	\$100	\$50	\$120	YES
25(1)	Use hydrant, valve or hose connection without permit	\$100	\$50	\$120	YES
26(1)	Obstruct access to hydrant	\$200	\$100	\$220	YES
26(1)	Obstruct access to fixture other than hydrant	\$200	\$100	\$220	YES
27(1)	Interfere with waterworks system	\$200	\$100	\$220	YES
28(2)	Turn on service unlawfully	\$100	\$50	\$120	YES
28(2)	Turn off service unlawfully	\$100	\$50	\$120	YES
29(1)	Fail to maintain apparatus connected to waterworks system	\$100	\$50	\$120	YES
29 (4)	Fail to maintain private hydrant	\$200	\$100	\$220	YES
31(1)	Cross-connection to waterworks system	\$200	\$100	\$220	YES
31(3); 32	Fail to install backflow preventer	\$200	\$100	\$220	YES
33	Fail to provide backflow tester report	\$100	\$50	\$120	YES
34 (a)	Fail to maintain backflow prevention device	\$200	\$100	\$220	YES
34(b), 39	Fail to inspect and test backflow prevention device	\$100	\$50	\$120	YES
37(a)	Fail to provide notification of malfunction	\$100	\$50	\$120	YES
37(b)	Use broken water service	\$200	\$100	\$220	YES
38	Use of unapproved water service	\$100	\$50	\$120	YES
40	Unapproved auxiliary water connection	\$100	\$50	\$120	YES
41	Use of unapproved apparatus	\$100	\$50	\$120	YES
51	Obstruct inspection	\$300	\$150	\$320	

Zoning Bylaw No. 2950, 1997					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
5	Contrary to permitted use of lands, building or structure	\$100	\$50	\$120	YES
6	Building or structure constructed contrary to provisions	\$100	\$50	\$120	YES

ATTACHMENT 1

Zoning Bylaw No. 2950, 1997					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
13(1)(a)	Unlawful construction within 7.5 metres of natural boundary of the sea	\$100	\$50	\$120	YES
13(1)(b)	Unlawful construction within riparian assessment area	\$100	\$50	\$120	YES
13(1)(c)	Unlawful construction within 15 metres of watercourse boundary	\$100	\$50	\$120	YES
16	Unlawful siting of accessory building within 1.22 metres of principal building	\$200	\$100	\$220	YES
17(3)	Fail to meeting off street parking facility requirements for a Mobile Home Park	\$100	\$50	\$120	YES
18(2)(a)	Unlawful off-street parking in R7 zone	\$100	\$50	\$120	YES
18(2)(b)	Unlawful off-street parking in R7-A zone	\$100	\$50	\$120	YES
18(2)(c)	Unlawful off-street parking in R8 zone	\$100	\$50	\$120	YES
19	Fail to meet minimum setback for off-street parking	\$100	\$50	\$120	YES
20	Visitor Parking Sign not Posted	\$100	\$50	\$120	YES
20.1	Insufficient small car parking	\$100	\$50	\$120	YES
21(1)	Insufficient residential off-street parking	\$100	\$50	\$120	YES
21(2)	Insufficient institutional off-street parking	\$100	\$50	\$120	YES
21(3)	Insufficient recreational off-street parking	\$100	\$50	\$120	YES
21(4)	Insufficient commercial off-street parking	\$100	\$50	\$120	YES
21(5)	Insufficient industrial off-street parking	\$100	\$50	\$120	YES
21(6)	Insufficient marine off-street parking	\$100	\$50	\$120	YES
21(7)	Insufficient multi-family off-street parking	\$100	\$50	\$120	YES
21(8)	Insufficient disabled parking	\$200	\$100	\$220	YES
24	Undersize parking space	\$100	\$50	\$120	YES
25	Unlawful off-street loading space	\$100	\$50	\$120	YES
29	No garbage container on site	\$100	\$50	\$120	YES
30	Fail to Comply with Home Based Business Regulations	\$100	\$50	\$120	YES
31	Unlawful discharge from Home Based Business	\$100	\$50	\$120	YES
32	Unlawful automobile repair	\$100	\$50	\$120	YES
32.1	Unlawful adult novelty business within 1 km of school	\$100	\$50	\$120	YES
32.1	Unlawful drug paraphernalia business within 1 km of school	\$100	\$50	\$120	YES
33(1)	Projection into setback	\$100	\$50	\$120	YES
34	Unlawful location of swimming pool	\$300	\$150	\$320	YES
35(1)	Projection in excess of 0.6 metres	\$100	\$50	\$120	YES
35(2)	Projection of step, canopy or balcony in excess of 1.2 metres	\$100	\$50	\$120	YES
35(3)	Unlawful placement of generator, heat pump or air conditioner within 4.5 metres	\$100	\$50	\$120	YES
36	Unlawful visual obstruction of intersection	\$300	\$150	\$320	YES
38	Fail to Enclose Swimming Pool	\$200	\$100	\$220	YES
39(1)	Fail to provide required landscaped screen in residential zone	\$100	\$50	\$120	YES
39(2)	Fail to provide required landscaped screen in commercial zone	\$100	\$50	\$120	YES

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Zoning Bylaw No. 2950, 1997					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
39(3)	Fail to provide required landscaped screen in industrial zone	\$100	\$50	\$120	YES
40	Unlawful auto wrecking	\$100	\$50	\$120	YES
40.1	Unlawful shipping container use	\$300	\$150	\$320	YES
40.4	Unlawful secondary suite	\$300	\$150	\$320	YES
40.5	Unlawful cannabis sales	\$300	\$150	\$320	YES
41	Unlawful aircraft landing strip	\$300	\$150	\$320	YES
42	Unlawful accessory use	\$300	\$150	\$320	YES
58(8)(d)	More than 3 Sleeping Units in a Bed & Breakfast	\$100	\$50	\$120	YES
58(9)	Exceed Driveway Width	\$100	\$50	\$120	YES
60(5)	No Buffer Between Mobile Home Pads	\$200	\$100	\$220	YES
60(7)	Insufficient Yard Size	\$200	\$100	\$220	YES

Schedule "B"

**NANAIMO BYLAW NOTICE DISPUTE ADJUDICATION
REGISTRY AGREEMENT**

This Agreement dated _____ day of _____, 2020 (the "Agreement").

BETWEEN:

CITY OF NANAIMO, 455 Wallace Street, Nanaimo, BC V9R 5J6
("Nanaimo")

AND:

CITY OF DUNCAN, 200 Craig Street, Duncan, BC V9L 1W3
("Duncan")

AND:

CITY OF PARKSVILLE, Box 1390, 100 Jensen Avenue East, Parksville, BC V9P 2H3
("Parksville")

AND:

DISTRICT OF TOFINO, PO Box 9, 121 – 3rd Street, Tofino, BC V0R 2Z0
("Tofino")

AND:

THE VILLAGE OF PORT CLEMENTS, PO Box 198, 36 Cedar Ave. W, Port Clements, BC V0T 1R0
("Port Clements")

AND:

THE REGIONAL DISTRICT OF NANAIMO, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2
("Regional District of Nanaimo")

AND:

THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT, 3008 Fifth Ave., Port Alberni, BC V9Y 2E3
("Regional District of Alberni-Clayoquot")

AND:

THE CITY OF PORT ALBERNI, 4850 Argyle Street, Port Alberni, BC V9Y 1V8
("Port Alberni")

AND:

THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN, 7030 Trans Canada Highway,
Box 278, Duncan, BC V9L 3X4
("North Cowichan")

AND:

ADDITIONAL LOCAL GOVERNMENTS (to be included in Schedule A, without further modification of this Agreement)

(the "Parties")

WHEREAS:

1. The *Local Government Bylaw Notice Enforcement Act* (the "Act") provides that a local government may, by bylaw, deal with a bylaw contravention by Bylaw Notice in accordance with the Act;
2. The Act also provides that two or more local governments may enter into an agreement adopted, by bylaw, by each local government that is party to it;
3. The Parties wish to:
 - (a) Share the costs of a bylaw notice Dispute Adjudication Registry System ("DARS"); and
 - (b) Enter an agreement to establish DARS, and to provide for the sharing of costs.

NOW THEREFORE in consideration of the mutual promises contained herein, the Parties agree as follows:

INTRODUCTORY PROVISIONS

1. Definitions

- 1.1. In this Agreement, the following definitions apply:

"Act"	Means the <i>Local Government Bylaw Enforcement Act</i> .
"Adjudication Fee"	Means the sum of \$25.00 payable to the applicable Party should the disputant be unsuccessful in the dispute adjudication.
"Agreement"	Means this Agreement.
"Authorizing Bylaw"	Means a bylaw adopted by each Party for the purposes of section 2 of the Act (application of the Act).
"Bylaw Adjudication Clerk"	Means a person who facilitates a hearing and assists the adjudicator.
"Bylaw Notice"	Has the same meaning as in the Act.
"Consult"	Means to contact the Screening Officer via telephone, email, regular mail, or in-person for the purpose of obtaining information.
"Disputant"	Has the same meaning as in the Regulation.
"Dispute Adjudication Registry System" or "DARS"	Means a system established in accordance with the Act that provides for the hearing and determination of disputes in respect of whether: a) a contravention in a Bylaw Notice occurred as alleged; or b) the terms and conditions of a compliance agreement were observed or performed.
"Host Municipality"	Means the City of Nanaimo.
"Parties"	Means all of Nanaimo, Duncan, Parksville, Tofino, Port Clements

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	or any additional local governments that may be added later in Schedule A
"Party"	Means any one of Nanaimo, Duncan, Parksville, Tofino, , Port Clements or any additional local governments that may be added later in Schedule A
"Regulation"	Means the Bylaw Notice Enforcement Regulation.
"Roster Organization"	Has the same meaning as the Regulation.
"Screening Officer"	Has the same meaning as in the Act.
"Terms"	Means the terms of this Agreement as set out herein.

2. **Establishment of DARS**

- 2.1. Subject to the Act and to the adoption of the Authorizing Bylaws, the Parties agree that DARS is hereby established.

ADJUDICATION

3. **Screening Officer**

- 3.1. The Parties agree that where a Screening Officer position has been established by a Party in accordance with the Act, a Bylaw Notice must be reviewed by that Screening Officer in that local government before a dispute adjudication may be scheduled. If a Disputant Consults a Screening Officer of the Host Municipality, a fee will be assessed under Schedule B.

4. **Dispute Adjudication Registry System**

- 4.1. The Parties agree that a DARS will be established as a function to manage disputes heard by an adjudicator who is selected by a Roster Organization in accordance with the Regulation.
- 4.2. The Parties agree that Nanaimo will enter into a contract with a designated Roster Organization for the purpose of providing dispute adjudication services to DARS.

DARS OPERATIONS

5. **Location**

- 5.1. DARS will be located in the Service and Resource Center, City of Nanaimo, 411 Dunsmuir Street, Nanaimo, BC V9R 5J6.

6. **Services Provided**

- 6.1. Nanaimo will provide all administrative services required by DARS, including:
- (a) providing the venue and facilities to hear dispute adjudications in accordance with the Act;
 - (b) submitting requests to the Roster Organization for the assignment of an adjudicator;

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- (c) providing a Bylaw Adjudication Clerk on each hearing date to facilitate and support the hearing and the adjudicator;
- (d) providing venue security;
- (e) providing for the collection of Adjudication Fees and any penalties payable to a Party for a bylaw contravention;
- (f) obtaining legal advice and services to ensure this DARS is operating pursuant to the Act;
- (g) Issuing cheques to the applicable Party for penalty amounts collected with the Bylaw Notice number(s); and
- (h) Issuing invoices to the applicable Party in accordance with Schedule B.

6.2. Despite section 6.1(e), the collection of penalties will be the responsibility of the applicable Party if not collected by DARS immediately following the adjudication.

7. Payments and Disbursements

- 7.1. The Parties agree to pay the City of Nanaimo proportionate costs of the fees charged by the Roster Organization. Amounts owing are to be calculated based on the Fee Schedule at Schedule B and in accordance with the Municipality Rate Schedule at Schedule C.
- 7.2. Nanaimo will issue an invoice to the applicable Party within 30 days of the service being rendered. Amounts owing are due and payable within 30 days of receipt of the invoice.
- 7.3. For certainty, the Parties agree that hearing costs relating to witnesses, screening officers, bylaw enforcement officers or prosecuting lawyers will be borne by the Party that issued the Bylaw Notice and not by DARS.

GENERAL PROVISIONS

8. Amendments

- 8.1. The Parties may, in good faith, negotiate amendments to this Agreement upon request of any Party. All amendments will be in writing, approved by a two-thirds majority of the Parties by response letter only and listed as an itemized Amendment at Schedule D.

9. Dispute Resolution

- 9.1. If a dispute arises under this Agreement and is not resolved by the Parties within 60 days, it will be settled by final and binding arbitration conducted under the *Commercial Arbitration Act of British Columbia*.

10. Term

- 10.1. This Agreement comes into effect upon adoption of the authorizing bylaws and continues in effect until December 31, 2025. With the consent of a two-thirds majority of the Parties, the effect of this agreement can be extended until a new agreement is in

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place or until December 31st, 2026, whichever comes first. Any Party may withdraw from this Agreement upon 30 days' written notice to the other Parties.

11. Execution of Agreement

11.1. This Agreement may be executed in counterparts through original copies, facsimile copies, or by email PDF copies. Each counterpart will be deemed to be an original that, together with the other counterparts, constitutes one agreement having the same effect as if the Parties had signed the same document.

IN WITNESS WHEREOF all Parties have executed this Agreement on the date first above written.

THE CITY OF Nanaimo

Mayor

Corporate Officer

THE City of Duncan

Mayor

Corporate Officer

THE CITY OF Parksville

Mayor

Corporate Officer

THE DISTRICT OF Tofino

Mayor

Corporate Officer

THE REGIONAL DISTRICT OF Nanaimo

Chair

Corporate Officer

THE VILLAGE OF Port Clements

Mayor

Corporate Officer

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THE CITY OF Port Alberni

Mayor

Corporate Officer

THE REGIONAL DISTRICT OF Alberni Clayoquot

Chair

Corporate Officer

THE DISTRICT OF North Cowichan

Mayor

Corporate Officer

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SCHEDULE A (ADDITIONAL LOCAL GOVERNMENTS)

The following local governments have been added as parties to this Agreement as additional local governments:

Local Government	Date Joined	Fee Level

SCHEDULE B (FEES)

DARS will operate under the following cost recovery fees:

SUBJECT	FEE
Hearing	\$25.00 per bylaw notice dispute resulting in a hearing
Screening Officer from Host Municipality	\$25.00 per bylaw notice Consult if Disputant contacts Screening Officer from Host Municipality
Adjudicator Cost	Apportioned amongst attending Parties at scheduled hearing proportionate to use as determined by the A Officer
Security	\$25.00 per bylaw notice hearing per attending Party
Maintenance and Hospitality	\$15.00 per bylaw notice hearing per attending Party
½ Day Hearings	\$400.00 charged in addition to Adjudicator Cost where a single dispute on a bylaw notice hearing ranges between 1-3 hours
Full Day Hearings	\$800.00 charged in addition to Adjudicator Cost where a single dispute on a bylaw notice hearing exceeds 3 hours
Annual Membership Fee—Fee Level 1	\$100.00
Annual Membership Fee—Fee Level 2	\$200.00
Annual Membership Fee—Fee Level 3	\$300.00

SCHEDULE C (MUNICIPALITY RATES)

This is the rate schedule for the following parties:

LEVEL	MUNICIPALITIES
Level 1	Village of Port Clements
Level 2	City of Duncan City of Parksville District of Tofino City of Port Alberni Regional District of Alberni Clayoquot
Level 3	Corporation of the District of North Cowichan City of Nanaimo Regional District of Nanaimo

Report

Date May 5, 2021

File: 3900-50 3814

To Council

From Alyssa Meiner, Information Management Officer

Endorsed:



Subject Delegation of Authority Bylaw, No. 3814, 2021

Purpose

To introduce proposed amendments to the Delegation of Authority Bylaw to reflect current positions, update limits, and introduce potential new delegated authorities in relation to notices, and appointing officers for bylaw enforcement and controlling noxious weeds.

Background

North Cowichan's current "Delegation of Authority Bylaw, No. 3734, 2019" was adopted by Council in October 2019 and amended in January 2020. Since then, a number of housekeeping amendments and other changes for improved efficiency have been identified by staff and are included in the proposed Delegation of Authority Bylaw (Attachment 1), with changes to the current bylaw shown in redline (Attachment 2).

Discussion

In relation to the current Delegation of Authority Bylaw, the proposed bylaw does the following:

- Removes specific staff titles no longer in use and updates delegated authorities to reflect currently assigned roles and responsibilities;
- Adds a definition of Authorized 200k Purchasers that includes the Deputy Chief Administrative Officer, the Financial Officer, the Corporate Officer, Directors and the Chief Information Officer having an authorized purchasing authority of up to \$200,000 (within the area of municipal operations for which they are responsible);
- Replaces the definition of "Department Head" with "Authorized 75k Purchasers" to include title designations instead of individual staff titles (Senior Manager, Manager, Assistant Manager, Officer (exempt), and Municipal Forester) as having authorized purchasing authority of up to \$75,000;
- Replaces the definition of "Management Staff" with "Authorized 10k Purchasers" to include the Aquatic Centre Maintenance Supervisor, Chief Maintenance Ice Maker, Chief Treatment Plant Operator, a foreman, and all exempt staff as having authorized purchasing authority of up to \$10,000;
- With the exception of the Financial Officer, limits the purchasing authority of 200k Purchasers, 75k Purchasers, and 10k Purchasers to works, services, or goods within the area of municipal operations for which the Purchaser is responsible;
- Removes the delegation to appoint an acting CAO, as there is now a Deputy CAO (and the Bylaw specifies that delegated authority includes to that person's deputy, or individual authorized to act for that person);

- Adds a delegated authority to appoint Bylaw Enforcement Officers under the *Police Act* (recommended by the Manager, Legislative Services and Manager, Bylaw and Business Licensing Services);
- Adds a delegated authority to appoint Weed Control Officers under the *Weed Control Act* (recommended by the Manager, Legislative Services);
- Adds a delegated authority re notices of public hearings for exclusion applications under the *Agricultural Land Commission Act* (recommended by the Manager, Legislative Services);
- Extends the 3-month term for rental agreements for parks and forest reserve lands to 12 months (to accommodate sports and community groups);
- Delegates the power to authorize the registration of road dedication plans, statutory rights-of-way and covenants to the Approving Officer and Director of Planning and Building, within their respective roles, to improve processing efficiency (previously with the Approving Officer only and did not specify road dedication plans);
- Delegates the power to discharge obsolete charges and legal notations from property titles to the Approving Officer and Director of Planning and Building, within their respective roles (previously with the Approving Officer only);
- Delegates the power to approve encroachment agreements within road and other rights-of-way to the Director of Engineering (previously with the CAO), and removes a redundant delegation to authorize encroachments caused by road widening;
- Extends the 72-hour time limit for temporary special event permits to 14 days; and
- Removes the 30 day limit for closing or restricting the use of forest lands where necessary to protect against fire or other danger.

Once delegated, unless Council also provides for reconsideration of specific decisions, the decision of the person holding the delegated authority is final. Reconsideration of decisions for business licences and certain land use decisions are required by legislation and are included in sections 7 and 23 of the current bylaw.

Implications

This bylaw contains housekeeping items, ensuring that the existing delegations of Council's authority match our current organizational structure, and new or modified delegations that staff have identified to improve operational efficiency.

Should Council choose not to proceed with the new bylaw, existing delegations will continue to be held by the staff performing the duties associated with the position titles identified in the exiting bylaw, and the additional authorities identified for delegation will continue to be held by Council.

Options

Option 1 (Staff Recommendation):

That Council give first, second, and third readings to "Delegation of Authority Bylaw, No. 3814, 2021.

Option 2::

That Council direct staff to amend "Delegation of Authority Bylaw, No. 3814, 2021" before considering the bylaw.

Recommendation

That Council give first, second, and third readings to “Delegation of Authority Bylaw, No. 3814, 2021”.

Attachments:

1. Proposed Delegation of Authority Bylaw, No. 3814, 2021.
2. Current Delegation of Authority Bylaw, No. 3734 showing proposed changes in redline.



The Corporation of the District of North Cowichan

Delegation of Authority Bylaw, 2021

Bylaw 3814

A bylaw to provide for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees

Contents

1	Interpretation
2	Committee of the whole
3	Municipal audit
4	Parcel tax roll review panel
5	Notices
6	Business licenses
7	Business licenses – reconsideration
8	Outdoor burning ban
9	Personnel administration and appointments
10	Agreements – procurement
11	Agreements – miscellaneous
12	Settlement of claims
13	Bylaw enforcement and remedial action
14	Land sales
15	Land purchases
16	Registration of road dedication, statutory rights-of-way and covenants
17	Builders liens
18	Discharge of obsolete charges
19	Encroachments within rights of way
20	Temporary municipal land and street use
21	Municipal Forest Reserve closures
22	Land use approvals
23	Land use approvals – reconsideration
24	Parcel frontage exemptions
25	Strata conversions
26	Works and services agreements
27	Excess or extended services
28	Petitions for local area services
29	Severability
30	Repeal
31	Title

WHEREAS Division 6 of Part 5 of the *Community Charter* empowers a municipal council, by bylaw, to delegate its powers, duties and functions, including those specifically established by an enactment, to the extent provided;

AND WHEREAS Council considers that there are a number of circumstances where delegation of certain of its powers, duties and functions would foster good government;

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

Interpretation

1 (1) In this bylaw:

"Approving Officer" means the person so appointed under section 77 [*Appointment of municipal approving officers*] of the *Land Title Act*;

"Audit Committee" means the standing committee of Council established under section 170 [*Audit committee*] of the *Community Charter*;

"Authorized 10k Purchaser" means a person appointed by the Chief Administrative Officer as the Aquatic Centre Maintenance Supervisor, Chief Maintenance Ice Maker, Chief Treatment Plant Operator, a foreman, and all exempt staff;

"Authorized 75k Purchaser" means a person appointed by the Chief Administrative Officer as a Senior Manager, Manager, Assistant Manager, Officer (exempt), or the Municipal Forester;

"Authorized 200k Purchaser" means the Deputy Chief Administrative Officer, the Financial Officer, the Corporate Officer, a person appointed by the Chief Administrative Officer as a Director, or the Chief Information Officer;

"Chief Administrative Officer" means the municipal officer appointed under section 147 [*Chief administrative officer*] of the *Community Charter*;

"Corporate Officer" means the municipal officer appointed under section 148 [*Corporate officer*] of the *Community Charter*;

"Chief Information Officer" means the person so appointed by the Chief Administrative Officer;

"Director of Engineering" means the person so appointed by the Chief Administrative Officer;

"Director of Parks and Recreation" means the person so appointed by the Chief Administrative Officer;

"Director of Planning and Building" means the person so appointed by the Chief Administrative Officer;

"Financial Officer" means the municipal officer appointed under section 149 [*Financial officer*] of the *Community Charter*;

"Local Assistant to the Fire Commissioner" means a person authorized to exercise the powers of a local assistant under the *Fire Services Act*;

"Manager, Bylaw and Business Licensing Services" means the person so appointed by the Chief Administrative Officer;

"Municipal Forester" means the person so appointed by the Chief Administrative Officer.

- (2) Where this bylaw delegates a power, duty or function of Council to a named position, the delegation is to the person who holds the position, and to any person who is the deputy of, or who is authorized to act for, that person.
- (3) Unless a power, duty or function of Council has been expressly delegated by this bylaw or another municipal bylaw, the powers, duties and functions of Council remain with Council.
- (4) A person to whom a power, duty or function has been delegated under this bylaw, or another bylaw, has no authority to further delegate to another person any power, duty or function that has been delegated to them by this bylaw.

Committee of the whole

- 2 Council delegates its powers to give direction to staff on matters being considered by the committee of the whole to the committee of the whole.

Municipal audit

- 3 Council delegates its powers, duties and functions under Division 2 of Part 6 of the *Community Charter* to the Audit Committee.

Parcel tax roll review panel

- 4 Council delegates its duty under section 204 (2) [*Parcel tax roll review panel*] of the *Community Charter* to the Financial Officer.

Notices

- 5
 - (1) Council delegates its duty to give notice under the following sections of the *Community Charter* to the Corporate Officer:
 - (a) Section 26 (1) [*Notice of proposed property disposition*];
 - (b) Section 40 (3) [*Permanent closure and removal of highway dedication*];
 - (c) Section 59 (2) [*Powers to require and prohibit*]; and
 - (d) Section 127 (1) (b) [*Notice of council meetings*].
 - (2) Council delegates its duty to give notice under the following sections of the *Community Charter* to the Financial Officer:
 - (a) Section 99 (3) [*Annual meeting on report*]; and
 - (b) Section 227 (1) [*Notice of permissive tax exemptions*].
 - (3) Council delegates its duty to give and file notices under the following sections of the *Local Government Act* to the Director of Planning and Building:
 - (a) Section 466 (1) [*Notice of public hearing*];
 - (b) Section 467 (1) [*Notice if public hearing waived*];
 - (c) Section 494 (1) [*Public notice and hearing requirements*];
 - (d) Section 499 (1) [*Notice to affected property owners and tenants*];

- (e) Section 503 (1) and (3) [*Notice of permit on land title*]; and
 - (f) Section 594 (1) [*Notice on land titles*].
- (4) Council delegates its duty to give and file notices under section 29 (2) [Exclusion applications – notice of public hearing] of the *Agricultural Land Commission Act* to the Director of Planning and Building.

Business licences

- 6** Council delegates its powers, duties and functions under sections 8(6), 15 and 60 of the *Community Charter* to grant, refuse, suspend, or cancel a business licence to the Manager, Bylaw and Business Licensing Services.

Business licences - reconsideration

- 7**
- (1) A business licence applicant or holder that is subject to a decision made under the delegated authority under section 6 of this bylaw is entitled to have the decision reconsidered by Council in accordance with this section.
 - (2) Where a business licence applicant or holder wishes to have Council reconsider a decision made under the delegated authority under section 6 of this bylaw:
 - (a) The business licence applicant or holder must, within 30 days of the decision having been communicated to the business licence applicant or holder, make an application in writing to the Corporate Officer, which application must include the following:
 - (i) a description of the decision sought to be reconsidered by Council;
 - (ii) the date of the decision;
 - (iii) the name of the delegate who made the decision;
 - (iv) the grounds on which reconsideration is being requested; and
 - (v) a copy of any materials that the business licence applicant or holder wishes Council to take into account when reconsidering the decision.
 - (b) Council must reconsider the decision at a regular meeting of Council held within a reasonable period of time after the date on which the application for reconsideration was delivered to the Corporate Officer.
 - (c) The Corporate Officer must:
 - (i) Place the reconsideration of the decision on the agenda for a regular meeting of Council in accordance with paragraph (b) above; and
 - (iii) Before the reconsideration of the decision by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered, and a copy of all materials submitted by the business licence applicant or holder to the Corporate Officer as part of the application for reconsideration.
 - (d) In reconsidering the decision the Council must consider all the material before it.
 - (e) At the meeting at which Council is to reconsider the decision, Council will first hear from staff in relation to the subject matter of the decision and in relation to

the decision itself, and will then hear from the business licence applicant or holder. Council may then hear from staff in relation to any new information raised by the business licence applicant or holder in its submissions to Council.

- (f) Council is entitled to adjourn the reconsideration of the decision; and
- (g) After hearing from staff and the business licence applicant or holder, Council will reconsider the decision and may either confirm the decision, amend the decision, or set aside the decision and substitute the decision of Council.

Outdoor burning ban

- 8** Council delegates its powers under section 8(3)(g) of the *Community Charter* to ban outdoor burning in all or part of the municipality to the Local Assistant to the Fire Commissioner, subject to a fire hazard existing, the ban being for not more than 90 days, and the public promptly being notified of the ban.

Personnel administration and appointments

- 9**
- (1) Council delegates its powers to appoint, promote, and discipline officers (other than the Chief Administrative Officer) and employees to the Chief Administrative Officer.
 - (2) Council delegates its power to approve compensation for officers (other than the Chief Administrative Officer) and employees to the Chief Administrative Officer, subject to sufficient funds having been allocated and approved by Council under the financial plan bylaw.
 - (3) Council delegates its powers to terminate the employment of employees for cause to the Chief Administrative Officer.
 - (4) Council delegates its powers to terminate the employment of employees without cause to the Chief Administrative Officer, subject to any severance paid to the employee being in accordance with the notice provisions of any applicable employment agreement or the common law principles applicable to payments in lieu of notice on termination of employment, and sufficient funds having been allocated and approved by Council under the financial plan bylaw.
 - (5) Council delegates its powers to settle labour grievances or disputes to the Chief Administrative Officer, subject to the settlement being in accordance with common law principles and sufficient funds having been allocated and approved by Council under the financial plan bylaw to satisfy the settlement.
 - (6) Council delegates its powers to appoint Bylaw Enforcement Officers under s. 36 [bylaw enforcement officers] of the *Police Act* to the Chief Administrative Officer.
 - (7) Council delegates its powers to appoint Weed Control Officers under s. 10 [weed control officers] of the *Weed Control Act* to the Director of Engineering.

Agreements - procurement

- 10**
- (1) Council delegates its powers to enter into agreements for the purchase of works, services, or goods having a value of not more than \$500,000.00 to the Chief Administrative Officer.
 - (2) Council delegates its powers to enter into agreements for the purchase of works, services, or goods having a value of not more than \$200,000.00 to the Financial Officer,

and to the Authorized 200k Purchaser with responsibility for the area of Municipal operations for which the works, services, or goods relate.

- (3) Council delegates its powers to enter into agreements for the purchase of works, services, or goods having a value of not more than \$75,000.00 to the Authorized 75k Purchaser with responsibility for the area of Municipal operations for which the works, services, or goods relate.
- (4) Council delegates its powers to enter into agreements for the purchase of works, services, or goods having a value of not more than \$10,000.00 to the Authorized 10k Purchaser with responsibility for the area of Municipal operations for which the works, services, or goods relate.
- (5) For the purpose of subsections (1) to (4) above, the delegated authority to enter into an agreement is subject to the agreement not requiring the approval or consent of the electors and sufficient funds having been allocated and approved by Council under the financial plan bylaw, and, without limiting the substance of the discretion delegated therein, such discretion is subject to the delegate adhering to the procurement processes endorsed by Council from time to time.

Agreements - miscellaneous

- 11** (1) Council delegates the power to enter into agreements in relation to grant monies for approved projects to the Financial Officer.
- (2) Council delegates its powers to enter into agreements for information sharing to the Chief Information Officer.
- (3) Council delegates its powers to enter into agreements for boat moorage at municipally-owned or operated wharves to the Director of Parks and Recreation.
- (5) Council delegates its powers to enter into agreements for the following purposes to the Director of Parks and Recreation:
 - (a) Facility use or rental agreements for municipal recreation facilities;
 - (b) Rental agreements for parks and municipal forest reserve lands, subject to the agreement being for a term of not more than 12 months; and
 - (c) Health promotion and rehabilitation service agreements, subject to sufficient funds having been allocated and approved by Council under the financial plan bylaw.
- (6) Council delegates its powers to amend, renew, extend or suspend agreements previously approved and authorized by Council or under a delegated authority under this bylaw to the Chief Administrative Officer.

Settlement of claims

- 12** Council delegates its powers to settle claims, whether legal proceedings have been commenced or not, to the Chief Administrative Officer, subject to the settlement being for not more than \$50,000.00 and sufficient funds having been allocated and approved by Council under the financial plan bylaw to satisfy the settlement.

Bylaw enforcement

- 13** (1) Council delegates its powers to commence and prosecute bylaw enforcement proceedings under section 274 [*Actions by municipality*] of the *Community Charter* to the Manager, Bylaw and Business Licensing Services, subject to there being urgency in the commencement of the proceedings, and the Chief Administrative Officer reporting to Council, as soon as reasonably practicable, at a regular meeting of Council as to the commencement of the proceedings, the urgency necessitating commencement of the proceedings, and the status of the proceedings.
- (2) Council delegates its duty under section 269 (1) [*Hearing of disputes*] of the *Community Charter* to refer disputed tickets to the Provincial Court for a hearing to the Manager, Bylaw and Business Licensing Services.

Land sales

- 14** Council delegates its powers to dispose of municipal land, or an interest in municipal land, to the Chief Administrative Officer, subject to Council having first passed a resolution authorizing the disposition of the land or interest in it, and the disposition being for a price that is not less than 95% of the value set by Council in its resolution authorizing the disposition of the land or interest in it.

Land purchases

- 15** Council delegates its powers to acquire land, or interests in land, to the Chief Administrative Officer, subject to the purchase being for a municipal project approved by Council and sufficient funds having been allocated and approved by Council under the financial plan bylaw.

Registration of road dedication, statutory rights-of-way and covenants

- 16** Council delegates its powers to authorize the registration of road dedication plans, statutory rights-of-way and covenants over lands, to:
- (a) the Approving Officer, where required as a condition of a subdivision approval or an engineering approval; and
- (b) the Director of Planning and Building, where required as a condition of a planning approval or building approval.

Builders liens

- 17** Council delegates its powers to file and discharge notices of interest under the *Builders Lien Act* to the Director of Planning and Building.

Discharge of obsolete charges

- 18** Council delegates its powers to discharge obsolete charges and legal notations from the title to real property to:
- (a) the Approving Officer, where no longer required for subdivision or engineering purposes; and
- (b) the Director of Planning and Building, where no longer required for planning or building purposes.

Encroachments within rights of way

- 19** Council delegates its powers to authorize encroachments within road and other rights-of-way to the Director of Engineering.

Temporary municipal land and street use

- 20**
- (1) Council delegates its powers to issue licences of occupation for non-exclusive uses of municipal land to the Chief Administrative Officer, subject to the licence being for a term of not more than 12 months.
 - (2) Council delegates its powers to authorize sub-leases or sub-licences of municipal property, and to assign municipal leases and licences, to the Chief Administrative Officer.
 - (3) Council delegates its powers to issue special event permits for temporary, non-exclusive uses of
 - (a) municipal land and road (including temporary private uses or occupation of municipal streets) to the Director of Engineering, and
 - (b) municipal parks and recreational areas to the Director of Parks and Recreation, subject to the permit being for a term not more than 14 days.
 - (4) Council delegates its powers to authorize the installation of additional equipment on existing telecommunications towers on municipal property to the Chief Administrative Officer.
 - (5) For the purpose of subsections (1) to (4) above, the Chief Administrative Officer, Director of Engineering, and the Director of Parks and Recreation may set conditions, including conditions relating to compensation, indemnification, insurance, security, machinery, equipment, times of use, and compliance with applicable laws and any restrictions on title to property to which the licence or permit relates.

Municipal Forest Reserve closure

- 21** Council delegates its powers to close or restrict use of all or part of the Municipal Forest Reserve, or lands managed for forestry purposes, to the Municipal Forester, subject to the closure or restriction as to use being during active forestry operations or being necessary to protect against a danger of fire or another danger, and the public being promptly notified of the closure or restriction.

Land use approvals

- 22**
- (1) Council delegates its powers, duties and functions under sections 490 [*Development permits*] and 491 [*Development permits: specific authorities*] of the *Local Government Act*, to the Director of Planning and Building, subject to there being no variances of municipal bylaws involved.
 - (2) Council delegates its powers under section 493(1)(a) [*Temporary use permits for designated and other areas*] of the *Local Government Act* to the Director of Planning and Building in order to:
 - (a) approve temporary use permits to allow property owners to continue to occupy an existing dwelling while a replacement dwelling is under construction; and
 - (b) sign temporary use permits approved by Council.
 - (3) Council delegates its powers to require security under section 502 [*Requirement for*

security as a condition of land use permit] of the *Local Government Act* in respect of matters delegated under subsections (1) and (2) above to the Director of Planning and Building.

Land use approvals – reconsideration

- 23** (1) The owner of land who is subject to a decision made under the delegated authority under section 22 of this bylaw is entitled to have the decision reconsidered by Council in accordance with this section.
- (2) Where the owner wishes to have Council reconsider a decision made under the delegated authority under section 22 of this bylaw:
- (a) The owner must, within 30 days of the decision having been communicated to the owner, make an application in writing to the Corporate Officer, which application must include the following:
 - (i) a description of the decision sought to be reconsidered by Council;
 - (ii) the date of the decision;
 - (iii) the name of the delegate who made the decision;
 - (iv) the grounds on which reconsideration is being requested; and
 - (v) a copy of any materials that the owner wishes Council to take into account when reconsidering the decision.
 - (b) Council must reconsider the decision at a regular meeting of Council held within a reasonable period of time after the date on which the application for reconsideration was delivered to the Corporate Officer.
 - (c) The Corporate Officer must:
 - (i) Place the reconsideration of the decision on the agenda for a regular meeting of Council in accordance with paragraph (b) above;
 - (ii) Give notice of reconsideration of the decision in accordance with any notice requirements applicable to the original decision; and
 - (iii) Before the reconsideration of the decision by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered, and a copy of all materials submitted by the owner to the Corporate Officer as part of the application for reconsideration.
 - (d) In reconsidering the decision the Council must consider all the material before it.
 - (e) At the meeting at which Council is to reconsider the decision, Council will first hear from staff in relation to the subject matter of the decision and in relation to the decision itself, and will then hear from the owner. Council may then hear from staff in relation to any new information raised by the owner in its submissions to Council.
 - (f) Council is entitled to adjourn the reconsideration of the decision; and

- (g) After hearing from staff and the owner, Council will reconsider the decision and may either confirm the decision, amend the decision, or set aside the decision and substitute the decision of Council.

Parcel frontage exemptions

- 24** Council delegates its powers to exempt a parcel from the minimum amount of frontage on a highway required under section 512 (2) [*Minimum parcel frontage on highway*] of the *Local Government Act* to the Approving Officer.

Strata conversions

- 25** Council delegates its powers under section 242(10)(a) [*Approval for conversion of previously occupied buildings*] of the *Strata Property Act* to approve strata conversions to the Approving Officer, subject to the conversion being in relation to a two-family residential building.

Works and services agreements

- 26** Council delegates its powers to enter into agreements for works and services under section 5 of the Works and Services Bylaw 1986, as amended or replaced from time to time, to the Director of Engineering.

Excess or extended services

- 27** Council delegates its powers, duties and functions under sections 507 [*Requirements for excess or extended services*] and 508 [*Latecomer charges and cost recovery for excess or extended services*] of the *Local Government Act* to the Director of Engineering.

Petitions for local area services

- 28** Council delegates its powers to require that petitions for local area services include information in addition to that which is required under section 212 (2) [*Petition for local area service*] of the *Community Charter* to the Director of Engineering.

Severability

- 29** 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 enforceable and in effect.

Repeal

- 30** "Delegation of Authority Bylaw No. 3734, 2019" and all amendments thereto, is repealed.

Title

- 31** This bylaw may be cited as "Delegation of Authority Bylaw No. 3814, 2021".

READ a first time on
READ a second time on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



The Corporation of the District of North Cowichan

Delegation of Authority Bylaw REDLINE VERSION

Bylaw 3734

A bylaw to provide for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees

*[Consolidated and printed by authority of the Corporate Officer under section 139 of the Community Charter.
Current to January 21, 2020. Last amended January 20, 2020. Amendments: 3771.]*

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31	Title

WHEREAS Division 6 of Part 5 of the *Community Charter* empowers a municipal council, by bylaw, to delegate its powers, duties and functions, including those specifically established by an enactment, to the extent provided;

AND WHEREAS Council considers that there are a number of circumstances where delegation of certain of its powers, duties and functions would foster good government;

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

Interpretation

1 (1) In this bylaw:

"Approving Officer" means the person so appointed under section 77 [*Appointment of municipal approving officers*] of the *Land Title Act*;

"Audit Committee" means the standing committee of Council established under section 170 [*Audit committee*] of the *Community Charter*;

"Chief Administrative Officer" means the municipal officer appointed under section 147 [*Chief administrative officer*] of the *Community Charter*;

"Corporate Officer" means the municipal officer appointed under section 148 [*Corporate officer*] of the *Community Charter*;

"Authorized 200k Purchaser" means the Deputy Chief Administrative Officer, the Financial Officer, the Corporate Officer, a person appointed by the Chief Administrative Officer as a Director, or the Chief Information Officer;

"Authorized 75k PurchaserDepartment Head" means ~~at~~the persons appointed by the Chief Administrative Officer as a Senior Manager, Manager, Assistant Manager, Officer (exempt), the Manager of Legislative Services, the Deputy Corporate Officer, the Information Management Officer, ~~or~~ the Municipal Forester, ~~the Senior Manager of Engineering, the Manager of Engineering Development and Capital Projects, the Assistant Manager of Operations, the Manager of Recreation, and the persons appointed by the Chief Administrative Officer as a director, senior manager, or manager who reports directly to the Chief Administrative Officer or to the General Manager, Community Services, the General Manager, Development and Engineering Services, the General Manager, Financial and Protective Services, or the General Manager, Corporate Services;~~ [BL3771]

"Director of Engineering" means the person so appointed by the Chief Administrative Officer;

"Chief Information OfficerDirector of Information Technology and GIS" means the person so appointed by the Chief Administrative Officer;

"Director of Parks and Recreation" means the person so appointed by the Chief Administrative Officer;

"Director of Planning and Building" means the person so appointed by the Chief Administrative Officer;

~~**"General Manager, Community Services"** means the person so appointed by the Chief Administrative Officer;~~

~~**"General Manager, Development and Engineering Services"** means the person so appointed by the Chief Administrative Officer;~~

~~"Financial Officer" General Manager, Financial and Protective Services~~ means the municipal officer appointed under section 149 [*Financial officer*] of the *Community Charter*;

~~"General Manager, Corporate Services"~~ means the person so appointed by the Chief Administrative Officer;

"Local Assistant to the Fire Commissioner" means a person authorized to exercise the powers of a local assistant under the *Fire Services Act*;

~~"Manager, Bylaw and Business Licensing Services"~~ means the person so appointed by the Chief Administrative Officer;

~~"Manager, Fire and Bylaw Services"~~ means the person so appointed by the Chief Administrative Officer;

~~"Authorized 10k Purchaser Management Staff"~~ means ~~at the persons~~ appointed by the Chief Administrative Officer as ~~the Fire Chief or Deputy Fire Chief of a municipal fire hall, the Chief Building Inspector, the Technical Services Specialist, the Business Applications Coordinator, the Senior Bylaw Compliance Officer, the Senior Environmental Specialist, the Community Planning Coordinator, the Development Planning Coordinator, the Human Resources Advisor, the Health, Safety and Disability Management Advisor, the Human Resources Coordinator, the Payroll Coordinator, the Executive Assistant, the Records and Information Management Assistant, the Administrative Assistant, the Communications and Public Engagement Coordinator, the Administrative Supervisor, the Assistant Manager of Operations, a Foreperson, the Chief Treatment Plant Operator, the Facilities Supervisor, the Aquatic Centre Maintenance Supervisor, Chief Maintenance Ice Maker, Chief Treatment Plant Operator, a foreman, and all exempt staff; managers who report directly to a Department Head;~~ [BL3771]

"Municipal Forester" means the person so appointed by the Chief Administrative Officer.

- (2) Where this bylaw delegates a power, duty or function of Council to a named position, the delegation is to the person who holds the position, and to any person who is the deputy of, or who is authorized to act for, that person.
- (3) Unless a power, duty or function of Council has been expressly delegated by this bylaw or another municipal bylaw, the powers, duties and functions of Council remain with Council.
- (4) A person to whom a power, duty or function has been delegated under this bylaw, or another bylaw, has no authority to further delegate to another person any power, duty or function that has been delegated to them by this bylaw.

Committee of the whole

- 2 Council delegates its powers to give direction to staff on matters being considered by the committee of the whole to the committee of the whole.

Municipal audit

- 3 Council delegates its powers, duties and functions under Division 2 of Part 6 of the *Community Charter* to the Audit Committee.

Parcel tax roll review panel

- 4 Council delegates its duty under section 204 (2) [*Parcel tax roll review panel*] of the *Community Charter* to the ~~General Manager, Financial and Protective Services~~Financial Officer.

Notices

- 5 (1) Council delegates its duty to give notice under the following sections of the *Community Charter* to the Corporate Officer:
- (a) Section 26 (1) [*Notice of proposed property disposition*];
 - (b) Section 40 (3) [*Permanent closure and removal of highway dedication*];
 - (c) Section 59 (2) [*Powers to require and prohibit*]; and
 - (d) Section 127 (1) (b) [*Notice of council meetings*].
- (2) Council delegates its duty to give notice under the following sections of the *Community Charter* to the ~~General Manager, Financial and Protective Services~~Financial Officer:
- (a) Section 99 (3) [*Annual meeting on report*]; and
 - (b) Section 227 (1) [*Notice of permissive tax exemptions*].
- (3) Council delegates its duty to give and file notices under the following sections of the *Local Government Act* to the Director of Planning and Building:
- (a) Section 466 (1) [*Notice of public hearing*];
 - (b) Section 467 (1) [*Notice if public hearing waived*];
 - (c) Section 494 (1) [*Public notice and hearing requirements*];
 - (d) Section 499 (1) [*Notice to affected property owners and tenants*];
 - (e) Section 503 (1) and (3) [*Notice of permit on land title*]; and
 - (f) Section 594 (1) [*Notice on land titles*].
- (4) Council delegates its duty to give and file notices under section 29 (2) [Exclusion applications – notice of public hearing] of the *Agricultural Land Commission Act* to the Director of Planning and Building.

Business licenses

- 6 Council delegates its powers, duties and functions under sections 8(6), 15 and 60 of the *Community Charter* to grant, refuse, suspend, or cancel a business license to the ~~General Manager, Financial and Protective Services~~Manager, Bylaw and Business Licensing Services.

Business licenses - reconsideration

- 7 (1) A business license applicant or holder that is subject to a decision made under the delegated authority under section 6 of this bylaw is entitled to have the decision reconsidered by Council in accordance with this section.
- (2) Where a business license applicant or holder wishes to have Council reconsider a decision made under the delegated authority under section 6 of this bylaw:
- (a) The business license applicant or holder must, within 30 days of the decision having been communicated to the business license applicant or holder, make an

application in writing to the Corporate Officer, which application must include the following:

- (i) A description of the decision sought to be reconsidered by Council;
 - (ii) The date of the decision;
 - (iii) The name of the delegate who made the decision;
 - (iv) The grounds on which reconsideration is being requested; and,
 - (v) A copy of any materials that the business license applicant or holder wishes Council to take into account when reconsidering the decision.
- (b) Council must reconsider the decision at a regular meeting of Council held within a reasonable period of time after the date on which the application for reconsideration was delivered to the Corporate Officer.
- (c) The Corporate Officer must:
- (i) Place the reconsideration of the decision on the agenda for a regular meeting of Council in accordance with paragraph (b) above; and,
 - (iii) Before the reconsideration of the decision by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered, and a copy of all materials submitted by the business license applicant or holder to the Corporate Officer as part of the application for reconsideration.
- (d) In reconsidering the decision the Council must consider all the material before it.
- (e) At the meeting at which Council is to reconsider the decision, Council will first hear from staff in relation to the subject matter of the decision and in relation to the decision itself, and will then hear from the business license applicant or holder. Council may then hear from staff in relation to any new information raised by the business license applicant or holder in its submissions to Council.
- (f) Council is entitled to adjourn the reconsideration of the decision; and,
- (g) After hearing from staff and the business license applicant or holder, Council will reconsider the decision and may either confirm the decision, amend the decision, or set aside the decision and substitute the decision of Council.

Outdoor burning ban

- 8 Council delegates its powers under section 8(3)(g) of the *Community Charter* to ban outdoor burning in all or part of the municipality to the Local Assistant to the Fire Commissioner, subject to a fire hazard existing, the ban being for not more than 90 days, and the public promptly being notified of the ban.

Personnel administration

- 9 ~~(1) Council delegates its powers to appoint an acting Chief Administrative Officer to temporarily act on behalf of the Chief Administrative Officer in the Chief Administrative Officer's absence to the Chief Administrative Officer.~~
- (12) Council delegates its powers to appoint, promote, and discipline officers (other than the Chief Administrative Officer) and employees to the Chief Administrative Officer.

- (23) Council delegates its power to approve compensation for officers (other than the Chief Administrative Officer) and employees to the Chief Administrative Officer, subject to sufficient funds having been allocated and approved by Council under the financial plan bylaw.
- (34) Council delegates its powers to terminate the employment of employees for cause to the Chief Administrative Officer.
- (45) Council delegates its powers to terminate the employment of employees without cause to the Chief Administrative Officer, subject to any severance paid to the employee being in accordance with the notice provisions of any applicable employment agreement or the common law principles applicable to payments in lieu of notice on termination of employment, and sufficient funds having been allocated and approved by Council under the financial plan bylaw.
- (56) Council delegates its powers to settle labour grievances or disputes to the Chief Administrative Officer, subject to the settlement being in accordance with common law principles and sufficient funds having been allocated and approved by Council under the financial plan bylaw to satisfy the settlement.
- (6) Council delegates its powers to appoint Bylaw Enforcement Officers under s. 36 [bylaw enforcement officers] of the Police Act to the Chief Administrative Officer.
- (7) Council delegates its powers to appoint Weed Control Officers under s. 10 [weed control officers] of the Weed Control Act to the Director of Engineering

Agreements - procurement

- 10**
- (1) Council delegates its powers to enter into agreements for the purchase of works, services, or goodschattels having a value of not more than \$500,000.00 to the Chief Administrative Officer.
 - (2) Council delegates its powers to enter into agreements for the purchase of works, services, or goodschattels having a value of not more than \$200,000.00 to the Financial Officer, and to the Authorized 200k Purchaser with responsibility for the area of Municipal operations for which the works, services, or goods relate.~~the General Manager, Corporate Services, the General Manager, Financial and Protective Services, the General Manager, Community Services, the General Manager, Development and Engineering Services, the Director of Planning and Building, the Director of Engineering, the Director of Parks and Recreation, and the Director of Information Technology and GIS.~~
 - (3) Council delegates its powers to enter into agreements for the purchase of works, services, or goodschattels having a value of not more than \$75,000.00 to the Authorized 75k Purchaser with responsibility for the area of Municipal operations for which the works, services, or goods relate.~~Department Heads.~~
 - (4) Council delegates its powers to enter into agreements for the purchase of works, services, or goodschattels having a value of not more than \$10,000.00 to the Authorized 10k Purchaser with responsibility for the area of Municipal operations for which the works, services, or goods relate.~~Management Staff.~~
 - (5) For the purpose of subsections (1) to (4) above, the delegated authority to enter into an agreement is subject to the agreement not requiring the approval or consent of the

electors and sufficient funds having been allocated and approved by Council under the financial plan bylaw, and, without limiting the substance of the discretion delegated therein, such discretion is subject to the delegate adhering to the procurement processes endorsed by Council from time to time.

Agreements - miscellaneous

- 11** (1) Council delegates the power to enter into agreements in relation to grant monies for approved projects to the ~~General Manager, Financial and Protective Services~~ Financial Officer.
- (2) Council delegates its powers to enter into agreements for information sharing to the ~~Chief Information Officer~~ General Manager, Corporate Services.
- (3) Council delegates its powers to enter into agreements for boat moorage at municipally-owned or operated wharves to the Director of Parks and Recreation ~~General Manager, Community Services~~.
- (4) ~~Council delegates its powers to enter into agreements for authorizing encroachments caused by road widening to the Director of Engineering.~~
- (45) Council delegates its powers to enter into agreements for the following purposes to the Director of Parks and Recreation:
- (a) Facility use or rental agreements for municipal recreation facilities;
 - (b) Rental agreements for parks and municipal forest reserve lands, subject to the agreement being for a term of not more than 123 months; and
 - (c) Health promotion and rehabilitation service agreements, subject to sufficient funds having been allocated and approved by Council under the financial plan bylaw.
- (56) Council delegates its powers to amend, renew, extend or suspend agreements previously approved and authorized by Council or under a delegated authority under this bylaw to the Chief Administrative Officer.

Settlement of claims

- 12** Council delegates its powers to settle claims, whether legal proceedings have been commenced or not, to the Chief Administrative Officer, subject to the settlement being for not more than \$50,000.00 and sufficient funds having been allocated and approved by Council under the financial plan bylaw to satisfy the settlement.

Bylaw enforcement

- 13** (1) Council delegates its powers to commence and prosecute bylaw enforcement proceedings under section 274 [*Actions by municipality*] of the *Community Charter* to the ~~General Manager, Financial and Protective Services~~ Manager, Bylaw and Business Licensing Services, subject to there being urgency in the commencement of the proceedings, and the Chief Administrative Officer reporting to Council, as soon as reasonably practicable, at a regular meeting of Council as to the commencement of the proceedings, the urgency necessitating commencement of the proceedings, and the status of the proceedings.

- (2) Council delegates its duty under section 269 (1) [*Hearing of disputes*] of the *Community Charter* to refer disputed tickets to the Provincial Court for a hearing to the ~~General Manager, Financial and Protective Services Manager, Bylaw and Business Licensing Services.~~

Land sales

- 14 Council delegates its powers to dispose of municipal land, or an interest in municipal land, to the Chief Administrative Officer, subject to Council having first passed a resolution authorizing the disposition of the land or interest in it, and the disposition being for a price that is not less than 95% of the value set by Council in its resolution authorizing the disposition of the land or interest in it.

Land purchases

- 15 Council delegates its powers to acquire land, or interests in land, to the Chief Administrative Officer, subject to the purchase being for a municipal project approved by Council and sufficient funds having been allocated and approved by Council under the financial plan bylaw.

Registration of road dedication, statutory rights-of-way and covenants

- 16 Council delegates its powers to authorize the registration of road dedication plans, statutory rights-of-way and covenants over lands, ~~to that are under development~~

~~(a) to the Approving Officer, where required as a condition of a subdivision approval or an engineering approval; and~~

~~(b) the Director of Planning and Building, where required as a condition of a planning approval or building approval.~~

~~-[BL3771]~~

Builders liens

- 17 Council delegates its powers to file and discharge notices of interest under the *Builders Lien Act* to the ~~Director of Planning and Building, General Manager, Corporate Services.~~

Discharge of obsolete charges

- 18 Council delegates its powers to discharge obsolete charges and legal notations from the title to real property to:

~~(a) the Approving Officer, where no longer required for subdivision or engineering purposes; and~~

~~(b) the Director of Planning and Building, where no longer required for planning or building purposes.~~

Encroachments within ~~road~~ rights of way

- 19 Council delegates its powers to authorize encroachments within road and other rights-of-way to the ~~Chief Administrative Officer~~ Director of Engineering. [BL3771]

Temporary municipal land and street use

- 20 (1) Council delegates its powers to issue licenses of occupation for non-exclusive uses of municipal land to the Chief Administrative Officer, subject to the license being for a term of not more than 12 months.

- (2) Council delegates its powers to authorize sub-leases or sub-licenses of municipal property, and to assign municipal leases and licenses, to the Chief Administrative Officer.
- (3) Council delegates its powers to issue special event permits for temporary, non-exclusive uses of
 - (a) municipal land and road (including temporary private uses or occupation of municipal streets) to the Director of Engineering, and
 - (b) municipal parks and recreational areas to the ~~General Manager of Community Services or the~~ Director of Parks and Recreation,
 subject to the permit being for a term not more than ~~14 days~~~~72 hours~~. [BL3771]
- (4) Council delegates its powers to authorize the installation of additional equipment on existing telecommunications towers on municipal property to the Chief Administrative Officer.
- (5) For the purpose of subsections (1) to (4) above, the Chief Administrative Officer, ~~General Manager of Community Services, or~~ Director of Engineering, and the Director of Parks and Recreation may set conditions, including conditions relating to compensation, indemnification, insurance, security, machinery, equipment, times of use, and compliance with applicable laws and any restrictions on title to property to which the licence or permit relates. [BL3771]

Municipal Forest Reserve closure

- 21** Council delegates its powers to close or restrict use of all or part of the Municipal Forest Reserve, or lands managed for forestry purposes, to the Municipal Forester, subject to the ~~closure or restriction as to use being for not more than 30 days, the~~ closure or restriction as to use being during active forestry operations or being necessary to protect against a danger of fire or another danger, and the public being promptly notified of the closure or restriction.

Land use approvals

- 22** (1) Council delegates its powers, duties and functions under sections 490 *[Development permits]* and 491 *[Development permits: specific authorities]* of the *Local Government Act*, to the Director of Planning and Building, subject to there being no variances of municipal bylaws involved.
- (2) Council delegates its powers under section 493(1)(a) *[Temporary use permits for designated and other areas]* of the *Local Government Act* to the Director of Planning and Building in order to:
- (a) ~~a~~ Approve temporary use permits ~~in order~~ to allow property owners to continue to occupy an existing dwelling while a replacement dwelling is under construction; and
 - (b) ~~ii~~ ~~s~~ Sign temporary use permits approved by Council, ~~to the Director of Planning and Building.~~
- (3) Council delegates its powers to require security under section 502 *[Requirement for security as a condition of land use permit]* of the *Local Government Act* in respect of matters delegated under subsections (1) and (2) above to the Director of Planning and Building.

Land use approvals – reconsideration

- 23** (1) The owner of land who is subject to a decision made under the delegated authority under section 22 of this bylaw is entitled to have the decision reconsidered by Council in accordance with this section.
- (2) Where the owner wishes to have Council reconsider a decision made under the delegated authority under section 22 of this bylaw:
- (a) The owner must, within 30 days of the decision having been communicated to the owner, make an application in writing to the Corporate Officer, which application must include the following:
 - (i) A description of the decision sought to be reconsidered by Council;
 - (ii) The date of the decision;
 - (iii) The name of the delegate who made the decision;
 - (iv) The grounds on which reconsideration is being requested; and,
 - (v) A copy of any materials that the owner wishes Council to take into account when reconsidering the decision.
 - (b) Council must reconsider the decision at a regular meeting of Council held within a reasonable period of time after the date on which the application for reconsideration was delivered to the Corporate Officer.
 - (c) The Corporate Officer must:
 - (i) Place the reconsideration of the decision on the agenda for a regular meeting of Council in accordance with paragraph (b) above;
 - (ii) Give notice of reconsideration of the decision in accordance with any notice requirements applicable to the original decision; and,
 - (iii) Before the reconsideration of the decision by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered, and a copy of all materials submitted by the ~~owner, business license applicant or holder~~ to the Corporate Officer as part of the application for reconsideration.
 - (d) In reconsidering the decision the Council must consider all the material before it.
 - (e) At the meeting at which Council is to reconsider the decision, Council will first hear from staff in relation to the subject matter of the decision and in relation to the decision itself, and will then hear from the owner. Council may then hear from staff in relation to any new information raised by the owner in its submissions to Council.
 - (f) Council is entitled to adjourn the reconsideration of the decision; and,
 - (g) After hearing from staff and the owner, Council will reconsider the decision and may either confirm the decision, amend the decision, or set aside the decision and substitute the decision of Council.

Parcel frontage exemptions

- 24** Council delegates its powers to exempt a parcel from the minimum amount of frontage on a highway required under section 512 (2) *[Minimum parcel frontage on highway]* of the *Local Government Act* to the Approving Officer.

Strata conversions

- 25** Council delegates its powers under section 242(10)(a) *[Approval for conversion of previously occupied buildings]* of the *Strata Property Act* to approve strata conversions to the Approving Officer, subject to the conversion being in relation to a two-family residential building.

Works and services agreements

- 26** Council delegates its powers to enter into agreements for works and services under section 5 of the Works and Services Bylaw 1986, as amended or replaced from time to time, to the Director of Engineering.

Excess or extended services

- 27** Council delegates its powers, duties and functions under sections 507 *[Requirements for excess or extended services]* and 508 *[Latecomer charges and cost recovery for excess or extended services]* of the *Local Government Act* to the Director of Engineering.

Petitions for local area services

- 28** Council delegates its powers to require that petitions for local area services include information in addition to that which is required under section 212 (2) *[Petition for local area service]* of the *Community Charter* to the Director of Engineering.

Severability

- 29** 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 enforceable and in effect.

Repeal

- 30** Bylaw 3616, "Delegation of Authority Bylaw" is repealed.

Title

- 31** This bylaw may be cited as "Delegation of Authority Bylaw No. 3734, 2019".

Read a first, second and third time on September 18, 2019
Adopted on October 2, 2019

Report

Date May 5, 2021
To Council
From Talitha Soldera, Director, Financial Services
Subject Revenue Anticipation Borrowing Bylaw for first three readings

File:

Endorsed:



Purpose

To introduce Revenue Anticipation Borrowing Bylaw No. 3828, 2021, to enable the Municipality to borrow money for a short term, if needed, to continue municipal operations while waiting for anticipated revenue (e.g. property taxes) to be received.

Background

While the fiscal year of a local government is the calendar year, most of the Municipality's revenue is collected in late June. From January until June, expenditures are funded from existing cash balances and surplus funds. In the event that insufficient cash is available and interim borrowing for operational needs is required, Section 177 of the *Community Charter* requires that a Revenue Anticipation Borrowing Bylaw be adopted.

Discussion

A Revenue Anticipation Borrowing Bylaw provides authority to temporarily borrow to meet current lawful expenditures or pay amounts required to meet taxing obligations in relation to another public body. While funds are not typically needed, having the bylaw in place ensures the authority to temporarily borrow is available should it be needed.

There are limitations to this type of borrowing established under Section 177 of the *Community Charter*; borrowed amounts cannot exceed 75% of all property taxes imposed for all purposes either for the preceding year or the current year, depending on whether the property tax bylaw has been adopted. Any borrowed funds must be repaid when the anticipated revenue is received.

In 2020, taxes imposed for all purposes totalled almost \$64 million, of which the general municipal tax levy was almost \$33 million. This means the maximum which may be temporarily borrowed is \$48 million; however, it is improbable that an amount of this magnitude would ever be required. Thus, staff recommend establishing a limit of \$24 million, 75% of the general municipal tax levy.

Options

1. (Recommended)

That Council give first three readings to Revenue Anticipation Borrowing Bylaw No. 3828, 2021.

- Advantages: Provides the authority to access an operating line of credit should it be needed.
 - Disadvantages: It could appear that North Cowichan has a large liability should the maximum amount be borrowed.
2. (Alternative Option)
- (a) That Council give first and second readings to Revenue Anticipation Borrowing Bylaw No. 3828, 2021.
 - (b) That Council amend the borrowing limit established under section 2 of Bylaw No. 3828 by striking out twenty-four million dollars and inserting in its place *(identify amount)* million dollars.
 - (c) That Council give third reading to Revenue Anticipation Borrowing Bylaw No. 3828, 2021 as amended.
 - Advantages: Council can provide input into the maximum line of credit the Municipality may access.
 - Disadvantages: Should the maximum amount be too small, staff will need to prioritize payments and potentially delay projects.

Implications

The Revenue Anticipation Borrowing Bylaw gives authority to borrow to meet the Municipality's obligations, and operating needs should the funds be required. No borrowing will be undertaken unless necessary.

Recommendation

That Council give first three readings to Revenue Anticipation Borrowing Bylaw No. 3828, 2021.

Attachment: Revenue Anticipation Borrowing Bylaw No. 3828, 2021



The Corporation of the District of North Cowichan

Revenue Anticipation Borrowing Bylaw

Bylaw 3828

WHEREAS it is provided by Section 177 of the *Community Charter* that Council may provide for the borrowing of money that may be necessary to meet the current lawful expenditures of the Municipality;

AND WHEREAS the total outstanding liabilities incurred shall not at any time exceed the sum of the unpaid taxes for all purposes imposed during the current year and the money remaining due from other governments;

AND WHEREAS the total amount of liability that Council may incur is Forty Eight Million Dollars (\$48,000,000) being seventy-five percent of the taxes imposed for all purposes in 2020;

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


- 1** This bylaw may be cited as "Revenue Anticipation Borrowing Bylaw No. 3828, 2021".
- 2** The Council shall be and is hereby empowered and authorized to borrow upon the credit of the Municipality such amounts and at such times as may be required an amount or amounts not exceeding the sum of Twenty Four Million Dollars (\$24,000,000).
- 3** The form of obligation to be given as acknowledgment of the liability shall be a promissory note or notes signed by the Mayor and Financial Officer.
- 4** When collected, revenue from property value taxes must be used as necessary to repay money borrowed under this bylaw.

READ a first time on
READ a second time on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date	May 5, 2021	File:
To	Council	
From	Michelle Martineau, Manager, Legislative Services	Endorsed: 
Subject	Nuisance Abatement and Cost Recovery Amendment Bylaw No. 3804, 2021 for first three readings	

Purpose

To consider an amendment to the Nuisance Abatement and Cost Recovery Bylaw to include the control of noxious weeds and make the Manager of Bylaw and Business Licensing Services responsible for enforcement oversight.

Background

On December 16, 2020, Council adopted Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 ("Bylaw No. 3804") to impose nuisance abatement service fees in order to recover the costs associated with cleaning up non-compliant nuisance properties.

When Bylaw No. 3804 was adopted, it repealed Untidy and Unsightly Premises Bylaw No. 2590, 1991, which contained specific language in relation to the prevention of the infestation of noxious weeds.

Discussion

- *Noxious Weeds*

Sections 3, 4 and 10 of the [Weed Control Act](#) authorize Council to appoint one or more Weed Control Officers to administer the Act. That Weed Control Officer, appointed by Council, may then direct the property occupier to control the growth of noxious weeds in accordance with the notice served upon them under section 4 of the Act.

The notice to be issued by the Weed Control Officer is set out in the form under Schedule B of the [Weed Control Regulation](#) (BC Reg. 66/85).

Nuisance Abatement & Cost Recovery Bylaw Amendment No. 3832, 2021 ("Bylaw No. 3832"), included as Attachment 1, proposes to add:

- Definitions for Noxious Weeds and Weed Control Officer;
- A new clause in relation to the Weed Control Officer requiring an owner/occupier to control or remove any noxious weeds found on their property; and,
- The Weed Control Officer to the list of authorized persons to enter onto property to conduct an inspection.

- *Manager of Bylaw and Business Licensing Services*

Since the Manager of Bylaw and Business Licensing Services position did not exist at the time Bylaw No. 3804 was drafted, the Manager of Fire and Bylaw Services was designated as the individual to issue Clean Up Orders and direct that action be taken when an owner or occupier evades receipt of the Order or does not take the action directed in the Order.

This amendment proposes to replace the Manager of Fire and Bylaw Services with the Manager of Bylaw and Business Licensing Services in the following sections:

- 5.6 – issuance of a Clean Up Order;
- 5.8 – evading receipt of a Clean Up Order; and,
- 5.13 – disposing of items removed from a property on default.

In addition to the above changes, this amendment also proposes to:

- Replace the Bylaw Compliance Officer with the Manager of Bylaw and Business Licensing Services as the individual authorized to issue a Weeds, Graffiti and Litter Order for simplicity purposes under section 5.2; and,
- Add the Manager of Bylaw and Business Licensing Services to the list of authorized persons to enter onto property to conduct an inspection.

The proposed amendments described above are reflected in the redline version of Bylaw No. 3804 included in Attachment 2.

Options

- (1) **(Recommended Option)** That Council gives first, second and third readings to Nuisance Abatement and Cost Recovery Amendment Bylaw No. 3832, 2021.
- (2) That Council gives first and second readings to Nuisance Abatement and Cost Recovery Amendment Bylaw No. 3832, 2021 and identifies changes to be made to the bylaw prior to giving it third reading as amended.

Implications

The proposed changes to Bylaw No. 3804 provide clearer direction to staff and the public regarding the control of noxious weeds and establishes a higher quality control standard in the issuance of Weeds, Graffiti and Litter Orders and Clean Up Orders and avoids any potential conflicts by dividing the responsibilities for issuing Orders and reconsidering that issuance.

Recommendation

That Council gives first, second and third readings to Nuisance Abatement and Cost Recovery Amendment Bylaw No. 3832, 2021.

Attachment(s):

- (1) Nuisance Abatement and Cost Recovery Amendment Bylaw No. 3832, 2021
- (2) Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 (redline version)



ATTACHMENT 1

The Corporation of the District of North Cowichan
Nuisance Abatement and Cost Recovery Amendment Bylaw
Bylaw 3832

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 "Nuisance Abatement and Cost Recovery Amendment Bylaw No. 3832, 2021".

Amendment

2. That Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 is hereby amended as follows:

- a. By inserting the following definitions for "Noxious Weeds" and "Weed Control Officer" under section 6.1:

"NOXIOUS WEED shall include:

- Blueweed (*Echium vulgare*);
- Garlic Mustard (*Alliaria petiolata*);
- Giant Hogweed (*Heracleum mantegazzianum*);
- Gorse (*Ulex Europaeus*);
- Knotweeds (*Fallopia spp. and Polygonum spp.*);
- Poison Hemlock (*Conium maculatum*); and
- Wild Chervil (*Anthriscus sylvestris*).

WEED CONTROL OFFICER means the person appointed by the Director of Engineering in accordance with the Delegation of Authority Bylaw."

- b. By deleting section 5.2 in relation to the issuance of a Weeds, Graffiti and Litter Order and inserting the following in its place:

"5.2. If a Bylaw Compliance Officer determines that real property contains grass, weeds or trees that are overgrown, graffiti or strewn litter, the Manager of Bylaw and Business Licensing Services may issue a Weeds, Graffiti and Litter Order."

- c. By inserting the following new section 5.2.1 under Part 5 Nuisance Abatement:

"5.2.1 If a Weed Control Officer determines that real property contains Noxious Weeds present or growing thereon, the Weed Control Officer shall give notice writing to the owner or occupier of such condition and require the owner or occupier to comply with the provisions set out under the *Weed Control Act* and *Weed Control*

Regulation (BC Reg. 66/85) within no less than 5 business days from the date of such notice.”

- d. By deleting section 5.6 in relation to the issuance of a Clean Up Order and inserting the following in its place:

“5.6. If a Bylaw Compliance Officer determines that a nuisance, other than a nuisance that may be the subject of a Weeds, Graffiti and Litter Order, exists on real property, the Manager of Bylaw and Business Licensing Services may issue a Clean Up Order.”
- e. By deleting section 5.8 in relation to a person who is evading receipt of a Clean Up Order and inserting the following in its place:

“5.8. If the Manager of Bylaw and Business Licensing Services concludes that a person is evading receipt of a Clean Up Order, the Manager of Bylaw and Business Licensing Services may request that Council, by resolution, authorize steps to be taken to deliver notice to that person as an alternative to compliance with section 5.7(c) or (d) of this bylaw.”
- f. By deleting section 5.13 in relation to the removal of items from a property and inserting the following in its place:

“5.13. If the District’s action on default includes the removal of one or more items from a property, the Manager of Bylaw and Business Licensing Services may, as the Manager of Bylaw and Business Licensing Services considers reasonable given the nature, condition and market value of each item:

 - (a) dispose of the item;
 - (b) sell the item for salvage and credit the money received against the cost of acting on default;
 - (c) auction the item and credit the money received against the cost of acting on default; or
 - (d) place the item into storage until the item is collected or abandoned.”
- g. By inserting “the Manager of Bylaw and Business Licensing” and “a Weed Control Officer”, in the list under section 5.14, as authorized persons to enter onto property to conduct an inspection:

“(i) the Manager of Bylaw and Business Licensing Services; and
(j) a Weed Control Officer.”

READ a first time on
READ a second time on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



The Corporation of the District of North Cowichan

Nuisance Abatement and Cost Recovery Bylaw

Bylaw No. 3804

Contents

- 1 Citation
- 2 Severability
- 3 Definitions
- 4 Prohibitions
- 5 Nuisance Abatement
- 6 Costs Imposition
- 7 Collection
- 8 Costs
- 9 Repeal

WHEREAS, under Sections 8 and 64 of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to nuisances; and

WHEREAS, under Sections 17 and 194 of the *Community Charter*, Council may impose costs and recover the costs of taking action in the event of a default by a person who fails to take action as Council directs:

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

PART 1 CITATION

- 1.1. This bylaw may be cited as "Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020".

PART 2 SEVERABILITY

- 2.1. If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

PART 3 DEFINITIONS

- 6.1. In this bylaw,

"NUISANCE" means:

- (a) noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (b) the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that

is liable to foul or contaminate the atmosphere;

- (c) refuse, garbage or other material that is noxious, offensive or unwholesome;
- (d) the accumulation of water on property;
- (e) unsanitary conditions on property;
- (f) overgrown grass, weeds or trees;
- (g) the carrying on of a noxious or offensive business activity;
- (h) graffiti and unsightly conditions on property; and
- (i) indecency and profane, blasphemous or grossly insulting language; and
- (j) anything which constitutes a nuisance at law.

"NOXIOUS WEED" shall include:

- Blueweed (*Echium vulgare*);
- Garlic Mustard (*Alliaria petiolata*);
- Giant Hogweed (*Heracleum mantegazzianum*);
- Gorse (*Ulex Europaeus*);
- Knotweeds (*Fallopia spp. and Polygonum spp.*);
- Poison Hemlock (*Conium maculatum*); and
- Wild Chervil (*Anthriscus sylvestris*).

"WEED CONTROL OFFICER" means the person appointed by the Director of Engineering in accordance with the Delegation of Authority Bylaw.

PART 4 PROHIBITIONS

- 4.1. No person shall do any act or cause any act to be done which constitutes a nuisance.
- 4.2. No owner or occupier of real property shall cause or permit a nuisance on that real property.
- 4.3. Every owner or occupier who is required to take action under a Weeds, Graffiti and Litter Order or a Clean Up Order shall comply with that order.

PART 5 NUISANCE ABATEMENT

- 5.1. A person in contravention of sections 4.1 or 4.2 of this bylaw shall abate or cause to be abated the nuisance.

5.2. If a Bylaw Compliance Officer determines that real property contains grass, -weeds or trees that are overgrown, graffiti or strewn litter, the ~~Bylaw Compliance Officer~~Manager of Bylaw and Business Licensing Services may issue a Weeds, Graffiti and Litter Order.

5.2.1 If a Weed Control Officer determines that real property contains Noxious Weeds present or growing thereon, the Weed Control Officer shall give notice writing to the owner or occupier of such condition and require the owner or occupier to comply with the provisions set out under the Weed Control Act and Weed Control Regulation (BC Reg. 66/85) within no less than

5 business days from the date of such notice.

- 5.3. A Weeds, Graffiti and Litter Order must:
- (a) be in writing;
 - (b) identify the person who must fulfill the requirement;
 - (c) be posted in a conspicuous location on the property;
 - (d) be sent by regular mail to the owner's address;
 - (e) be sent by regular mail to the occupier of the property if the occupier is the person who must fulfill the requirement;
 - (f) provide the owner or occupier of the property with no less than 5 business days to fulfill the requirement after the date the Weeds, Graffiti and Litter Order was posted on the property and sent;
 - (g) advise that a person may request that the Manager of Fire and Bylaw Services reconsider the Weeds, Graffiti and Litter Order in accordance with this Bylaw; and
 - (h) advise that upon default, the District may fulfil the requirement set out in the Weeds, Graffiti and Litter Order and seek recovery of the cost under section 17 of the *Community Charter*.
- 5.4. A person may request that the Manager of Fire and Bylaw Services reconsider a Weeds, Graffiti and Litter Order by delivering written submissions regarding the request to the District's Corporate Officer at least two days prior to the expiration of the time for compliance set out in the Weeds, Graffiti and Litter Order and providing an e-mail or postal address to which the response of the Manager of Fire and Bylaw Services should be sent.
- 5.5. If a timely request for reconsideration of a Weeds, Graffiti and Litter Order is made, the Manager of Fire and Bylaw Services may do any of the following:
- (a) affirm the Weeds, Graffiti and Litter Order;
 - (b) cancel the Weeds, Graffiti and Litter Order;
 - (c) affirm and extend the time for compliance with the Weeds, Graffiti and Litter Order; or
 - (d) modify the Weeds, Graffiti and Litter Order to accommodate a request by the affected person.
- 5.6. If a Bylaw Compliance Officer determines that a nuisance, other than a nuisance that may be the subject of a Weeds, Graffiti and Litter Order, exists on real property, the Manager of Bylaw and Business Licensing Services ~~Manager of Fire and Bylaw Services~~ may issue a Clean Up Order.
- 5.7. A Clean Up Order must:
- (a) be in writing;
 - (b) identify the person who must fulfill the requirement;
 - (c) be personally served on or sent by registered mail to the owner of the property at the

owner's address;

- (d) be personally served on or sent by registered mail to the occupier, if the occupier of the property is the person must fulfill the requirement;
- (e) be sent by regular mail to the occupier of the property if:
 - (i) the address of the property is different from the owner's address; and
 - (ii) the owner of the property is the person who must fulfill the requirement;
- (f) be sent by regular mail to each holder of a registered charge in relation to the property whose name is included on the assessment roll, if any, at the address set out in that assessment roll and to any later address provided to the District;
- (g) be posted in a conspicuous place on the property;
- (h) provide the owner or occupier with no less than 30 days to fulfill the requirement after the date the Clean Up Order was posted on the property and sent;
- (i) advise that a person may request that Council consider the Clean Up Order in accordance with this bylaw; and
- (j) advise that, upon default, the District may fulfil the requirement set out in the Clean Up Order and seek recovery of the cost under section 17 of the *Community Charter*.

- 5.8. If ~~at the Manager of Fire and Bylaw Services~~Manager of Bylaw and Business Licensing Services concludes that a person is evading receipt of a Clean Up Order, the Manager of Bylaw and Business Licensing Services ~~Manager of Fire and Bylaw Services~~ may request that Council, by resolution, authorize steps to be taken to deliver notice to that person as an alternative to compliance with section 5.7(c) or (d) of this bylaw.
- 5.9. A person may request that Council reconsider a Clean Up Order by delivering a request in writing to the District's Corporate Officer at least two weeks prior to the expiration of the time for compliance set out in the Clean Up Order.
- 5.10. If a timely request for reconsideration of a Clean Up Order is made, Council must hear the representations of the requestor at a Council meeting and may do any of the following:
 - (a) affirm the Clean Up Order;
 - (b) cancel the Clean Up Order;
 - (c) affirm and extend the time for compliance with the Clean Up Order; and
 - (d) modify the Clean Up Order to accommodate a request by the affected person.
- 5.11. If an owner or occupier fails to comply with a Clean Up Order or a Weeds, Graffiti and Litter Order, the District may, by its employees, contractors and agents, enter onto the property and take action in accordance with section 17 of the *Community Charter* and fulfil the requirements of the order. The District may recover the cost of such action on default, including administrative costs equal to 15% of the value of all contractor and agent invoices, from the person subject to the order and if such costs remain unpaid by December 31 of the year in which they are owing, such costs may be recovered as property taxes in arrears in

accordance with Part 14 of the *Community Charter*.

- 5.12. 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.
- 5.13. If the District's action on default includes the removal of one or more items from a property, the ~~Manager of Bylaw and Business Licensing Services~~ ~~Manager of Fire and Bylaw Services~~ may, as the ~~Manager of Bylaw and Business Licensing Services~~ ~~Manager of Fire and Bylaw Services~~ considers reasonable given the nature, condition and market value of each item:
- (a) dispose of the item;
 - (b) sell the item for salvage and credit the money received against the cost of acting on default;
 - (c) auction the item and credit the money received against the cost of acting on default; or
 - (d) place the item into storage until the item is collected or abandoned.
- 5.14. In accordance with section 16 of the *Community Charter*, the following persons are authorized to enter onto property to inspect and determine whether the requirements of this bylaw are being met, and to carry out an action authorized under section 5.11 of this bylaw:
- (a) a member of the RCMP;
 - (b) the Manager of Fire and Bylaw Services;
 - (c) a Bylaw Compliance Officer;
 - (d) a Building Inspector;
 - (e) the Chief Building Inspector;
 - (f) the Fire Chief;
 - (g) the Deputy Fire Chief; ~~and~~
 - ~~(h)~~ (h) a Fire Fighter;
 - ~~(i)~~ (i) the Manager of Bylaw and Business Licensing Services; and
 - ~~(h)(j)~~ (j) a Weed Control Officer.

PART 6 COSTS IMPOSITION

- 6.1. The District may impose the costs of abating a nuisance on one or more of the following:
- (a) The occupier of land from which the nuisance emanates; and
 - (b) The owner of land from which the nuisance emanates.

PART 7 COLLECTION

- 7.1. The District may recover the costs imposed under Section 6 in accordance with:
- (a) Section 231 of the *Community Charter* as a debt due and recoverable in a court of

competent jurisdiction; or

(b) Section 258 of the *Community Charter* as property taxes.

PART 8 COSTS

- 8.1. The costs recoverable for nuisance abatement are set out in the Fees and Charges Bylaw, as revised or replaced from time to time.

PART 10 OFFENCE AND PENALTY

- 10.1. Every person who contravenes any provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$10,000.00.
- 10.2. If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

PART 11 REPEAL

- 11.1. Bylaw 2590, Untidy and Unsightly Premises Bylaw, 1992, and all amendments thereto, are 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

ADOPTED on December 16, 2020

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date May 5, 2021

File:

To Council

From Mark Frame, Project Manager

Endorsed:



Subject North Cowichan Civic Building – Electrical Contract

Purpose

To approve entering into a CCDC 17 Trade Contract between the District of North Cowichan and Houle Electric Ltd. for the electrical portion of the North Cowichan Civic Building project in the amount of \$4,370,808.

Background

In November 2019, Houle Electrical Ltd. was the successful trade for Consulting Electrical Engineering Services paired with Preconstruction and Construction Electrical Trade Services.

Houle Electric Ltd. was paired with Smith and Anderson Engineering to provide preconstruction (design) services and construct the electrical portion of the new building. The design services were a flat rate, and the construction services were based on material cost, labour cost and markup. Houle Electric Ltd. and Smith and Anderson have been part of the integrated design team.

Integrated Project Delivery is being used for this project. This allows the electrical scope of the project to be designed with access to cost feedback and practical feedback from the electrical contractor.

Discussion

As per the RFP, at the end of Design Development, if the preconstruction budget and scope goals are met, the Electrical Contractor will be awarded a trade contract for a scope and a price determined by the Construction Manager in consultation and agreement with the Owner and the Trade Contractor.

Design Development is complete, and Houle Electric Ltd. has provided a quote for the electrical work. The Construction Manager has hired a Quantity Surveyor to price out the work independently.

Project Budget	\$4,426,789
Quantity Surveyor Estimate	\$4,832,700
FSJ Quote (comparable scope)	\$5,034,919
Houle Electrical Ltd. Quote	\$4,370,808

Options

Option 1 (Recommended Option): That Council approve entering into a CCDC 17 Trade Contract between the District of North Cowichan and Houle Electrical Ltd. for the electrical portion of the North Cowichan Civic Building project in the amount of \$4,370,808.

Option 2: That Council direct staff to re-tender the electrical portion of the North Cowichan Civic Building project.

Implications

The quote from Houle Electric is within budget and below the quantity surveyor estimate. This indicates that Integrated Project Delivery is working and that savings are being realized from having the trade contractor providing practical feedback to the electrical scope of the project.

We are currently in a period of cost escalation and long lead times for equipment. Early approval of this contract will allow Houle Electric Ltd. to order equipment and get in the queue to hold pricing.

The project budget is in an excellent position right now. Including the electrical contract, 41% of the budget has been secured. Tender Package 2 is closing on May 11, 2021, and this will increase the budget that has been secured to 54%.

Recommendation

That Council approve entering into a CCDC 17 Trade Contract between the District of North Cowichan and Houle Electrical Ltd. for the electrical portion of the North Cowichan Civic Building project in the amount of \$4,370,808.

Attachment: 21-04-16 Unitech Project Report



North Cowichan Civic Building
Interim Report to Council – April 15, 2021

Executive Summary

Budget

Project Budget details including Contingency forecast to the end of the project are described below. All amounts described below excluding 5% GST. As presented on March 19, 2021.

Detail	Percentage	Amount
Current March 13, 2020 Class C/D Estimate		49,037,566.00
Budget Revisions		0.00
Current Estimate:		49,037,566.00
Last Months Contingency	5.46%	2,677,868.54
Contingency Adjustment to Balance Current Revisions	0.05%	-25,884.44
Current Contingency	5.41%	2,651,984.10
Forecast Contingency Revisions	0.00%	0.00
Total Forecast Contingency Balance	5.41%	2,651,984.10
Recommended Contingency at This Phase of The Project	5.41%	2,651,984.10
Forecast Budget Surplus/Deficit after Recommended Contingency	0.00%	0.00
Forecast Final Project Cost	100.00%	49,037,566.00

Procurement Update

To date, the project has publicly tendered one Tender Package (TP-01) and procured eight trade contracts for the North Cowichan Civic Building. They are as follows:

- C-001 – Cast in Place Concrete
- C-002 – Concrete Unit Masonry
- C-003 – Structural Steel
- C-004 – Mass Timber (No Bids Received)
- C-005 – Elevators
- C-006 – Detail Building Excavation
- C-007 – Rock Foundation Anchors
- C-008 – Modified Bituminous Membrane Roofing
- C-015 – Mechanical

TOTAL VALUE: \$8,985,136.12

Procurement of Tender Package 02 has been tendered as of April 06, 2021. This package includes the following trade contracts:

- C-009 - Secure Doors, Frames Hardware – (Cells) Procured by RFQ
- C-010 – Concrete Unit Veneer Masonry
- C-011 - Preformed Metal Siding
- C-012 – Sectional Metal Overhead Doors (Exterior)
- C-013 – Glazed Aluminum Curtain Wall
- C-014 – Civil Work/Asphalt Paving

TOTAL VALUE: \$6,475,000.00



Mechanical & Electrical

Early in the design phases of the project, the Integrated Design Team procured the services of Electrical and Mechanical “Pairs” to join the Design Team. These pairs consisted of an Electrical Consultant and Trade, along with a Mechanical Consultant and Trade. These consultant/trade tandems have been actively involved in the detail design of the project, providing valued industry trade feedback on a multitude of design items. Their initial procurement parameters provided the trades an opportunity to present a quotation for their component of work on the project, once the design was completed, or very near completion. The submitted pricing for their scope of work would be measured against a 3rd Party Quantity Surveyor’s (QS) estimate of the same scope of work. If the team felt the trade was within an acceptable range of the QS estimate, a final contract for their services would be recommended for execution with the District of North Cowichan. Should their quote for the scope of work exceed the recommended values for the work, the Project Management Team would recommend the specific scope of work be publicly tendered. It is important to note that the original procurement evaluation of the Mechanical and Electrical trades included a review of their unit pricing along with their team qualifications.

To date, the design team has completed their Drawings and Specs to a 95% level, and based on the pre-established procurement parameters, these drawings and specs have been estimated by our 3rd Party Quantity Surveyor, Ross Templeton and Associates (RTA). In turn, we received a quote for the Mechanical work on the project from our team member, PML Professional Mechanical Ltd. (PML). On March 23, 2021, this quote for services and recommendation for acceptance was presented to North Cowichan Council for approval and was subsequently approved. Our Electrical Trade partner, Houle Electric Ltd. (Houle) has now finalized their final pricing submission.

It is important to note that the construction industry is currently facing excessive industry increases and delays in all sectors. Wood has escalated over 350% since last March 2020. Steel has been increasing monthly since November of 2020 and continues to report shortages in supply and increased transportation issues. All other metal products (sheet metal, miscellaneous metals, metal siding, copper etc.) are also facing drastic increases of 30% to 50%, along with shortages and delays in supply. All other sectors within the construction industry are also facing the same financial and delivery pressure, which makes it critical to secure our Electrical trade contract as soon as possible. This will allow this electrical trade to secure their own supply of materials for the project and minimize any financial or schedule impacts. As the electrical trade scope of work represents a major percentage of the overall project cost, securing this electrical contract will help minimize any potential risk to the project budget and schedule.

Mechanical

PML Professional Mechanical Ltd. (PML) was awarded the contract for mechanical work on the North Cowichan Civic Building on March 23, 2021.

Electrical

Unitech has reviewed in detail the information submitted by Houle Electric and have subsequently had the submission reviewed by our project team’s Electrical Consultant, Smith and Andersen Consultants. Smith and Andersen have confirmed that the quote submitted by Houle Electric contains all items outlined in the design and specifications for the project and provides excellent value.

Based on the information presented and analyzed, we recommend that the District of North Cowichan enters into a CCDC 17 Trade Contract with Houle Electric Ltd. for the Scope of Work outlined in the project documents completed to date. Any design or specification changes that may occur going forward, which should be minimal at this juncture, will be managed through the remaining project contingencies.

The following table outlines the recommended Houle Electric Ltd. contract value to the Project Budget, Quantity Surveyor Estimate, and the corresponding contract value for Fort St. John Civic Building.

North Cowichan Electrical Pricing Analysis	
Project Budget (as reported)	4,426,778.96
Quantity Surveyor Estimate (January 2021)	4,832,700.00
FSJ Quote / Contract (Comparables)	5,034,919.00
Houle Electric Quote	4,370,808.10
Variance to Budget	(55,970.86)
Variance to QS Estimate	(461,891.90)
Variance to FSJ Civic Bldg. Contract Values	(664,110.90)

Project Budget Detail and Contingencies

The first table below outlines details of the project budget and corresponding percentages relating to the overall budget total. The second table categorizes the areas relating to confirmed procurement, contracts to procure and contingencies.

The upcoming procurement of Tender Package 02 and finalizing the contract for Electrical, along with contracts already procured, represents 40.6% of the overall project budget. With the inclusion of "General Conditions" and "Consultant and Soft Costs" this takes the total procured and secured to 54.2%. With the addition of contingencies (17.4%), the overall procurement risk to the project is down to 28.4%, which is an excellent position to be in at this juncture. It is important to note that FF&E items represent \$4.3M of the remaining \$13.9M to procure, which is more than ample for the overall project, based on our discussions with the project team and the RCMP in particular.

Project Budget Detail		
Description	Current Budget	%
Division 1 - General Conditions	2,808,100.00	5.7%
Insurance	225,000.00	0.5%
Consultant & CM Soft Costs etc.	3,661,459.44	7.5%
Mechanical Contract Confirmed	2,643,824.37	5.4%
Electrical	4,426,778.96	9.0%
Tender Package 01	6,341,311.75	12.9%
Tender Package 02	6,475,000.00	13.2%
Balance of Contracts / PO's etc.	13,938,075.16	28.4%
Design Contingency	3,462,816.59	7.1%
Construction Contingency	2,651,984.10	5.4%
Mechanical Contract Surplus	2,403,215.63	4.9%
TOTAL	49,037,566.00	100.0%
Procurement Risk Analysis		
Contracts Procured / Finalized	8,985,136.12	18.3%
GC's, Insurance, Consultant Costs Conf.	6,694,559.44	13.7%
Balance of Contracts to Procure	24,839,854.12	50.7%
Contingencies	8,518,016.32	17.4%
TOTAL	49,037,566.00	100%



The 17.4% of contingencies outlined above, includes the addition of \$2.4M of savings recognized from the Mechanical contract, and leaves the project in an excellent position at this point of procurement and construction. We expect there may be additional funds within the FF&E portion of the budget available to move back into contingency but will maintain this amount as reported until more details and specifications are clarified by the Design Team and RCMP.

Summary & Recommendations

Overall, we feel it is imperative to procure and solidify as many trade contracts as quickly as possible to minimize the financial and schedule risks to the project. The current recommendation to proceed with entering into the Electrical Contract with Houle Electric Ltd. will be a significant step in this direction. The upcoming close of Tender Package 02 will also help minimize any risks to the overall project.

We strongly recommend immediately advancing into a CCDC 17 Trade Contract between the District of North Cowichan and Houle Electric Ltd. for the electrical portion of the North Cowichan Civic Building project. As outlined in the analysis presented, the value being offered by Houle Electric is excellent and benefits the project overall. Execution of this electrical contract once again proves the integrated process the team has employed works well and we need to do our part to complete the process by finalizing things through the execution of the trade contract.

Please contact me if you have any questions or comments.

Yours truly,
Unitech Construction Management Ltd.

A blue ink signature of Derek Chichak, written in a cursive style.

Derek Chichak,
Director of Project Management and
Business Development

Reviewed By

A blue ink signature of Wally P Mansell, written in a cursive style.

Wally P Mansell ASCT, LEED GA,
Senior Project Manager

Report

Date May 5, 2021

File:

To Council

From Jason Blood, Manager, Recreation

Endorsed:



Subject Fuller Lake Arena Roofing Capital Project – Tender Award

Purpose

To award the Fuller Lake Arena Roofing Capital Project contract and consider options to address the budget shortfall.

Background

The tender package for the Fuller Lake Arena Roofing Capital Project closed on April 27, 2021. This project includes removing and replacing a new roof assembly on the main sloped roof and providing a horizontal lifeline fall protection system anchored to the new underlying structure. The work is intended to proceed during the current ice-out timeframe and should be completed by mid-August 2021.

Discussion

The tender package was advertised, in accordance with the Municipality's Procurement Policy and the provincial and federal trade agreement obligations, on BC Bid and the Municipality's website on March 18, 2021. An invitation to tender under the Procurement Policy is a price-based competitive process used for higher-value contracts, such as this one, where there is a clear set of specifications and the Municipality wants to find the lowest price. The Policy also requires Council approval for individual expenditures over \$500,000 that have been included in the Financial Plan.

The 2021 Financial Plan outlined a budget of \$870,000 for this project. This was budgeted at approximately \$787,698 for construction costs with the remainder (\$82,302) for contract administration, consulting, and inspection services. The original funding outlined in the 2021 Financial Plan consisted of \$150,000 from general revenues and \$720,000 from the Municipal Infrastructure Reserve Fund.

The Municipality received four qualified bids on this project, with the lowest tender submitted by Flynn Canada Ltd. at \$1,295,335 plus GST, which is \$507,637 over the construction budget.

To fund the \$507,637 over budget amount, staff reviewed the Capital Budget plan for Recreation and identified that there are three potential options for consideration.

The first would be to reduce the scope of the project, with the only item that can be removed being the Fall Protection System, which would provide a reduction of approximately \$147,500.

The second would be to eliminate other capital budget items currently planned for the facility, which may provide an additional \$180,000 for the project. The projects that could be considered are; Fuller Lake Arena Accessibility Upgrades, Fuller Lake Arena Fitness Equipment, and the Fuller Lake Arena Dehumidifier Replacement.

The third would be to increase funding for the project by transferring \$72,000 from the Fuller Lake Reserve fund, which would deplete this fund. Appropriated Surplus balances within Recreation are sufficient to support this project as other capital projects have not yet been identified. However, Council could also increase funding from the Infrastructure Reserve Fund to meet the \$507,637 shortfall.

Staff considered each of these options identified above and has provided recommendations below for Council's consideration. The option to increase funding minimizes impact to other capital projects, ensures that the project meets its end goal and best suits the long-term investment in our facility infrastructure needs.

Options

Option 1: **(Recommended)** THAT Council award the Fuller Lake Arena Roofing contract to Flynn Canada Ltd. for \$1,295,335 plus GST;

And, THAT Council directs staff to amend the 2021 Financial Plan funding of the Fuller Lake Arena Roofing Project as follows;

- i. \$150,000 from General Revenue
- ii. \$720,000 from the Municipal Reserve Fund
- iii. \$507,637 from Appropriated Surplus.

Option 2: THAT Council reduces the scope of the Fuller Lake Arena Roofing Project by removing the Inline Fall Protection System;

And, THAT Council award the contract for the Fuller Lake Arena Roofing Project, as amended, to Flynn Canada Ltd. for \$1,147,835, plus GST.

And, THAT Council directs staff to amend the 2021 Financial Plan funding of the Fuller Lake Arena Roofing Project as follows;

- i. \$150,000 from General Revenue
- ii. \$720,000 from the Municipal Reserve Fund
- iii. \$360,137 from Appropriated Surplus.

Option 3: THAT Council award the Fuller Lake Arena Roofing contract to Flynn Canada Ltd. for \$1,295,335 plus GST.

And, THAT Council directs staff to amend the 2021 Financial Plan to remove the following capital budget projects;

- i. Fuller Lake Arena Accessibility Upgrades - \$20,000
- ii. Fuller Lake Arena Fitness Equipment - \$10,000
- iii. Fuller Lake Arena Dehumidifier Capital Project from the 2021 Financial Plan and include in the 2022 Financial Plan - \$150,000.

And, THAT Council directs staff to amend the 2021 Financial Plan funding of the Fuller Lake Arena Roofing Project as follows;

- i. \$150,000 from General Revenue
- ii. \$900,000 from the Municipal Reserve Fund
- iii. \$327,637 from Appropriated Surplus.

Implications

Option 1: Most closely aligns with the 2019-2022 Council Strategic Plan by maintaining the existing high level of service in the community (Service Strategic Priority) and by investing in the upkeep of facilities that support sport tourism (Economy Strategic Priority), as compared to other options.

Addresses the level of urgency required to replace the infrastructure prior to interruptions occurring to users. It is over budget, creating a financial impact of \$507,637 to come out of Appropriated Surplus balances.

Option 2: This leads to increased operational expenditures related to adding temporary safety measures that allow the ongoing inspection work on the roof area.

Option 3: Eliminates \$180,000 of 2021 Capital work for the Fuller Lake Arena, which could lead to a decrease in service levels due to infrastructure failure.

Recommendation

That Council award the Fuller Lake Arena Roofing contract to Flynn Canada Ltd. for \$1,295,335 plus GST;

And, That Council directs staff to amend the 2021 Financial Plan funding of the Fuller Lake Arena Roofing Project as follows;

- i. \$150,000 from General Revenue
- ii. \$720,000 from the Municipal Reserve Fund
- iii. \$507,637 from Appropriated Surplus.

Report

Date May 5, 2021
To Council
From Rob Conway, Director, Planning and Building
Subject Revised OCP Work Plan and Project Schedule

File: SPP00040

Endorsed:



Purpose

To provide Council with a revised work plan and project schedule for the OCP Update project.

Background

At the April 7, 2021, Regular Council meeting, a staff report was provided regarding the status of the OCP Update project. The report also requested Council's direction on potential revisions to the project scope, schedule and budget. Following a review and discussion of the report, Council passed the following resolution:

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.*

This report is provided in response to the first two parts of Council's April 7, 2021 resolution.

Discussion

The OCP Update project is comprised of four phases. Phase 1 (Project Background, Planning and Launch) is fully complete. The remaining phases of the project are:

Phase 2 (Community Vision and Goals)

Work completed in Phase 2 includes an engagement plan, background briefs, a policy gap analysis and a visions and goals engagement process and report. The only outstanding task remaining in Phase 2 is the completion of the community profiles for the eight North Cowichan communities. An engagement process regarding community character has concluded, and community input received through engagement has been used to prepare draft community profiles. The draft profiles have been referred out to the Community Ambassador teams for review and input, and meetings have been scheduled with the Ambassador teams to finalize the documents. Staff anticipate bringing the community profiles to Council in May or June, and Phase 2 is expected to be fully complete by the end of June.

Phase 3 – (Plan Development):

Phase 3 of the OCP Update commenced with the development of preliminary growth management scenarios. A report was presented to Council on January 26, 2021, that outlined the proposed approach to growth management engagement and policy development. As was reported to Council on April 7, it has taken longer to develop growth management scenarios and an engagement process supported by the OCP Advisory Committee than initially anticipated. The consultants, municipal staff, and the OCP Advisory Committee have done a great deal of work on developing the scenarios and background and support materials for community engagement. The OCP Advisory Committee recently endorsed the community engagement process, which will involve an online survey supported by a webinar and print material that will take place in May.

Because of delays with the growth management work and earlier stages of the project, the work plan and project schedule originally provide by MODUS are outdated. The revised work plan for Phase 3 is summarized in Table 1. Phase 3 is scheduled to be completed over the next six months, concluding with the presentation of a draft Official Community Plan at the end of October.

Table 1 - Phase 3 Work Plan

	Activity	Description	Timing
3.1	Growth Scenario Options Framework	We will develop a framework to help guide the discussion on growth scenario options, including draft land use designations	April 30, 2021
3.2	Create maps	We will work with GIS staff to create maps to outline growth scenarios. GIS staff to create land use and other maps	April 30, 2021
3.3	Consult with OCP Advisory Committee	We will meet with the Advisory Committee (1 meeting) and working group (1 meeting) on growth scenario options and discuss the public engagement process	April 16 & 28, 2021
3.4	Engage the public with Zoom webinar and an online survey	We will engage the public about growth in North Cowichan. We will host a live zoom webinar with Q&A's and provide three scenarios for the public to comment on. We will follow up with an online survey that North Cowichan staff will create (mostly closed-ended questions). MODUS will conduct the analysis	May 2021
3.5	Prepare Draft Growth Scenarios Report	We will draft a Council-presentable report with a preferred growth management concept, recommendations and a summary of engagement	June 2021
3.6	Present to Steering Committee	North Cowichan staff will present the report to the Steering Committee	June 2021
3.7	Present to Advisory Committee	Draft Growth Scenario report presented to Advisory Committee	Late June 2021
3.8	Revise Report	Based on consolidated feedback from Steering Committee and Advisory Committee, we will revise the report.	Early July 2021

	Activity	Description	Timing
3.9	Council Workshop	We will develop and conduct a Council workshop based on the report.	Mid July 2021
3.10	Revise and Finalize Growth Scenario Report	We will revise the report based on Council feedback. We will forward the report for review and acceptance by the project manager.	Late July 2021
3.11	Draft OCP Framework (including policy chapters)	We will create a framework/table of contents for the OCP, including policy chapters.	June - July 2021
3.12	Draft OCP and Policies	We will draft the OCP policy chapters	June - July 2021
3.13	OCP Advisory Committee Workshops on OCP and policy chapters	MODUS will design and facilitate workshops for the OCP Advisory Committee to work through draft OCP policy and other sections of the OCP.	August 2021
3.14	Create maps	We will work with GIS staff to create maps.	August 2021
3.15	Create development tools framework	Review and make recommendations to improve Development Information Requirements and Development Permit Area Framework (Guidelines not within scope of this project).	August 2021
3.16	Draft OCP review period	Using an online platform, the project will offer a comment period to obtain further feedback on the draft OCP and policies.	September 2021
3.17	Intergovernmental referral and consultation	North Cowichan staff will refer the draft OCP to governmental bodies and First Nations.	September 2021
3.18	Revise OCP, including policies	We will revise OCP based on feedback.	Early October 2021
3.19	Council Workshop	We will develop and conduct a workshop on the draft OCP and policy chapters.	Mid October 2021
3.20	Revise and finalize draft OCP and policies	We will revise policies and forward for review and acceptance by the project manager.	Mid October 2021
3.21	Council Workshop	We will present a workshop to Council on the final draft OCP	Late October

Phase 4 (Formal Plan Adoption):

Once the draft OCP has been received and Phase 3 is completed, the OCP bylaw adoption can commence. Bylaw adoption involves the following steps:

- 4.1** Council consider draft OCP in context of the Municipality's financial plan, liquid waste management plan and CVRD solid waste management plan. (Mid November 2021)
- 4.2** Council considers first and second reading of OCP Bylaw (Early December, 2021)
- 4.3** Staff refer OCP Bylaw to Government Agencies and First Nations with 30 day response period (December 15, 2021. – January 30, 2022)
- 4.4** OCP Bylaw public hearing (Mid February)
- 4.5** Council considers third reading and adoption of OCP Bylaw (End of February).

Concluding Comments:

Although Council has authorized additional time and budget for completion of the OCP Update project, there is substantial work yet to do. It will be necessary to focus on meeting deadlines and not expanding the project scope if the schedule is to be met. To this end, staff have retained the assistance of a professional project manager to monitor progress, manage risks, and generally help to keep the project on time and budget. This support is being paid for through the existing discretionary budget for the Planning and Building Department. Council will be provided with monthly updates on the project's status and be informed of any risks and issues that could potentially impact the project work plan, schedule, or budget.

Recommendation

For information (no recommendation)

Council Member Motion

Notice given on: Wednesday, April 21, 2021

Meeting Date Wednesday, May 5, 2021
From Councillor Justice
Subject Policy Advice regarding Sustainable Economic Development

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.

Recommendation

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 aspects of economic development (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)?*

Attachment:

Council Member Motion

Notice given on: Wednesday, April 21, 2021

Meeting Date Wednesday, May 5, 2021
From Councillor Marsh
Subject Communications Tower /Antenna Systems Approval Policy

Background

Demand for wireless services had increased significantly over the last decade as the use of smartphones and tablets has grown. This has opened an opportunity and a challenge for the telecommunications industry to provide adequate infrastructure to ensure enough coverage and capacity.

For this demand to be met new infrastructure is sometimes required in new locations in the Municipality.

Towers have evolved and come in many shapes and sizes, from small units on lamp and utility poles to the familiar tall towers. The industry refers to these as "Antenna Systems".

The industry is heading towards 5G technology, although there are studies that question the health risks and the WHO is currently having another look at safety standards, expected to be completed in 2022. In fact there are countries around the world that are not allowing 5G. One of the concerns is that 5G requires networks of large numbers of small, short range "small cell" antennas to provide sufficient coverage, which causes concern in residential neighbourhoods. Initially 5G is designed to operate in conjunction with present existing 4G LTE networks with a goal to evolving to fully standalone networks over time. All that said, the public is becoming increasingly concerned and vocal about that concern regarding the potential health risks of this technology.

The Radiocommunication Act authorizes the federal Minister of Innovation, Science and Economic Development (ISED) the approval of antenna systems installations. Municipalities do not have authority to override ISED's decisions in this regard. Guidelines were first established in 2008, and some changes were made effective July 15, 2014. These changes came about to ensure the wireless industry consults with local residents as well as increase transparency throughout the antenna system siting process. Significant changes included:

- Requiring consultation on all commercial tower installations regardless of height rather than only being required to consult about towers exceeding 15 meters
- Establishing a 3 year limit between consultation and the actual building of the antenna system.

- Requiring communications from the company to be sent to nearby residents to be clearly marked to ensure its not confused as junk mail; and
- Encouraging Municipalities to get involved early in the antenna siting process.

ISED requires companies to share existing tower infrastructure whenever possible, with an aim to reduce the number of new towers needed in the community.

Health concerns relating to radiofrequency, energy, and safety are often cited by the public. These matters fall under the national jurisdiction of Health Canada. Municipalities have no authority to regulate health and safety requirements related to Antenna systems.

We do however have some powers, which are laid out in the attached draft policy.

Health Canada requires all antenna system installations (including 5G) comply with all existing safety regulations. As well ISED requires all systems meet Canadian Limits re the amount of radio frequency energy that can be present in areas to which the public has access. There fore CPC-2-0-03, *Radiocommunication and Broadcasting Antenna Systems* regulatory requirements and process must be complied with before an installation is approved. As a condition of their licence operators must comply with the Canadian limits.

Health Canada provides extensive public education through its website that they believe comprehensively responds to public safety concerns related to 5G and antenna systems in general.

As noted, the final decision to approve location of antenna systems rests with ISED. Municipalities have no authority to override a decision made by ISED. The Municipalities role is to issue a statement of concurrence or non-concurrence to the Proponent/applicant and to ISED. The statement considers the land use compatibility of each proposal, the Municipalities design and location preferences, comments from residents and the applicants, and adherence to the Municipality's policy. The Municipality's limited authority to regulate the siting of antenna systems permits it to establish development guidelines for antenna/towers and an accompanying community consultation process. The Municipality will consider all applications for Antenna Systems where the Municipalities concurrence is required. (ie: for those applications that are not already excluded by ISED.) The Municipality may express its concurrence or concerns on a proposed application and may either approve or deny a Development Variance Permit and/or Development Permit, as applicable.

The purpose of the Municipalities Policy is to establish the local land use consultation process and guidelines with which to review and evaluate antenna system siting within the Municipality. Said Policy will assist the industry, ISED, Municipality staff, Council, and the public in understanding the processes, preferences, and criteria used to evaluate antenna system siting in North Cowichan.

The report's author assessed practices from other Canadian Municipalities and researched ISED's policies to help create the draft attached Policy.

References:

1. ISED's CPC-2-0-03 *Radiocommunications and Broadcasting Antenna Systems* July, 15, 2014

2. ISED's Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols, August, 2014
3. Modernized practices and protocols of other Municipalities in Canada; and
4. The Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA) jointly developed Antenna Systems

Conclusion

This report provides Council with background information on changes in the wireless telecommunications industry and seeks to obtain Council's approval of the proposed policy for *Communication Towers and Antenna System Approval process*;

Recommendation

That the District Municipality of North Cowichan adopt a Council policy for Communication Towers and Antenna Systems Approval;

That the Municipality of North Cowichan develop a Wireless Telecommunication Tower Permit;

And further that the policy establishes and the permit upholds the preferences of Council for enhanced public consultation and location & design guidelines in the Towers and Antenna System approval process, taking into account the Government of Canada's guidelines on antenna sitings via the Innovations, Science and Economic Development Ministry. (ISED)

Attachment:

- (1) Draft policy

DISTRICT MUNICIPALITY OF NORTH COWICHAN
COUNCIL POLICY (Draft)
Communication Towers / Antenna Systems Approval Process and Location & Design Guidelines

POLICY STATEMENT

The policy establishes the preferences of Council and is intended to allow the timely development of an efficient telecommunications network for the Municipality while ensuring that community objectives are met. It addresses issues such as co-location, new locational & design/landscaping guidelines, Height of Towers; Tower Height Evaluation and Consultation and Communications in regards to the Antenna/Tower System approval process guidelines.

PURPOSE

Overall the purpose of the Antenna/Tower approval process is to:

1. Consider co-locations and optimal site selection prior to the submission of site proposal. When considering the siting of telecommunication tower facilities, every effort should be made to locate new equipment on existing structures such as Hydro transmission towers, utility poles, roof tops, etc.
2. Provide that telecommunications structures required within the Municipality are located and designed in a manner that is sensitive to potential impacts on the surrounding community. It is preferable that new free-standing telecommunications Towers be sited in non residential locations and most preferably in industrial areas.
3. Ensure that adequate public consultation is carried out by proponents with all property owners and residents potentially affected by the proposed towers to a minimum 1000 metre radius.
4. Establish a process for the Council to gather adequate information to provide a “letter of concurrence or non-concurrence” to Innovation, Science and Economic Development Canada (formally Industry Canada) at the end of the process
5. Towers on prominent natural and cultural features, environmentally sensitive areas or areas with Historically significant buildings are discouraged.
6. New free-standing telecommunication towers should be located at a distance from the edge of an existing or future road allowance no less than the height of the tower.
7. Locations of telecommunications towers on sites with mature trees is discouraged.
8. All applications for free- standing telecommunication structures will be requested to:
Identify any other structure (e.g. hydro transmission tower, existing structures
Telecommunication structures, etc. within a radius of 500 metres (1,640ft) of the proposed location and to provide reasons why other existing structures within that radius are not acceptable for use (ie structural capabilities, safety, available space or failing to meet service coverage needs)
9. The carriers and other telecommunications tower owners are encouraged to work co operatively in reaching agreements which allow for sharing of tower structures so as to minimize the number

of towers in the Municipality. This practice is typically referred to as “co-location.” The principle benefit is that fewer towers are needed to serve a given area, thus reducing the overall visual impacts of towers in the community.

RESPONSIBILITIES

Development Services Department – Planning Services.

PROCEDURES

Council, at the _____ meeting, acknowledged the Innovation, Science and Economic Development Canada (formally Industry Canada) Public Consultation Process for processing of referrals by proponents seeking to install or modify Antenna Systems. A number of preferences for expanded public consultation in the Municipality are provided in this Policy as follows:

NOTIFICATION:

1. Prior to submitting an Antenna System proposal, the Proponent is requested to undertake Pre-Consultation with the Municipal Planning Department and apply for a Wireless Telecommunication Tower Permit. This will include, but is not limited to, a review of:
 - a) Co-location opportunities in the area of the proposed new Antenna or Tower;
 - b) North Cowichan public consultation preferences; and
 - c) Location and Design Guidelines.
2. Submission of an Antenna/Tower System siting proposal shall be accompanied by a processing fee, as per the Fees and Charges Bylaw, information on co-location opportunities/use of other existing structures and plans indicating the location and design of the structure and other relevant information.
3. Prior to submitting a ‘Letter of Concurrence’ request, the proponent, at their cost, must erect a notice of development sign at the location proposed for the Antenna/Tower System. Proof of the sign installation must be provided to the Municipality by the proponent in the form of photographs of the sign(s) located on the property, including a close-up photograph sufficient to read sign details, and a distant photograph of the sign(s) in order to verify the location.
4. The development sign must adhere to the following requirements:
 - a) Not less than 1.2 metres x 1.8 metres in area;
 - b) Constructed of 1.3 centimetre plywood or other durable material;
 - c) Comprised of black letters on a white background;
 - d) Securely fixed in order to withstand wind and weather;
 - e) Clearly visible from the road;
 - f) Not create a hazard or interfere with pedestrian or vehicular traffic, or obstruct visibility from roads, walkways or driveways.

- g) Information on the proposed Antenna/Tower System must be clearly shown and contact information included.
- 5. Upon receipt of the submission, North Cowichan staff will notify Council and the adjacent municipality (s) if in close proximity to the proposed Antenna/Tower.
- 6. The Public Notification Area is requested to include all properties within a minimum of 1000 m from the Antenna/Tower system. (The Planning Department will identify the property owners to be contacted and provide the applicant with a mailing list)
- 7. The applicant will prepare an information package and upon approval by Municipality staff, undertake the mailings;
- 8. Property owners will be requested to send their response to the Planning Department within two weeks of receiving, or of the date of mailing of the information package;
- 9. Planning staff will consult with the applicant and discuss the need/justification for an open house or public information meeting to describe the proposal and explain how the concerns will be addressed
- 10. A greater Notification Area may be requested by the Municipality depending on the proposed location.
- 11. The proponent is requested to hold a public meeting and to include the details of the public meeting in the written notice to properties. As well, 2 newspaper advertisements are requested to be placed in separate editions.
- 12. The Municipality may request additional public engagement opportunities.

LOCATION AND DESIGN GUIDELINES

13. Preferred Locations:

- a) Every effort to locate on existing structures, including antenna systems, transmission towers, utility poles, roof tops and similar structures.
- b) The use of monopoles is encouraged. Where a Tower is being constructed to accommodate a single user, a monopole design is required.
- c) Areas that maximize the distance from Residential zoned areas and dwellings areas, to a minimum of 500 metres from existing homes or zoned for future homes, of all tenures.
- d) Industrial and commercial areas, including on buildings and structures within a downtown commercial area.
- e) Areas that minimize the impact on public views and vistas of important natural or manmade features.
- f) Agricultural and Rural areas.
- g) Transportation and utility corridors.
- h) Institutional areas, including but not limited to those institutions that require telecommunications technology, such as hospitals, colleges, research centres and public works facilities, but excluding schools.

- i) Adjacent to parks, green spaces and golf courses and sites and sites with mature trees.
- j) Other non-residential areas where appropriate.
- k) Each new free-standing tower built in a non-residential area shall be built to accommodate a minimum of two additional users. If the Municipality has identified the site specification as a co-location area, the new tower may be built to accommodate more than two additional users.
- l) The maximum height of a free-standing telecommunication tower will not exceed 12 metres (40 ft). In the case of a Tower on top of a building the maximum height shall be 3 metres (10 ft) above the building on which the tower is located
- m) A development variance permit is required for towers exceeding the policy's height limits.

14. Discouraged Locations:

- a) Residential areas and locations directly in front of dwellings and their view scape.
- b) Lakeshore and riverbank lands.
- c) Inappropriate sites within parks and green spaces.
- d) Sites of topographic prominence.
- e) Heritage areas or sites, unless integrated into the structure in a compatible manner
- f) Locations that impact community view corridors from trail and road systems and other public lands.

15. Environmentally Sensitive Areas:

- a) Where a proposed Antenna/Tower is on a site indicated as "Environmentally Sensitive" in a Community Plan, a professional Environmental Impact Assessment by a firm of the Municipality's choosing, shall be prepared at the cost to the proponent and recommendations incorporated into the Antenna site design.

16. Design, Style and Colour:

- a) Architectural style of Antenna/Tower system should be compatible with the surrounding area and adjacent uses (i.e. monopole near residential area or lattice-style in industrial areas).
- b) The proponent must mitigate negative visual impacts through use of appropriate landscaping, screening, stealth design techniques and similar approaches.
- c) An Antenna/Tower System may be designed or combined as a landmark feature to resemble character features found in the area, such as a flagpole or clock tower, where appropriate.
- d) In commercial areas and downtowns, and in parks, public spaces or heritage areas, the design of the Antenna system should generally be unobtrusive and consider special design treatments. Cable trays should generally not be run up the exterior faces of buildings.
- e) Towers and communication equipment should have a non-reflective surface and colours that blend into the surroundings.

- f) Antennas that extend above the top of a supporting utility pole or light standard should appear in terms of colour, shape and size, to be a natural extension of the pole and be less than 15 additional metres.

17. **Buffering and Screening**

- a) Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include existing vegetation, landscaping, fencing or other means in order to blend with the built and natural environment.
- b) A mix of deciduous and coniferous trees is preferred to provide year round coverage. Irrigation should be provided if available; alternatively low water requirements plants should be selected.

18. **Security**

- a) The Municipality may request the posting of security for the construction of any proposed fencing, screening or landscaping.
- b) A signed agreement is to be submitted to the Municipality stating that the applicant will allow co-location with other users, provided all safety, structural, and technological requirements are met.

From: Goetz Schuerholz
Sent: Friday, March 12, 2021 11:02 AM
To: Chris Hutton <chris.hutton@northcowichan.ca>
Cc: Christopher Justice <christopher.justice@northcowichan.ca>; Rob Douglas <rob.douglas@northcowichan.ca>
Subject: RE: Municipality of North Cowichan Official Community Plan Update Project

Dear Mr. Hutton,

Thanks for your mail and invitation to provide comments on the OCP review.

Please allow me to point out that a meaningful OCP should be embedded into an Integrated Spatial Land Use Plan (ISLUP), preferably covering an entire watershed. The current crux with OCPs I have seen is that there is little synchronization mostly due to the lack of a common baselines. To ask CERCA or any other environmental NGO, or individuals for input into your planning is not enough. In order to find broad public acceptance and appreciation, an OCP should be elaborated on a truly participatory, not a consultative basis. Communal ownership in such plans can only be achieved by assembling task forces and working groups for key issues to be addressed. The results of the working groups should than be discussed by bringing all groups together trying to find common grounds on which to base your OCP policies. This should be an open and transparent process. Brainstorming and sharing expertise is Key to a successful and broadly acceptable plan.

In the case of North Cowichan the basis for all planning should be an ecological and geological sensitivity map and a seismic risk map covering the entire Koksilah/Cowichan watersheds with all its feeder streams, wetlands, and slopes. Those three base maps should be used for the overly of all other thematic maps to guide wise land use planning aimed at a clearly formulated vision for the planning unit. It is self-evident that mapping has to go beyond administrative boundaries.

I am quite prepared to provide some input regarding the Cowichan estuary specifically, but our much needed holistic approach requires inclusion of the entire Cowichan/Koksilah watersheds to become meaningful with due consideration of the connectiveness of the entire system. Without fresh water there wouldn't be an estuary. Without the estuary there wouldn't be any salmon, and up the food chain it goes.

Without topic-specific working groups and joint brainstorming of working groups for the elaboration of an OCP it will be difficult to achieve broadly based public ownership in such document. A couple of public meetings, and consultations will not be sufficient.

Attached is a brief introduction to ISLUP which I prepared and used as part of a land use planning project in the Republic of Armenia some years ago. As a professional planner this approach may possibly not be new for you, but a reminder on the importance of landscape level and **participatory** planning prior to getting into local planning.

Cheers,

Goetz

Dr. Goetz Schuerholz
Conservation Ecologist

Chair



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"We burn Carboniferous-era fossil fuels to melt Pleistocene-era ice to determine Anthropocene future climates" (Robert Macfarlane)

"Consensus? No, Good Decisions Require "Respectful Disagreement" (Don Peppers)

From: Chris Hutton [<mailto:chris.hutton@northcowichan.ca>]

Sent: Wednesday, March 10, 2021 4:31 PM

To:

Cc: Chris Hutton

Subject: Municipality of North Cowichan Official Community Plan Update Project

Dear Mr. Schuerholz,

The Municipality of North Cowichan is currently undergoing an update to its Official Community Plan (OCP) - a long-range, forward-thinking plan that sets out the future of our community for the next 20 years.

This email is being sent to you today so as to invite your comments at your earliest convenience. If you would like to discuss anything regarding the project, please contact me at (250)746-3155 or at chris.hutton@northcowichan.ca.

Sincerely,

Chris Hutton, MCIP, RPP

Community Planning Coordinator

Development and Engineering Services | Planning

Municipality of North Cowichan

chris.hutton@northcowichan.ca

T 250.746.3155

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Integrated Spatial Land Use Planning Javakheti Plateau Planning Areas

1. Background and Introduction

Integrated Spatial Land Use Plans (ISLUP) at the local level involve detailed consideration of the natural topographical and ecological features of the land base, usually over an area the size of a watershed or series of watersheds. This scale of ecological analysis and design provides specific direction for operational, on-the-ground practices. Decisions at this level are concerned with designing a pattern of use that considers local ecological conditions as well as economic and social implications.

It is understood that ISLUP guides how natural resources will be used today and in the future over a specified area of land, and that it should result in outcomes such as:

- acceptable balance among protection, conservation and development objectives;
- land use certainty that promotes investment and community stability;
- integrated direction for government management activities including increased communication, resolution and avoidance of conflicts, and cooperation and coordination across agency functions and lines of authority;
- opportunities for individuals, advocacy groups and local governments to participate in planning and to influence government land use decisions that affect them;
- enhanced level of shared knowledge and understanding about land and resource use decisions and their implications;
- support for the delivery of land use and resource management initiatives;
- context by which to evaluate on-the-ground development proposals, reducing resources required for assessing major projects and simplifying approvals for new activities that may be proposed over time; and
- direction to the timing and location of operational-level resource use activities.

ISLUP procedures must be fair in the sense that the people who could be potentially affected by a decision have an opportunity to participate in the planning process. Consequently, integrated planning has a participatory style that is reflected in a team approach and application of a wide range of methods by which agencies, advocacy groups, business interests, local authorities and the public can become involved.

ISLUP provides an interdisciplinary approach to the management of public lands and resources by ensuring the comprehensive consideration of the full range of natural resources, interests and values within a geographic area. These resources and their uses (both renewable and non-renewable) are reflected in the information, concerns and interests that government and non-government participants bring to the planning process. This interdisciplinary approach requires the cooperation of resource management agencies with different functional responsibilities and legal and policy environments, and the production of plans that require joint implementation strategies.

Public involvement is a fundamental requirement of integrated planning; the purpose is to develop planning products that, to the greatest extent possible, are based on substantial effective agreement on a course of action (Planning recommendations that are supported by a wide range of interests generally result in more durable decisions). Public involvement has to begin at the onset of the planning process in order to provide for open communications between government and non-government participants at every stage.

Strategies for managing lands and resources into the future, including the resolution of resource-use conflicts, are addressed through a series of sequential, systematic planning steps that include identifying objectives and needs, collecting and analysing information, developing land use alternatives, choosing appropriate strategies, and defining implementation actions; that in addition to setting land use strategies for the future, integrated planning is also undertaken to resolve priority resource management issues and address conflicts between resource uses; that issues can be the result of conflicting land use policies at a broad scale, or be confined to comparatively fine levels of local detail. In all cases, integrated planning responds to the needs of planning participants - either resource management agencies that need a particular product or local governments and non-government participants who are concerned about potential effects of decisions.

ISLUP should include an assessment of the implications of alternative resource management strategies on the environment and on affected communities, including an indication of short- and long-term strategies for addressing the proposed social or economic changes.

ISLUP must be responsive to changing needs and circumstances during the planning process and in the future when revisions or amendments are needed. Flexibility exists to adjust planning and public involvement procedures to suit specific situations and the requirements of various planning participants.

Ideally integrated planning for land use and resource management is undertaken at several levels of detail, the national, regional, and local. National policies and directives provide guidance to all the other levels of decision-making in the land use planning system and process. Regional policies, goals and strategies for the protection and use of the Region's natural resources have to comply with national policies and have to fit into the national social preference and broad-scale economic and environmental considerations. Regional and sub-regional level plans provide a vision and goals for the allocation and use of public lands and resources over regional geographic areas. They require the input of a wide range of interested parties and a number of communities may be affected. The regional plans generally provide:

- broad land use zones that are delineated on a map;
- resource management objectives for land use zones;
- broad strategies for integrating resource uses;
- economic development strategies and social implications;
- implementation strategies that provide guidance to individual agency managers;
- and

- priorities for subsequent, more detailed planning.

ISLUP provides a process for agencies, stakeholders, advocacy groups, communities and individuals to engage in collaborative decision-making about land use and resource management; it provides the mechanism for making comprehensive decisions about the use of land and resources; it sets the coordinated management direction for future uses of land and resources and allows for the evaluation of the success of management activities over time; it is future-oriented and iterative, allowing plans to be adjusted in response to changing societal values and new circumstances. Its future orientation requires a clear long-term “vision” for the planning area.

2. ISLUP Process for the Javakheti Plateau Planning Region

Step 2: Production of a topographic map in a scale of 1: 50,000 to be used as base map for the participatory ISLUP process to be finalized by early July (completed).

Step 3: Boundary definition of ISLUP area in Armenia to be finalized by mid-July on base map (completed).

Step 4: Elaboration of a preliminary conservation map as the first thematic map layer used in the ISLUP process. The map shows the tentative boundaries of the proposed National Park Arpi and support zone and the wetlands in need of protection. Also included are the western slopes of the Javakheti Mountain Ridge (completed).

Step 5: Production of thematic maps in preparation of the ISLUP participatory kick-off workshop in September 2008. This process to be mostly completed by the end of August. Following thematic maps to be produced in a scale of 1:50,000:

Biophysical maps:

- hydrology
- vegetation cover
- geo-morphology
- soils
- conservation areas
- seismic map (risk map)

Socio-economic-political maps:

- actual land use (polygons)
- land ownership
- infrastructure
- mining and industrial site map
- planned development project site map

Step 6: The ISLUP process will be kick-started by a multi-stakeholder, multi-disciplinary one-day workshop (September 25, 2008) in the project area. Public

participation involving representatives of communities from the planning area will be vital for the planning process following the workshop.

The workshop serves as a venue to develop a common vision for the planning area and to form work groups to be tasked with the development of land/resource use policies for the to-be agreed on land-use categories:

- arable land
- pasture
- hay meadows
- barren land
- settlements and infrastructure
- ecologically important areas

At the workshop the conservation map will be super-imposed over the other thematic maps in order to highlight potential areas of conflict. The final result will be an ecological sensitivity map which will, once approved, guide the future development of the planning area and decisions on land and resource use.

Step 7: Following the kick-off workshop half a day will be spent with each working group to discuss the groups ToR and deliverables. The work groups will select a work group leader to guide the work group data collection and planning process. Work groups will deal with topics of importance as crystallized at the workshop. The work groups will develop land- and resource use policies for the polygons (i.e., land use categories) identified on the actual land use map.

Step 8: The logistics of the work-groups will be coordinated by a project team member. The deliverables are expected to be completed by April 2009 to be presented by the work group leaders at a one-day workshop in early May. Following the presentations possible information/data gaps will be identified to be addressed in a brief follow-up data compilation period.

Step 9: The final product resulting from the ISLUP process will be a set of thematic maps and an approved ecological sensitivity map. The maps will be supported by a narrative and a set of policies for the defined land- and resource use polygons covering the entire planning area. The process is expected to be completed by July 2009. The maps and policies will guide any future economic development planning for the study area. There will be no economic planning scenario developed within this process; this is beyond the scope of the current project and will be the future task of the regional authorities. The project will deliver the basis only.



Date: 21 April, 2020

Chris Hutton, MCIP, RPP
Community Planning Coordinator
Development and Engineering Services | Planning
Municipality of North Cowichan

Re: CERCA Review of Official Community Plan Bylaw. Bylaw 3450

Dear Mr. Hutton,

On behalf of the Cowichan Estuary Restoration and Conservation Association (CERCA) I would like to compliment the Planning Group of the Municipality of North Cowichan on the quality of a rather comprehensive, progressive and relatively balanced Community Plan. It appears to reflect most of the community's current and future needs and long-term vision for the Municipality. However, there are opportunities for improvement, addressing concerns described in more detail as follows.

General Comments

CERCA's biggest concern is the lack of a specific ecological sensitivity map as part of an overarching landscape level ecological sensitivity map encompassing the entire Cowichan-Koksilah watershed. The watershed constitutes one single ecological entity providing downstream communities with essential goods and services. Such a map should jointly be produced by planners of all watershed communities, possibly to be spearheaded by the CVRD. This map, with overlays of a seismic- and geological risk map would allow flagging all areas in need of protection. This should be the basis for land use designations and zoning of the watershed.

It is obvious that such maps have to be produced by an inter-disciplinary group of qualified professionals, composed of subject-matter ecologists, biologists, and geologists, to be complemented by representatives from environmental NGOs and citizen groups active in different parts of the Cowichan-Koksilah watershed, offering an incredible wealth of combined knowledge about area-specific conservation needs. It is self-evident, however, that North Cowichan Planners cannot entirely rely on public input to produce an environmental/ecological sensitivity map, as suggested in the OCP.

A major improvement in information to support resource planning decisions is the Sensitive Ecosystem Inventory mapping cited by the OCP. The following is taken from the cited report, with additions/suggestions in brackets.

"The results of this (Sensitive Ecosystem Inventory 2002 data, reported 2004) mapping (ECVI and Gulf Islands) project show an alarming trend (compared to 1992). Over 8,800 ha (11%) of the area occupied by the nine SEI ecosystem types in the early 1990s had been disturbed (and considered to be no longer representative of the SEI ecosystem) by 2002. Over 1460 ha of disturbed area had originally been occupied by the seven sensitive ecosystems. Older forests had the highest rate of loss at 8.6% (915 ha) followed by riparian (4.6%), woodland (2.6%) and wetland (2.0%) ecosystems. The largest area of loss was 7,360 ha (16.4%) in the older second growth forest category."

This mapping analysis needs to be repeated to update the status of the SEI ecosystem types in the last 20 years. It can then be used to support land and water management decisions, such as the NC OCP. (The SEI report is available at [sensitive ecosystem inventory bc](#)). For example, the City of Victoria has an updated Sensitive Ecosystems mapping program as part of its OCP.

Sustainable water supply is another over-arching highly complex issue involving the entire Cowichan-Koksilah watershed, requiring close cooperation of all stakeholders and jurisdictions associated with the watershed. Although the OCP recognizes such needs, it insufficiently specifies concrete actions on how to deal with source protection, water use, enforcement issues and monitoring.

Some of the OCP policies mention the need for the creation and protection of ecological corridors that connect habitat fragments and sensitive ecosystems in an effort to protect biological diversity. The identification of where, what and how to effectively connect ecosystems/habitats, lacks information on how to identify, establish and protect such areas. Special attention has to be given to corridors traversing different jurisdictions, especially First Nation lands, requiring cooperative planning and conservation efforts. Ecological corridors constitute an important component of the proposed over-arching ecological sensitivity map. The need for a strict tree bylaw has been repeatedly brought to the attention to Municipal Council and has been included in the OCP. Clear definitions and enforceable policies should be formulated for a tree law that applies to private properties and public areas alike. A sound tree bylaw would be a powerful tool preventing land speculators and developers from clear-cutting areas in hope of receiving development permits. It would protect wildlife trees, regulate tree removal from private property, and protect trees and vegetation cover of sites sensitive to disturbances.

The issue of invasive species is addressed by the OCP. But it needs to be translated into measurable activities on how to prevent/control/eliminate aggressive invasive species that already threaten the integrity of all ecosystems within the municipality, including estuaries, lakes, marshes and wetlands, streams, forests, road-sides and other public areas.

The OCP is also expected to provide specific guidelines and activities on restoration of disturbed areas to prevent natural hazards such as slides, erosion, flooding and unsightly sites. The

corresponding bylaw also has to deal with dangerous disturbances on private land, such as forest alienation, threats to water sources etc.

Proposed policies regarding the sustainable management and safeguarding of the integrity of estuaries within the Municipality, fail to propose concrete protection activities or how to prevent further degradation. It is widely recognized that estuaries are amongst the ecologically most important and tragically the most threatened ecosystems globally. This is the reason for the issue of a recent DFO policy to focus protection and restoration efforts on estuaries. The OCP should fully recognize the economic importance of the Cowichan Estuary to the shellfish and fish industry which has provided livelihood to First Nations for centuries, and continues to be of great economic and recreational importance to Cowichan Valley residents and BC at large. A shellfish closure has been in effect in the municipal estuaries since the 1970s. The OCP should identify measures on how to more effectively deal with storm-water run-off and other root causes of upland water contamination affecting the inter-connected water system draining into the estuary.

Section II. Plan Goals, Objectives, and Policies raise more concerns. In general, many policies listed are too vague to be practical. Numerous policies sound more like objectives and goals, instead of policies leading to bylaws that can be enforced. Activities related to policies have to be measurable quantitatively and qualitatively. They should be doable and enforceable, be monitored to gauge success, and provide guidance for changes as needed.

Specific Comments

Page 6,

bullet 1: how does the plan reflect the "community vision", if elaborated on a consultative basis involving subjectively selected target groups, instead of the broad spectrum of the community? How is the community expected to develop "ownership" in the plan if it is not empowered to actively take part in the planning process? A single public hearing is insufficient to generate a "community vision".

bullet 3: "...informs neighbouring jurisdictions...etc." While it is important to *inform* neighbouring jurisdictions, it appears more appropriate to *involve* neighbours and all watershed communities in the planning of and dealing with common issues. Elaboration of an over-arching ecological sensitivity map and addressing other issues of common concern would be a good start.

Page 7, 1.3.2 We suggest adding the principle of "**sustainability**" to economic opportunity, which would exclude incompatible industry from opportunities offered.

Page 12, 1.4.11 What is wrong with a retirement community which can be very vibrant, producing valuable spin offs, well paid jobs, and sustainability? North Cowichan offers attractive framework conditions for retirees of all walks of life. The Municipality should capitalize on the opportunity to accommodate the needs of all retiree groups.

Page 13, 1.4.14 To support agriculture is valuable in principle as long as it is sustainable and not causing adverse environmental impacts. (see also our comments re 2.1.1.2).

Page 14, 1.4.16 Suggest to add "sustainable water supply" specifying how to achieve this (e.g. best forest practices in watershed, aquifer protection etc.) only possible through a "Regional Approach".

Page 17, 2.1.1.2 Suggest being more concrete to translate policies into doable and enforceable activities: farming has to be sustainable. Bylaws are needed to regulate use of pesticides and fertilizer, especially in the vicinity of designated ecologically sensitive areas. Bylaws are also needed for control of water use for irrigation (controlled/measured water extraction from aquifers and surface sources), with specified irrigation time to reduce evapotranspiration, metering of all private wells, and water allocation policies with fees for consumption. Policies regarding livestock (e.g. no cattle, dairy farms in estuary and floodplain, nor close to streams, etc).

Page 21, 2.1.2.2 Re forestry practices on private land: adopt a meaningful all-encompassing tree bylaw prohibiting tree removal from ecologically sensitive areas, steep slopes, unstable terrain prone to slides and erosion, and water management areas.

Page 25, 2.1.4.6 Policy to eliminate light pollution is too vague. Need to specify how to prevent, control, and enforce light pollution. Example: light contamination in Cowichan Estuary by Western Forest Products Mill which uses un-shaded lights detrimental to aerial nocturnal insects and disturbing residential neighbourhood.

Page 7, 2.2.1.2

b) Assemble an inter-disciplinary specialist team to conduct an ecological gap analysis, identifying ecologically sensitive areas and critical habitat, as basis for the production of an overarching ecological sensitivity map.

e) The existing "environmental sensitivity map" of the OCP has to be updated to include all streams, wetlands, lakes, and the to-be-identified ecological corridors that will safeguard ecosystem connectivity.

Page 32, 2.2.1.3

a), b), c), d) The 'policies' as listed are laudable but need to be translated into practical and enforceable activities specifying what, when, where, and *how* to protect. Although some "environmental management areas" may be identified on Map 7, the map needs substantial updating to include ecologically sensitive sites such as all streams and riparian vegetation belts, to-be-identified ecological corridors, plus all lakes, wetlands and estuaries including salt marshes.

e) 'recognizing' seasonally flooded agricultural land as ecologically important is good, but what may the management implications be?

Page 33, 2.2.1.5 Excellent policies/objectives. Regarding "reducing impacts of invasive species": who, how, where, and when? A specific action plan is needed and funding must be provided. Community and NGO efforts should be supported. Several highly aggressive species are threatening already the integrity of the estuarine salt marshes, including broom (overgrowing

the dike along the North Fork of the Cowichan River, extending into the center of the salt marsh via the spit at the mill pond).

Page 33, 2.2.1.6. b) *"the Municipality will reduce conflicts between use and environmental conflicts in the Cowichan and Chemainus Estuary"*: existing and long known conflicts should be spelled out in detail and conflict solutions be specified (see our comments regarding estuaries on page 2 of this letter). Examples:

- grounding log booms in inter-tidal area of the Cowichan estuary is of grave concern, causing significant adverse impacts on the estuary; deep water storage would be an acceptable alternative;
- log boom dragging across the estuary's oyster bed to be banned;
- dredging the log transport channel is detrimental to estuarine health and must be eliminated;
- problems related to noise from backing up forklifts night and day at the WFP sawmill, and industrial light pollution, could easily be resolved by exchange of 'back-up beepers' with inexpensive 'white noise' units, and shading workyard lights .
- The Western Forest Products sawmill remains part of the ALR. It never has been zoned. This issue should be addressed by the OCP. Zoning would permit municipal bylaws to be applied. Without zoning the mill will continue to operate in limbo without restrictions.

Page 34, 2.2.1.8 See earlier comments on the need for an overarching ecological gap analysis to be implemented by a group of specialists covering the entire Cowichan Koksilah watershed, *complemented* by input from the public. But hoping for the public to identify ecologically sensitive areas as suggested by the OCP is simply not enough and not practical.

Page 39, 2.2.3.2 j): To take the outdated Cowichan Estuary Environmental Management Plan (CEEMP) from 1987 as guideline for any measures in the estuary as suggested by the OCP is not acceptable. The CEEMP has not been updated since its inception 40 years ago. The estuary needs a new management plan to be reviewed and updated every five years (see comments re 2.4.4.4).

Page 42, third paragraph: *"...institute successful adaptation and mitigation"* addresses symptoms only. We suggest adding "**prevention**" to "adaptation and mitigation", addressing the root causes where ever possible.

Page 43, Objective:

- *"...reduce the use of fossil fuel and other green house gases* (to be added).
- *"...policy and programs to prevent (added) and adapt to..."*.

fifth bullet please add again "prevention" and adaptation. Suggested additional bullets:

- to identify root causes (e.g. Crofton Mill)
- wood burning stoves

Page 44: Suggestion to add following bullets:

- retrofit existing public buildings to increase energy efficiency;

- establish photovoltaic panels on suitable roofs of public buildings;
- provide incentives for exchange of fossil fuel heating systems to environmentally compatible systems;
- adapt building codes, promoting the use of energy efficient materials and construction;
- promote and provide incentives for construction of passive buildings.

Page 47, 2.4.1.3, c): "...develop land use policies"; according to a to-be-revised and updated zoning plan. It has to be based on the proposed "ecological sensitivity map" and the "seismic/geological risk map". Why is the zoning plan not part of the OCP?

Page 56, 2.4.4.1, f) "...phasing out water-based log storage": should also apply to Cowichan Bay estuary.

Page 57, 2.4.4.4 Cowichan Estuary

a) "...supports CEEMP (1986) as updated" . As mentioned previously, the CEEMP has not been updated since 1986 in spite of 2 official reviews providing numerous recommendations for much needed updates! This should read instead:

"... supports the elaboration of a new CEEMP to be based on today's knowledge, with due consideration of expected impacts of rising sea levels, and changed framework conditions".

- North Cowichan to take a pro-active role on the CEEMC by requesting membership on the Committee of two elected public representatives.

b) "...together with..." add "Cowichan Tribes"

add c) "...will address zoning of the WFP mill site to permit Municipal bylaws to apply".

add d) "... will not permit continuation of dairy farming on estuary land under North Cowichan jurisdiction" (former Blackley farm). Annual flooding of Blackley's farm caused liquid manure to be washed into the estuary via the two sluice gates established along the perimeter dike of the farm, contributing to shellfish contamination).

add e) "...will support efforts by citizen groups to eliminate/control invasive plant and animal species in the salt-marshes and estuary.

add f) "...will collaborate with CVRD to harmonize policies related to Cowichan Estuary" (e.g. ban discharge of firearms in estuary).

add g) "...collaborate with MOE and DFO in an effort to prevent shellfish contamination".

add h) "...eliminate light and noise pollution from the WFP Mill site in order to reduce adverse impacts on wildlife and Cowichan Bay residents.

add i) "...ban night shifts of the WFP sawmill and restrict hours of operation (including maintenance) from 7:00AM to 10:00PM from Monday to Friday and Saturday from 8:00AM to 12 noon. Ban work on Sundays.

Page 94, 2.5.7.1, a): add to the Somenos Marsh map, all streams and riparian set-backs, and the Six Mountains (no tree extraction from mountain slopes).

To be added:

- control irrigation of agricultural land. Provide clear guidelines on time limits of irrigation, methods to be employed, amount of water to be extracted;
- make installment mandatory of water meters on all privately owned and operated wells, and extraction sites of surface water;
- set fee schedules for water use on private wells;
- enforce mandatory multi-recycling of water extracted from the Cowichan River by Crofton pulp mill;
- promote purification and re-use of storm water.

Page 100, 2.5.8.3: Add c) Municipality to partner with FLNRO developing and maintaining dike trail bordering Blackley's Farm in Cowichan Bay.

Page 102, 2.5.8.8: Add c) Establish ecological corridors by connecting Somenos Marsh and Quamichan Lake with the Cowichan Estuary.

Page 103, 3.2: "...make sure that community is consulted": this will not promote and/or achieve community buy-in! As mentioned previously, the OCP has to be elaborated in a truly participatory fashion, *empowering* the community, in order to develop ownership in such plan.

MAP SECTION

Map 1: It is duly noted that Cowichan Estuary and Genoa Bay are two enclaves within the Municipality of North Cowichan.

Map 2: Is this a zoning map demarcating designated forest and agricultural land subject to municipal forestry bylaws, or just a distribution/inventory map covering arbitrarily municipal and private forest and agricultural land?

We suggest re-zoning all (former) salt marshes of the Cowichan estuary and areas bordering Quamichan and Somenos Lake to ban agriculture, in order to prevent nitrification and pesticide contamination of lakes and estuary.

Map 3: no comment

Map 4: why are visually prominent slopes singled out? Is it for viewscape protection or other reasons?

Map 5: no comment

Map 6: no comment

Map 7: this map needs substantial review and updating, incorporating the findings of the proposed ecological gap analysis. All water bodies, lakes, streams, rivers, wetlands, marshes, and riparian belts should be included as well as corridors such as the ones connecting Quamichan Lake and Somenos Marsh with the Cowichan estuary. It also should include major sections of the six mountains of North Cowichan, which provide significant social and other goods and services.

Map 8: this map needs updating and should be based on the proposed geological/seismic risk map with focus on steep slopes and rocky terrain above residential areas. Also areas subject to flooding should be highlighted and excluded from any development. **Map 9:** The demarcated industrial site in the Cowichan area should be confined to the mill site proper, not extending into the salt marshes between the mill pond and Khenipsen road.

Map 9: no comment

Map 10: no comment

Map 11: no comment

Map 12: no comment

Map 13: suggest adding Blackey's Farm dike trail within municipal boundaries of the estuary enclave.

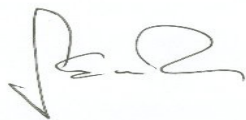
Map 14: no comment

Map 15: suggest adding Tzouhalem-Cowichan road

Map 16: suggest adding Somenos Marsh, all streams and the Six Mountains

Map 17: the WFP mill site is Industrial/ALR, not properly zoned industrial, not zoned at all -- so still in limbo!

We would like to take this opportunity to thank the planning group of the OCP for providing CERCA with the opportunity to comment on this important document. We would be happy to discuss the proposed changes with the OCP Steering Committee and to assist in any way in finalizing the OCP. We look forward to harmonious and productive cooperation in implementing the Plan.



Dr. Goetz Schuerholz
Chair, CERCA

cc. Rob Conway

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