

# Municipality of North Cowichan

## Regular Council

### AGENDA

Wednesday, August 18, 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](http://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](http://northcowichan.ca/virtualmeeting) for instructions.
- To join by telephone, dial 1.844.426.4405, enter the meeting ID 177 742 8056, 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 draft minutes from the following meetings be received for information purposes only:

- |        |  |         |
|--------|--|---------|
| 2.1.1. | June 22, 2021 Environmental Advisory Committee | 10 - 12 |
| 2.1.2. | July 20, 2021 Environmental Advisory Committee | 13 - 14 |
| 2.1.3. | August 11, 2021 OCP Advisory Group meeting     | 15 - 16 |

##### 2.2. Correspondence

Recommendation:

THAT the following correspondence is received for information purposes only:

<b>2.2.1.</b>	<b>Emails in relation to the proposed development of 9090 Trans-Canada Highway</b>	<b>17 - 40</b>
	10 emails were received from residents who have concerns (e.g. flooding, wetlands, water supply, wildlife habitat, fencing, construction noise, traffic and road safety) regarding the proposed development and potential downzoning of 9090 Trans-Canada Highway.	
<b>2.2.2.</b>	<b>Emails received in relation to the Bell McKinnon Local Area Plan and OCP growth scenario</b>	<b>41 - 47</b>
	5 emails were received over the lack of innovative approaches to industrial lands in the OCP growth recommendation and the potential quashing of the Bell McKinnon Local Area Plan, including feedback from local residents to maintain existing plan and another who feels Council should apply holistic planning principles (rewilding and regenerative development).	
<b>2.2.3.</b>	<b>Emails received in relation to the removal of the cross on Mt. Tzouhalem</b>	<b>48 - 50</b>
	3 emails were received regarding the removal of the cross on Mt. Tzouhalem with suggestions for replacement.	
<b>2.2.4.</b>	<b>Email regarding the benefits from forest carbon credits</b>	<b>51 - 53</b>
	Request that Council stop logging, consider applying for all available carbon credits, and restart public engagement.	
<b>2.2.5.</b>	<b>Email regarding the Platinum Cannabis Store's application</b>	<b>54 - 54</b>
	Request that Council send a letter to the General Manager of Licensing at the LCRB in support of Platinum Cannabis Store application.	
<b>2.2.6.</b>	<b>Email regarding noise from the Vancouver Island Motorsport Circuit</b>	<b>55 - 55</b>
	Concerned about the distance the noise from the Vancouver Island Motorsport Circuit travels.	
<b>2.2.7.</b>	<b>Email regarding speed tables approved for Indian Road</b>	<b>56 - 65</b>
	Resident is not in support of the speed tables approved for Indian Road.	
<b>2.2.8.</b>	<b>Letter regarding the forestry sector</b>	<b>66 - 67</b>
	Letter from The Truck Loggers Association thanking Council for the opportunity to present and collaborate on the current issues facing the forestry sector.	
<b>2.2.9.</b>	<b>Email regarding Parrot's Feather invasion of Somenos Creek</b>	<b>68 - 68</b>
	Request that Council take action to remove Parrot's Feather from Somenos Creek.	

<b>2.2.10.</b>	<b>Email regarding Rowing Canada's use of Quamichan Lake</b>	<b>69 - 69</b>
	Request that Council work with Victoria and Ottawa to declare Quamichan Lake an eco-zone.	
<b>2.2.11.</b>	<b>Letter from City of Langley regarding resolution</b>	<b>70 - 71</b>
	Letter from City of Langley to Premier Horgan and Minister Dix regarding a resolution on improvements to pre-hospital care system.	
<b>2.2.12.</b>	<b>Email regarding banning single-use plastics</b>	<b>72 - 72</b>
	Request that Council legally ban all single-use plastic materials in North Cowichan.	
<b>2.2.13.</b>	<b>Email regarding housing supply and affordability</b>	<b>73 - 74</b>
	Concerned with housing supply and affordability in the Cowichan Valley.	
<b>2.2.14.</b>	<b>Letter from Help Cities Lead Steering Committee</b>	<b>75 - 76</b>
	Update from the Steering Committee for Council's supporting of their Help Cities Lead initiative.	
<b>2.2.15.</b>	<b>Email regarding speeding on Cairnsmore Street</b>	<b>77 - 77</b>
	Request Council consider installing speed bumps on Cairnsmore Street.	
<b>2.2.16.</b>	<b>Email regarding Wildfires</b>	<b>78 - 79</b>
	Requests Council consider preventive measures to protect the Cowichan Valley from wildfires.	
<b>2.2.17.</b>	<b>Email regarding flavoured vaping products</b>	<b>80 - 81</b>
	Email from Executive Director, Action on Smoking & Health requesting Council urge Health Canada to ban all flavoured vaping products and express support by participating in survey which closes on September 2.	

### **3. APPROVAL OF REGULAR AGENDA**

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

Recommendation:  
 THAT the agenda be adopted as circulated [or as amended].

### **4. ADOPTION OF MINUTES**

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

**4.1. Minutes from the July 21, 2021 regular meeting for adoption**

82 - 93

Recommendation:

THAT Council adopt the minutes of their regular meeting held July 21, 2021.

**5. MAYOR'S REPORT**

**6. DELEGATIONS AND PRESENTATIONS**

**6.1. Forestry Awareness**

Purpose: Stewart Muir, Executive Director, Resource Works to present to Council "Forestry in BC: Setting the record straight" as a method of building awareness about the present status of forest practices and forest management in British Columbia.

**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. South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw No. 3840, 2021 for adoption**

94 - 94

Purpose: To consider adoption of South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw No. 3840, which received first three readings at the July 21, 2021 regular Council meeting. If adopted, this bylaw will permit 7900 Mays Road to be included in the South End Water Local Area Service.

Recommendation:

THAT Council adopt South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw No. 3840, 2021.

**8.2. Forest Use, Bylaw Offence Notice Enforcement, and Municipal Ticket Information Systems Bylaw Amendments for adoption**

95 - 99

Purpose: To consider adoption of Forest Use Amendment Bylaw No. 3833, 2021, Municipal Ticket Information Systems Amendment Bylaw No. 3834, 2021 and Bylaw Offence Notice Enforcement Amendment Bylaw No. 3835, 2021, which received first three readings at the July 21, 2021 regular Council meeting. If adopted, these bylaws will permit increasing penalties for offences related to the Municipal Forest Reserve.

Recommendation:  
THAT Council adopt:

1. Forest Use Amendment Bylaw No. 3833, 2021;
2. Municipal Ticket Information System Amendment Bylaw No. 3834, 2021; and,
3. Bylaw Offence Notice Enforcement Amendment Bylaw No. 3835, 2021.

**8.3. Fireworks Regulation Bylaw No. 3810, 2021 for adoption**

100 - 109

Purpose: To consider adoption of Fireworks Regulation Bylaw No. 3810, 2021, which received first three readings at the July 21, 2021 regular Council meeting. If adopted this bylaw will regulate the use of fireworks.

Recommendation:  
THAT Council adopt Fireworks Regulation Bylaw No. 3810, 2021.

**8.4. Fees and Charges Amendment Bylaw (Telecommunications Statement of Concurrence Applications) No. 3839, 2021 for adoption**

110 - 110

Purpose: To consider adoption of Fees and Charges Amendment Bylaw (Telecommunications Statement of Concurrence Applications) No. 3839, 2021, which received first three readings at the July 21, 2021 regular Council meeting. If adopted, a fee of \$1,000 will be collected to resource the staff time involved in processing applications.

Recommendation:  
THAT Council adopt Fees and Charges Amendment Bylaw (Telecommunications Statement of Concurrence Applications) No. 3839, 2021.

**8.5. Zoning Amendment Bylaw (6353 Genoa Bay Road) No. 3847, 2021 for first and second readings**

111 - 132

Purpose: To introduce Bylaw No. 3847, which proposes a site-specific zoning amendment for 6353 Genoa Bay Road, to permit a second detached dwelling unit in addition to a principal single family dwelling in the Rural Residential (R1) Zone.

Recommendation:  
THAT Council give first and second reading to Zoning Amendment Bylaw No. 3847, 2021 to permit a second detached residential dwelling at 6353 Genoa Bay Road and a public hearing be scheduled for Bylaw No. 3847 in accordance with the *Local Government Act*.

**9. REPORTS**

**9.1. REPORTS FOR DECISION**

- 9.1.1. Temporary Mobile Home Permit Application for 5840 Menzies Road** 133 - 157
- Purpose: To consider a request for a Temporary Mobile Home Permit (TMHP) to authorize the placement of a separate (mobile home) accommodation for the owner's child and her family at 5840 Menzies Road.
- Recommendation:  
THAT Council authorize Temporary Mobile Home Permit No. TTP00081/3070-20 20.03 to be issued to Marianne Kinzel for the placement of a temporary mobile home at 5840 Menzies Road, as shown on the Site Plan attached as Schedule 1 to the Permit, for a term of one year, expiring on August 18, 2022.
- 9.1.2. Illegal Suites Enforcement** 158 - 166
- Purpose: To update Council on impacts related to the enforcement of illegal suites.
- Recommendation:  
THAT Council direct staff to draft a policy regarding the enforcement of illegal suites and formalizing the approach thereof, substantially as set out in the Planning Manager's report dated August 18, 2021.
- 9.1.3. Resuming Public Engagement on the Future of the Municipal Forest Reserve** 167 - 168
- Purpose: To provide an update on the Memorandum of Understanding (MOU) with Cowichan Nation and seek direction from Council about the process of considering resuming public engagement on the future of the management of the Municipal Forest Reserve (MFR).
- Recommendation:  
THAT Council direct staff to invite Lees & Associates to present an updated engagement plan and options for the future of the management Municipal Forest Reserve (MFR), which include amended timelines and associated costs for each option, prior to Council resuming the public engagement on the MFR.
- 9.1.4. Forestry Review - Educational Resources** 169 - 184
- Purpose: To provide Council with information regarding potential educational opportunities that could be hosted or shared online as part of the forestry review prior to resumption of the public engagement process.

Recommendation:

THAT Council direct Staff to:

1. Create a section on the Municipality's Forestry Review and Engagement webpage that includes links to the recommended educational opportunities/resources for the public to access; and,
2. Organize a tour led by the Municipal Forester and promote it to members of the public utilizing all appropriate methods so that interested parties may attend prior to the restart of public engagement.

**9.1.5. 2021 Environmental Advisory Committee Workplan**

185 - 192

Purpose: To consider the projects and initiatives proposed by the Environmental Advisory Committee for implementation in their 2021 Environmental Advisory Committee Workplan (the "Workplan").

Recommendation:

THAT Council:

1. Approve the Environmental Advisory Committee (EAC) 2021 Workplan, subject to the following items being removed from the Workplan:
  - a. [ Council to identify the item number and description of any item that is to be removed]; and
2. Direct staff to work with the EAC Chair to prioritize the items listed in Section A of the EAC Workplan for implementation in 2021

**9.1.6. Clean BC Better Homes – 2021 Program Update**

193 - 202

Purpose: To provide Council with the additional analysis and background information requested on July 21, 2021, regarding the Clean BC Better Homes and Home Renovation Rebate Program (the "Program") so that they can make a decision on whether to continue funding the Program.

Recommendation:

THAT Council allocate an additional \$25,600 from the Climate Action and Energy Plan Reserve Fund towards the Clean BC Better Homes Renovation Program in 2021 and establish an annual allocation of up to \$40,000 for 2022 and 2023.

**9.1.7. Use of Municipal Coat of Arms**

203 - 205

Purpose: To discuss with Council the current use of North Cowichan's Municipal Coat of Arms and determine Council's direction about its continued use.

Recommendation:

THAT Council direct staff to retire the use of the Municipality of North Cowichan coat of arms and remove, when timely and where feasible, all instances where the coat of arms is currently in use.

## 9.2. REPORTS FOR INFORMATION

### 9.2.1. Quarterly Community Safety Plan Update 206 - 250

Purpose: To update Council on the actions undertaken by Municipal staff and members of the Joint Local Government Safer Working Group to date, including the Corridor Safety Office and enforcement.

### 9.2.2. Official Community Plan Project Update 251 - 258

Purpose: To provide Council with an OCP Project status update on progress made to date, work that is underway, upcoming tasks, and an updated project timeline.

## 10. NOTICES OF MOTIONS

## 11. UNFINISHED AND POSTPONED BUSINESS

## 12. NEW BUSINESS

### 12.1. Regular Pumping Out of Septic Tanks to Support the Health of Water Bodies 259 - 259

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

Recommendation:

WHEREAS Council has prioritized the importance of environmental policies and practices to support the future health of North Cowichan;

AND WHEREAS the regular pumping out of septic tanks may be an effective method for preventing nutrients and bacteria from entering nearby water systems;

AND WHEREAS the cost of regular pumping out of septic tanks and effluent disposal may be cost prohibitive for some residents;

THEREFORE BE IT RESOLVED THAT Council direct staff to prepare an analysis of options to reduce the environmental and other impacts caused by private septic tanks or ineffective septic fields.

## 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 meeting at \_\_\_ p.m. to the public on the basis of the following section of the *Community Charter*:

- 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

**14.1. Closed minutes from the July 21, 2021 meeting for adoption**

**14.2. Closed under section 90(1)(e) land - potential lease**

**15. RISE AND REPORT**

**16. ADJOURNMENT**

# **Municipality of North Cowichan Environmental Advisory Committee MINUTES**

**June 22, 2021, 1:30 p.m.  
Electronically**

Members Present	Councillor Kate Marsh, Chair Neil Anderson Cam Campbell Bruce Coates (arrived at 2:05 p.m.) David Coulson Per Dahlstrom Sandra McPherson Dr. Jesse Patterson Dr. Geoffrey Strong Dr. Shannon Waters
Members Absent	Dr. Jana Kotaska Ashley Muckle
Staff Present	David Conway, Director, Engineering Projects Shaun Chadburn, Environmental Programs Coordinator Tricia Mayea, Deputy Corporate Officer

## **1. CALL TO ORDER**

There being a quorum present, the Chair called the meeting to order at 1:33 p.m.

## **2. APPROVAL OF AGENDA**

The following items were added as late items to the agenda under New Business:

- (1) Recording/Archiving of Meetings [Item 5.1]
- (2) Articles: What on Earth, Reframing Economics [Item 5.2]

IT WAS MOVED AND SECONDED:

That the Committee approve the agenda, as amended.

CARRIED

## **3. ADOPTION OF MINUTES**

An error was noted in the minutes and was corrected by removing Sandy McPherson from the Members Absent column.

IT WAS MOVED AND SECONDED:

That the Committee adopt the minutes of the meeting held May 18, 2021, as amended.

CARRIED

## **4. BUSINESS**

#### **4.1 EAC Agenda Items**

IT WAS MOVED AND SECONDED:

That an Environmental Advisory Committee meeting be scheduled for July 20, 2021 at 1:30 p.m. to receive the Biodiversity Protection Policy presentation from the Senior Environmental Specialist and to provide input to Council. CARRIED

The Committee recessed, by unanimous consent at 2:53 p.m. and reconvened at 3:02 p.m.

Jesse Patterson left the meeting at 3:04 p.m. and returned at 4:05 p.m.

The Committee reviewed the list of subjects in section A of the EAC 2021 Workplan document, and prioritized the list of subjects in sections B and C.

IT WAS MOVED AND SECONDED:

The Environmental Advisory Committee recommends:

That Council endorse the amended EAC 2021 Workplan, and direct staff to schedule the subjects on future Environmental Advisory Committee agendas with first priority for subjects in Section A of the Workplan. CARRIED

#### **4.2 Forestry Review Input**

The Committee discussed several potential educational opportunities that the municipality could host or share online as part of the forestry review but determined that more time was required to ponder this topic.

IT WAS MOVED AND SECONDED:

That Item 4.2 [Forestry Review Input] be deferred to the July 20, 2021 Environmental Advisory Committee meeting;

And That this meeting be extended to 5:30 p.m. CARRIED

Cam Campbell left the meeting at 4:32 p.m.

#### **4.3 Cowichan Land Trust - OCP Feedback letter for information**

IT WAS MOVED AND SECONDED:

That the Committee receive the OCP feedback letter from the Cowichan Land Trust for information;

And that the Chair of the Environmental Advisory Committee be authorized to send a letter to the Cowichan Land Trust acknowledging that their letter was a valuable contribution. CARRIED

Dave Coulson left the meeting at 4:51 p.m.

Bruce Coates left the meeting at 4:52 p.m.

### **5. NEW BUSINESS**

**5.1 Recording/Archiving of Meetings**

The Committee briefly discussed recording and archiving meetings, but because many Committee members had already left the meeting and not able to contribute to the discussion, no direction was given.

**5.2 Articles: What on Earth, Reframing Economics**

This item was not discussed.

**6. ADJOURNMENT**

The meeting ended at 4:56 p.m.

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Certified by Recording Secretary

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Signed by Chair;

# **Municipality of North Cowichan Environmental Advisory Committee MINUTES**

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

Members Present	Councillor Kate Marsh, Chair Neil Anderson Cam Campbell Bruce Coates Per Dahlstrom Dr. Jana Kotaska Sandra McPherson Ashley Muckle Dr. Jesse Patterson Dr. Geoffrey Strong (arrived at 1:45 p.m.) Dr. Shannon Waters
Members Absent	David Coulson
Staff Present	Dave Preikshot, Senior Environmental Specialist Shaun Chadburn, Environmental Programs Coordinator Michelle Martineau, Corporate Officer Tricia Mayea, Deputy Corporate Officer

## **1. CALL TO ORDER**

There being a quorum present, the Chair called the meeting to order at 1:39 p.m.

## **2. APPROVAL OF AGENDA**

IT WAS MOVED AND SECONDED:

That the agenda be adopted as circulated.

CARRIED

## **3. ADOPTION OF MINUTES**

IT WAS MOVED AND SECONDED:

That the Committee adopt the minutes of the meeting held June 22, 2021.

CARRIED

## **4. BUSINESS**

### **4.1 Biodiversity Protection Policy – Workshop**

The Senior Environmental Specialist, Dave Preikshot provided a presentation, gathered input, and answered questions of the Committee. A copy of the presentation was included in the agenda.

Dr. Waters left the meeting at 1:59 p.m. and returned at 3:10 p.m.

Dr. Patterson left the meeting at 3:00 p.m. and returned at 3:45 p.m.

By unanimous consent, the Biodiversity Protection Policy discussion was tabled at 3:27 p.m. and lifted from the table at 3:45 p.m.

IT WAS MOVED AND SECONDED:

That the consolidation of information and direction collected from the EAC members regarding the Biodiversity Protection Policy be used to form the raw elements of a draft scope of work, and that the document be brought back to a meeting in August for consideration and endorsement.

CARRIED

## **5. UNFINISHED / POSTPONED BUSINESS**

### **5.1 Forestry Educational Opportunities**

Jana Kotaska left the meeting at 3:28 p.m. and returned at 3:30 p.m.

Dr. Strong left the meeting at 3:31 p.m. and returned at 4:15 p.m.

IT WAS MOVED AND SECONDED:

That the Environmental Advisory Committee members submit suggestions for forestry educational opportunities to the staff liaison who will compile the information and forward to Council for their consideration.

CARRIED

It was noted that the forestry educational opportunities must be submitted to the staff liaison by July 30, 2021 and include: the name of the resource; the name of the organization/individual, the relevance to Municipal Forest Reserve engagement; when/how it can be offered; and the cost.

By unanimous consent the meeting recessed at 3:35 p.m. and reconvened at 3:45 p.m.

IT WAS MOVED AND SECONDED:

That the meeting be extended to 4:45 p.m.

CARRIED

## **6. NEW BUSINESS**

### **6.1 Next Meeting Date**

IT WAS MOVED AND SECONDED:

That a meeting be scheduled for August 17, 2021 at 1:30 p.m.

CARRIED

## **7. ADJOURNMENT**

That the meeting adjourned at 4:41 p.m.

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Certified by Recording Secretary

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Signed by Chair;

**Municipality of North Cowichan  
Official Community Plan Advisory Group  
MINUTES**

**August 11, 2021, 5:00 p.m.  
Electronically**

Members Present	Sandy McPherson, Chair Cam Campbell Bernie Jones Mona Kaiser Rupert Koyote Hajo Meijer (joined at 5:40 pm) David Messier
Members Absent	Nick Neisingh Caitlin Kenny Tim Openshaw Shannon Waters
Staff Present	Rob Conway, Director, Planning and Building Chris Osborne, Manager, Planning Chris Hutton, Community Planning Coordinator Patricia Taylor, Planning Technician Michelle Martineau, Manager, Legislative Services Laura Westwick, Strategic Human Resources and Corporate Planning Advisor

**1. CALL TO ORDER**

There being a quorum present, the Chair called the meeting to order at 5:13 p.m.

**2. APPROVAL OF AGENDA**

IT WAS MOVED AND SECONDED:

That the agenda be adopted as circulated.

**CARRIED**

**3. ADOPTION OF MINUTES**

**3.1 Official Community Plan Advisory Group Minutes**

IT WAS MOVED AND SECONDED:

That the committee adopt the minutes of the meeting held July 7, 2021. **CARRIED**

**4. UNFINISHED BUSINESS**

**4.1 Survey Discussion**

Mona Kaiser informed the committee she received a letter from a resident today, which the Chair will circulate to committee members for their information.

**5. BUSINESS**

**5.1 OCP Project Update**

No discussion.

**5.2 Presentation of OCP Climate and Ecology Context**

The Manager, Planning, delivered a short presentation providing an overview of what the OCP is, the draft Table of Contents, concepts, policy frameworks, policy headings and next steps, which was followed by a number of questions and discussion. A copy of the presentation was appended to the agenda.

**5.3 Discussion of Environmental Groups Referral**

General discussion took place regarding overall stakeholder engagement, and the rationale for not including additional groups to be consulted. The Director, Planning and Building, clarified that Council's direction sought recommendations from these groups only with respect to potential improvement of various watersheds through the OCP project. Other stakeholder groups are continuing to be kept informed of engagement opportunities through other avenues.

**5.4 Floodplain Mapping**

The Director, Planning and Building, provided additional information and context on the floodplain mapping, what is represented on different parts of the maps, and some of the changes from the previous mapping.

**5.5 Discussion of Housing Reports**

General discussion took place regarding the results of the housing reports and various committee members offered views on how future projected housing needs could be met.

**6. NEW BUSINESS**

**6.1 Wrap Up**

The Community Planning Coordinator advised he would be working with the Chair over the coming weeks to facilitate scheduling of committee members into upcoming policy workshops.

**7. ADJOURNMENT**

The Chair adjourned at 7:30 p.m.

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Signed by Chair

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Certified by Recording Secretary

**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** June 15, 2021 6:05 PM  
**To:** council north cowichan <[council@northcowichan.bc.ca](mailto:council@northcowichan.bc.ca)>; Glenn Morris  
<[Glenn.Morris@northcowichan.ca](mailto:Glenn.Morris@northcowichan.ca)>  
**Subject:** Fw: DP00256 -Development at 9090 Trans Canada Hwy

Dear Councillors and Planning Dept.,Glen Morris,

I trust you are all well.

My husband and I have many concerns about the new proposed development of 108 sites .We will be most affected by this project as our property at [REDACTED] Henry Rd, shares adjoining wetlands , tributary, and a 700 feet property line . FIPPA s. 22(1)

### 1.Water/Flooding

FIPPA s. 22(1) The runoff that will be created from clearing and paving this 25 acre parcel of land could quickly enter the wetland and tributary leading to the already threatened Chemainus River. On site water retention is a strong must. Our home is in this floodpath. We experienced a 4 acre blow down in the large winds two years ago. Our neighbour to the north is clearcutting 6 acres. The cumulative loss of trees will be 35 acres. This huge excess of water will now end up in this small tributary and then the river. The previous developers, [REDACTED], Austin Ventures Ltd., had an environmental report completed in April 2010 by Aqua-Tex Scientific Consulting Ltd.(1993). page 4 of 43

" IT IS THEREFORE ASSUMED THAT THERE ARE FISH PRESENT IN THESE TRIBUTARIES."  
Please let us know if you need a copy of this report.

\*\*\*Please ensure there is a 30M setback from wetlands and tributaries. This is a minimum for our already threatened Chemainus River.

### 2.Fencing

We live next to Country Maples Campground, on a 19 acre property. 25 years ago we had to put up a 6 foot fence as we were having troubles with campers coming into our yard and cutting trees for firewood, building fires... We strongly request that the developer be responsible for a secure fence between our property line. We have approximately 700 feet of shared property line.

### 3.Traffic.

West Henry Road is a quiet windy road with approx 35 homes. This is known as a quiet road, so many young children, walkers and bikers use it. If the project proceeds there will be a threefold increase in traffic on this narrow windy road, and the safety of our residents would be at risk. A widening of Henry Road as well as a sidewalk will be necessary to separate traffic from those most vulnerable and hopefully we as tax payers will not have to pay the bill. Our taxes are up to \$4,650.00 For two senior citizens of the Cowichan Valley, this is very high. We cannot afford more.

We would be more than happy to show any of you the area of our concern. Please let us know if you would like to meet.

With thanks, [REDACTED] FIPPA s. 22(1)

July 22 2021

[terri.brennan@northcowichan.ca](mailto:terri.brennan@northcowichan.ca)

[ted.swabey@northcowichan.ca](mailto:ted.swabey@northcowichan.ca)

[Michelle Martineau](#)

[Michele Gill](#)

[Rob Conway](#)

Thank you for taking the time to read this.

On behalf of the residents of Henry Road, Chemainus:

I understand from Rob Conway and Glenn Morris at the Muni of North Cowichan that MoTI is reviewing DP 000256 with regard to changes required for the development at 9090 TCH.

I attach a petition of 53 residents' signatures concerned with the negative impacts surrounding the Morgan Maples projects. Forty-four residents were present at a preliminary neighbourhood meeting to discuss this development.

We do recognize that Henry Road is under municipal jurisdiction.

However, the intersection at Henry Road and TCH, and the proposed right in/right out accesses are provincial.

We understand that the water supply will be brought from the Fuller Lake side of the highway – I may be misinformed on the water source, but I believe it comes from the Chemainus River aquifers, and the Chemainus River is being studied by Halalt First Nation and biologists for low flows. Adding 108 homes will further burden an already fragile river, if not through water supply, through environmental damage to the nearby lands.

Setback for bordering ALR land is only 15 metres, hardly enough to provide a reasonable buffer.

We, as neighbours of this proposed development, are extremely concerned about this large scale development discharging sewage into the Chemainus River. We understand the sewage will be treated but the Chemainus River is already listed as an endangered river. In our 25 years of living next to the river we have seen populations of catid fly, crayfish, and all species of trout and salmon, plummet. The once clean rocks and gravel beds are now covered in silt from upstream logging. We feel, even tho the plan is to treat the sewage from these 108 homes, the discharge will greatly degrade the fragile river ecosystem. Please consider the health of the river, which ultimately meets the Halalt Nation at the estuary.

As well as bears and deer, there is a large population of birds in the area, including owls.

There are fish bearing wetlands on adjacent property as well as wetland on the development property, and as some difficult topography, including a shale cliff and steep grades, and Compton's Creek. These wetlands drain into the endangered Chemainus River. Destruction of all of this will be necessary for this development to proceed.

The greater good for North Cowichan is why the municipality has an Official Community Plan with designated growth areas and community and environmental preservation. An OCP is meant to be adhered to, that is the reason for its existence. This development benefits a very few, at the expense of many.

Loss of habitat and environmental damage affects everyone, everywhere.

In the late 1990s this property was removed from the ALR and rezoned to R5 for a potential mobile home park with a RoW from the unconstructed end of Henry Road. There was no activity until 2020 when the property was sold again, and the new owners have applied for a development permit to put 108 homes on it, with the access from Henry Road. We recognize that all of this is legal.

There are currently 36 homes on acreages on West Henry Road where the residents enjoy peaceful rural lives in their small community.

That is the reason we all choose to live here – and most of the zoning protects it somewhat from runaway development. Most of the residents here are long term.

Adding 108 modular or mobile homes to the site is not and never will be a suitable use of rural land – the June 2<sup>nd</sup> North Cowichan Council meeting video suggests Council struggled with the decision to downzone the property as per Councillor Rob Douglas' motion, defeating it 4 to 3.

Thank you for considering the foregoing concerns. You may not be aware of how absolutely precious this area is.

Respectfully,

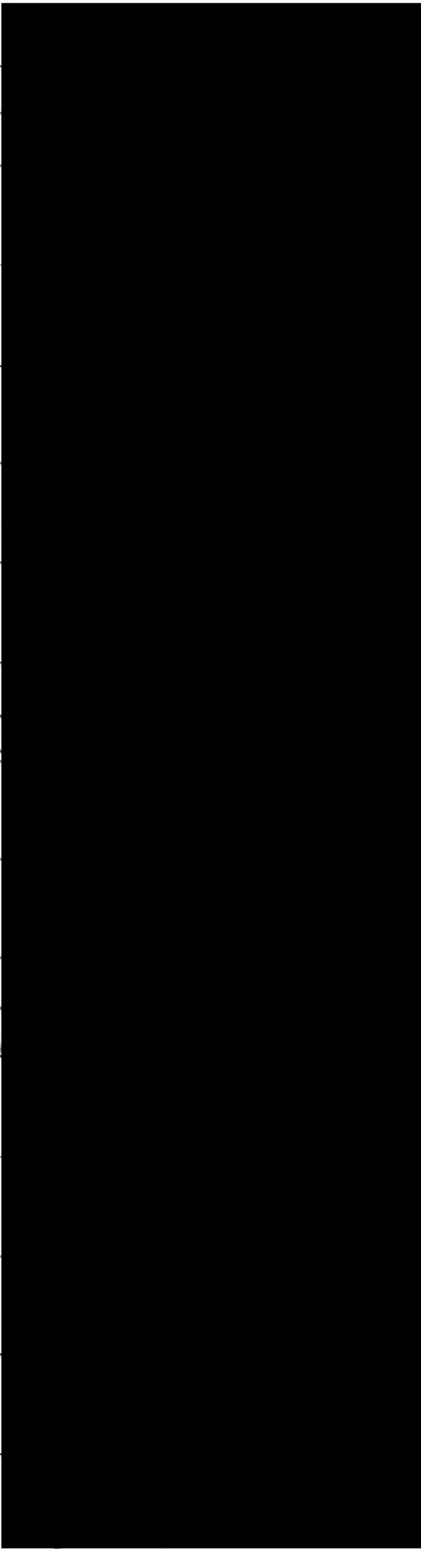
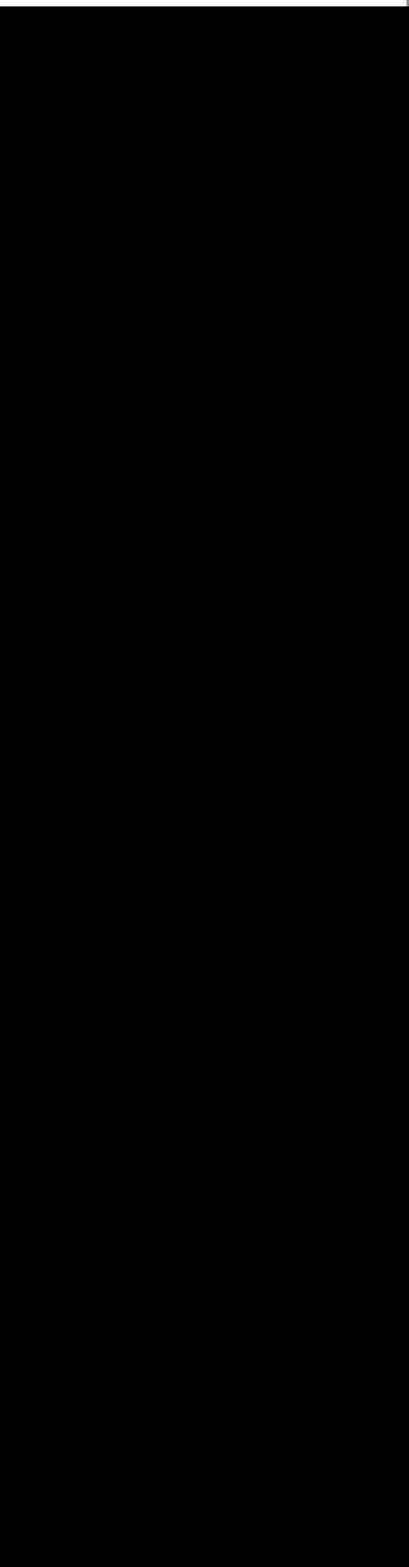







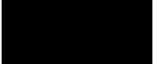










[REDACTED] FIPPA s. 22(1)  
[REDACTED] Henry Road

## PETITION TO PROTECT HENRY ROAD WEST – July 2021

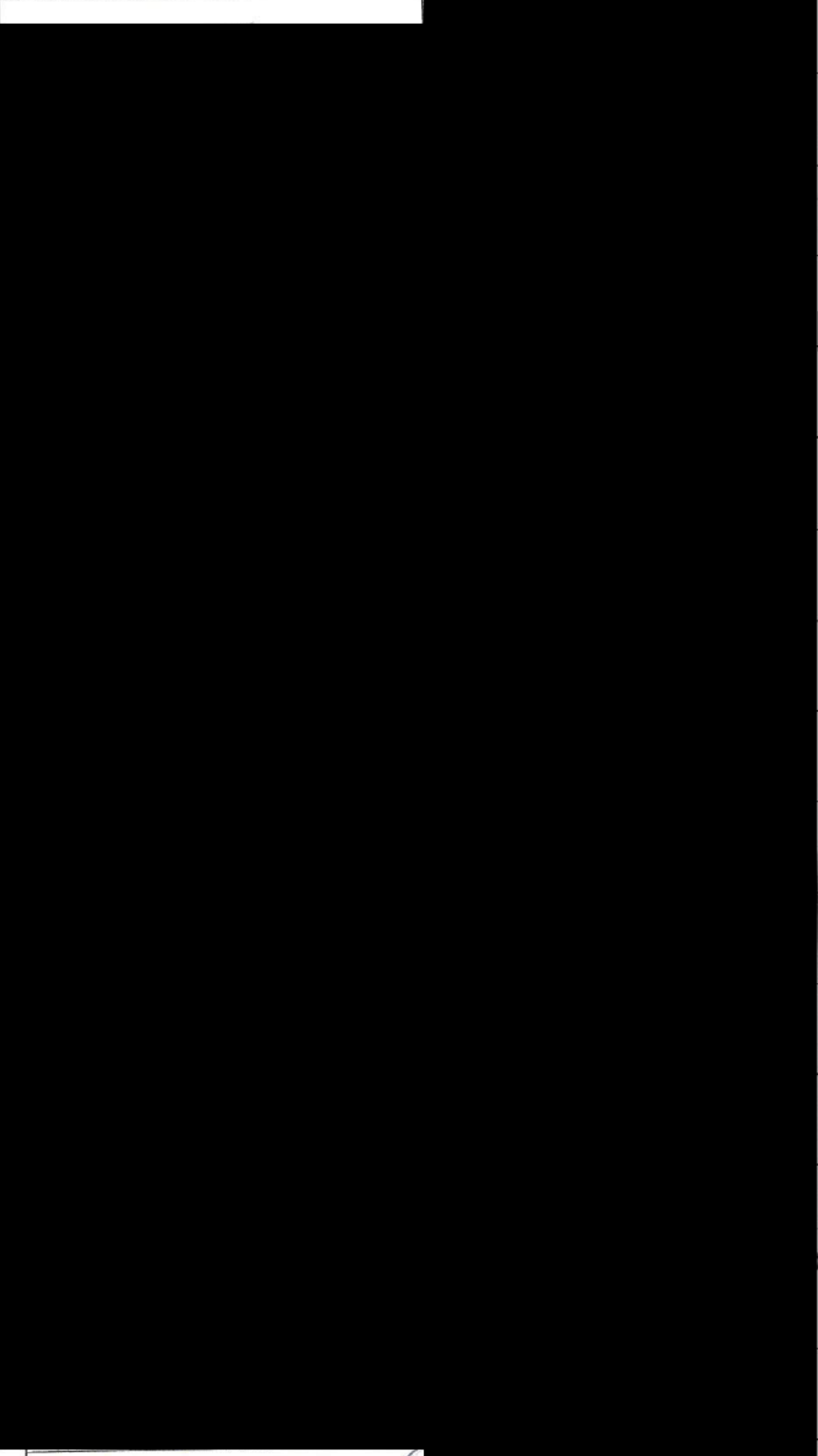
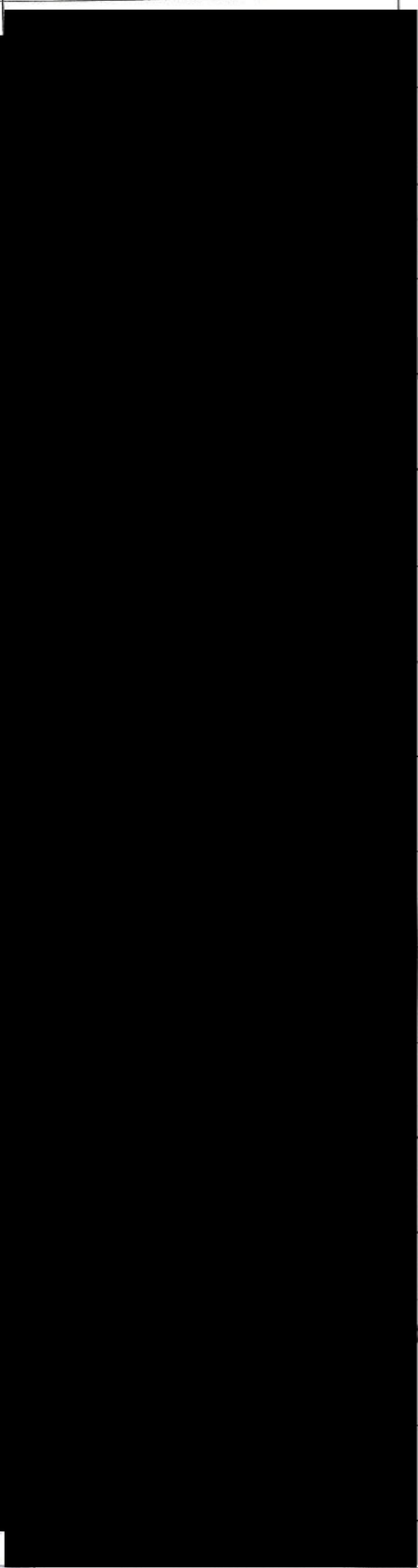
















To Mayor and Council, Municipality of North Cowichan

We, the undersigned, are residents of Henry Road (West), and wish to express our opposition to:

- The proposed development at 9090 TransCanada Highway, and
  - Henry Road (West) as an access to the proposed development at 9090 TransCanada Highway for the following reasons:
1. Henry Road (West) is a narrow winding no thru road lined with huge fir trees through a quiet long established community, comprised of homes dating from the 1930s to recent, on a range of acreages;
  2. Many of these properties are close to the road. If the road was widened to accommodate a higher volume of traffic, these property owners would suffer a significant decline in their quality of life due to the increased traffic from an additional 108 homes from the current 36.
  3. Most of the parcels of land on Henry Road (West) are within the ALR. The rural atmosphere is safe for pedestrians and wildlife and the occasional chicken on the road. Increased traffic from the proposed development will severely and negatively affect wildlife and habitat.
  4. There are 36 or 37 residential properties located along Henry Road (West). Creating a high density residential development next to acreages is not consistent with MNC's OCP. We recognize that the zoning for the proposed development was approved in the 1990s, however, the change did not meet and does not now meet the values inherent in the Agricultural Land Commission (ALC).
  5. The proposal does not appear to have provided for recreational facilities or parkland within the development complex.
  6. We are of the opinion that we, as peaceful taxpayers on peaceful rural properties, should not be unduly burdened by a development that requires significant changes to the existing environment and landscape.
  7. We understand that 'affordable housing' was part of the development application. We also understand that the property is presently zoned for a mobile home park. If the modular home development is cost prohibitive, the less expensive alternative (mobile home park) is available to the developer, to which we are also vigorously opposed, for the same reasons.
  8. We respectfully request that Mayor and Council for the Municipality of North Cowichan consider our concerns with the development permit application for 9090 TransCanada Highway, and any MNC ALR exclusion applications on Henry Road expansion for said development.
  9. We respectfully request that Mayor and Council reconsider the motion from the June 2, 2021 Council Meeting: Item 12.2 Potential Downzoning of 9090 Trans-Canada Highway IT WAS MOVED AND SECONDED: That staff be directed to bring forward a zoning amendment bylaw to rezone 9090 Trans-Canada Highway (PID 009-885-200) from Residential Mobile Home Park Zone (R5) to Rural Zone (A2) to achieve consistency with the Official Community Plan. (Opposed: Manhas, Sawrie, Siebring, Toporowski) DEFEATED 4/3

NAME FIPPA s. 22(1)	SIGNATURE FIPPA s. 22(1)	ADDRESS FIPPA s. 22(1)
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## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Friday, July 23, 2021 10:32 PM  
**To:** Council  
**Subject:** 9090 Trans Canada Hwy Morgan Maples Development

Mayor and Council:

Re: 9090 Trans Canada Hwy Development

The greater good for North Cowichan is why the municipality has an Official Community Plan with designated growth areas and community and environmental preservation.

An OCP is meant to be adhered to, that is the reason for its existence. This development benefits a very few, at the expense of many.

Loss of habitat and environmental damage affects everyone, everywhere.

In the late 1990s this property was removed from the ALR and rezoned to R5 for a potential mobile home park with a RoW from the unconstructed end of Henry Road.

There was no activity until 2020 when the property was sold again, and the new owners have applied for a development permit to put 108 homes on it, with the access from Henry Road.

We recognize that all of this is legal.

There are currently 36 or 37 homes on acreages on West Henry Road where the residents enjoy peaceful rural lives in their small community.

That is the reason we all choose to live here – and most of the zoning protects it somewhat from runaway development. Most of the residents here are long term.

I grew up on Henry Road and moved back twice, the last time to stay. Forty-four people were present at a preliminary neighbourhood meeting – and we're all on the same page.

Adding 108 modular or mobile homes to the site is not and never will be a suitable use of rural land – the June 2<sup>nd</sup> Council meeting video suggests Council struggled with the decision to downzone the property as per Councillor Rob Douglas' motion, defeating it 4 to 3.

The increase in traffic will be very detrimental to our way of life and in particular, our enjoyment of our acreage that borders the RoW.

There are fish bearing wetlands on our property that drain into the nearby endangered Chemainus River. The setback for ALR land is only 15 metres, hardly enough to provide a reasonable buffer.

As well as bears and deer, there is a large population of birds in the area, including a number of owls.

There is wetland on the development property, as well as some difficult topography, including a shale cliff and steep grades, and Compton's Creek.

Destruction of all of this will be necessary for this development to proceed.

We understand that the water supply will be brought from the Fuller Lake side of the highway – I may be misinformed on the water source, but I believe it comes from the Chemainus River aquifers, and the Chemainus River is being studied by Halalt First Nation and biologists for low flows. Adding 108 homes will further burden an already fragile river, if not through water supply, through environmental damage to the nearby lands.

Thank you for considering the foregoing concerns in your decision making. You may not be aware of how absolutely precious this area is.

Respectfully,

[REDACTED]

[REDACTED] Henry Road

Chemainus BC [REDACTED]

FIPPA s. 22(1)

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Friday, July 23, 2021 11:10 PM  
**To:** Council  
**Subject:** Henry Road cares

Good evening

We are a young family living on Henry road in Chemainus. We heard the new development 9090 TCH might be planning on cutting through our dead end Henry road to access the new development for over 108 new homes.

We are very sad to hear this as my daughter learned to ride her bike on our quiet street. We pick blackberries summer nights and chat with neighbours often. We chose this area to live a peaceful and a gentle life.

I fear that if the road wasn't a dead end like it currently is our safe quiet community will be destroyed. The traffic would increase and more accidents could happen. The way people drive these days it would become a mini highway off the main highway. Everyone walks on the road kids/dogs. Please consider another option. We care!

Thank you for listening and your help

[REDACTED] FIPPA s. 22(1)  
[REDACTED] Henry Rd Chemainus BC

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Saturday, July 24, 2021 10:59 AM  
**To:** Council  
**Subject:** dev. 9090

### CHEMAINUS B.C. #9090 TRANS-CANADA HWY. MOBILE HOME PARK DEVELOPMENT

Hi, first thank you for the quality of life you and your colleagues are providing us in Chemainus. This little city with his natural beauty, park near the sea, two lakes with fishing possibilities, downtown with amazing murals, etc.

I am concern about the information received last week-end, about opening the end of Henry Rd., to give access to those hundred mobile home people. All that traffics, two years of construction trucks, all those family cars. That is a lot of new noises. We now use this section of the road to walk, walk our dogs, biking, kids roller-skating or roller-boarding.

Please consider giving that project access to the hwy. 1, by the other side of there development near the entry for the Country Maple camping park.

We bought this property at, [REDACTED] Henry Rd., in very bad status, poisoned insulation in the attic, moisture and water in the basement, etc., I won't talk about 4 years of renovation, and \$\$\$.

FIPPA s. 22(1)

The neighbour told us that the house needed to be demolish and rebuild, but we liked the old style. Please consider preserving our quality of life and the value of our property. When you will approve or not the opening of Henry Rd. for the development #9090 (100 homes).

Thank you for your time.

[REDACTED] FIPPA s. 22(1)

Sent from [Mail](#) for Windows 10

**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Saturday, July 24, 2021 2:36 PM  
**To:** Council  
**Subject:** Fwd: 9090 TCH/Henry Rd.

I would like to express my several concerns for the development at 9090 THC. Its especially disturbing the consideration of opening the access to 9090 TCH via our currently quiet, rural, single lane ALR dead end road. Most of us moved here for the peace and quiet of a dead end road, not to have a thoroughfare of traffic from 108 low income housing racing up and down our road, let alone the construction traffic. Will not only be the 108 residents living there (that may also have more than 1 vehicle), but visitors, business, construction, etc. I feel this will dramatically affect and reduce our quality of life, as well as reduce our property values.

I have personally lived here since the 1980's. The narrow winding single lane road is not designed for this amount of traffic. Also the Henry Rd. TCH intersection is not designed for this much traffic, it's already bad enough with congestion and too many accidents there already, let alone the drastic increase in traffic several fold. Our kids, grand kids, pets, horse riders will no longer be able to walk and ride safely with that sort of overwhelming increase in traffic. A few residents have chickens and they tend to wonder on the road safely, as well as pets, all this will be no more if this intrusion is approved. This will drastically change and impact the whole character and feel of our rural area, and make it unsafe. There are kids that walk to school, kids playing and crossing road, pets, etc. I personally spoke to all residents of 38 homes on the road and everyone is 100% against the proposed connection to the 9090 TCH site. There is already an existing merge in and out lane on the TCH at the Country Maples Campsite that i feel could be utilized as to not drastically disrupt our peaceful neighborhood. Also many feel concerned also about the potential of crime spreading to our neighborhood. Has been a very safe community for decades, we feel that would change.

Also question the environmental impact of this development next to the Chemainus river. Sewage, erosion, silt, pollution, traffic, etc.

I believe Mr. Manhas stated there is a bus stop near by at Henry Rd. there is no bus stop which negates the access for the residents of 9090 TCH to to carbon neutrally commute. Country Maples TCH to Henry Rd. is over a mile or over 1.6km way. There are no side walks, or bicycle lanes on the dead end side of Henry Rd. Chemainus is miles away, and the Henry Rd/TCH intersection is not safe or adequate. Again, there is no center line, basically a single lane road, no sidewalks, very little lighting, basically a goat trail. This goes against i believe the strive to have population close to amenities.

Another factor is the climate change factors. We are already on water restrictions al the end of June/beginning of July, and will only get worse. Where is the water for this development to come from? We all share the same source. Are we to let our gardens die? We are in an Agriculture ALR land area but less and sell water.

I understand this was a very close decision to down grade the zoning for 9090 TCH. Have any of the counselors, MLA, mayor visited this area? An understanding of the potential negative impact is clearly not understood. Please reconsider. This would be devastating to our community!

[REDACTED] FIPPA s. 22(1)

[REDACTED] Henry R.

FIPPA s. 22(1)

Chemainus, B.C.

[REDACTED] FIPPA s. 22(1)

20210701\_193855[1].jpg



**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Sunday, July 25, 2021 7:29 PM  
**To:** Council  
**Subject:** Henry Road RoW on ALR land and Proposed Development 9090TCH

To: Mayor and Council

Re: Objection to use of RoW to open up Henry Road to the property at 9090 Trans Canada Highway

I am opposed to the use of the RoW along Henry Road to create an access point to 9090 TCH and allow traffic from 9090 TCH to transit through ALR land along Henry Road.

Opening up the RoW to traffic whose only purpose is to transit through the rural area seems to me to contravene the ALC Act as well as our Official Community Plan.

Allowing access to thru traffic by means of the RoW would result in increased traffic transiting through a rural area and ALR land along the whole 1.5 km length of Henry Road and would place an undue burden on the existing road and community along Henry Road.

The existing Henry Road is not of sufficient width to safely allow an increased traffic burden whose sole purpose is to transit through the area. This suggests that in the future Henry Road will be widened (at the expense of the Municipality and taxpayers) which will result in further loss of ALR land to the roadway and further compromise ALR designated lands and farming along Henry Road.

I am concerned that if the existing Henry Road is opened up to thru traffic we will see an increase in traffic incidents (which could involve pedestrians) because Henry Road is narrow and winding and there are no sidewalks or bike paths or shoulders and there are no access points to 9090 TCH by bike, transit, or walking.

Could the Municipality not explore alternative ways to make more meaningful access points to the community to permit teenagers who will be living there to more safely gain access to community services? Because teenagers will gain access – it's just a matter of whether it is safe access or not.

I support affordable housing projects but not at the expense of our ALR land and our OCP and UCB and at a serious loss to the home owners along Henry Road.

9090 TCH fronts the TCH, can we not require the developer to make access points directly to the TCH rather than create a long 1.5 km out of the way route that then funnels traffic along rural land to two already congested intersections with the semi-truck traffic at Smiley Road and the TCH and merge lane south on TCH?

If there are no options to create access points directly to the development from the Highway then I suggest this is not a reason to pursue an application to the ALC to use the RoW along Henry Road – but rather as good cause to halt the development from proceeding if there are no options to create safe and low – impact access points to which our OCP aspires.

Please defend true affordable housing by requiring developers to develop in ways that support our Official Community Plan and provide meaningful access points for residents to the community and services – where residents can bike and walk safely and have access to community services and recreation in the greenest way possible as outlined in our OCP.

Please do not allow our rural land to be altered in this way. Allowing traffic to use Henry Road will be detrimental to not only the ALR land at the point of opening to 9090 TCH, but will negatively impact all of Henry Road. If we allow for 2 vehicles per household then there are currently 8 vehicles that pass by the driveway where I reside. If the RoW is opened to the development with 108 modular homes then I can expect an additional 216 vehicles at least two times a day which is an increase of 2600%.

I am completely opposed to altering our rural landscape and opening up a no thru rural road to create access to 9090 TCH while compromising the future of the rural landscape and farming along Henry Road and creating a very unsafe route where traffic accidents would be likely.

I ask you not to go forward with the application to the ALC to use the RoW for this purpose. And I ask that if an application be made to the ALC that it be clear that the local government is not in favour of using the RoW along ALR land in this manner.

Please do not create a precedent where we contravene the OCP and UCB and use rural land to facilitate and subsidize urban developments in rural areas.

I see this as an opportunity for our local government to uphold the values we share as expressed in our OCP and to truly support affordable housing by refusing to support developments that do not meet the needs and vision and values of the community. This will allow attention and effort to be directed to those affordable housing projects that do meet the needs and increase the value and character that makes our community so unique and special to be in. I believe that our community would be better for taking a strong stance for developments that are in line with our vision for the community and refusing to concede to those that do not. Please take a strong stand against opening up the RoW on ALR land that would be detrimental to farming and the rural character of Henry Road.

Additional concerns with the proposed development include runoff from the proposed Batch Septic System contaminating the nearby Chemainus River.

I truly hope that you will consider the above concerns when you make the decision to submit an application to the ALC to use ALR land to open up Henry Road to 9090 TCH. If you have not yet seen what is at stake along Henry Road, please come and see for yourself. You will find sheep grazing, large fir trees, egg stands where you can walk to buy fresh farms eggs, quite likely a chicken or two on the road, deer and rabbit if you come in the earlier or later hours, and at the end of the no thru road a beautiful hazelnut farm from which many hazelnut trees will be lost if this no thru road is opened up to thru traffic.

With sincere appreciation for your efforts,

 FIPPA s. 22(1)

Chemainus Resident

July 2021

[REDACTED]  
Cheminus) B.C.

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

To Whom it may concern,  
[REDACTED] FIPPA s. 22(1) now retired and has  
lived on Henry Rd. for more than  
1/4 of a Century. Raised my Children  
and now have grand Children  
ages [REDACTED] FIPPA s. 22(1) years old.

They are constantly crossing  
our small, one lane road to  
go next door to play. We do live  
on a corner & it is very hard to  
get out of our driveway to merge  
& get on our road.

We have chickens, which  
our side is Agriculture, other  
① 34

side, is residential.

The traffic is mostly people that live on Henry Rd, due to a dead-end road.

I cannot fathom a new development beside our little quiet road.

Kids play down this road. They ride their bickles & Tricklees. The Teenagers ride segways, dog pulling, skateboards. They also get dropped off at the Highway and walk to & from their house for the bus each day.

I'm getting older, love to take walks every day. My mom [REDACTED] years of age walks along this road too.

FIPPA s. 22(1)

(2)

Adults, each day walk their dogs, stopping & talking with their neighbours.

Fresh Air is a key to longevity, I fear; if this development goes through, not only will it affect myself, but others that live on this road. They wouldn't get out & walk their pets and get their exercise that they need. There will not be any socialization amongst each other. Our mental health will decline as well.

My anxiety level is already high because of the fear of losing our quiet, little road. Chickens, cats, Dogs, Children, teens & adults are

(3)

Crossing or walking down the middle of the road, because it's so narrow.

I fear that one day someone is going to get killed on this road, because of increased traffic.

Please listen to us and think of another place for the 108 trailer park development.

We live on Henry Road for a reason & do not want to lose what we have.

Peace, friendship & trust is what we have on our road. We watch out for each other & help each other, when needed. Now that is a nice community, please do not let us lose it. Yours truly  
(4) [REDACTED]

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Wednesday, July 28, 2021 7:24 AM  
**To:** Council FIPPA s. 22(1)  
**Cc:** [REDACTED]  
**Subject:** [REDACTED] Chemainus Henry RD Petition Stop The Thru Road Access

Good morning Council of North Cowichan ,  
I am writing this letter to let you know how I feel and how the development of the Sub division access thru Henry Rd will affect all of us on Henry road in Chemainus .

FIPPA s. 22(1)

This e mail is in regards to the proposed development access Road via Henry Rd. We have owned the property [REDACTED] since the 80s. My father purchased this land first then I took over it in 1991. These properties all the way down the road are private, intimate and family oriented. At any given time you can find children walking, biking, skateboarding and playing. You can see numerous people walking their pets 2 to 3 times a day on it. There is wildlife, and neighbors chickens also spotted throughout the day. All residents down Henry Rd have much respect to slow down and move over when others are on the road. The road is quite narrow and you must slow down and move over when 2 vehicles pass each other. This being said the proposal would mean 100 yr. old trees coming down, power poles moved and replaced, concrete barriers and the road being widened. When we first moved here the road was very quiet but as years gone by and kids have grown and more families have grown the road is already busy. More people equals more vehicles. Our concern is how terribly busy it will become if access to the new proposed development will run through Henry Rd. We feel outsiders not familiar with the daily goings with the road will end in disaster. Will our kids and grandkids and our pets be safe or even feel safe??? We think not. We feel very troubled by the fact that this was even proposed. We feel you could make access to this development another way, a safer way that benefits all that are involved. We are dead set against the proposed access down Henry Rd and will if need be fight for our concerns to be heard and considered.

FIPPA s. 22(1)

[REDACTED] C [REDACTED]  
[REDACTED] |  FIPPA s. 22(1)



Please consider the environment before printing this e-mail

[REDACTED] FIPPA s. 22(1)

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The information transmitted is intended only for the person or entity to which it is addressed and may contain proprietary, business-confidential and/or privileged material. If you are not the intended recipient of this message you are hereby notified that any use, review, retransmission, dissemination, distribution, reproduction or any action taken in reliance upon this message is prohibited. If you received this in error, please contact the sender and delete the material from any and all computers and other devices.

Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of the company.

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Thursday, August 5, 2021 5:50 PM  
**To:** Council; Rob Conway  
**Subject:** Re: 9090 TCH development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** August 5, 2021 7:48 AM  
**To:** council@northcowican.ca <council@northcowican.ca>  
**Subject:** Re: 9090 TCH development

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** August 3, 2021 3:46 PM  
**To:** [REDACTED] FIPPA s. 22(1)  
**Subject:** 9090 TCH development

Dear Mayor and Councillors and Planners, We would like to thank Councillor Sawrie for her speech at the indigenous gathering in Chemainus on Monday August 2. Well done. These are very difficult times but the willingness for cooperation seems strong. Lets support our indigenous peoples as much as possible .

We, as residents of West Henry Rd., are very happy that the developer is looking into using the highway exit vs. Henry Rd.

I would like to recap some of our concerns about the proposed development, before work commences.

1. This development does not adhere to the Official Community Plan. It is important to keep urban development in the urban areas.

2. Environmental concerns. Wetlands and Compton Creek . The Chemainus River is already in difficult times with low

water flows, sediment build up from upstream logging , temperature increases resulting in large algae growth....

Natural wetlands and tributaries allow for water to enter the river over long periods of time. With the clearing and paving of the development, water will enter the system quickly. Hopefully we would not experience problems such as Somenos Marsh, but water storage is very important.

The new plan shows no water storage facility, just exit to the creek. The spot chosen to exit the creek is already unstable as 5 years ago someone from the campground filled in this creek area. It has since been excavated but not restabalized. This water dumping site is not acceptable. Septic field 4 is also right beside this

stormwater discharge site. Can we confirm there will not be mixing of sewage and water before entering Chemainus River?

3. Excess demands on our water supply. Excess demands on our volunteer fire fighters.

Thank you for your consideration. I would like to acknowledge the developer is legal in his approach to date, except for dumping fill pre-approval, but if at all possible, would you be able to have a reconsideration to down zone the land? Many thanks, [REDACTED] FIPPA s. 22(1)

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Thursday, July 15, 2021 8:23 AM  
**To:** Council  
**Subject:** Bell McKinnon LAP

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** In Laserfiche

July 15, 2021

To Mayor and Council;

I would like to take this opportunity to speak to the Bell McKinnon Local Area Plan (LAP) that was rescinded by Council Tuesday evening (July 13, 2021) at the Committee of the Whole meeting.

It has been extremely disheartening as a resident of Bell McKinnon Rd. to see the continued assault on the Bell McKinnon Local Area Plan. We who live here gave a great deal of time and effort to make our desires clear for our neighbourhood. Your decision of Tuesday night to throw away our valuable time and thoughtful efforts can only be interpreted by Bell McKinnon residents as nothing more than a complete and utter disregard for what we, the people who live here, want for our future, not to mention the farce that has been made of the planning process. You have also effectively condemned us to live across the street from constant noise, traffic, light pollution and other assaults on our senses.

It has become crystal clear that Council has no intention of listening to their constituents, has no intention of representing our community's voice and instead will only follow their own vision with reckless disregard for the voice of the people.

Thank you for your time,

[REDACTED] FIPPA s. 22(1)

Bell McKinnon Road

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Tuesday, July 20, 2021 8:54 AM  
**To:** Council  
**Subject:** Items that require expedited action

Dear Mayor and Council,

I was disheartened to see the OCP recommendation by Modus for a business as usual approach to industrial lands within the MNC (pg 42 of the report recently presented to council). Where is the survey and evidence-based work to show that this lackadaisical approach to our industrial lands is both the warranted and desired vision for our community? We need to be leading industrial innovation for the Green Economy and Eco-Industrial Parks with outside-of-the-box thinking that is well beyond the status quo.

I believe the most likely scenario is this was at best a glossed over item that was at best overlooked or ignored as being outside of the scope of the OCP. A parallel scenario that seems to have escaped the general consciousness of the MNC is the long overdue redraft of the coat of arms - linked here for our collective and embarrassed reference.

[https://www.northcowichan.ca/assets/Municipal~Hall/images/mnc.crest\\_colour.jpg](https://www.northcowichan.ca/assets/Municipal~Hall/images/mnc.crest_colour.jpg)

Please, we need leadership to do better and sooner.

Best,

[REDACTED] FIPPA s. 22(1)

**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Wednesday, July 21, 2021 10:58 AM  
**To:** Council  
**Cc:** Ted Swabey; Rob Conway  
**Subject:** Bell McKinnon context

Dear Mayor and Council,

The recent Committee of the Whole motion to support Option 2plus is very distressing for Bell McKinnon residents who have had their lives up in the air for the last 5 years. By rejecting the approved Bell McKinnon Local Area Plan, North Cowichan Council has created more uncertainty, more stress and more anger in this neighbourhood than ever before. This conflict is totally unnecessary.

**Context from the Bell McKinnon Perspective:**

- The vast majority of Bell McKinnon residents have wanted sewer and growth for many years. Their 2011 door to door survey proves that. Unlike North Cowichan surveys that allow “anybody” from anywhere to fill them out, we went door to door to ask our neighbours what they wanted. The vast majority supported sewer and growth. This was reaffirmed in 2018 when the BMLAP was unanimously supported both by the residents and by the Council. Even the now defunct Cowichan Communities Coalition supported the BMLAP.
- The new CDH will fundamentally change all of Bell McKinnon Road area and it WILL create a new small community – whether we like it or not. By choosing this location for the new hospital in 2016, the entire Cowichan Valley community understood this area would become developed and busy. Some folks still see it as rural and wish to protect it, but that is only because the hospital isn’t there yet. The CDH mega-project will begin in 8 months. The new OCP needs to recognize the future of the BMC and not the past.
- The new CDH has specific goals regarding environmental impacts that CANNOT be met without the implementation of the BMLAP.
- The BMC is a smart area to allow growth: it is above the 500 year flood plain level so when ocean levels rise this area will be protected; the BMC is close to the commercial centres of the Cowichan Valley including Canada’s national highway and will allow much needed range of housing options.
- Bell McKinnon lands were removed from the ALR decades ago simply because they are NOT viable agricultural lands – although the area looks nice, the soil conditions are specifically bad for growing due to the high content of moisture and blue clay. Bell McKinnon residents know this to be true.
- Because of these soil conditions, Bell McKinnon residents often have problems with their septic systems and during high rain events you can actually smell the septic in the ditches in the south end near Somenos Lake. We need the sewer that will come with the BMLAP in order to protect Somenos Lake watershed.
- The Growth Scenario Survey tools, analysis and conclusions regarding Bell McKinnon residents’ preferences for growth are rejected as illegitimate. The survey had no mechanism to control where responders live and therefore once again we see that people from elsewhere are trying to dictate our future. This is particularly offensive when people from Quamichan Lake and Maple Bay neighbourhood associations speak out so strongly against development on Bell McKinnon. How would they feel if Bell McKinnon residents organized and fought for growth in their neighborhoods? We say – let the community decide!

- North Cowichan’s current OCP process has gone past its scope. This was supposed to be an OCP “review” – not an OCP “rewrite”. By rejecting the BMLAP, the OCP process is creating conflict and more work where it is not necessary. Why pick a fight with Bell McKinnon residents who already support growth and have an approved plan to allow it? Council should simply reaffirm the BMLAP and move on to other communities that are opposed to development.

 FIPPA s. 22(1)  
Bell McKinnon Road

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Wednesday, July 21, 2021 4:39 PM  
**To:** Council  
**Cc:** Ted Swabey; Rob Conway; Al Siebring; Rob Douglas; Christopher Justice; Tek Manhas; Kate Marsh; Rosalie Sawrie; Debra Toporowski  
**Subject:** BMLAP

Attn: Mayor and Council

My family moved to Duncan in 1949 but because the lack of jobs my mother moved to Victoria. As the years passed my family found ourselves coming up on the weekends to swim in the Cowichan River and buy our produce from the local farmers. We decided to move here in the late 90's. Being a businessman and semi retired developer I spoke frequently with Gail Jackson, Planner for North Cowichan. Our goal was to be able to provide land for our [REDACTED] children in the future and Gail stated that North Cowichan would like to have further growth in the Bell-McKinnon, Norcross area and that there was already Municipal water and that they ( NC ) would like to bring sewers to the area. FIPPA s. 22(1)

We bought on Norcross Rd in [REDACTED] During our tenure here I approached NC on three occasions to subdivide some half acre lots off our land. Each time the planners of the day discouraged me with the lure that NC would like to have higher density once sewers came. Most recent was May 2020 ( Have file letter from NC )

FIPPA s. 22(1)

Attending most of the forums and surveys for the BMLAP and discussing with reps from Barefoot Planning and Murdoch DeGreeff, never have I seen more enthusiastic support for a Village concept that addressed all aspects of SMART growth

The interpretation of the current survey DOES NOT represent the desires or reflect the will of our local residents. I urge Council to honour our expectations.

[REDACTED] FIPPA s. 22(1)

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Thursday, July 29, 2021 9:10 AM  
**To:** Council; Info  
**Subject:** Rewilding and Regenerative development in Bell McKinnon Corridor

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mayor and Council: I think there is substantial evidence that the highest and best use for the Bell McKinnon corridor is to be found by applying holistic planning principles such as those applied in rewilding and regenerative development. There are real world examples of these types of project, and they appear to offer the maximum amount of mutually beneficial outcomes for both the environment and our human society. I have attached three links below that speak to the ways a regenerative approach can yield multiple positive outcomes, all the while fitting within the established economic order. These are real world examples from the UK.

The Knepp estate seems strikingly similar to the Bell McKinnon area - close to urban centres, poor soils, poor returns from conventional farming. The owners "rewilded" and it worked both economically and environmentally. And now the rewilding experiment is possibly compromised by urban sprawl. The regenerative farm is more profitable than the previous conventional farm, and offers more diversified economic spinoffs.

<https://www.theguardian.com/environment/2018/jun/15/the-magical-wilderness-farm-raising-cows-among-the-weeds-at-knepp>

<https://www.theguardian.com/environment/2021/mar/21/pioneering-rewilding-project-faces-catastrophe-from-plan-for-new-houses>

Finally a link to an interesting real estate investing company in the UK investing in regenerative/restorative estate land management ("natural capital"). A founder of this company is a former high ranking investment banker at JP Morgan and developed global environmental markets division.

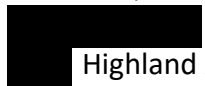
<https://www.realwildestates.com/>

Perhaps this type of information can help to demonstrate that there are ways to develop our lands in ways that are mutually beneficial for our human society and our environment, without requiring a paradigm shift in terms of our economic systems. It appears that the UK is finding ways to adapt management practices to incorporate wild environmental values in to our economic system.

Consider the benefits of re-establishing the wildlife corridor from the Somenos Lake area to Mt Prevost, via Bell McKinnon corridor, while also developing a world class health facility and wellness precinct, with a cluster of compact walkable connected developments, surrounded by regenerative farms that support the biodiversity and economic diversification of the entire watershed and region.

Further, because we are so fortunate to be working toward reconciliation with our Cowichan Tribes neighbours, we have the opportunity to forge a legacy for all of our children by creating new pathways for reciprocity and respect. We can do this!

Take care,



FIPPA s. 22(1)

Highland Avenue

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Tuesday, July 20, 2021 11:49 AM  
**To:** Council  
**Subject:** Billboards for God

Good morning,

I am writing to you in regards to the cross that was removed from Mount Tzouhalem. I am sorry that it wasn't responsibly removed by council many years ago as the eyesore that it was. While some may think it vandalism I am very grateful to whomever it was who took care of it.

When I look at the sheer beauty of the land around us I find it utterly distasteful to have it marred by someone acting like a dog with a fire hydrant and marking it with what surmounts to little more than a billboard for god.

If ever there is talk of replacing it, please keep this in mind.

Thank you for your time,  
Sincerely,

[REDACTED] FIPPA s. 22(1)

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Tuesday, July 20, 2021 1:00 PM  
**To:** Council  
**Subject:** Replacement for mountaintop cross

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** TRANSITORY

May I humbly suggest involving the entire community by having them vote on a project. You could even designate a few city spots to place a monument. Get local artists involved and have a winner top the mountain.

I have visited your area a few decades ago and loved the area.

Good luck on any replacement idea you choose.

[REDACTED] FIPPA s. 22(1)  
Prince Rupert, BC

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Thursday, July 22, 2021 8:42 AM  
**To:** Council  
**Subject:** Loss of Mt. Tzouhalem cross to vandalism

Dear Mayor and Council:

I sure agree with Mayor Al Siebring's comments in the July 22 Citizen regarding vandals recently removing our landmark Mt. Tzouhalem cross.

That cross was public property on Nature Conservancy land.

It's believed criminals removed our community's historic cross for various reasons: retaliation for bodies being recently discovered at the former Kuper Island residential school; retaliation for recent criminal torching of a public totem pole on the Malahat Drive; and continued retaliation against various churches that ran Canada's 130 tragic, nefarious residential schools designed by Ottawa.

There seems no end to revenge rearing its ugly head.

There is currently no evidence Province Farm in the valley below our cross was home to a federal residential school, making the cross's criminal removal all the more misdirected.

Our mayor rightly points out such vengeful behaviour is nasty, hurtful, and divisive to our community already suffering the resonant effects of those heinous residential schools — and now coupled with vandalism.

Are the police investigating this crime?

Even if specious local rumours about Providence Farm being a residential school prove true under a federal probe, our cross should be re-erected as an educational symbol damning a sad, ongoing chapter in our nation's history.

Yours in truth and justice,

[REDACTED] FIPPA s. 22(1)

North Cowichan

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Wednesday, July 14, 2021 4:15 PM  
**To:** Council  
**Subject:** North Cowichan's golden opportunity to reap carbon credits for not logging our Six Mountains

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** In Laserfiche

Dear Mayor and Council:

Please read the timely, attached Six Mountains article by Larry Pynn.

Quotes by municipal forestry consultant Clive Welham, of 3GreenTree Ecosystem Services, illustrate why no more logging of our forest reserve — to logically capitalize on rising carbon credits — is a win-win, no brainer for councillors with economic vision and environmental understanding.

Please now start our long-promised public consultations concerning our precious reserve's bright future as potential prelude to staff applying for all available carbon credits.

Yours truly,

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



# North Cowichan stands to benefit from forest carbon credits as carbon tax increases

The financial benefits of forest carbon credits will continue to grow as the carbon tax increases in the coming years, a UBC forest research associate predicts.

“The bottom line is that the price will go up over time,” said Clive Welham, who is also co-founder of 3GreenTree Ecosystem Services Ltd. “I don’t think there’s any doubt about that.”

He added: “Carbon prices have held up fairly well through the pandemic. There had been speculation that prices would tank because economic outputs were down.

“But it’s had the opposite effect. People are thinking, ‘well, we really do have these global problems.’ The pandemic is one of them, and now climate change is another.”

“A lot of companies are coming out with net-zero pledges, they’re making commitments now and we’re seeing shareholder movement...that are moving the needle certainly to a much more favourable view of doing something about climate change.”

There could actually be a shortage of carbon credits to purchase in the next five to 10 years if these commitments hold up, Welham said.

The federal government has announced it will add \$15 per year to the price of carbon through 2030 when it will reach \$170 per tonne.

Currently, the carbon tax is \$45 per tonne.

Welham also explained that the federal government will establish an emissions cap on large emitters. Those exceeding the cap will have the option of paying the carbon tax or seeking to offset some of those emissions through the purchase of carbon credits, which will cost less than the carbon tax.

Forestry will be one sector in which carbon credits can be purchased, which means that North Cowichan could earn money for not logging. Guidelines are being developed on how a forest would become compliant with the federal program.

3GreenTree has been working with North Cowichan as part of a public consultation process on the future of the 5,000-hectare Municipal Forest Reserve.

That consultation has been suspended for well over a year now pending separate talks with local First Nations — and that means council has not been pursuing carbon credits as a potential money maker.

Welham noted that high lumber prices earlier this year meant extra money for the mills and retailers, but less so for those providing the raw logs. “It’s not realistic to look at a two-by-four in Home Depot and think, ‘oh, my logs are worth four times the amount because it has gone up four-fold in the last 12 months.’

“That’s just not how it works. We haven’t seen lumber prices rising because there’s not enough logs around. That’s not the problem.”

— Larry Pynn, July 14, 2021

## Ginny Gemmell

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**From:** Kyle Cheyne <leafdirectorkyle@icloud.com>  
**Sent:** Saturday, July 17, 2021 10:26 AM  
**To:** Al Siebring; Rob Douglas; Christopher Justice; Al Siebring; Council; Kate Marsh; Debra Toporowski; Rosalie Sawrie; Tek Manhas  
**Subject:** Please Help

Good Morning North Cowichan Council

I got the pre screening report back yesterday from Dugald the General Manager at the LCRB and the Screening department is suggesting the general manager at the LCRB deny my application, based off my past operating unlicensed stores. right now I have a opportunity to submit support letters "Kyle should be approved a store licence because" from people that believe I should be approved.

I know this is asking allot from all of you but I really am going to be denied in 3 weeks on August 6th if I don't get enough letters of support that show I am worthy of a licence.

They are grilling us hard from raids that happened before legalization.

I always support the community around including local charities. we have donated \$25,000 to the BC SPCA when we operated as Leaf Compassion. and always operated in a professional way.

I strongly believe if I can get a letter from all of you it will matter very much. I know that you have already supported the application but this is very serious and more info is needed to approve me.

Please find it in your hearts to write a letter It needs to be in writing and then it can be scanned and emailed.

Letters can be emailed to me or directly to Dugald Smith at Dugald.Smith@gov.bc.ca General Manager of Licensing for the LCRB. Subject: Platinum Cannabis Store

Dugald Smith was just told about my application 3 months ago after the screening department somehow forgot about it for 2 years ( [REDACTED] with the screening department said this to me 4 weeks ago on the phone). this has been absolutely brutal I can feel my dream slipping away.

FIPPA s. 22(1)

please please help me.

-Kyle Cheyne  
Founder  
Platinum Cannabis Store  
formally Leaf Compassion

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Monday, July 19, 2021 10:54 AM  
**To:** Al Siebring; Kate Marsh; Tek Manhas; Debra Toporowski; Rosalie Sawrie; Rob Douglas; Christopher Justice; Ted Swabey; Rob Conway  
**Subject:** VIMC noise on Sunday, Jul 18 2021  
**Categories:** Transitory

Good morning,

I'm writing to raise awareness to the extent the noise from the VIMC travels and affects people's enjoyment of the normally peaceful surroundings, not to mention how it must affect all beings in its path.

We live next to Heritage Park, a considerable distance from VIMC, the racetrack noise was clearly heard when I was outside caring for the garden between 3 - 4:30 p.m on Sunday, Jul 18 2021.

I am so grateful that the expansion did not get approved, I cannot imagine the noise disruption had that been the case. I was also thinking that had the expansion been approved that the municipality may well be dealing with class action law suits related to the disruptions.

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

**From:** Council Support  
**Subject:** FW: Speed Tables- Indian Road  
**Date:** July 21, 2021 3:04:09 PM  
**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Tuesday, July 20, 2021 8:10 PM  
**To:** [REDACTED]; Al Siebring; Christopher Justice  
**Cc:** [REDACTED] FIPPA s. 22(1)  
**Subject:** RE: Speed Tables- Indian Road

Mayor Siebring and Councillor Justice,  
Just as a quick update. We took the opportunity to speak to some of our neighbours on this issue tonight to ensure we were not out of step with our fellow neighbours on our block. My wife, [REDACTED], went around and spoke to neighbours. On such short notice she reached those home and they were rather upset with this development and were not aware of the speed table installation on our block. Even though it has been in the local paper and on your website this is not unexpected and I think most assumed they would be down where the issue arises towards Art Man Park and down the hill from Cygnet. One neighbour was particularly very angry and clear that she opposed the speed table location on this block, and said "its all the neighbours down there (ie by Canary and the end of Indian Road by Art Mann Park) who want them", which coincides with the critical area for speeding. To be redundant, this is the area not covered in the report and is addressed in a rather cavalier reply from Mr. Reitsma that it will be addressed later if its an issue.

As a heads up these neighbours may well not be available to sit in on tomorrows meeting with such short notice, however, they are concerned, have questions, and are opposed. The lack of other neighbours raising their concerns may simply be due to not being aware of the issue and that this is being resurfaced. The short notice that it is coming before Mayor and Council tomorrow leaves little time for the neighbours to attend or present their opposition. From the reaction we received tonight I believe there will be strong opposition to the placement of the speed tables at their current location from our immediate neighbours and this may not be an issue that simply disappears or a file that can be easily closed.

I would also draw to your attention that we viewed the video from the June Council meeting and have some serious questions regarding the responses you received from Mr. Reitsma. First, what other options were tried- speed watch, speed boards, enforcement and why are these less invasive and less expensive options not attempted or more appropriate? I know the report says police will not attend to enforce as it does not meet their benchmark. I can absolutely speak to this with some authority and take strong exception to that comment in the report and believe it to be inaccurate. I can go on at length about municipally funded vs provincial funded police resources at the Detachment and the OIC's obligations to the community and a positive response would be received if requested by the Mayor.

It was also noted in Mr. Reitsma's comments that the majority of people were in favour of the speed tables. Again, we are playing with semantics and massaging statistics on this. Mr. Reitsma

is quoting a survey in which 47 people responded. Of those respondents only 20 were in favour of the speed tables, which is not a majority. Further, we did a visual count of homes in the neighbourhood. There are 90 homes in our area. If we average 3 people per home out of 90 residence that means there are approximately 270 people in our area, few of whom are children as it is an older demographic neighbourhood. Even conservatively, at 2 people per household that is 180 people. Of those, only 20 were in favour of speed tables, well below what is a majority. As you know when people don't have an issue they typically do not engage, so the fact only 20 out of a minimum of 180 people in the neighbourhood wanted speed tables or even raised the issue should be telling.

We have not yet solicited neighbours down Swans Nest. I think they too will have some concerns. No doubt traffic at the top end of Swans Nest will increase, as those who live lower down by Cygnet Place may well detour down Swans Nest to their residences rather than go over the speed tables as they have been recommended- forcing them to go over two additional speed tables and two curb bump outs within one block. What will happen when the expansion into the new neighbourhood occurs at the end of Cygnet Drive? Will this traffic also choose to avoid the speed tables and travel down Swans Nest instead of Indian Road? I would hope future plans and development are part of the considerations made on this issue. I am still desirous to speak to this issue. Based on the cursory feedback we received tonight from the immediate neighbours it is not just us who have concerns. As anticipated, most are actually unaware, as it had not been an issue for them, and when they are informed have some very real concerns about the placement of the speed tables. Please feel free to share this email with all of council at tomorrow's meeting. I note tonight that only my original email is included in the agenda package. This is a complex issue and will affect many in the neighbourhood. I urge Mayor and Council to slow the process down, ensure this is thoroughly reviewed and all those who will be affected have an opportunity to speak to this and present their opinions whether for or against.

[REDACTED] FIPPA s. 22(1)

**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Tuesday, July 20, 2021 5:55 PM  
**To:** Al Siebring <mayor@northcowichan.ca>; Christopher Justice <christopher.justice@northcowichan.ca>  
**Cc:** [REDACTED] FIPPA s. 22(1)  
**Subject:** FW: Speed Tables- Indian Road

Mayor and Councillor Justice,  
I find myself extremely frustrated with the communication over this matter. I received the below email today from your staff. I also note that this item is on the agenda for tomorrow's council meeting and is listed as Opposition to the speed tables on Indian Road. To be clear, the issue is the placement of the speed tables and the rationale for their specific location vs what may well be a better location with a great impact on the issue.

Other than the email chains which I have attempted to keep all of you in the loop on, no one has reached out from staff and been willing to meet or discuss in a face to face meeting nor any telephone communication. From the email by Mr. REITSMA it appears that there is acceptance the original report was incomplete and did not include the most relevant section of Indian Road from Cygnet to Art Man Park. When Mr. REITSMA "consulted" with the firm that wrote the report, they indicated the speed tables should reduce speeds. This does not include any rationale nor would their recommendations have been different had they included this critical section. None of my questions have been answered nor why changing their location is not more appropriate. The position being taken by staff is simply to move this along and have suggested if necessary they will address the speeding issue between Cygnet and Art Mann Park down the line with additional traffic calming features, notably at additional expense. None of the issues that affect our one block are being addressed, explained, and there is a real feeling and sense of dismissal by the Municipality over this issue. Mr. REITSMA outlined in the email below, "I took the position that Municipality get on with installing the speed tables sooner rather than later, and see what happens. If, after the speed tables are installed, it is determined that traffic calming is required in the section of Indian Rd north of Indian Cres/Cygnet Dr, then we can look at traffic calming measures for that section of road as well."

This is not an acceptable rationale for moving forward on the speed tables at their current recommended location. There is no urgency to this matter other than to close a file, and real money is being expended on the speed tables. For Council, it would be appropriate to ensure that the money being spent will have the greatest and most effective impact. I am at a loss why Mr. REITSMA would not reconsider the specific location of the speed tables and the firm that did the report states that the area in question was not included in their study.

I have also repeatedly asked to speak to this matter with council and have received no direction or guidance in how to do so. I have now essentially been given one day notice that this will be on your agenda for tomorrow. I do wish to speak to it and am unclear on how to proceed. I have made last minute reschedule efforts so I can log in to the council meeting tomorrow but have commitments that affect many other people and depending on when this issue comes up for discussion I may not be available and I am unable to alter some of the commitments at this short notice. The way I have read the process listed on line I can raise my hand on line to ask questions but am unclear as to how long I can speak and what form. Does it have to be a question? Will I have time to outline my concerns and the issues with what is being recommended? It was only today that your staff have made their position clear. That also has left me unable to speak to our neighbours who will be directly affected prior to tomorrow's session. I have intentionally not raised this with our neighbours to prevent it from becoming a larger issue. That may have been an error on my part, however, I do believe many are unaware of the impact the placement of the speed tables will have on them vs the benefit and alternative options for the placement of the speed tables. They too may have concerns and wish to speak to this matter or at least be present and ask questions.

I am seeking your guidance on how to proceed and address this matter. Communication is becoming a key point in this issue.

Thanks,

[REDACTED] FIPPA s. 22(1)

**From:** Clay Reitsma <Clay.Reitsma@northcowichan.ca>

**Sent:** Tuesday, July 20, 2021 3:52 PM

**To:** [REDACTED] FIPPA s. 22(1)

**Cc:** Ted Swabey <Ted.Swabey@northcowichan.ca>; Terri Brennan  
<terri.brennan@northcowichan.ca>; [REDACTED] FIPPA s. 22(1)

FIPPA s. 22(1) [REDACTED]; Sarah Nixon <sarah.nixon@northcowichan.ca>

**Subject:** RE: Speed Tables- Indian Road

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

Thank you for your email.

I am sensitive to the fact that the residents were concerned about speeding on Indian Rd and that this particular item first shows up in our Calls for Service (CFS) system dating back to 2018. In the interest of moving forward and trying to address resident's concerns, I picked up this file and reviewed the report provided to the Municipality by Bunt Engineering who are experts in these matters. When I was preparing my report I did notice that the area of Indian Rd, north of Indian Cres/Cygnet, was not included in the study. I asked the consultant about this. The consultant indicated that it is their experience that once people know that there are speed tables on a road they will tend not to speed on short sections of road like the said northernmost stretch of Indian Rd.

For all of the reasons provided above, I took the position that Municipality get on with installing the speed tables sooner rather than later, and see what happens. If, after the speed tables are installed, it is determined that traffic calming is required in the section of Indian Rd north of Indian Cres/Cygnet Dr, then we can look at traffic calming measures for that section of road as well.

As we have clear direction from Council to put in the traffic calming measures as described in the Council resolution we will be moving forward on that basis.

Regards.

**Clay Reitsma, MEng, PEng**

District of North Cowichan

*Director, Engineering*

T: 250-746-3159

C: 250-715-7730

E: [Clay.Reitsma@NorthCowichan.ca](mailto:Clay.Reitsma@NorthCowichan.ca)

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

**Sent:** Monday, July 19, 2021 4:35 PM

**To:** Clay Reitsma <Clay.Reitsma@northcowichan.ca>

**Cc:** Ted Swabey <Ted.Swabey@northcowichan.ca>; Terri Brennan

<terri.brennan@northcowichan.ca>; [REDACTED] 'FIPPA s. 22(1)

FIPPA s. 22(1) [REDACTED]; A:Mayor&Council <MC@northcowichan.ca>; Christopher

Justice [christopher.justice@northcowichan.ca](mailto:christopher.justice@northcowichan.ca)

**Subject:** RE: Speed Tables- Indian Road

Thanks Clay,

Does this mean that the issue may be discussed by council and new direction given? From my reading of the minutes when this item came to Council in June for lack of a better term, and no offense is intended, Council essentially rubber stamped the recommendations in the report which were also supported by yourself. I have raised some points in my emails. Should this be the only opportunity to address this with council I would like to present a more detailed and clear explanation of my concerns beyond the email exchanges. I also wonder if your recommendations have changed at all? As is customary, Council often defers to staff for advice and recommendations. I recognize that you were not in your current position at the time the original report was written, however, now that I have raised various concerns your current recommendation and position is germane to the issue. Will you still be recommending the original actions outlined in the report, and specifically the location of the speed tables or would you support moving them to the area between Cygnet and Art Mann Park? If your recommendation remains unchanged, is there an opportunity to present a contrary position with more detail and background? If so, how? It is unlikely that I would be able to prepare and present a written report before the July 21st council meeting however, as I am already committed that day and evening.

Thanks for the information.

[REDACTED] FIPPA s. 22(1)

**From:** Clay Reitsma <Clay.Reitsma@northcowichan.ca>

**Sent:** Monday, July 19, 2021 9:56 AM

**To:** [REDACTED] FIPPA s. 22(1)

**Cc:** Ted Swabey <Ted.Swabey@northcowichan.ca>; Terri Brennan

<terri.brennan@northcowichan.ca>; [REDACTED] 'FIPPA s. 22(1)

[REDACTED] FIPPA s. 22(1)

**Subject:** RE: Speed Tables- Indian Road

Hi [REDACTED]. FIPPA s. 22(1)

After further review it is clear that Council has given specific direction to staff. We will add your original correspondence to the consent agenda at the July 21 council meeting. Emails where an action requiring Council authorization has been requested or matters where debate, discussion or an explanation may be expected or required are included under the Consent Agenda. Members of Council may request any matter contained within the Consent Agenda be moved to

New Business for discussion and debate before adopting the agenda. Please note that placing an item in the Consent Agenda does not guarantee that it will be discussed as the decision to pull an item rests with Council.

Regards

**Clay Reitsma, MEng, PEng**

District of North Cowichan

*Director, Engineering*

T: 250-746-3159

C: 250-715-7730

E: [Clay.Reitsma@NorthCowichan.ca](mailto:Clay.Reitsma@NorthCowichan.ca)

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

**Sent:** Friday, July 16, 2021 11:30 AM

**To:** Clay Reitsma <[Clay.Reitsma@northcowichan.ca](mailto:Clay.Reitsma@northcowichan.ca)>; [REDACTED] FIPPA s. 22(1)

[REDACTED] FIPPA s. 22(1)

**Cc:** A:Mayor&Council <[MC@northcowichan.ca](mailto:MC@northcowichan.ca)>; Ted Swabey

<[Ted.Swabey@northcowichan.ca](mailto:Ted.Swabey@northcowichan.ca)>; Terri Brennan <[terri.brennan@northcowichan.ca](mailto:terri.brennan@northcowichan.ca)>; [REDACTED] FIPPA s. 22(1)

[REDACTED] Christopher Justice

<[christopher.justice@northcowichan.ca](mailto:christopher.justice@northcowichan.ca)>; [REDACTED] FIPPA s. 22(1)

[REDACTED] FIPPA s. 22(1)

**Subject:** RE: Speed Tables- Indian Road

Hi Clay,

It is now approaching a month since our last communication via email. I have not received any other information, email, or the tracking number you mentioned. I am seeking an update and what steps have been taken to date and any information learned as a result. Have any further decisions been made? Again, I extend an invitation and encourage you, any council member, and/or the Mayor to attend Indian Road and meet with me to examine the street and the recommendations you put forward regarding the speed tables. It is my opinion that a visual inspection of the situation would assist in this entire process and in addressing my concerns.

Thanks,

[REDACTED] FIPPA s. 22(1)

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

**Sent:** Monday, June 21, 2021 3:33 PM

**To:** Clay Reitsma <[Clay.Reitsma@northcowichan.ca](mailto:Clay.Reitsma@northcowichan.ca)>; [REDACTED] FIPPA s. 22(1)

[REDACTED] FIPPA s. 22(1)

**Cc:** A:Mayor&Council <[MC@northcowichan.ca](mailto:MC@northcowichan.ca)>; Ted Swabey

<[Ted.Swabey@northcowichan.ca](mailto:Ted.Swabey@northcowichan.ca)>; Terri Brennan <[terri.brennan@northcowichan.ca](mailto:terri.brennan@northcowichan.ca)>; Sarah Nixon <[sarah.nixon@northcowichan.ca](mailto:sarah.nixon@northcowichan.ca)>

**Subject:** RE: Speed Tables- Indian Road

Thanks for the quick reply. I would also ask that you or someone from the Municipality actually come out and look at the road and placement of the "speed tables" suggested. A physical observation of the area may put this in perspective for yourself, Senior Staff, and Mayor/Council. I know from speaking with one of the people walking the petition around that their concern was around vehicles coming out of Art Mann Park and at least their perception of speeding up the hill coming out of Art Mann Park, past Canary Pl up Indian Road to the top by Cygnet (which was not included in the study). If that is what is attempting to be addressed here none of the suggested placement locations of the "speed tables" will do that. I am curious what the nature of the study was originally, their mandate, and why only the stretch of Indian Road from Maple Bay Road to Cygnet were within the scope of the study and the remaining portion down to Art Mann Park was left out.

Thanks again and I look forward to hearing more on this issue.

[REDACTED] FIPPA s. 22(1)

**From:** Clay Reitsma <Clay.Reitsma@northcowichan.ca>

**Sent:** Monday, June 21, 2021 3:17 PM

**To:** [REDACTED] FIPPA s. 22(1)

[REDACTED] >

**Cc:** A:Mayor&Council <MC@northcowichan.ca>; Ted Swabey <Ted.Swabey@northcowichan.ca>; Terri Brennan <terri.brennan@northcowichan.ca>; Sarah Nixon <sarah.nixon@northcowichan.ca>

**Subject:** RE: Speed Tables- Indian Road

[REDACTED] FIPPA s. 22(1)

Thank you for your email. You bring up a lot of points. I would like to run them by the consultant that undertook the study and who was advising me as to the placement of the speed tables. Perhaps that can lead to a discussion with you on the matter. I was not around at the time of the scoping of the traffic study so the consultant may have more insight into many of the concerns you have expressed. I will get back to shortly.

In the meantime I will be entering this item in our Calls for Service system so you will get an email containing a tracking number and how to reach us if you have any questions.

Regards

**Clay Reitsma, MEng, PEng**

District of North Cowichan

*Director, Engineering*

T: 250-746-3159

C: 250-715-7730

E: [Clay.Reitsma@NorthCowichan.ca](mailto:Clay.Reitsma@NorthCowichan.ca)

**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Monday, June 21, 2021 1:12 PM  
**To:** Al Siebring  
**Cc:** [REDACTED] FIPPA s. 22(1)  
**Subject:** Speed Tables- Indian Road

Mayor,

I read with interest the council summary from your June 16th meeting. I noted that council has decided to move ahead with "speed tables" on Indian Road in response to a petition forwarded to council a number of months back.

I reviewed the Traffic Study that was attached to Council's agenda package, which contained recommendations to address the issues. Council adopted these recommendations and instructed staff to install three "speed tables" along with some minor other changes such as location of speed signs.

I understand that council is wishing to address community concerns and that this may not overall be a priority item and there is a desire to put it to rest. I will also admit I am not in favour of speed bumps or "speed tables", however, this is not the hill to die on for me. I am, however, very concerned that the decisions made were based on an incomplete report, and guided Mayor and Council to a less than optimum and effective decision. In regard to the report, the study area specified in the report did not, and does not, address the main root cause of the issue which generated the initial petition. The report recommendations and resultant remedies being put in place will not resolve these issues and will in fact only create further issues, which will quickly land in the lap of Mayor and Council.

It is my desire to work with you and council to resolve this issue to the satisfaction of all residents with the least amount of disruption or cost to the community. I would invite you and any other councillors who may wish to attend to meet on Indian Road where I would be happy to walk you through my concerns and you can clearly visualize the issues that will be created. In a one block area, if the plan you approved goes forward, you will now have a total of two speed tables and two street narrowing obstructions, resulting in 4 traffic calming devices within one block of Indian Road between Swans Nest and Cygnet Dr. This ultimately will do nothing to slow traffic and minimize noise at the main area of concern, which is the area on Indian Road from Cygnet down and through Art Mann Park. This section of Indian Road was excluded for some unexplained reason from the Traffic Study Report. The Traffic Study Report contains a map outlining the area the report studied and does not include this section of Indian Road or Art Mann Park. As this area was outside of the traffic study report, no recommendations were made to address this specific location nor acknowledgement and explanation of how this is impacting the concern raised by the petition.

The 4 traffic calming devices within the one block of Indian Road between Swans Nest and Cygnet will have a detrimental impact on parking, noise and aesthetics for those residence who reside within that block, yet overall these changes will not have solved the main issue. Keep in

mind, this block already has the two traffic calming devices in place. These two traffic calming devices are successfully slowing down the vast majority of traffic in this specific block and adding the "speed tables" to this block would be redundant.

Simply moving the proposed speed tables to slightly different locations on Indian Road and within Art Mann Park would have a much greater impact on the root cause of the issue and resolve the perceived noise and speed issues for the residents in that area of Indian Road.

I can't help but note, that the Traffic Study, which was conducted during the peak summer month of August when Art Mann park would be busy, clearly shows the majority of traffic down this residential street is in fact doing less than 40kph, which would be the envy of most streets or school zones for that matter. 65% of the traffic is shown in the study to be travelling 40kph or less. 93% of the overall traffic is actually travelling from 50kph or less. Although the posted speed limit is 30kph, most locations would be overwhelmingly satisfied with 93% of the traffic travelling under 50kph. I would also draw your attention to the fact that there is no reference in the report to vehicle or pedestrian accidents in this area. Anecdotally, I am not aware of any, however these statistics would be easy for the police and creator of the report to obtain. I am at a loss why this is not referred to in the report. This is another significant consideration in your decision making process.

I would suggest that if the "speed tables" were to proceed that the first one, part way up the hill on Indian Road just off Maple Bay Road is appropriate and would have the desired impact of slowing traffic as it enters Indian Road off Maple Bay Road so no issues.

I believe the two "speed tables" being proposed on Indian Road between Swans Nest and Cygnet are not needed, are redundant, and will do more harm than good. I would suggest that these be relocated. One should be placed on the hill or at the start of the hill between Canary Place and Cygnet Dr. Either halfway up the hill or just after Canary Place. The third should be placed within the entrance to Art Mann Park.

I also believe you are alive to the issue that vehicles go into Art Mann Park and will do donuts and spin their tires. That noise along with vehicles revving their engines and travelling up the hill from the park is the primary driver of those concerned about speed and traffic from this area of Indian Road. Once vehicles reach the top of Indian Road, the area between Cygnet and Swans Nest, most of this traffic is slowed by the current traffic calming devices already in place.

To prevent the donuts and spinning of tires within the park some speed bumps or "speed tables" could also be added in the parking lot area of Art Mann Park. This entire area was omitted from the report but these minor changes to the placement of the "speed tables" will have a much greater impact on the issue.

I would also remind you and Council that the block of Indian Road between Swans Nest and Cygnet has had street parking reduced due to the current traffic calming devices which were installed years ago. This block also contains Abbyfield House at 5905 Indian Road. Another

house across the street from Abbyfield House has a new multi-generational family in it with numerous vehicles. As a result street parking can be at a premium as often overflow from both locations is parked on the street within this block. There are also numerous households within this block with adult children of driving age with their own vehicles. On any given day the street can be empty or jammed pack with vehicles seeking additional parking areas. Adding the addition of "speed tables" within this block would further reducing parking opportunities and was not addressed at all in the report or recommendations.

I encourage you to accept my invitation to meet on Indian Road. It would be my pleasure to discuss this issue and walk you through my concerns and the impacts of placing these "speed tables" within this block are likely to have. I am in the process of drafting a detailed letter with photographs and a detailed explanation of my concerns to Mayor and Council to address. It is my hope that this does not need to escalate to that level, and rather we can address this informally and a small change to the location of the "speed tables" would resolve all of the concerns and still appease those who presented the petition to Council. I would also be happy to attend council and make a similar presentation if this is more convenient prior to any work being done regarding the "speed tables". This email does not outline all of the concerns around the "speed tables" and their current location but I believe draws some significant issues to your attention and request that you reconsider your decision around the placement of the "speed tables".

I look forward to your reply. Please feel free to share this email with other members of Council and the CAO. I have also attached an interesting article on "speed humps" you may find interesting.



FIPPA s. 22(1)

July 19, 2021

Dear Mayor and Council,

**Re: Collaboration in the Forestry Sector's Turbulent Times**

Recently, on behalf of the Truck Loggers Association (TLA), I had the honour and privilege of presenting to your council about the current issues facing the forestry sector, which were followed by great discussions. We sincerely appreciated the opportunity.

These days, the forestry sector is certainly experiencing some challenges. To many of us, that is an understatement. In our discussions with your council, there was certainly a keen interest in these challenges and an obvious desire for more information, credible data, and an overall concern with the plans for dialogue and consultation with the provincial government as they drift towards some decisions. As I mentioned, the TLA is doing its best to keep informed on how government will engage those of us truly dependent upon the ongoing prosperity of the forest industry but, frankly, we remain very uncertain and uninformed about their plans for such engagement moving forward.

Having said that, one of our core intentions for engaging with municipal mayors and councils is to strengthen our collaboration on common interests, of which we suspect there are many. So, while the TLA can only influence to the best of our abilities, the manner in which government chooses to engage, we can work on providing better information and data. We can also do a better job at informing and educating the people of BC about the good people, families, and communities dependent on a successful forest industry.

On that front, the TLA will be using significant additional resources over the next few months to embark on a campaign that will communicate these very interests and concerns. The delivery of this information will be varied but will contain the following core messaging:

- BC's forestry sector remains vital to the provincial economy and many resource communities are dependent on its ongoing success.
- Over 100,000 people in BC are dependent on the forestry sector continuing to succeed.
- Government decisions on old growth and other protections will potentially impact the industry dramatically with consequential impacts to jobs, families, and communities (we will soon present you with information to confirm this).
- BC's forests are the most sustainably and independently certified forests in the world.
- BC's forests provide one of the most significant sources for climate mitigation and sustainable buildings.

- BC's forestry sector and those working in it can and will change to meet ever evolving expectations.
- There are ample opportunities to provide a balanced solution.
- The development of new products and markets do not materialize overnight, and reasonable transition strategies and timelines must be considered.
- If decisions are made that seriously erode the forestry sector in certain regions, real and measurable transition plans must be in place with appropriate funding to implement.
- In the decision-making process, it is critical for government to ensure those truly dependent upon the forest resource have opportunity for real input and the necessary socio-economic studies are done in advance of any final decisions by government.
- Decisions that impact the land base supporting BC's forest sector need to be based on credible data and science.

The main purpose of this letter is to inform you of our general intentions and more importantly work with you on either refining such messaging or finding other means for collaboration. There is already significant lobbying towards government from many different directions on forestry sector matters. In this regard, if your council is amenable, we would like an opportunity to further discuss these matters at your earliest convenience to explore how we can work together. I will contact you in the near future to explore any possibilities.

Thank you very much again for your consideration.

Yours truly,

A handwritten signature in black ink, appearing to read 'W.R. Brash', written in a cursive style.

W.R. (Bob) Brash  
Executive Director

## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Thursday, July 22, 2021 4:32 PM  
**To:** Council  
**Subject:** Parrot's feather invasion Somenos Creek

Dear Mayor and Council:

Our Somenos Creek parrot's-feather invasion emergency is an alarming wake-up call for council to finally take action against this pesky species under our timely, wise environmental bylaws.

Those bylaws address critical concerns about many invasives now populating North Cowichan — and indeed across our valley — thanks to local inaction in past decades when eradication would have been far simpler and less expensive.

Paul Fletcher, of the positively proactive Somenos Marsh Wildlife Society, outlines in the July 22 Citizen cogent ways to remove parrot's feather from Somenos Creek, and to rejuvenate our waterway's ailing habitat for salmon and other critters.

SMWS's clever actions must be mightily embraced by council now to pluck parrot's feather from our vital ecosystem.

Foot dragging, studies and debate is how giant bullfrogs and other stubborn invasives gained permanent footholds here, depriving local folks and tourists full enjoyment of our natural habitat.

Parrot's feather aside, council now has a solid eco-mandate to hire and maintain wardens and teams year-round to rid our environment of a list of invasives.

That insidiously unwelcome flora and fauna is tanking tourism, dunking property values, and strangling our natural species.

All that is needed is council's will to act now and help SMWS on behalf of our threatened ecosystems.

Yours in ecology,

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

## Ginny Gemmell

---

**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Friday, July 30, 2021 12:17 PM  
**To:** Council  
**Subject:** Rowing Canada and its use of polluted Quamichan Lake

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** In Laserfiche

Dear Mayor and Council:

Rowing Canada's continued use of Quamichan Lake for training winning Olympians is a golden opportunity to address the obscene multi-source pollution that is killing our lake.

North Cowichan councillors could win gold medals among environmentalists if they act now to save our over-studied lake.

Councillors must urgently work with Victoria and Ottawa to declare Quamichan Lake an eco-zone.

That means a full, legal stop to feeding nutrients to the toxic blue-green algae fouling and choking our lake.

In part, councillors must pass overdue bylaws banning farm manure and home-based sewage leaking into our ailing lake.

Nutrients can be removed with technology for treating manure and sewage at its source.

Lake property owners and farmers would be required to hook into our municipal sewage system — finally ending their use of mediaeval septic and storage systems.

Farmers and homeowners who do not comply with council's cogent, zero-nutrient policy should face fines and/or drastic tax hikes, for starters.

The carrot could be tax breaks and/or grants to help property owners finally shift to clean-sewage solutions.

But those algal foods are also spiced with toxic run-off into our dying lake from local roads and properties.

Such run-off carries poisonous pesticides and herbicides, plus fecal material, vehicle oil and other controllable pollutants.

Declaring Quamichan an eco-zone would mean trapping and treating storm- and road run-off.

Council's bylaws must also ban habitat loss from farm and developer land clearing, and logging, around Quamichan.

A development freeze around our lake could be another tool to saving queazy Quamichan.

And Citizen newspaper reporter Robert Barron rightly indicated — in his July 29, 2021 op-ed — the potential for Rowing Canada oarspeople to get sick by ingesting foul water while training on Quamichan.

Indeed, several dogs have already died after entering our toxic-algae lake.

Such a human tragedy could sink Rowing Canada's plans for future lake use, and for building a training centre there.

It's critical that our councillors pull together now and save our lake — and its future as a recreational- and Rowing Canada destination.

Yours in health and ecology,

[REDACTED], FIPPA s. 22(1)

North Cowichan

File: 0110.00

July 29, 2021

Honourable Premier John Horgan  
Province of British Columbia  
PO Box 9422 Stn Prov Govt  
Victoria, BC V8W 9V1

Email: [premier@gov.bc.ca](mailto:premier@gov.bc.ca)

The Honourable Adrian Dix, M.L.A.  
Minister of Health  
PO Box 9050, Stn Prov Govt  
Victoria, BC V8W 9E2

Email: [HLTH.Minister@gov.bc.ca](mailto:HLTH.Minister@gov.bc.ca)

Dear Premier Horgan and Minister Dix:

**Re: Improvement to Pre-Hospital Care System**

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At its July 26, 2021 Regular Council meeting, the Council for the City of Langley adopted the following resolution regarding the above-referenced subject.

**WHEREAS** local governments have been raising concerns of long delays with ambulance response time and First Responders responding to increasing number of Medical Emergency Service Alarm (MESA) calls due to lack of inadequate number of ambulances being available.

**WHEREAS** the recent heat wave exacerbated the shortcoming of the pre-hospital care system which created unacceptable delays in ambulance response time.

**WHEREAS** First Responders had to respond to extraordinary number of Medical Emergency Service Alarm (MESA) calls during the recent heat wave and endured unreasonable delays in response time by the ambulance to release them from the calls.

**WHEREAS** First Responders play an essential role in the pre-hospital care system and in supporting BC Emergency Health Services (BCEHS) with the delivery of the quickest possible response to patients requiring time-critical care.

**WHEREAS** the Auditor General of British Columbia's report, published in February 2019, on Access to Emergency Health Services provided recommendations to make transformational changes to the pre-hospital care system.

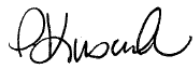
**WHEREAS** Health Minister Adrian Dix announced on July 14, 2021 to improve ambulance response time by providing funding for 85 new full-time paramedics, 30 fulltime dispatchers, 22 new ambulances, and converting 22 rural ambulance stations to 24/7 ALPHA stations.

**THEREFORE, BE IT RESOLVED** that the Province of BC and BC Emergency Health Services (BCEHS) immediately allocate the funding to improve ambulance response

time; and to improve coordination with fire departments to support consistent application of medical standards, information sharing, an integrated dispatch system, and improvements to patient care as recommended in the Auditor General report.

**BE IT FURTHER RESOLVED** that Minister Dix take concrete actions to treat First Responders as an equal and an integral partner of the pre-hospital care system with adequate support (e.g. training) and resources (e.g. cost recovery) in order to achieve this goal; and that this motion be forward to Premier John Horgan; Minister Adrian Dix, Minister of Health; Andrew Mercier, MLA Langley, Susan Wannamaker, Executive Vice President, Clinical Service Delivery, Provincial Health Services Authority; and All municipalities in BC.

Yours truly,  
CITY OF LANGLEY



Paula Kusack  
Deputy Corporate Officer

cc: Andrew Mercier, MLA Langley  
Susan Wannamaker, Executive Vice President, Clinical Service Delivery,  
Provincial Health Services Authority  
All municipalities in BC.



## Ginny Gemmell

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**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Friday, August 6, 2021 1:28 PM  
**To:** Council  
**Subject:** Legally ban single-use plastic now!

Dear Mayors, Councillors and CVRD Directors:

I again implore Cowichan's municipal and city councils to legally ban all single-use plastic materials under recent changes to B.C.'s Community Charter.

I am disappointed the province has not yet amended our Local Government Act to allow similar plastic bans in regional districts such as Cowichan.

Still, that does not stop CVRD directors from urging Victoria to make that eco-logical act amendment — and educating folks against accepting single-use plastics.

A timely story in the Aug. 5, 2021 Cowichan Citizen explains how the mayors of North Cowichan and Duncan still prefer having regional and municipal governments acting on the same plastic-banning page.

That signals both councils will likely continue doing nothing about banning the piles of plastics entering our waste stream, lakes, parks and streets.

Lake Cowichan Mayor Bob Day says his council will discuss a plastics ban in future.

But continued stalling doesn't make sense now when our councils can legally ban those plastics — as have eco-wise councils in other municipalities such as Victoria and Nanaimo.

Why are we still waiting to enact this cogent ban?

Let's remember many folks in CVRD areas also shop in stores in both municipalities where a now-legal plastics ban would help keep those toxic materials out of our environment.

Cowichanians can also act now by taking cloth bags to shop, and by urging store managers and owners to ban plastics now.

Customer statements such as "I won't shop here if plastic bags are still being offered" should make a difference to caring store brass.

Also remember smart kids from Bench School years ago urged a local plastics ban. Their wish was applauded by Duncan and North Cowichan councillors, sent to the CVRD for debate, then sadly vanished.

But legislative times have changed. At least our councils now have no logical excuse for more plastics foot-dragging. Please ban these persistently evil plastics now.

Yours in health and ecology,

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

**From:** [REDACTED] FIPPA s. 22(1)  
**Sent:** Tuesday, August 10, 2021 6:12 PM  
**To:** Council  
**Cc:** Ted Swabey; Rob Conway; Chris Hutton  
**Subject:** Housing Supply and Affordability

Dear Mayor and Council,

FIPPA s. 22(1)

I am writing today not as a member of the [REDACTED], but as a parent, aunt, neighbour, friend, colleague, and employer to the growing number of individuals who would like to make—or keep—Cowichan as their home. Indeed, I am surrounded by people who cannot find housing to rent, let alone to buy. Those searching cover the spectrum of potential rental or homeowners: post-secondary students, employed workers of all description, families with children, single or two-income childless households, professionals whose work brings them here temporarily, residents who live with parents through necessity, community members who would like to return to Cowichan after working elsewhere, seniors who are here but have few options to downsize.

I know of individuals living in motorhomes in provincial parks. Others living in boats, vacation rentals, many in their parents' houses, hotels. Two employees commute from shared rentals in Sidney and Nanaimo for their daily work in Cowichan. A variety of colleagues—office managers, executive directors, skilled trades, medical staff and practitioners—are reassessing their ability to stay in Cowichan despite the fact that they have secure work here. They simply cannot find an available or affordable place to live.

This is not news and has in fact been well documented. A powerful summary of the situation has been commissioned by the Provincial and Federal governments and is now available—with repercussions on housing supply from COVID included—in the Final Report of the Canada-British Columbia Expert Panel on the Future of Housing Supply and Affordability: [https://engage.gov.bc.ca/app/uploads/sites/588/2021/06/Opening-Doors\\_BC-Expert-Panel\\_Final-Report\\_Jun16.pdf](https://engage.gov.bc.ca/app/uploads/sites/588/2021/06/Opening-Doors_BC-Expert-Panel_Final-Report_Jun16.pdf). With impeccable social-advocacy and industry-related credentials, the expert panel has identified the issues that have contributed to Canada's housing supply per population at a level below that of all G7 nations. Thankfully, they also identified solutions.

The report is significant for anyone working on housing policy, and I would like to draw your attention to the arguments that most apply to Cowichan's situation:

- 1) **The importance of rental vacancy.** As the report documents, all housing types will continue to escalate in price until a 4-5% rental vacancy rate is maintained. Until individuals can reasonably find accommodation and choose when, or if, they enter the housing market, available housing (rental or for purchase) will continue to go to the highest bidder. We need to build a reliable landing place for those who choose to live and work in Cowichan.
- 2) **Recognize the fluidity of housing needs.** We need to build more housing, of all types. The report uses the metaphor of musical chairs to illustrate the fluctuating nature of housing in our society. Throughout our lives we may occupy many housing types: apartment, townhouse, single-detached home, low-rise condo, supportive housing, etc. Ensuring there is a variety of housing 'chairs' to accommodate this movement is central to effective housing policy. Without it, demand will build for occupied chairs—those essentially removed from the game as players increase in number—and will contribute to an escalation in price and a loss in affordability.
- 3) **Embrace the 'missing middle' in housing supply** (and take the policy steps necessary to make this economically viable). Diverse housing choices that fit into residential neighbourhoods such as duplexes, triplexes, low-rise multiplexes, townhouses, row houses, etc, are all options that provide the proverbial musical chairs necessary for a well-housed society. Identifying and removing impediments to their construction will provide housing possibilities for aspiring homeowners facing unattainable real estate prices.
- 4) **Acknowledge the housing crisis and avoid the tendency to wish away population growth.** We need housing for those currently here and we need to plan housing for those still to come. From grocery shelf stockers to cleaners and gardeners,

agriculture and construction workers, skilled tradespeople, educators, healthcare workers, performing artists and all these workers' families, we must find housing solutions that ensure our community remains viable. The report noted that to meet the average G7 housing supply per population, Canada would require an additional 1.8 million housing units to meet 2016 population needs. If we look at that number in terms of Vancouver Island's 2016 census (even though it is five years and one pandemic out of date), the potential housing shortfall for the population that is already here, is staggering:

- 19,000 units required to meet existing demand in Vancouver Island South
  - Greater Victoria, Western Communities, Saanich, Southern Gulf Islands
- 13,500 units required to meet existing demand in Vancouver Island Central
  - Cowichan Valley South, Cowichan Valley West, Cowichan Valley North, Greater Nanaimo, Oceanside, Alberni/Clayoquot
- 6,000 units required to meet existing demand in Vancouver Island North
  - Comox Valley, Greater Campbell River, Vancouver Island West, Vancouver Island North

I would add one further argument:

**5) Finding compromise between housing and the environment.** For the most part, those of us who vote and make policy and taxation decisions have benefited not only from others making room for us to live here, but from years of reasonably priced properties with houses built to lesser (and less expensive) standards, on land cleared before concerns for (or the cost of) protecting ecosystems and biodiversity became the norm. We demand a lot—and rightly so—of new construction to meet changing social and environmental standards, but this comes at a cost which we see is being borne disproportionately by those coming to the market now. Less land is available, housing standards and associated costs are higher, and the materials to build them are more expensive. These costs translate directly into the price of a new build. We demand more community amenities from builders and developers than in the past, and the regulatory process is longer, more costly, and often pits existing neighbours against new neighbours in a way we rarely had to negotiate when it was our turn.

The Expert Panel on the Future of Housing Supply and Affordability Report provides a catalogue of reasons why the market is unable to produce the variety of housing supply that is needed: it simply cannot make it work financially. It is not a question of choosing to hold out for higher profitability: if builders could build it, there is enough competition in the field for someone to do just that. One solution may be to rethink how sustainable building standards are paid for or how community amenities are funded: are these public benefits that require broader taxation support or do we continue to insist they be met by new homeowners alone? Add to this the fact that governments cannot subsidize their way out of the entire housing shortfall, and we are left with having to come up with a better way to make it work for all: those in need of housing, those taking the risk to build it, all of us in the community who will do better once we get the housing situation into better balance. We must find a way to address the housing shortage crisis while we address our climate crisis. As the report concludes, protecting precious lands is central, but so too is acknowledging that some lands will be needed for us to live on—in thoughtfully designed smarter accommodations that cover the spectrum of housing needs—in order to be successful at both.

Sincerely,

██████████ FIPPA s. 22(1)

██████████ FIPPA s. 22(1)

Duncan BC

██████████ FIPPA s. 22(1)

**Re: Update on Help Cities Lead**

Dear Mayor and Council,

We want to thank your Council for supporting the [Help Cities Lead](#) (HCL) initiative earlier this year - our Steering Committee would like to share some exciting updates on the campaign.

To date, 40 local and regional governments around BC have formally endorsed the campaign - communities large and small from Kitimat to Vancouver. Resolutions supporting Help Cities Lead were endorsed by the executives of both the [Lower Mainland Local Government Association](#) (LMLGA) and the [Association of Vancouver Island and Coastal Communities](#) (AVICC). We were pleased to see that both resolutions were then passed by the members at Convention and will proceed to the Union of B.C. Municipalities (UBCM).

The five policies of the HCL campaign were designed prior to last year's provincial election. We were very pleased to see three of our five policies outlined in post-election mandate letters to the new cabinet.

Local governments which have endorsed the campaign will have received a letter of response from Minister Ralston confirming: the development of a PACE roadmap; ongoing work to develop policy options for home energy labeling; and a commitment to "support local governments to set their own carbon pollution standard for new buildings". The letter also affirmed that "the Attorney General and Minister responsible for Housing is currently developing an Existing Buildings Renewal Strategy, which will include actions to improve energy efficiency and reduce greenhouse gas emissions". Of HCL's five policy asks, building GHG benchmarking is the only policy that has not yet been supported by the Province.

The HCL Steering Committee has also had very positive meetings with Ministers Eby, Osbourne, Ralston, and Heyman, acknowledging the importance of working collaboratively across levels of government to ensure building decarbonization actions are designed and implemented to meet our emissions reduction targets. Comments also reinforced the need to act with urgency. These Ministerial meetings were followed by a meeting between the HCL Steering Committee and members of the Climate Action Secretariat (CAS) to discuss our policy proposals. Further meetings with CAS are planned.

Our next steps include:

- LGLMA and AVICC resolutions supporting HCL will move forward to the UBCM convention. We ask that you watch for Help Cities Lead in the UBCM package and resolution discussion and make sure your vote is counted
- Building our [list of supporters](#). If you know of a fellow elected official in BC, whose municipality hasn't already endorsed HCL, and who might support the work we are doing, please let us know as we would like to reach out to them
- Continuing to meet with Ministers and Provincial officials to advance the policies of HCL

Help Cities Lead will continue working to provide local governments with the tools we need to address our single greatest source of greenhouse gas emissions: our buildings. Thank you for your support of our campaign this year, we will continue to keep you updated on further progress.

HCL Steering Committee  
[info@helpcitieslead.ca](mailto:info@helpcitieslead.ca)

-----Original Message-----

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

Sent: August 10, 2021 11:27 AM

To: Duncan <[duncan@duncan.ca](mailto:duncan@duncan.ca)>

Subject: Speeding on Cairnsmore Street

Dear Mayors and Councillors:

FIPPA s. 22(1)

I can sure relate to resident [REDACTED] frustration and anger concerning chronic speeding and rowdyism on Cairnsmore Street.

Her timely concerns appear in Tuesday's on-line letters to The Citizen newspaper.

It's seems a no-brainer for both councils to install inexpensive, very effective speed bumps or humps, flanked by warning signs, on streets where residents complain of constant speeding and rowdyism.

Apparently Cairnsmore Street is a prime candidate now for such smart speed calming.

However, folks tell me speeding is rampant across both of our municipalities.

It will stay that way until more residents demand speed calming from their councillors.

On the positive side, I live on Banks Road where North Cowichan council and public works wisely listened to Banks' residents some years ago and installed a signed, concrete S-curve. Thankfully, council also reduced Banks' speed limit to 30 kph.

Speed humps would have been cheaper and arguably more effective, but our S-curve serves to help curb speeding and stunting by ignorant motorists.

Councillors, please start installing speed humps and bumps on our dangerous streets now, before folks are killed by reckless drivers.

Yours in road safety,

[REDACTED], FIPPA s. 22(1)

North Cowichan

Attention: Mayor Siebring and North Cowichan Council

District of North Cowichan

Dear sir:

Recent fire events in the Cowichan Valley have residents obviously nervous. Of this I know you are aware. The fire on Mt. Prevost this week is but another warning. No doubt your North Cowichan council is discussing various actions that might be taken to mitigate against potential disaster, Lytton, B.C. being a clear case in point.

Two weeks ago we dodged a bullet. The house fire on Maple Bay Road at the base of the Properties of Maple Bay could have been cataclysmic but for the incredible response by our fire fighting teams. This might have been avoided with preventive measures and forethought.

The large house, referred to as the McClure house, had been abandoned for some time. The century old historic house was sold several years ago and has been left to become derelict. The yard was allowed to become severely overgrown with tall grass and weeds. Squatters took up residence periodically and as I understand were evicted the day of the fire.

Many districts have implemented bylaws that oversee land and real estate purchases and guard against blatant speculative investing. There are several other large tracts of land in the Maple Bay area alone that have been purchased and left idle. How have others dealt with this issue?

Port Alberni mayor and council have been proactive. Nanaimo News reported that, "City councillors of Port Alberni are demanding Western Forest Products hand over the keys to the Somass mill site if they are not going to use the property." Based on the provincial Community Charter, they have initiated expropriation procedures.

Some districts in British Columbia have introduced a punitive tax on domestic and foreign real estate speculators when warranted. The Cowichan Valley is a rich

source of cheap real estate by the standards of other wealthy countries and is therefore ripe for abuse if we allow it.

We can even learn from Canadian history as the basic problem is not new. The Dominion Lands Act and Homestead Act of 1872 gave free homesteads of 160 acres to prospective farmers to settle “the territories”. There were provisos. Successful applicants were required to clear at least 10 acres and build a residence within three years of a registered intent, or forfeit the title.

I ask that the Council of North Cowichan enact measures as expeditiously as possible that will proactively address these issues. Without being melodramatic, this could be a matter of life and death as evidenced by the wildfires that have ravaged other towns throughout North America and elsewhere in the world.

Sincerely

A black rectangular box redacting the signature of the sender.

FIPPA s. 22(1)

Maple Bay

**From:** Ash Info <[info@ash.ca](mailto:info@ash.ca)>

**Sent:** Tuesday, August 10, 2021 10:38 AM

**To:** Info <[Info@northcowichan.ca](mailto:Info@northcowichan.ca)>

**Subject:** Please take a moment to protect Canadian youth from flavoured vaping products.

CAO Ted Swabey  
District of North Cowichan  
7030 Trans-Canada Highway  
Duncan BC V9L 6A1

August 10, 2021

Dear CAO Swabey;

**Re: Please take a moment to [protect Canadian youth](#) from flavoured vaping products.**

Health Canada is proposing [new regulations](#) to restrict flavours in vaping products and the public consultation ends on Thursday, September 2.

Flavours are a primary driver of the youth vaping epidemic that involves over 400,000 school-aged youth according to the last [national survey](#).

If approved as drafted, the proposed Health Canada proposed regulations will ban all flavours with the exception of mint, menthol and tobacco.

However ASH and other prominent health organizations are [calling for a full ban on all flavours](#) with the exception of tobacco for the benefit of smokers who are trying to quit.

A recent [survey](#) of 3,000 youth vapers across Canada revealed that the top three flavour preferences are berry, mint/menthol and mango. Almost all youth vapers use flavoured products.

Health Canada initially exempted menthol flavours from a national ban on flavoured tobacco eight years ago. Health Canada should not repeat the [menthol mistake](#).

You can help ensure that youth are fully protected from all flavoured vaping products by urging Health Canada to ban all flavoured vaping products.

Please visit [ProtectCanadianKids.ca](https://ProtectCanadianKids.ca) to express your support. Time is of the essence.

Thank you for your prompt attention to this important call to action.

Sincerely,

Les Hagen, M.S.M.  
Executive Director  
[Action on Smoking & Health \(ASH Canada\)](#)

PO Box 52117 RPO Garneau  
Edmonton, Alberta  
CANADA T6G 2T5  
[hagen@ash.ca](mailto:hagen@ash.ca)

# **Municipality of North Cowichan Council - Regular and Public Hearings MINUTES**

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

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Kate Marsh Councillor Rosalie Sawrie Councillor Debra Toporowski
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Sarah Nixon, Deputy Chief Administrative Officer (D/CAO) Talitha Soldera, Director, Financial Services Michelle Martineau, Corporate Officer Jason Birch, Chief Information Officer Shawn Cator, Director, Operations Rob Conway, Director, Planning and Building George Farkas, General Manager, Office of the Mayor and CAO Barb Floden, Manager, Communications and Public Engagement Clay Reitsma, Director, Engineering Don Stewart, Director, Parks and Recreation Jason Blood, Manager, Recreation John Dehoop, Manager, Infrastructure Michele Gill, Manager, Development and Engineering Marla Laycock, Human Resources Advisor Tricia Mayea, Deputy Corporate Officer Shaun Mason, Municipal Forester Chris Osborne, Manager, Planning Dave Preikshot, Senior Environmental Specialist Shaun Chadburn, Environmental Programs Coordinator Anthony Price, Planning Technician Caroline von Schilling, Development Planner

## **1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:31 p.m.

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

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

- 2.2.1 Emails received in relation to preserving the Municipal Forest Reserve
- 2.2.4 Letter regarding resolution "De-Centralizing Forest Management on Vancouver Island & Coastal BC"

- 2.2.9 Email regarding renewable energy facility
- 2.2.11 Letter regarding the current RCMP Detachment property
- 2.2.12 Email regarding speed tables approved for Indian Road
- 2.2.19 Email regarding Highwood Drive traffic volume and speeds

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

CARRIED

## **2.1 Minutes**

That the following minutes be received for information purposes only:

- 2.1.1 April 28, 2021 Official Community Plan Advisory Committee meeting
- 2.1.2 May 18, 2021 Environmental Advisory Committee meeting
- 2.1.3 June 14, 2021 First Nations Relations Committee meeting
- 2.1.4 June 15, 2021 Public Engagement Committee meeting
- 2.1.5 July 7, 2021 Official Community Plan Advisory Group meeting

ADOPTED ON CONSENT

## **2.2 Correspondence**

That the following correspondence is received for information purposes only:

- 2.2.2 Emails received in relation to the proposed development and downzoning of 9090 Trans-Canada Highway
- 2.2.3 Emails received in relation to OCP Survey Results and Growth Scenarios
- 2.2.5 Email regarding Bell McKinnon Road name change
- 2.2.6 Letter regarding purchase of municipal right-of-way
- 2.2.7 Email regarding the Climate Action Plan Survey
- 2.2.8 Letter regarding Kasper Road Parking Lot
- 2.2.10 Letter regarding the Somenos Marsh Open Air Classroom (OAC)
- 2.2.13 Letter regarding Council's endorsement of the Canadian Union of Postal Workers'
- 2.2.14 Notice of Honours and Awards
- 2.2.15 Email regarding impacts of climate change
- 2.2.16 Letter from District of Saanich regarding UBCM Resolution
- 2.2.17 Email regarding Cell Phone Tower Policy
- 2.2.18 Letter from Island Health regarding Extreme Heat Planning/Climate Change and Health

ADOPTED ON CONSENT

## **3. APPROVAL OF AGENDA**

The following item was added as a late item to the agenda:

- (1) An item closed under Section 90 (1)(e)

IT WAS MOVED AND SECONDED:

That the agenda be adopted, as amended.

CARRIED

## **4. ADOPTION OF MINUTES**

### **4.1 Minutes from the June 16, 2021 regular meeting for adoption**

### **4.2 Minutes from the June 21, 2021 special meeting for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of their regular meeting held June 16, 2021 and special meeting held June 21, 2021. CARRIED

**5. MAYOR'S REPORT**

Mayor Siebring introduced special guest, Terry Dillon, CEO of Rowing Canada, who provided Council with an update on Rowing Canada's 2021 Olympic team who will be participating at the Olympic Games being held in Tokyo starting July 23, 2021.

**6. DELEGATIONS AND PRESENTATIONS**

**6.1 Tom Walker Forest Legacy Bursary Scholarship**

Mayor Siebring presented the Tom Walker Forest Legacy Scholarship for \$1,000 to Halle Oud from Cowichan Senior Secondary School, and the two \$500 Bursaries to Melanie Cheng from Chemainus Secondary School, and Ryan Hindle from Frances Kelsey School.

**6.2 Economic Development of Cowichan Valley Regional District (CVRD)**

Barry O'Riordan, Manager of the Economic Development division (EDC) of the CVRD provided an update on EDC initiatives including: business retention, attraction, expansion and recovery & resiliency; sector development; and supporting communities, and answered questions from Council. A copy of the presentation is included in the agenda.

**7. PUBLIC INPUT**

Council received public input from four members of the public regarding agenda items 2.2.12, 8.3, 8.4, and 9.1.2.

**8. BYLAWS**

**8.1 Zoning Amendment Bylaw (9376 Cottonwood Road), 2021, No. 3815 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt Zoning Amendment Bylaw (9376 Cottonwood Road), 2021, No. 3815. CARRIED

**8.2 Zoning Amendment Bylaw (2772 Herd Road), 2021, No. 3819 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt Zoning Amendment Bylaw (2772 Herd Road), 2021, No. 3819.

CARRIED

**8.3 Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 (CD18 Kingsview Comprehensive Development Zone – Area 3) for first and second readings**

IT WAS MOVED AND SECONDED:

That Council:

- (1) Give first and second readings to "Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 to include single unit and two unit building types as part of the CD-18/Area 3 townhouse use; and,

- (2) Schedule a Public Hearing for "Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 and notification be issued in accordance with the *Local Government Act*. (Opposed: Douglas, Justice, Marsh)  
CARRIED

Council, by unanimous consent, recessed the meeting at 3:53 p.m. and reconvened at 4:02 p.m.

**8.4 South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw No. 3840, 2021 for first three readings**

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw No. 3840, 2021. CARRIED

**8.5 Forest Use, Bylaw Offence Notice Enforcement, and Municipal Ticket Information Systems Bylaw Amendments for first three readings**

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to:

- (1) Forest Use Amendment Bylaw No. 3833, 2021;  
(2) Municipal Ticket Information System Amendment Bylaw No. 3834, 2021; and,  
(3) Bylaw Offence Notice Enforcement Amendment Bylaw No. 3835, 2021. CARRIED

**8.6 Fireworks Regulation Bylaw No. 3810, 2021 for first three readings**

IT WAS MOVED AND SECONDED:

That Council give first and second readings to Fireworks Regulation Bylaw No. 3810, 2021. (Opposed: Marsh)  
CARRIED

IT WAS MOVED AND SECONDED:

That Council amend section 13 of Fireworks Regulation Bylaw No. 3810, 2021 to replace "at least seven (7) days" with "at least three (3) business days" (Opposed: Marsh)  
CARRIED

IT WAS MOVED AND SECONDED:

That Council give third reading to Fireworks Regulation Bylaw No. 3810, 2021, as amended. (Opposed: Marsh)  
CARRIED

**8.7 Telecommunications Antenna Structures Policy and Fees and Charges Bylaw Amendment for first three readings**

Council, by unanimous consent, tabled the main motion to give Bylaw No. 3839 first three readings and the adoption of Telecommunications Antenna Structures Policy in order to extend the meeting.

IT WAS MOVED AND SECONDED:

That the meeting be extended to 9:00 p.m. CARRIED

Council, by unanimous consent, lifted the main motion from the table.

IT WAS MOVED AND SECONDED:

That Council:

- (1) Give first, second and third readings to Fees and Charges Amendment Bylaw (Telecommunications Statement of Concurrence Applications) No. 3839, 2021; and,
- (2) Adopt Telecommunications Antenna Structures Policy as presented in Attachment 2 to the Planning Manager's July 13, 2021 report. CARRIED

## **9. REPORTS**

### **9.1 REPORTS FOR DECISION**

#### **9.1.1 Development Variance Permit Application No. DVP00066 for 6015 Mary Street**

IT WAS MOVED AND SECONDED:

That Council:

- (1) Authorize the issuance of Development Variance Permit DVP00066; and,
- (2) Vary Section 58.2(8)(c) of Zoning Bylaw 1997, No. 2950 by reducing the required side yard setback for an accessory dwelling unit from 2.0 metre to 1.0 metre for 6015 Mary Street. CARRIED

#### **9.1.2 Temporary Use Permit Renewal Application No. TUP00023 for 6512 Bell McKinnon Road**

IT WAS MOVED AND SECONDED:

That Council:

- (1) Approve Temporary Use Permit Amendment Application TUP00023 (6512 Bell McKinnon Road) to extend the term of Temporary Use Permit 00013; and
- (2) Authorize the issuance of Temporary Use Permit 00023/21.01 to permit the temporary use of two shipping containers for storage at 6512 Bell McKinnon Road for a term of three years ending August 16, 2024. CARRIED

#### **9.1.3 Cowichan Aquatic Centre Roofing Capital Project – Tender Award**

IT WAS MOVED AND SECONDED:

That Council:

- (1) Award the Cowichan Aquatic Centre Roofing contract to Alpha Roofing and Cladding Inc. for \$1,574,466 plus GST, and authorize the Mayor and Corporate Officer to execute the contract; and
- (2) Directs staff to amend the 2021 Financial Plan funding of the Cowichan Aquatic Centre Roofing Project by allocating:
  - a. \$850,712 from North Cowichan Appropriated Surplus;
  - b. \$632,051 from the Cowichan Aquatic Centre Reserve Fund; and
  - c. \$224,703 from the City of Duncan. CARRIED

#### **9.1.4 Ford Road and Drinkwater Road Improvements Contract for Pre-Approval**

IT WAS MOVED AND SECONDED:

That Council authorize:

- (1) the award of the Ford Road and Drinkwater Road Improvements Tender, which closes on July 23, 2020, to the lowest qualified bidder provided that the

total tendered price (not including GST) is within the available budget of \$861,000; and,

- (2) the Mayor and Corporate Officer execute the Construction Contract for the works as set out in the Ford Road and Drinkwater Road Improvements Tender.

CARRIED

#### **9.1.5 2022-2026 Budget Direction**

Council by unanimous consent, tabled the main motion to direct staff to continue with a Recovery Budget for 2022-2026 in order to recess for a dinner break and then to convene the public hearing at 6:00 p.m.

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

Council, by unanimous consent, recessed the meeting at 5:32 p.m. and reconvened at 6:00 p.m.

#### **15. PUBLIC HEARINGS 6:00 P.M.**

##### **15.1 Public Hearing Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824**

Mayor Siebring outlined the public hearing process and called the public hearing to order at 6:00 p.m. for Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824.

The Corporate Officer noted that two submissions have been received in relation to the Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824. One submission was opposed to the zoning amendment and asked that the land be retained as park, and the other submission noted that they were not opposed to the zoning amendment, but had concerns with increased traffic that it may cause in the area.

Council then received a presentation from Rob Conway, Director, Planning and Building who introduced the proposed amendment and answered questions of Council.

Council then heard briefly from the applicant, Steve McPhee.

The Corporate Officer noted that no late submissions have been received in relation to the Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824 and that the only other correspondence received as part of the public hearing information package were from the proposal from the applicant and acknowledgement letter from staff.

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 Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824 at 6:31 p.m.

## **16. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS**

The Council meeting resumed at 6:31 p.m.

Council, by unanimous consent, suspended the rules to consider item 16.1 before returning to where they left off before the dinner break.

### **16.1 Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824**

IT WAS MOVED AND SECONDED:

That Council give third reading to Zoning Amendment Bylaw (Apartment – Lot A, Skinner Road), 2021, No. 3824. CARRIED

Council returned to the Reports for Decision portion of the agenda to continue on where they had left off before the dinner break.

### **9.1.5 2022-2026 Budget Direction [continuation]**

The main motion to direct staff to continue with a Recovery Budget for 2022-2026 was lifted from the table, by unanimous consent.

IT WAS MOVED AND SECONDED:

That Council direct staff to continue with a Recovery Budget for 2022-2026.

(Opposed: Douglas)

CARRIED

IT WAS MOVED AND SECONDED:

That staff be directed to report to Council earlier in the tax process with tax distribution options. CARRIED

### **9.1.6 2022 Budget Public Engagement Plan and Timeline**

Councillor Marsh left the meeting at 7:06 p.m. and returned at 7:09 p.m.

IT WAS MOVED AND SECONDED:

That Council endorse the 2022-2026 Budget Public Engagement Plan and Timeline attached to the July 21, 2021 report from the Director of Financial Services. CARRIED

### **9.1.7 Environmental Advisory Committee Meeting Update**

IT WAS MOVED AND SECONDED:

That Council direct staff to work with:

1. Diamond Head Consulting to complete a simple comparison of the Environmental Policy Review and the draft Climate Action and Energy Plan (CAEP) actions;
2. Sustainability Solutions Group to include an Eco-Industrial Lands Policy as an action in the final CAEP Implementation Plan; and,
3. Community Energy Association to pursue potential partnerships and grants in order to implement the recommendations under the draft CAEP. CARRIED

### **9.1.8 Clean BC Better Homes – 2021 Program Update**

IT WAS MOVED AND SECONDED:

That Council establish an annual allocation of \$40,000 in the Climate Action and Energy Plan Reserve Fund to be used as a top-up to the Clean BC Better Homes and Home

Renovation Rebate Program beginning immediately in 2021 until the Program end date of March 31, 2024.

IT WAS MOVED AND SECONDED:

That the following motion be referred back to staff for further financial analysis and policy review:

*That Council establish an annual allocation of \$40,000 in the Climate Action and Energy Plan Reserve Fund to be used as a top-up to the Clean BC Better Homes and Home Renovation Rebate Program beginning immediately in 2021 until the Program end date of March 31, 2024.*

(Opposed: Marsh)

CARRIED

Councillor Marsh left the meeting at 7:36 p.m. and returned at 7:52 p.m.

Council, by unanimous consent, recessed the meeting at 7:36 p.m. and reconvened at 7:46 p.m.

## **9.2 REPORTS FOR INFORMATION**

None.

## **10. NOTICES OF MOTIONS**

### **10.1 Regular Pumping Out of Septic Tanks to Support the Health of Water Bodies**

Councillor Justice provided notice of the following motion which will be considered under New Business at the August 18, 2021 Regular Council meeting:

*"WHEREAS Council has prioritized the importance of environmental policies and practices to support the future health of North Cowichan;*

*AND WHEREAS the regular pumping out of septic tanks may be an effective method for preventing nutrients and bacteria from entering nearby water systems;*

*AND WHEREAS the cost of regular pumping out of septic tanks and effluent disposal may be cost prohibitive for some residents;*

*THEREFORE BE IT RESOLVED THAT Council direct staff to prepare an analysis of options to reduce the environmental impacts on water pollution caused by private septic tanks or ineffective septic fields."*

## **11. UNFINISHED AND POSTPONED BUSINESS**

None.

## **12. NEW BUSINESS**

### **12.1 Forestry Awareness Initiative**

IT WAS MOVED AND SECONDED:

That Council postpone consideration of the following motion until the second meeting in September:

*That Council direct the Mayor and Staff to invite Resource Works executive director Stewart Muir to provide Council with a virtual or in person presentation on the organization's recent report, "Forestry in BC: Setting the record straight" as a*

*method of building awareness about the present status of forest practices and forest management in British Columbia.* (Opposed: Sawrie, Manhas, Douglas, Siebring)

DEFEATED

IT WAS MOVED AND SECONDED:

That Council direct the Mayor and Staff to invite Resource Works executive director Stewart Muir to provide Council with a virtual or in person presentation on the organization's recent report, "Forestry in BC: Setting the record straight" as a method of building awareness about the present status of forest practices and forest management in British Columbia. (Opposed: Justice, Marsh)

CARRIED

IT WAS MOVED AND SECONDED:

That Council direct the Mayor and Staff to invite Resource Works to provide input to any North Cowichan review and public engagement activities that concern forestry. (Opposed: Marsh, Justice, Douglas, Toporowski)

DEFEATED

## **12.2 Cowichan Watershed Board advice and recommendations regarding Official Community Plan Update Project**

IT WAS MOVED AND SECONDED:

That the letter from the Cowichan Watershed Board be forwarded to MODUS, the Environmental Advisory Committee and the OCP advisory working group. CARRIED

## **12.3 Letter of support by the BC Forest Discovery Centre**

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write a letter in support of the BC Forest Discovery Centre's grant application to the BC Museums Association to improve accessibility for people with mobility issues. CARRIED

## **12.4 Official Community Plan - Growth Scenarios Survey Results**

IT WAS MOVED AND SECONDED:

That the following motion:

*"That Council accepts the recommendations of the MODUS June 28, 2021 "What We Heard" report as a basis for drafting a growth management strategy and land use plan for the new Official Community Plan."*

be amended to include the following wording at the end of the motion:

*"omitting the part of the plan that references adding 'A Health and Wellness Precinct in Bell McKinnon to allow compact mixed-use development directly adjacent to the hospital site which will protect the natural and rural lands including the Somenos Watershed', and that staff be directed to schedule a workshop for Council on the implications of options 2Plus on the Bell McKinnon Corridor."*

(Opposed: Douglas, Justice, Marsh)

CARRIED

Council, by unanimous consent, tabled the motion regarding the MODUS recommendations to extend the meeting.

IT WAS MOVED AND SECONDED:

That the meeting be extended to 12:00 a.m.

CARRIED

Council, by unanimous consent, lifted the motion regarding the MODUS recommendations from the table.

IT WAS MOVED AND SECONDED:

That Council accepts the recommendations of the MODUS June 28, 2021 "What We Heard" report as a basis for drafting a growth management strategy and land use plan for the new Official Community Plan, omitting the part of the plan that references adding 'A Health and Wellness Precinct in Bell McKinnon to allow compact mixed-use development directly adjacent to the hospital site which will protect the natural and rural lands including the Somenos Watershed', and that staff be directed to schedule a workshop for Council on the implications of options 2Plus on the Bell McKinnon Corridor.

(Opposed: Douglas, Justice, Marsh)

CARRIED

## **12.5 OCP Update Project - Community Profiles**

IT WAS MOVED AND SECONDED:

That Council accepts the Draft Community Profiles as presented in Attachment 1 to the Community Planning Coordinator's June 21, 2021 report entitled "OCP Update Project - Community Character Profiles" as background information for consideration during the drafting of the OCP, subject to the following amendments:

- To begin each community character profile with a description of project limitations and how they will and will not be used.
- Maple Bay Community Character Profile (page 187). Reword 'The healthy marine environment located in the Bay is teeming with life and can be easily appreciated on shore or water.' to acknowledge potential threats to water quality.
- Quamichan Community Character Profile (page 191). Change the photograph labeled 'Future Neighbourhood Node – Kingsview', to 'Future Commercial Centre'.
- Change the colour palate of the Rural Community Character Profile.
- Bell McKinnon Community Character Profile – for consistency, remove the 'Thinking Forward' page (page 5).
- Sentence referring to recent cycling and infrastructure improvements – should reference what is in the plan.

CARRIED

## **12.6 Somenos Marsh Wildlife Society advice and recommendations regarding Official Community Plan Update Project**

IT WAS MOVED AND SECONDED:

That the letter from the Somenos Marsh Wildlife Society be forwarded to MODUS, the Environmental Advisory Committee and the OCP advisory working group.

CARRIED

**12.7 Consent Agenda Item 2.2.1 [Emails received in relation to preserving the Municipal Forest Reserve]**

This item was discussed.

**12.8 Consent Agenda Item 2.2.4 [Letter regarding resolution "De-Centralizing Forest Management on Vancouver Island & Coastal BC"]**

IT WAS MOVED AND SECONDED:

That the Mayor be directed to write the Minister of Forests, Lands, Natural Resource Operations and Rural Development highlighting that AVICC endorsed the resolution to "De-Centralizing Forestry Management on Vancouver Island & Coastal BC" and request a meeting to discuss the resolution. CARRIED

**12.9 Consent Agenda Item 2.2.9 [Email regarding renewable energy facility]**

This item was discussed.

**12.10 Consent Agenda Item 2.2.11 [Letter regarding the current RCMP Detachment property]**

This item was discussed.

**12.11 Consent Agenda Item 2.2.12 [Email regarding speed tables approved for Indian Road]**

This item was not discussed.

**12.12 Consent Agenda Item 2.2.19 [Email regarding Highwood Drive traffic volume and speeds]**

This item was not discussed.

**13. QUESTION PERIOD**

Council received no questions from the public regarding agenda items.

**17. CLOSED SESSION**

IT WAS MOVED AND SECONDED:

That Council close the meeting at 10:04 p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
  - 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)(g) litigation or potential litigation affecting the municipality; and
  - 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- CARRIED

**17.1 Closed minutes from the June 16, 2021 meeting for adoption**

**17.2 Closed under section 90(g) potential litigation and (i) legal advice - Breach of Lease**

**17.3 Closed under section 90(1)(e) land and (i) legal advice - Land Transfer**

**17.4 Closed under section 90(1)(b) personal information - BC Honours & Awards Nominations**

**17.5 Closed under section 90(1)(e) land – Potential Lease**

**18. RISE AND REPORT**

None.

**19. ADJOURNMENT**

IT WAS MOVED AND SECONDED:

That Council adjourn the meeting at 11:07 p.m.

CARRIED

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Certified by Corporate Officer

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Signed by Mayor



The Corporation of the District of North Cowichan

**South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw, 2021**

Bylaw 3840

WHEREAS section 218 of the *Community Charter* authorizes Council, by bylaw, to enlarge the boundaries of a local area service;

AND WHEREAS Council has received a petition to enlarge the boundaries of the South End Water local area service established by Bylaw No. 1104, being the "South End Waterworks District Bylaw 1966";

AND WHEREAS the corporate officer has certified the sufficiency and validity of a petition to accordingly enlarge the said local area service;

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

**Citation**

1. This bylaw may be cited as "South End Water Local Area Service Enlargement (7900 Mays Road) Bylaw No 3840, 2021".

**Amendment**

2. The boundaries of the South End Water local service, as amended, are further enlarged to include 7900 Mays Road, legally described as Lot A, Section 12, Range 5, Somenos District, Plan EPP25465 (Parcel Identifier 029-614-929).

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Read a first time on July 21, 2021  
Read a second time on July 21, 2021  
Read a third time on July 21, 2021  
Adopted on

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CORPORATE OFFICER

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PRESIDING MEMBER



The Corporation of the District of North Cowichan

## **Forest Use Amendment Bylaw**

Bylaw No. 3833

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

### **Title**

1. This bylaw may be cited as "Forest Use Amendment Bylaw No. 3833, 2021".

### **Amendment**

2. That Forest Use Bylaw No. 3265, 2007 is hereby amended by deleting section 4 [Offence] and inserting in its place:

"4 A person who contravenes a provision of the bylaw or any order or permit issued under this bylaw, shall be liable, on summary conviction, to a penalty not exceeding fifty thousand dollars (\$50,000.00) under the *Offence Act* and the costs of prosecution. Where any offence is a continuing one, each day that the offence continues shall be a separate offence.

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READ a first time on July 21, 2021  
READ a second time on July 21, 2021  
READ a third time on July 21, 2021  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER



The Corporation of the District of North Cowichan  
**Municipal Ticket Information System Amendment Bylaw**  
 Bylaw No. 3834

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. 3834, 2021".

**Amendment**

2. That Municipal Ticket Information System Bylaw No. 3464 is hereby amended as follows:
  - a. By deleting Section 8 - Forest Use Bylaw 2007 from Schedule "2" and inserting the following in its place:

*Section 8 – Forest Use Bylaw No. 3265, 2007*

Item	Column 1 <b>Offence</b>	Column 2 <b>Section</b>	Column 3 <b>Fine</b>
1	Enter forest when closed	2(1)(a)	\$1,000
2	Discard organic litter in forest	2(1)(b)	\$200
3	Discard large waste or refuse in forest	2(1)(b)	\$1,000
4	Remove large forest products without permit	2(1)(c)	\$1,000
5	Remove forest material without permit	2(1)(c)	\$200
6	Operate vehicle off road	2(1)(d)	\$500
7	Open fire when restricted	2(1)(e)(i)	\$1,000
8	Open fire creating fire hazard	2(1)(e)(ii)	\$1,000
9	Enter active logging area	2(1)(f)	\$500
10	Damage trees or streams	2(1)(g)	\$500
11	Build unauthorized trails or structures	2(1)(h)	\$500

Item	Column 1	Column 2	Column 3
	<b>Offence</b>	<b>Section</b>	<b>Fine</b>
12	Remove, destroy, or deface signs	2(1)(i)	\$1,000
13	Camp when prohibited	2(1)(j)	\$500

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READ a first time on July 21, 2021  
 READ a second time on July 21, 2021  
 READ a third time on July 21, 2021  
 ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER



The Corporation of the District of North Cowichan  
**Bylaw Offence Notice Enforcement Amendment Bylaw**  
 Bylaw No. 3835

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 "Bylaw Offence Notice Enforcement Amendment Bylaw No. 3835, 2021".

**Amendment**

2. That Bylaw Offence Notice Enforcement Bylaw No. 3677 is hereby amended as follows:
  - a. By deleting the penalties for - Forest Use Bylaw No. 3265, 2007 from Schedule "A" and inserting the following in its place:

<b>Forest Use Bylaw No. 3265, 2007</b>					
<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>
2(1)(a)	Enter forest when closed	\$500	\$500	\$500	YES
2(1)(b)	Discard organic litter in forest	\$100	\$100	\$120	YES
2(1)(b)	Discard large waste or refuse in forest	\$500	\$500	\$500	YES
2(1)(c)	Remove large forest products without permit	\$500	\$500	\$500	YES
2(1)(c)	Remove forest material without permit	\$100	\$100	\$120	YES
2(1)(d)	Operate vehicle off road	\$300	\$300	\$320	YES
2(1)(e)(i)	Open fire when restricted	\$500	\$500	\$500	YES
2(1)(e)(ii)	Open fire creating fire hazard	\$500	\$500	\$500	YES
2(1)(f)	Enter active logging area	\$300	\$300	\$320	YES
2(1)(g)	Damage trees or streams	\$300	\$300	\$320	YES
2(1)(h)	Build unauthorized trails or structures	\$300	\$300	\$320	YES

<b>Forest Use Bylaw No. 3265, 2007</b>					
<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>
2(1)(i)	Remove, destroy, or deface signs	\$500	\$500	\$500	YES
2(1)(j)	Camp when prohibited	\$300	\$300	\$320	YES

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READ a first time on July 21, 2021  
 READ a second time on July 21, 2021  
 READ a third time on July 21, 2021  
 ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER



The Corporation of the District of North Cowichan

## **Fireworks Regulation Bylaw**

Bylaw No. 3810

**A bylaw to regulate, prohibit and impose requirements on the sale, possession and the discharge of fireworks.**

### *Contents*

- 1 Citation
- 2 Severability
- 3 Definitions
- 4 Prohibitions
- 12 Exemptions
- 13 Family or Display Fireworks Permits
- 15 Entertainment Industry Pyrotechnics Permits
- 17 Fireworks Permit and Pyrotechnics Permit Conditions
- 19 Permit Holder Requirements
- 20 Revocation of Permit
- 22 Cost Recovery Fees
- 24 Enforcement
- 27 Repeal
- Schedule A – Fireworks Permit
- Schedule B – Pyrotechnic Permit
- Schedule C – Insurance Requirements

WHEREAS the *Community Charter* authorizes the Council of the District of North Cowichan, by bylaw, to regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;

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

### **Citation**

- 1 This Bylaw may be cited as "Fireworks Regulation Bylaw No. 3810, 2021".

### **Severability**

- 2 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.

### **Definitions**

- 3 In this Bylaw:

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

"DISPLAY FIREWORKS" means outdoor high hazard fireworks defined in Class 7, Division 2, Subdivision 2 of the *Federal Regulations* (generally described as large fireworks used for public fireworks displays) but excluding Firecrackers and Entertainment Industry Pyrotechnics;

"DISTRICT" means the District of North Cowichan;

"ENFORCEMENT OFFICER" means:

- (a) a member of the North Cowichan Fire Department holding the rank of Fire Chief, Assistant Fire Chief, Station Chief, Deputy Station Chief;
- (b) a Bylaw Compliance Officer;
- (c) the Manager of Bylaw and Business Licensing;
- (d) the Manager of Fire and Bylaw Services;
- (e) the Municipal Forester, or
- (f) a member of the Royal Canadian Mounted Police;

"ENTERTAINMENT INDUSTRY PYROTECHNICS" means explosive articles and explosive substances used in the performing arts to create pyrotechnic special effects;

"EXPLOSIVES REGULATORY DIVISION" means the Explosives Regulatory Division of the Explosives Branch of the Minerals and Metals Sector of Natural Resources Canada;

"FAMILY FIREWORKS" means Low Hazard Fireworks generally used for recreation but excluding Christmas crackers, sparklers and caps for toy guns;

"FEDERAL REGULATIONS" means the Explosives Regulations enacted under the *Explosives Act*, R.S.S., 1985, c. E-17, as revised or replaced from time to time;

"FEES AND CHARGES BYLAW" means Fees and Charges Bylaw No. 3784, 2020, as revised or replaced from time to time;

"FIRE CHIEF" means the person appointed under the Fire Protection Bylaw, as revised or replaced from time to time;

"FIRE SAFETY PLAN" means a plan dealing with the procedures to follow to protect public safety when firing, setting off or exploding Entertainment Industry Pyrotechnics, approved by the Fire Chief;

"FIRECRACKER" means a small pyrotechnic device, used primarily as a noisemaker, that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

"FIREWORKS" means Display Fireworks and Family Fireworks;

"FIREWORKS EVENT" means the observance or celebration of a special event or festival where Fireworks are desired to be fired, set-off or exploded;

"FIREWORKS PERMIT" means a current and valid permit issued in the form attached as Schedule

"A" to this Bylaw, authorizing a person to hold, possess, store, fire, discharge, set off, explode, or otherwise use Family Fireworks or Display Fireworks;

"LIVESTOCK" has the same meaning as prescribed under the *Livestock Act [RSBC 1996] Chapter 270*, as revised or replaced from time to time;

"LIVESTOCK PROPERTY" means land where Livestock is raised, reared or grazes;

"LOW HAZARD FIREWORKS" has the same meaning as prescribed under Class 7 – Firework Class, Subdivision 1 of Division 2 of the Federal Regulations, as revised or replaced from time to time;

"PYROTECHNIC EVENT" means the observance or performance of a production where Entertainment Industry Pyrotechnics are desired to be fired, set-off or exploded;

"PYROTECHNIC PERMIT" means a current and valid permit issued in the form attached as Schedule "B" to this Bylaw authorizing a person to fire, set-off or explode Entertainment Industry Pyrotechnics.

### **Prohibitions**

- 4 No person shall sell, offer to sell, give away, trade, or otherwise dispose of Fireworks, Entertainment Industry Pyrotechnics or Firecrackers to any other person.
- 5 No person shall buy, hold, possess, store, fire, discharge, set off, explode, or otherwise use Fireworks without a valid Fireworks Permit.
- 6 No person who holds a valid Fireworks Permit shall store, hold, possess, fire, set-off, explode or otherwise use Fireworks in contravention of the Fireworks Permit.
- 7 No person shall store, hold, possess, fire, set-off or explode Entertainment Industry Pyrotechnics without a valid Pyrotechnics Permit.
- 8 No person who holds a valid Entertainment Industry Pyrotechnics Permit shall store, hold, possess, fire, set-off, explode or otherwise use Entertainment Industry Pyrotechnics in contravention of the Pyrotechnics Permit.
- 9 No person shall hold, possess, store, fire, discharge, set-off, explode, or otherwise use Fireworks or Entertainment Industry Pyrotechnics in a manner that increases the risk of physical injury to any person or damage to any public or private property.
- 10 No person shall hold, possess, store, fire, discharge, set-off or explode Firecrackers.
- 11 No person shall hold, possess, store, fire, discharge, set off, explode, or otherwise use Fireworks within 500 metres from a Livestock Property.

### **Exemptions**

- 12 This Bylaw does not prohibit or regulate the use of torpedoes, flares, fuzzes, or similar pyrotechnic devices by motorists, mariners, police or other agencies for signaling purposes or illumination.

### **Family or Display Fireworks Permits**

- 13 Any person eighteen (18) years of age or older shall apply for a Fireworks Permit to fire, discharge, set-off or explode Family Fireworks or Display Fireworks by submitting to the Fire Chief, at least three (3) business days prior to the date upon which the Fireworks Event is to occur:
- (a) A completed application in the form as prescribed by the Corporate Officer;
  - (b) A written agreement from the property owner in the form as prescribed by the Corporate Officer if the Fireworks Event is to occur on property that is not owned by the applicant, including land that is owned or controlled by the District;
  - (c) A written agreement from the person organizing or sponsoring the Fireworks Event in the form as prescribed by the Corporate Officer if the Fireworks Event is being organized or sponsored by any person other than the applicant;
  - (d) In the case of Display Fireworks, proof acceptable to the Fire Chief that the applicant is a Certification Card holder; and,
  - (e) Paid the applicable Fireworks Permit application fee set-out in the Fees and Charges Bylaw.
- 14 The Fire Chief shall consider each application and issue a Fireworks Permit to the applicant if:
- (a) The property upon which the Fireworks Event is to occur is available for such use on the date and time set out in the application;
  - (b) The environmental or weather conditions are such that the use of Fireworks would not endanger or pose a risk to property or the safety of the public;
  - (c) The Fire Chief considers the Fireworks Event will not create a public safety risk or risk to the public or private property;
  - (d) The property upon which the Fireworks Event is to occur is at a distance of not less than 500 metres from a Livestock Property; and
  - (e) The applicant meets all the requirements of this Bylaw and all other applicable Bylaws of the District.

#### **Entertainment Industry Pyrotechnics Permits**

- 15 Any person eighteen (18) years of age or older may apply for a Pyrotechnics Permit to fire, discharge, set-off or explode Entertainment Industry Pyrotechnics by submitting to the Fire Chief, at least thirty (30) days prior to the date upon which the Pyrotechnics Event is to occur:
- (a) A completed application in the form as prescribed by the Corporate Officer;
  - (b) A written agreement from the property owner in the form as prescribed by the Corporate Officer, if the Fireworks Event is to occur on property that is not owned by the applicant, including land that is owned or controlled by the District;
  - (c) A written agreement from the person organizing or sponsoring the Fireworks Event in the form as prescribed by the Corporate Officer, if the Fireworks Event is being organized or sponsored by any person other than the applicant;
  - (d) A copy of the Explosives Regulatory Division's approval of the Pyrotechnic Event;
  - (e) A Fire Safety Plan approved by the Fire Chief after the Fire Chief has visited the location for the Pyrotechnics Event and determined the amount of fire protection required;

- (f) A site plan drawn to scale with the direction of firing, separation distances, position of ramps and mortars, any significant ground features, right-of-ways, buildings or structures, overhead obstructions, parking areas or spectator viewing areas, fallout zone, north arrow, traffic control plans, and location of emergency vehicles;
  - (g) An event description which should include a time schedule of the event, attendance estimates, lists of fireworks or explosives or flammable and/or combustible products to be used, firing procedures, emergency response procedures, and a list of crew members, including contact information;
  - (h) A Fireworks Permit if Family Fireworks or Display Fireworks are used in the Pyrotechnic Event;
  - (i) Proof acceptable to the Fire Chief that the applicant holds either a valid Level 1 Certification Card or, for unconventional sites as defined by the Explosives Regulatory Division under the Federal Regulation, and a valid Level 2 Certification Card;
  - (j) Paid the Pyrotechnic Permit application fee set out in the Fees and Charges Bylaw; and
  - (k) Paid the Fire Safety Plan review fee set out in the Fees and Charges Bylaw.
- 16 The Fire Chief shall consider each application and issue a Pyrotechnics Permit to the applicant if:
- (a) The property upon which the Pyrotechnics Event is to occur is available for such use on the date and time set out in the application;
  - (b) The environmental or weather conditions are such that the use of Fireworks would not endanger or pose a risk to property or the safety of the public;
  - (c) The Fire Chief considers the Pyrotechnics Event will not create a public safety risk or risk to the public or private property;
  - (d) The property upon which the Fireworks Event is to occur is at a distance of not less than 500 metres from a Livestock Property; and,
  - (e) The applicant meets all the requirements of this Bylaw and all other applicable bylaws of the District.

#### **Fireworks Permit and Pyrotechnics Permit Conditions**

- 17 The Fire Chief in issuing a Fireworks Permit or Pyrotechnic Permit may impose one or more of the following terms and conditions that the Fire Chief considers reasonable:
- (a) The days and the hours during which Fireworks or Entertainment Industry Pyrotechnics may be fired, discharged, set-off, exploded or otherwise used;
  - (b) The location to which Fireworks or Entertainment Industry Pyrotechnics may be fired, discharged, set-off, exploded or otherwise used, including the minimum distance from the nearest building, public street or highway, utility, tree or overhead obstruction;
  - (c) The type of Fireworks or Entertainment Industry Pyrotechnics that may be fired, discharged, set-off, exploded or otherwise used;
  - (d) Require the applicant to complete a fireworks safety and legal awareness course offered by the Explosives Regulatory Division, Natural Resources Canada;
  - (e) Special requirements to promote public safety, including the number of fire extinguishers that

must be available on site during the Fireworks Event; and,

- (f) Proof that the Fireworks Permit and/or Pyrotechnics Permit holder has notified the adjacent properties.

18 At the time of issuance of the Display Fireworks Permit or the Pyrotechnics Permit, the Display Fireworks Permit or Pyrotechnics Permit Holder shall provide to the Fire Chief a certificate of insurance that meets the Insurance Requirements as set out in Schedule "C".

#### **Permit Holder Requirements**

19 Every Fireworks Permit or Pyrotechnics Permit Holder shall:

- (a) Fire, discharge, set off, explode or use only those Fireworks or Entertainment Industry Pyrotechnics specified in the Fireworks Permit or Pyrotechnics Permit;
- (b) Fire, discharge, set off, explode or use Fireworks or Entertainment Industry Pyrotechnics only in accordance with the terms and conditions of the Fireworks Permit or Pyrotechnics Permit;
- (c) Fire, discharge, set off, explode or use Entertainment Industry Pyrotechnics only in accordance with the Fire Safety Plan;
- (d) Ensure that the Fireworks or Entertainment Industry Pyrotechnics are only fired, discharged, set off, exploded or used under the Fireworks Permit or Pyrotechnics Permit Holder's direct supervision and responsibility; and,
- (e) Ensure that the use, handling, discharge, possession, and storage of the Fireworks or Entertainment Industry Pyrotechnics conforms in every respect to the *Explosives Act* (Canada) and regulations, the Display Fireworks manual as published by the Explosives Regulatory Division, and this Bylaw.

#### **Revocation of Permit**

20 The Fire Chief may revoke a Fireworks Permit or Pyrotechnics Permit at any time if the Fireworks Permit or Pyrotechnics Permit Holder:

- (a) Fails to comply with any term or condition of the Fireworks Permit or Pyrotechnics Permit; or
- (b) Violates or breaches any of the provisions of this Bylaw.

21 The Fire Chief may revoke a Fireworks Permit or Pyrotechnics Permit at any time if:

- (a) the provincial fire danger rating is high or extreme; or
- (b) the weather conditions such as rain, fog or wind, make it impractical and/or unsafe to set off Fireworks, the Fire Chief may designate an alternate day and time.

#### **Cost Recovery Fees**

22 Every Pyrotechnics Permit Holder shall pay for any fire protection services provided by the District for the Pyrotechnics Event. The fees shall be calculated in accordance with the Fees and Charges Bylaw.

23 Every Fireworks Permit or Pyrotechnics Permit Holder shall pay all costs and expenses of any fire protection services, materials or resources expended or incurred by the District as a result of a fire

caused by a Fireworks or Pyrotechnics Event. The fee shall be calculated in accordance with the Fees and Charges Bylaw.

- 24 Every Fireworks Permit or Pyrotechnics Permit Holder shall pay all costs and expenses to remove any litter and debris expended or incurred by the District that is left on site at the conclusion of a Fireworks and/or Pyrotechnics Event. The fee shall be calculated in accordance with the Fees and Charges Bylaw.

**Enforcement**

- 25 No person shall obstruct an Enforcement Officer engaged in the administration or enforcement of the Bylaw.
- 26 Every person who contravenes a provision of this Bylaw commits an offence, and each day that the violation is caused or allowed to continue constitutes a separate offence.
- 27 Any person guilty of an infraction of this Bylaw is liable on summary conviction to a fine of not more than \$50,000.00, and/or imprisonment to a maximum of six months.

**Repeal**

- 28 Bylaw No. 1579, being the "Fireworks Bylaw 1974", and all amendments thereto, are hereby repealed.

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READ a first time on July 21, 2021  
READ a second time on July 21, 2021  
READ a third time, as amended on July 21, 2021  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER

SCHEDULE A



**Fireworks Regulation Bylaw No. 3810**  
District of North Cowichan, Fire and Bylaw Services  
7030 Trans-Canada Highway, Duncan, BC V9L 6A1  
250.746.3108 | [fire@northcowichan.ca](mailto:fire@northcowichan.ca) | [www.northcowichan.ca](http://www.northcowichan.ca)

**FIREWORKS PERMIT**

Name of Applicant: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: (Start) \_\_\_\_\_ (End) \_\_\_\_\_

PERMISSION IS GRANTED to the above Applicant to fire, discharge, set off or explode:

**Family Fireworks** | **Display Fireworks**  
(circle one)

at the location and on the date and time(s) as set out above, subject to the District of North Cowichan Fireworks Regulation Bylaw, as amended from time to time, and to the following conditions and restrictions:

- This permit is not transferable. Only the Applicant is authorized under this permit to fire, discharge, set off or explode fireworks.
- The Applicant may only fire, discharge, set off or explode the type and quantity of fireworks described in the application.
- The Applicant must ensure that all debris and litter related to the Fireworks Event, including any litter left by the spectators, is removed from the location at the conclusion of the Fireworks Event.
- In accordance with requirements of the Fireworks Regulation Bylaw, the Applicant shall obtain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$5,000,000.00 per occurrence for bodily injury and property damage and provide evidence of the same to the Fire Chief at the time of issuance of this Permit. [Required for **Display Fireworks** only]

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Fire Chief or authorized designate

\_\_\_\_\_  
Date of Issue

SCHEDULE B



**Fireworks Regulation Bylaw No. 3810**  
District of North Cowichan, Fire and Bylaw Services  
7030 Trans-Canada Highway, Duncan, BC V9L 6A1  
250.746.3108 | [fire@northcowichan.ca](mailto:fire@northcowichan.ca) | [www.northcowichan.ca](http://www.northcowichan.ca)

**PYROTECHNIC PERMIT**

Name of Applicant: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: (Start) \_\_\_\_\_ (End) \_\_\_\_\_

PERMISSION IS GRANTED to the above Applicant to fire, discharge, set off or explode **Entertainment Industry Pyrotechnics**, at the location and on the date and time(s) as set out above, subject to the District of North Cowichan Fireworks Regulation Bylaw, as amended from time to time, and to the following conditions and restrictions:

- In accordance with requirements of the Fireworks Regulation Bylaw, the Applicant shall obtain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$5,000,000.00 per occurrence for bodily injury and property damage and provide evidence of the same to the Fire Chief at the time of issuance of this Permit.
- This permit is not transferable. Only the Applicant is authorized under this permit to fire, set off, discharge or explode Entertainment Industry Pyrotechnics.
- The Applicant may only fire, discharge, set off or explode the type and quantity of Entertainment Industry Pyrotechnics described in the application.
- The Applicant must ensure that all debris and litter related to a permitted event that occurs on District property, including any litter left by the spectators, is removed from the location at the conclusion of the permitted event.

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Fire Chief or authorized designate

\_\_\_\_\_  
Date of Issue

## **SCHEDULE C**

### **Insurance Requirements**

A **Display Fireworks Permit** or **Pyrotechnics Permit** Holder shall, at his or her own expense, for the duration of the Fireworks Event or Pyrotechnics Event, secure and maintain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$5,000,000.00 per occurrence for bodily injury and property damage. The Comprehensive General Liability insurance policy shall:

- 1) Include all premises and operations necessary or incidental to the Fireworks Event or Pyrotechnics Event;
- 2) Include "Broad Form" Property Damage coverage on an occurrence basis, including loss of use of property;
- 3) Include, but not necessarily limited to, the following coverage:
  - a) Contingent Employers Liability;
  - b) Owners and Contractors Protective Liability;
  - c) Contractual Liability assumed with respect to the event;
  - d) Non-Owned and Hired Auto; and,
  - e) Personal Injury Liability;
- 4) Include the District, its elected officials, officers, agents and employees, and contractors acting on behalf of the District as additional insured's;
- 5) Be primary and non-contributing with respect to any insurance carried by the District of North Cowichan;
- 6) Not include a deductible greater than \$5,000.00 per occurrence (unless the District of North Cowichan advises in writing that it has determined that a greater deductible is acceptable);
- 7) Include a Cross Liability clause;
- 8) Preclude subrogation claims by the insurer against any of the insured;
- 9) Include a provision requiring the insurer to give the District of North Cowichan thirty (30) days' prior written notice before making any material change to the insurance coverage, or the termination or cancellation thereof;
- 10) Provide that the District of North Cowichan, its elected officials, officers, agents and employees, and contractors acting on behalf of the District of North Cowichan are protected notwithstanding any act, neglect or misrepresentation of the Display Fireworks Permit or Pyrotechnics Permit Holder which might otherwise result in the avoidance of a claim and that such policy is not affected or invalidated by any act, omission or negligence of any third party which is not within the knowledge or control of the insured;
- 11) Be underwritten by a responsible insurance company or companies licensed to do business in the Province of British Columbia and that meet with the reasonable approval of the District of North Cowichan;
- 12) Maintenance of the insurance required herein and the performance by the Display Fireworks Permit or Pyrotechnics Permit Holder of his or her obligations under this clause shall not relieve the Display Fireworks Permit or Pyrotechnics Permit Holder from liability under any covenant to indemnify the District of North Cowichan;
- 13) It shall be the sole responsibility of the Display Fireworks Permit or Pyrotechnics Permit Holder to determine his or her own additional insurance coverage, if any, including workers' compensation, that are necessary and advisable for his or her own protection or to fulfill his or her obligations with respect to the Fireworks Event or Pyrotechnics Event. Any such additional insurance shall be secured and maintained by the Display Fireworks Permit or Pyrotechnics Permit Holder at his or her own expense;
- 14) The foregoing insurance provisions shall not limit the insurance the Display Fireworks Permit or Pyrotechnics Permit Holder is required to secure and maintain by the provincial or federal law; and,
- 15) If the Display Fireworks Permit or Pyrotechnics Permit Holder fails to secure or maintain insurance as required herein, then the District of North Cowichan shall have the right, but not the duty or obligation, to secure and maintain such insurance and give evidence thereof to the Display Fireworks Permit or Pyrotechnics Permit Holder. The Display Fireworks Permit or Pyrotechnics Permit Holder shall pay the cost thereof to the District on demand.



The Corporation of the District of North Cowichan

**Fees and Charges Amendment Bylaw  
(Telecommunications Statement of Concurrence Applications),  
2021**

Bylaw 3839

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

**Title**

1. This Bylaw may be cited as "Fees and Charges Amendment Bylaw (Telecommunications Statement of Concurrence Applications) No. 3839, 2021".

**Amendment**

2. Fees & Charges Bylaw 2020, No. 3784, Schedule C [Development and Permitting Fees] Section 3 [Planning Fees] is amended by adding the following Item 31:


Item	Column 1	Column 2
31	Telecommunications – Application for a Statement of Concurrence	\$1,000

\_\_\_\_\_  
READ a first time on July 21, 2021  
READ a second time July 21, 2021  
READ a third time on July 21, 2021  
ADOPTED on \_\_\_\_, 2021

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
PRESIDING MEMBER

# Report

Date	August 18, 2021	File: 3360-20 20.24
To	Council	
From	Anthony Price, Development Planner	Endorsed: 
Subject	Zoning Amendment Bylaw No. 3847 (6353 Genoa Bay Road) for first and second readings	

## Purpose

To introduce Bylaw No. 3847, which proposes a site-specific zoning amendment for 6353 Genoa Bay Road, to permit a second detached dwelling unit in addition to a principal single family dwelling in the Rural Residential (R1) Zone.

## Background

On December 18, 2019, Council adopted the Second Dwelling Rural Lands Policy, which established the following criteria for site-specific zoning amendment applications for second dwellings outside the Urban Containment Boundary (UCB):

- a. *That size of the proposed second dwelling be restricted by covenant to 92 m<sup>2</sup> (990.28 ft<sup>2</sup>) or less;*
- b. *That subdivision be restricted by covenant to prevent subdivision including strata subdivision;*
- c. *That the size of the parcel be a minimum of; and*
  - i. *1 ha (2.5 acres) where no Municipal sewer or water exists;*
  - ii. *0.4 ha (1 acre) where no Municipal sewer exists;*
  - iii. *0.2 ha (0.5 acres) where Municipal water and sewer exist; and*
- d. *That siting of second dwellings on agricultural lands be established and restricted by covenant to preserve agricultural land*

## Discussion

### Site Context

The subject property (PID: 001-165-283) is a 0.405 Ha (1 acre) oceanfront lot, outside of the UCB (Attachments 1 & 2). The R1 parcel currently contains a single-family dwelling and an unfinished accessory building with a gross floor area of 94.76m<sup>2</sup> (1020ft<sup>2</sup>) (Attachment 4). The lot contains steep slopes down towards the ocean and was issued a development permit (DP00085) in 2016 to construct stormwater infrastructure for the Genoa Reach subdivision. As a condition of the development permit, a Statutory Right Way in favour of the Municipality was registered on the subject property title to ensure ongoing maintenance of the stormwater infrastructure. The stormwater infrastructure bisects the parcel and is located in between the single-family dwelling and the accessory building.

### Land Use Context

The Maple Bay Yacht Club is directly South of the subject property and is zoned MA1 (Upland Tourist Commercial Marine Zone). The rest of the neighbouring properties are zoned R1 (Rural Residential). Except for the Yacht Club, the adjacent and surrounding land use generally consists of one and two-storey rural homes on properties of 0.2 ha (0.49 acres) and larger in size.

### Proposal

The applicant is requesting a text amendment to the R1 Zone (Attachment 5), which would permit a detached second dwelling limited to a maximum habitable gross floor area of 94.76m<sup>2</sup>. A Letter of Rationale in support of the application is provided in Attachment 6. In accordance with the Second Dwelling Rural Lands Policy, registration on the title of a Section 219 covenant securing the policy requirements will be necessary before adopting the zoning bylaw amendment (Attachment 7). The applicant is aware of the policy and is agreeable to registering a covenant over the property as a rezoning condition.

### Official Community Plan (OCP) Designation

The Subject Property is designated as "Rural" within the OCP.

### HOUSING & SERVICES in RURAL AREAS:

#### OCP Policy:

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

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

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

Policy 2.1.5.9 *The Municipality generally discourages the development of accessory (second) residences on rural lands, except to address farm labour housing needs.*

OCP policies 2.1.5.6 and 2.1.5.9 speak to discouraging additional density. Staff note that the R1 zoning that applies to the subject property allows up to two dwelling units in the form of a two-family dwelling (duplex) or a single family dwelling with a secondary suite. The requested zoning amendment would allow a second dwelling to be detached from the principal dwelling without increasing the maximum number of dwellings permitted under the zoning (i.e. two). The request as presented complies with OCP Policy, as no increase in net density (i.e. the number of dwellings per parcel) will result should Council approve this application.

#### HOUSING:

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

#### Servicing and Infrastructure:

The subject property already contains a septic system designed by a Registered Onsite Wastewater Practitioner to service the existing single-family dwelling and the proposed second dwelling. Island Heath accepted the filing on November 12, 2020.

The subject property is serviced by municipal water.

This zoning amendment application, if approved: will require an update to the previously issued building permit for the accessory building. The updated building permit will require payment of development cost charges and confirmation of bylaw and building code compliance for the proposed second dwelling.

#### **Analysis & Conclusion**

This application is generally compliant with the OCP and fulfills the intentions of the Second Dwelling Rural Lands Policy, even though it exceeds the maximum permitted gross floor area by 2.76m<sup>2</sup> (29.71 sq. f.). Although the size of the subject structure is slightly over what is supported by the Second Dwelling Rural Lands Policy the size of the structure is consistent with the intent of the policy. Modifications to the structure to reduce it to 92 square metres are not recommended due to the effort and expense involved. Detached second dwellings can provide housing for young adults, single and two-person households, individuals with special needs, and the elderly. It is generally more affordable than conventional single-family housing and can contribute positively to the stock of available rental housing.

The Housing Needs Assessment Report (January 2021) provides current information on North Cowichan residents' housing needs. The report identified that the average household size has decreased, and there is an increased need for more one-bedroom dwelling units. There is also a significant demand for affordable rental housing, with 41% of North Cowichan's renter households in core housing need, with 13% in extreme core housing need.

Applications for second dwellings in rural areas are presently being considered on a case-by-case basis through the rezoning application process. Council consented to this approach when it established the Second Dwelling Rural Lands policy in December of 2019. This was an interim measure until the OCP update, and Zoning Bylaw review projects are completed. These larger bylaw review processes should identify community housing needs and preferences and provide direction on various housing issues, including detached second dwellings. As the public has not had an opportunity to provide input on a comprehensive approach to second dwellings, the public hearing will provide an important opportunity for the public to give feedback on this site-specific application. Although Council has the authority to waive the public hearing before considering adopting the proposed zoning amendment, it is not recommended for this application.

As the application is generally compliant with OCP policy and the Second Dwelling Rural Land Policy, with the exception of the subject structure being slightly over the maximum recommended size of 92 square metres, approval of the application is recommended.

### Options

Option 1 (Recommended):

That Council give first and second reading to Zoning Amendment Bylaw No. 3847, 2021 to permit a second detached residential dwelling at 6353 Genoa Bay Road and a public hearing be scheduled for Bylaw No. 3847 in accordance with the *Local Government Act*.

Option 2:

That Council deny Zoning Amendment Application ZB000151 to permit a second detached residential dwelling at 6353 Genoa Bay Road.

### Implications

If Council gives first and second reading to Zoning Amendment Bylaw No. 3847 and forwards the application to a public hearing, owners and occupants of the properties within a 60-metre radius of the subject property will be notified, and advertisements will be placed in the local newspaper in accordance with the requirements of the *Local Government Act*. If the application is denied, use of the subject structure will be limited to an accessory residential building.

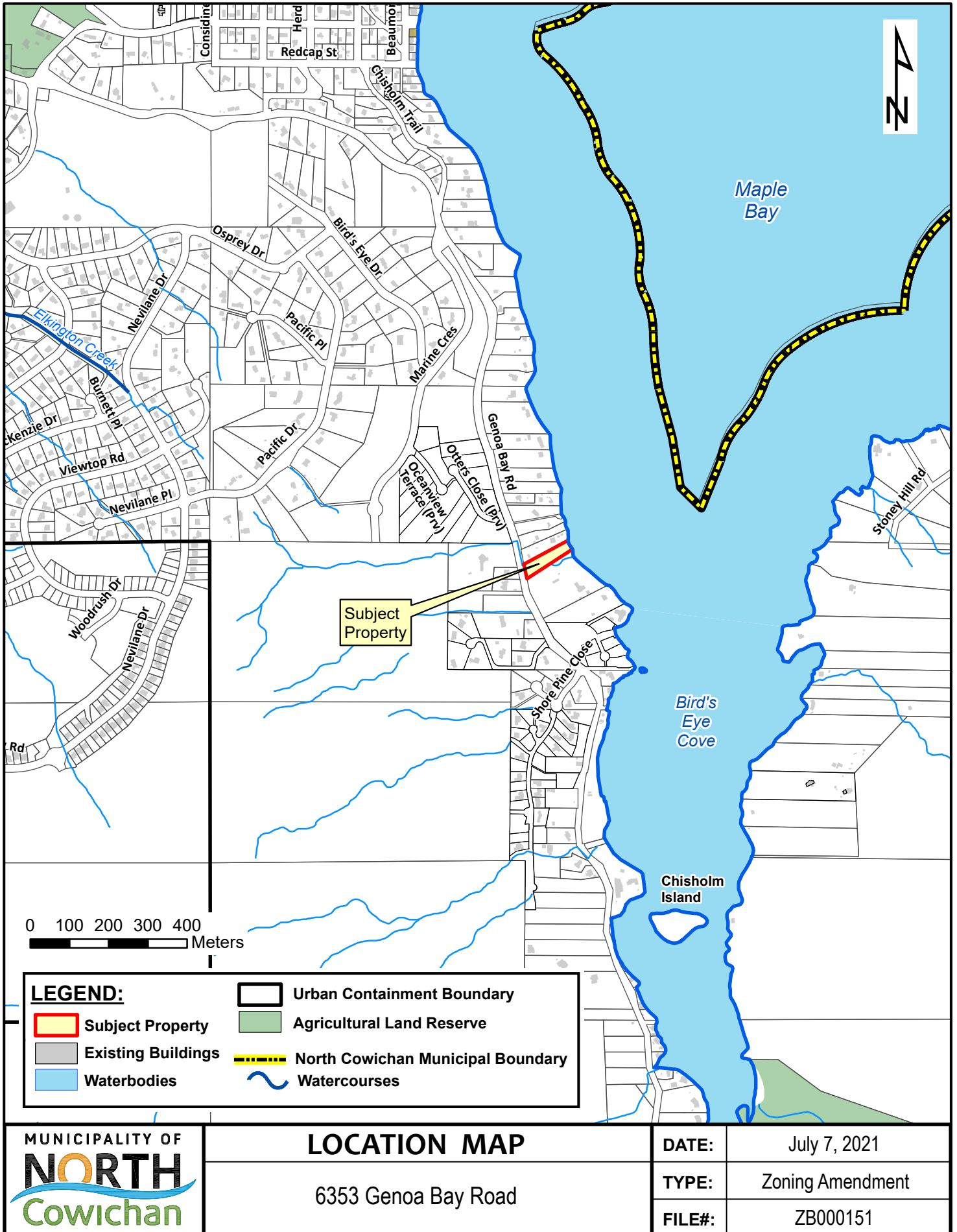
The social implication with this application is the potential for the provision of additional affordable rental housing and its consistency with Council's goal for '*providing housing choices for all*' as identified in the 2019-2022 Council Strategic Plan.

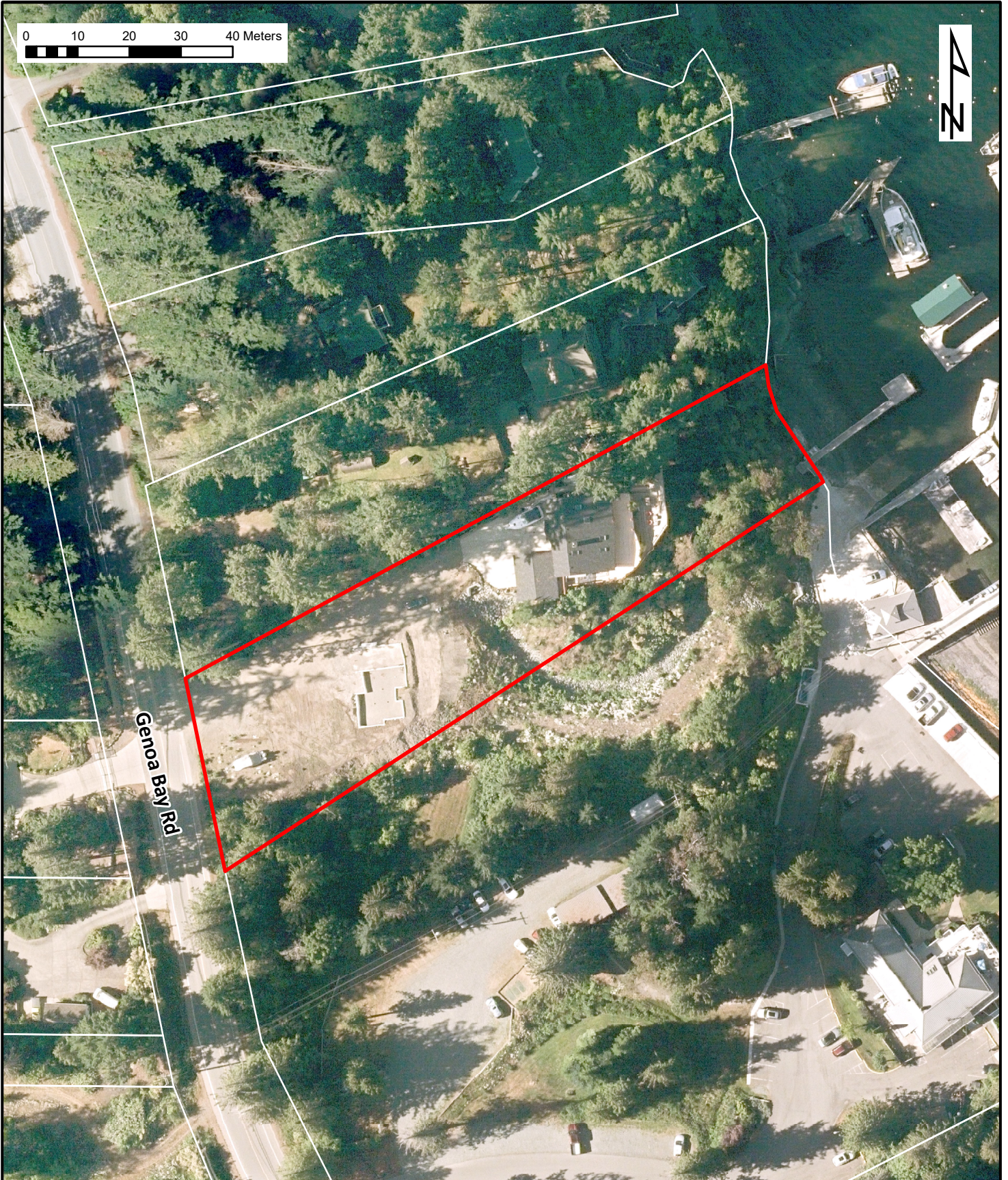
### Recommendation

THAT Council give first and second reading to Zoning Amendment Bylaw No. 3847, 2021 to permit a second detached residential dwelling at 6353 Genoa Bay Road and a public hearing be scheduled for Bylaw No. 3847 in accordance with the *Local Government Act*.

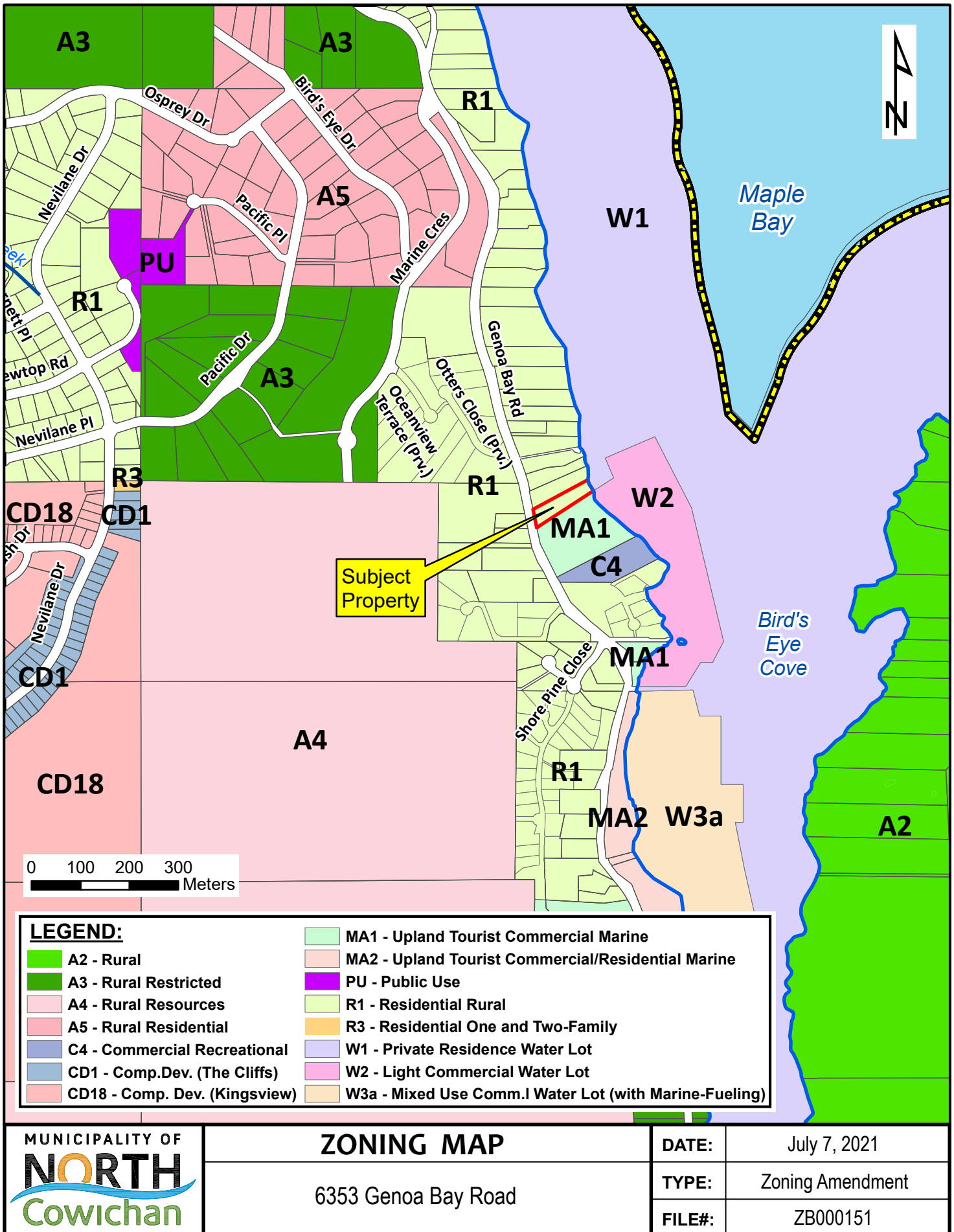
Attachments:

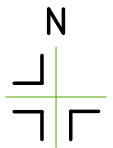
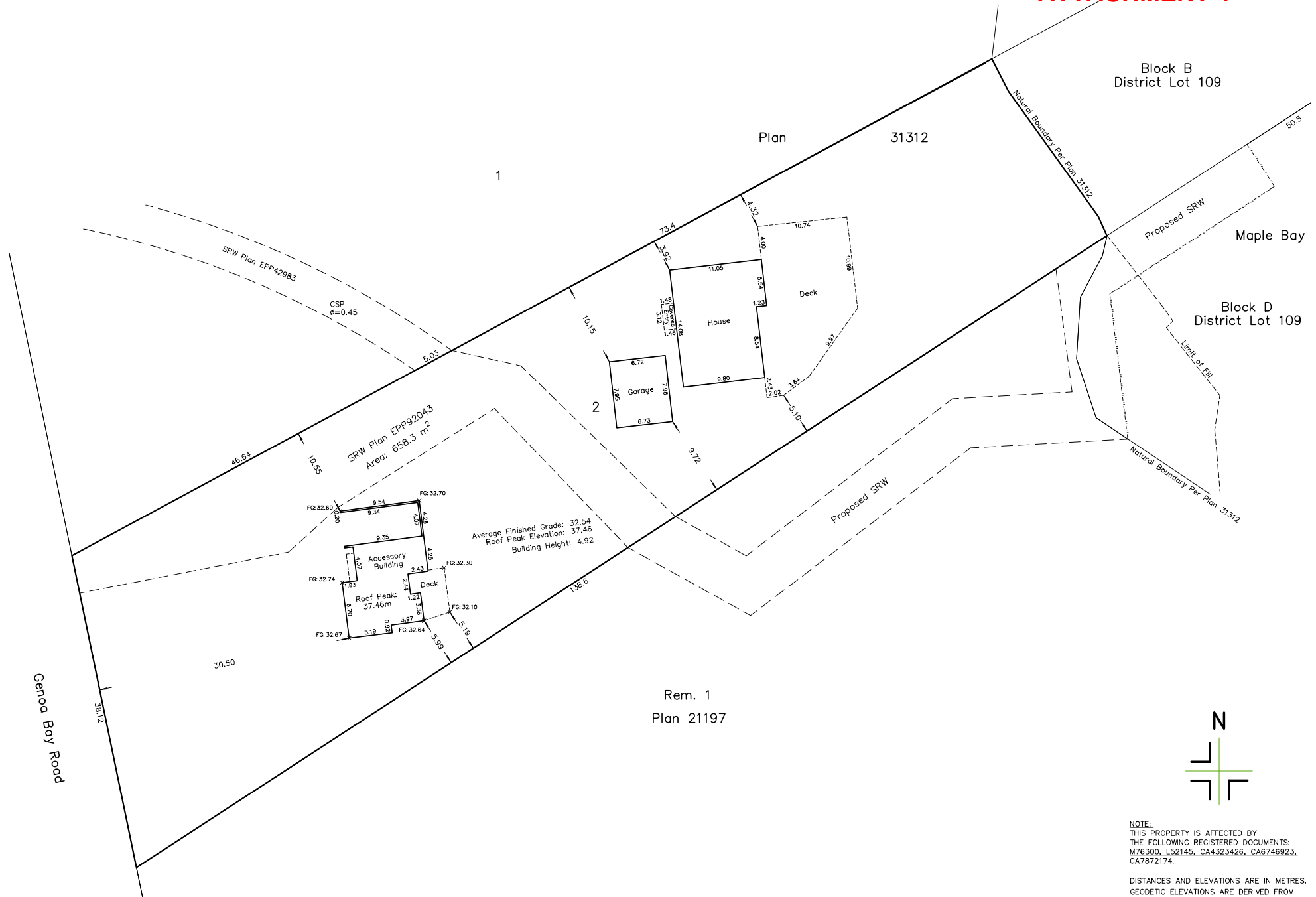
1. Location Map
2. Orthophoto
3. Zoning
4. Survey 2021-01-28
5. Residential Rural Zone (R1)
6. Letter of Rationale
7. Draft Second Dwelling Covenant
8. Draft Zoning Amendment Bylaw No. 3847





	<b>ORTHOPHOTO MAP</b>		DATE:	July 7, 2021
	( Orthophoto is from 2019 aerial photography)		TYPE:	Zoning Amendment
	6353 Genoa Bay Road		FILE#:	ZB000151





NOTE:  
THIS PROPERTY IS AFFECTED BY  
THE FOLLOWING REGISTERED DOCUMENTS:  
M76300, L52145, CA4323426, CA6746923,  
CA7872174.

DISTANCES AND ELEVATIONS ARE IN METRES.  
GEODETIC ELEVATIONS ARE DERIVED FROM  
CONTROL MONUMENT 4549 (CVD28BC DATUM).

SITE PLAN SHOWING:  
LOT 2, SECTIONS 3 AND 4, RANGE 5,  
COMIAKEN DISTRICT, PLAN 31312.

Client: GENOA REACH PROPERTIES LTD. Civic Address: 6353 GENOA BAY ROAD  
File: 15-097 Scale: 1:300 Drawn by: DRW Property Zoning: R1

Certified correct this 22nd day of January, 2021.

Digitally signed by Matthew  
Schnurch KAHJN6  
Date: 2021.01.28 11:54:32 -08'00'  
B.C.L.S.

(This document is not valid unless originally signed and sealed.)

**Residential Rural Zone (R1)****Permitted Uses**

- 56 (1) The permitted uses for the R1 zone are as follows:
- Agriculture
  - Assisted Living
  - Bed and Breakfast
  - Community Care Facility
  - Home-based Business
  - Modular Home
  - Single-Family Dwelling
  - Supportive Housing
  - Temporary Mobile Home (subject to the Temporary Mobile Home Permit Bylaw)
  - Two-Family Dwelling [BL3302, BL3367, BL3754]

**Minimum Lot Size**

- (2) The minimum permitted lot size for the R1 zone is 1,675 m<sup>2</sup> (18,029 sq. ft.).

**Minimum Frontage**

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

**Density**

- (4) The maximum permitted density for the R1 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
  - (b) Despite the foregoing, the placement of a Temporary Mobile Home may also be permitted on lots 0.81 ha (two acres), or larger, subject to the Temporary Mobile Home Permit Bylaw. [BL3754]
  - (c) The maximum permitted floor space ratio for the R1 zone is 0.5:1. [BL3383]
  - (d) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 9272 Cottonwood Road (PID: 006-038-000). [BL3642]
  - (e) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1217 Barnes Road (PID: 003-134-814). [BL3666]
  - (f) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 6343 Wicks Road (PID: 003-145-603). [BL3731]
  - (g) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 10097 Chemainus Road (PID: 018-858-651). [BL3732]
  - (h) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 2372 Regina Drive (PID 000-368-393). [BL3760]
  - (i) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1038 Herd Road (PID: 023-168-501). [BL3766]

**Maximum Lot Coverage**

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

**Minimum Setbacks**

- (6) The minimum permitted setbacks for the R1 zone are as follows:
- (a) Principal Buildings

Yard, Front, 6.0 m (19.68')

Yard, Side, 3.0 m (9.84')

Yard, Rear, 8.0 m (26.25')

- (b) Accessory Buildings and Structures (Excluding Fences)

Yard, Front, 6.0 m (19.68')

Yard, Side, 3.0 m (9.84')

Yard, Rear, 3.0 m (9.84')

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

### **Maximum Building Height**

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

### **Conditions of Use**

- (8) The conditions of use for the R1 zone are as follows:
  - (a) No fences over 1.2 m (4.00') in height are permitted in the required yards, front.
  - (b) No fences over 2.0 m (6.56') in height are permitted in the required yards, side or rear.
  - (c) In no situation shall a fence be greater than 2.0 m (6.56') in height.
  - (d) Bed and breakfast uses may have no more than six sleeping units.
  - (e) Repealed [3758]
  - (f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that the number of residents does not exceed ten, including resident staff,
    - (ii) the use is within a single-family dwelling unit only,
    - (iii) valid health permits for septic systems or on-site wastewater treatment systems are obtained, where no municipal sewer is available. [BL3302]
  - (g) Limited farm sale of agricultural products may be sold directly to the public provided that:
    - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
    - (ii) the covered retail sales area does not exceed 100 m<sup>2</sup> (1076.4 sq. ft.); and
    - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
  - (h) [Repealed. BL3367]

April 1<sup>st</sup>, 2021

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

Attention: Anthony Price, BURPI  
Planning Technician, Development Services

**Re: Application to Convert a Utility Building to a Dwelling  
6353 Genoa Bay Rd- Adam Kelln**

**RATIONALE**

We wish to make application to convert an existing building on 6353 Genoa Bay Rd, owned by Adam Kelln from a shop to a dwelling. The Building permit for the shop was taken out February 22<sup>nd</sup>, 2018 BP007961

The property is Zoned R1 which does permit a duplex building, 2 attached dwellings.

The configuration of the property was significantly dissected when we offered the District an SRW to facilitate the storm water from the above properties, including properties as far up to Pacific Drive. You can see by the survey map from Turner Land Survey that the SRW runs directly next to the main dwelling making it impossible to add on the main dwelling for a duplex. Please see all attachment and enclosed.

When referring to the Official Community Plan

***Page 53 (Maple Bay Village):***

The bay is the most convenient water access point for many area residents and the area is expected to grow in popularity. A future challenge will be maintaining a balance between the village atmosphere that residents have come to enjoy and the growing demands for water-related activities including pleasure boating, scuba diving, sport fishing, kayaking and floatplane use.

***Page 70 Section c) and d):***

c)The Municipality will consider the introduction of new zones and zoning standards to address specific interests or goals that will allow development of a greater variety of residential and commercial services.

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

***Page 71 2.5.2 Housing:***

Residents appreciate that North Cowichan contains reasonable housing choices at reasonable costs, although there is a growing need for more affordable housing in our community.

Although the detached single-family house will remain the predominant housing form in North Cowichan, demand is increasing for smaller homes on smaller lots, for ground-oriented multiple dwelling units, and for apartments.

A mix of housing types is better able to accommodate the diverse needs of the population in terms of size, effort to maintain, and affordability. A variety of housing types makes it easier for residents to stay in their neighbourhood as their housing needs and preferences change.

Affordable housing is a major concern in North Cowichan, particularly for low- and moderate-income households. It can take a number of forms, from affordable home ownership to formal and informal rental, and from transitional housing and non-market rental (also known as social or subsidized housing) to emergency shelters.

The Local Government Act requires that all Official Community Plans have policies addressing affordable, rental, and special needs housing.

The community strongly identified the need to address affordable housing issues. Affordable housing is defined by the Cowichan Regional Affordable Housing Directorate as "a safe, secure, stable, accessible living environment that allows a person to live within his or her income level and maintain a healthy quality of life. For housing to be affordable a household should not spend more than 30 percent of gross income on shelter costs."

**Page 72 Continuation of 2.5.2 Housing:**

Rental housing generally meets the needs of people with lower incomes, but it can also be a lifestyle choice by people regardless of income level. Many tenants, such as young working people and seniors, require housing to be located close to shopping, services, public transit and other amenities.

**Objective**

Meet the varied housing needs of North Cowichan residents in terms of type, size, cost, and location Progress will be measured by:

- Number of affordable housing units created, as a percentage of total units,
- Share of alternative housing types<sup>29</sup> (e.g., apartment, townhouse, semi-detached, coach house) as a percentage of total housing units created,
- Average cost of housing in North Cowichan

**Policy Direction/Commitment**

The Municipality will:

- Recognize the importance of housing as a fundamental part of community health and live ability,
- Ensure that housing remains affordable for all residents,
- Respect the character of residential neighbourhood and the surrounding environment,
- Encourage development of a variety of housing types.

**Page 75 Encourage development of a variety of housing types:****2.5.2.6 The Municipality will encourage development of secondary suites and infill housing.**

- a) To encourage owners of previously unapproved secondary suites to legalize the suites, the Municipality will:
  - i) establish an amnesty period to legalize secondary suites; and
  - ii) reduce associated fees.
- b) The Municipality will not support building schemes that prohibit secondary suites where lot sizes meet municipal requirements.
- c) The Municipality will broaden the number of zones that permit secondary suites while ensuring adequate provision can be made for on-site parking.

- d) As part of any new development on lots that permit secondary suites, the secondary suite area of a single-family residence must be roughed in at the time of construction.

**2.5.2.8 The Municipality encourages sensitive integration of increased density in growth centres through the use of multi-unit housing.**

All multi-unit housing sites are designated Development Permit Areas under Section 919.1 of the Local Government Act to encourage sensitive design, with appropriate landscaping that fits into the existing residential or commercial environment while maintaining a safe, live-able home environment for new residents. This designation is for the purposes of establishing objectives for form and character of commercial, industrial, or multi-family residential, and promoting energy and water conservation and the reduction of greenhouse gas emissions. All proposed activities on these lands will be evaluated on the basis of the Development Permit Guidelines for Development Permit Area (DPA- 1).

The size of the shop for conversion is less than 1000 sq ft making the building an ideal smaller home. Please see attachment (3)

Structural Engineering. Please see attachment (4)

The SEPTIC filing has been completed and filed with Island Health for the additional dwelling. Please see attachment (5)

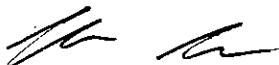
Water is provided by the District.

All height and setbacks and lot coverage are well within the District guidelines. Please see attachment (6)

The SRW in favour of District are attached. Please see attachment (7)

Should the District and staff require anything further for this application, please do not hesitate to contact us.

Sincerely,



Adam Kelln

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT – SECOND DWELLING UNIT RURAL LANDS

THIS AGREEMENT dated for reference \_\_\_\_\_, is

BETWEEN:

**THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN**

7030 Trans Canada Highway

Duncan, B.C. V9L 6A1

(the “**District**”)

AND:

**ADAM KELLN**

6752 Courbold Road,

DELTA, BC

V4L 2G2

(the “**Owner**”)

GIVEN THAT:

- A. The Owner is the registered owner of the parcels of land legally described in the General Instrument – Part 1 (*Land Title Act* Form C) attached to and forming part of this Agreement (the “**Lands**”); and
- B. In connection with the issuance of a building permit to construct single-family residential dwelling on the Lands (the “**Second Dwelling**”), the District requires, and the Owner has agreed to grant to the District, a covenant under section 219 of the *Land Title Act* British Columbia restricting the use of the Lands;

THIS AGREEMENT is evidence that in consideration of the payment of \$10.00 from the District to the Owner and other good and valuable consideration (the receipt and sufficiency of which the Owner acknowledges), the Owner covenants and agrees with the District under section 219 of the *Land Title Act* as follows:

- 1. **General Restrictions** – The Lands shall not be used, nor any building or structure constructed, placed on the Lands, except in accordance with this Agreement.
- 2. **Development of Second Dwelling** – The Owner covenants and agrees with the District that the size of the Second Dwelling shall not exceed 94.76m<sup>2</sup>. For clarity, the size of the proposed Second Dwelling shall be considered the habitable floor area which excludes uninhabitable areas such as garages or covered parking areas, unenclosed and roofless decks, patios, balconies and porches, areas below grade with a maximum ceiling height less than 1.8 m (5.91’), elevator shafts and mechanical rooms, and covered entrances,

and includes habitable rooms such as those used or intended for cooking, eating, sleeping or human occupancy.

3. **Restrictions on Subdivisions** – The Lands shall not be subdivided by any means, including by deposit of a bare land strata plan, phased strata plan or leasehold plan under the *Strata Property Act* (British Columbia), except as permitted by the District.
4. **Municipal Permits** – The Owner agrees that the District may withhold building permits and occupancy permits with respect to any building or other structure from time to time constructed or proposed to be constructed on the Lands, as the District may, in its sole discretion, consider necessary to ensure compliance with this Agreement.
5. **Inspection** – The District, its officers, employees, contractors and agents, shall have reasonable access to the Lands and any buildings at all reasonable times in order to ascertain compliance with Agreement.
6. **Indemnity** – As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Owner hereby indemnifies the District:
  - (a) from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, legal fees, demands and losses at any time suffered or incurred by, or brought against, the District, or any of its elected or appointed officials, officers, employees or agents, arising from or in connection with the granting or existence of this Agreement, the performance of any of the Owner's obligations under this Agreement and any breach of any provision under this Agreement; and
  - (b) for all costs, fees and expenses, including legal fees, incurred by the District in the enforcement of this Agreement as a result of any breach of any provision of this Agreement by the covenantor.
7. **Specific Relief** – The Owner agrees that the public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the District, in the event of an actual or threatened breach of this Agreement.
8. **No Effect on Powers** – Nothing in this Agreement shall:
  - (a) affect or limit the discretion, rights or powers of the District or the District's Approving Officer under any enactment or at common law, including in relation to the use, development or subdivision of the Lands;
  - (b) affect or limit any enactment relating to the use, development or subdivision of the Lands; or

- (c) relieve the Owner from complying with any enactment, including in relation to the use, development or subdivision of the Lands.

And the Owner covenants and agrees to comply with all such enactments with respect to the Lands.

9. **District Discretion** – Where the District or a representative of the District is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:
  - (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the District or the representative, as the case may be;
  - (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the District or the representative, as the case may be; and
  - (c) the District or the representative, as the case may be, is under no public law duty of fairness or natural justice in that regard and the District or the representative may do any of those things in the same manner as if it were a private person and not a public body or employee or officer thereof.
10. **Release of Covenant** –
  - (a) This Agreement shall be of no force and effect if the District declares in writing that this Agreement is to be released.
  - (b) In the event that the zoning amendment bylaw to rezone the Lands is not adopted within 180 days from the date this Agreement is registered against title to the Lands, this Agreement must be released from title. The Owner must deliver the release form to the District for signature and is responsible for registering the release.
11. **No Obligation to Enforce** – The rights given to the District under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the District to anyone or obligate the District to enforce this Agreement or to perform any act or incur any expense.
12. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Lands and each and every part into which the Lands may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
13. **Waiver** – No waiver by the District of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the

requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.

14. **Remedies** - No reference to or exercise of any specific right or remedy by the District shall prejudice or preclude the District from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the District may from time to time exercise any one or more of such remedies independently or in combination.
15. **Priority** – The Owner shall cause this Agreement to be registered in the applicable land title office against title to the Lands with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the holder of each such lien, charge, encumbrance, lease or option to purchase to execute an instrument in a form required by the District under which such holder postpones all of the holder’s rights to those of the District under this Agreement in the same manner and to the same extent as if such lien, charge, encumbrance, lease or option to purchase had been registered immediately after the registration of this Agreement.
16. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Owner or its successor in title and the District or a successor or assignee.
17. **Further Assurances** – The Owner shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.
18. **Owner’s Expense** – The Owner shall perform its obligations under this Agreement at its own expense and without compensation from the District.
19. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.
20. **Interpretation** - In this Agreement:
  - (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
  - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
  - (c) the term “enactment” has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;

- (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
  - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;
  - (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
  - (g) time is of the essence; and
  - (h) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".
21. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.
22. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
23. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.
24. **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

As evidence of their agreement to be bound by this Agreement, the parties have executed the General Instrument – Part 1 (*Land Title Act* Form C) attached to and forming part of this Agreement.

PRIORITY AGREEMENT

This Priority Agreement is between \_\_\_\_\_ (the “**Prior Chargeholder**”), being the registered owner and holder of Mortgage No. \_\_\_\_\_ and Assignment of Rents No. \_\_\_\_\_ (the “**Prior Charges**”), and the Corporation of the District of North Cowichan (the “**District**”), being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the “**Subsequent Charge**”).

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of, joins in and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder’s rights under the Prior Charges to the rights of the District under the Subsequent Charge in the same manner and to the same extent as if the Prior Charges had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act* - Form C) attached to and forming part of this Priority Agreement.

---

Director of Planning and Building for  
The Corporation of the District of North  
Cowichan



The Corporation of the District of North Cowichan  
**Zoning Amendment Bylaw (6353 Genoa Bay Road), 2021**  
Bylaw No. 3847

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. 3847, 2021*".
- 2 That Zoning Bylaw 1997, No. 2950, section 56 (4) [density in the Residential Rural Zone (R1)] is amended by adding the following subsection (l):  
    "(l) Despite section 56 (4)(a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 6353 Genoa Bay Road (PID:001-165-283)"

\_\_\_\_\_  
READ a first time on \_\_\_\_\_, 2021

READ a second time on \_\_\_\_\_, 2021

This bylaw as advertised in the Cowichan Valley Citizen on \_\_\_\_\_, 2021 and the \_\_\_\_\_, 2021 and the municipality's website and notice board on \_\_\_\_\_, 2021

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED by Ministry of Transportation and Infrastructure on

COVENANT registered on

ADOPTED on

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
PRESIDING MEMBER

# Report

Date August 18, 2021

File: TTP00081  
Folio No: 01388-00

To Council

From Anthony Price, Development Planner

Endorsed:



Subject Temporary Mobile Home Permit Application for 5840 Menzies Road

## Purpose

To consider a request for a Temporary Mobile Home Permit (TMHP) to authorize the placement of a separate (mobile home) accommodation for the owner's child and her family at 5840 Menzies Road.

## Background

The subject property is 3.37 ha (8.33 acres) in area, zoned Agricultural Zone (A2), and contains a single-family dwelling, barn and accessory structures (Attachments 1, 2, and 3). The property is within the Agricultural Land Reserve (ALR) and outside the Urban Containment Boundary (UCB).

The ALR Use Regulation permits one manufactured home for family members in addition to a principal single-family dwelling, subject to specific criteria (ALR Use Regulation s. 32 (3)). Approval from the Agricultural Land Commission (ALC) to construct an additional residence that is a manufactured home is not required if:

- (a) *the manufactured home is 9 metres or less in width,*
- (b) *the manufactured home is used only by the owner or any of the following persons who are related within the meaning of subsection (4):*
  - (i) *a person who is the owner's*
    - (A) *parent, grandparent or great grandparent,*
    - (B) *sibling, or*
    - (C) *child, grandchild or great grandchild;*
  - (ii) *the owner's spouse, or a person who is a parent of the owner's spouse,*
- (c) *all required authorizations to locate the manufactured home on the agricultural land are granted before December 31, 2021, and*
- (d) *the size and siting of the manufactured home is not altered after July 31, 2021, unless permitted under section 25 or 45 of the Act.*

The proposed mobile home is compliant with the above criteria, and as such, approval from the ALC is not required. As of December 31, 2021, section 32 of the ALR Use Regulation (stated above) will be repealed and replaced with Division 2 [Additional Residences]. This means most properties within the ALR will be eligible for a second dwelling of 90 square metres or less, including a mobile home, and the criteria currently in s. 32 (3) will no longer apply.

## Proposal

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

The applicants have stated that the mobile home is needed to provide accommodation for the owner's child and their family on the property. The proposed location for the mobile home is adjacent to an historic road access (proposed secondary driveway) and a man-made pond (Attachment 4 and 6). This location was chosen due to its ease of access to the road, suitable location for septic installation, and with the intention to minimize the impact on agricultural lands (Attachment 5).

## Discussion

This proposal is consistent with the TMHP Bylaw No. 1685 in terms of use (to provide accommodation for a child and their family), but not in the siting. Section 10 (f) states that *the mobile home must be sited to the rear or side of the front line of the existing dwelling*. The mobile home's proposed location is 15 metres from Menzies Road but closer to the road than the principal single-family dwelling.

## Analysis

Siting of the mobile home substantially complies with the intent of TMHP Bylaw No. 1685 and is permitted through Zoning Bylaw No. 2950. In addition, this application complies with all *ALC Use Regulations* and the *ALC Act*.

Section 10(f) of TMHP Bylaw 1685 intends to minimize the potential impacts a mobile home may have on a neighbourhood's character. The proposed location is set back from the road and is partially screened by trees, so it is unlikely to have any detrimental impact on the neighbourhood's character (Attachment 6). Locating the mobile home in compliance with Section 10 (f) would potentially detract from the agricultural capability of the property.

Land alterations within 30 metres of water trigger Development Permit Area 3 (Natural Environment) guidelines. A Riparian Assessment Report (RAR) was prepared to assess applicability to the Riparian Areas Protection Regulation (RAPR) and to fulfill municipal watercourse protection bylaws (Attachment 7). The RAR results determined that the pond does not qualify as a stream and neither does it support fish habitat. It is therefore not subject to RAPR. A 15 metre setback from the pond is recommended in the RAR and is a requirement of the Zoning Bylaw, and will be required as a condition of the TMHP (Attachment 8).

Should Council authorize the issuance of the permit as requested, the proposed mobile home will allow the occupant (owner's child and family) to reside on the subject property and help with the maintenance of the property. The proposed mobile home siting is intended to reduce potential impacts to farmland and maintain protections to the pond (Attachment 6).

Should the TMHP be authorized by Council, a building permit confirming the following will be required:

- Protective measures maintained as per the TMHP;
- Sewage disposal in compliance with Island Health requirements;
- A suitable potable water supply is in place and connected;
- Certified CSA Z240-MH series standard Mobile Home and is secured to an appropriate foundation (concrete pile; surface pier; or concrete slab); and,
- Other requirements of Building Bylaw No. 3172.

Approval of this TMHP application, including the relaxation to the siting as proposed is recommended.

### Options

#### *Option 1 (Recommended):*

That Council authorize Temporary Mobile Home Permit No. TTP00081/3070-20 20.03 to be issued to Marianne Kinzel for the placement of a temporary mobile home at 5840 Menzies Road, as shown on the Site Plan attached as Schedule 1 to the Permit, for a term of one year, expiring on August 18, 2022.

#### *Option 2:*

That Council authorize Temporary Mobile Home Permit No. TTP00081/3070-20 20.03 to be issued to Marianne Kinzel for a temporary mobile home at 5840 Menzies Road, subject to placement of the mobile home in accordance with the siting requirements under section 10 of Temporary Mobile Home Permit Bylaw No. 1685, for a term of one year, expiring on August 18, 2022.

#### *Option 3:*

That Council deny Temporary Mobile Home Application No. TTP00081 for a temporary mobile home located at 5840 Menzies Road.

### Implications

Authorizing the issuance of the permit would allow a second residential structure in the form of a mobile home on the subject property. The mobile home is intended to be temporary but may remain on the property indefinitely if the permit is renewed annually.

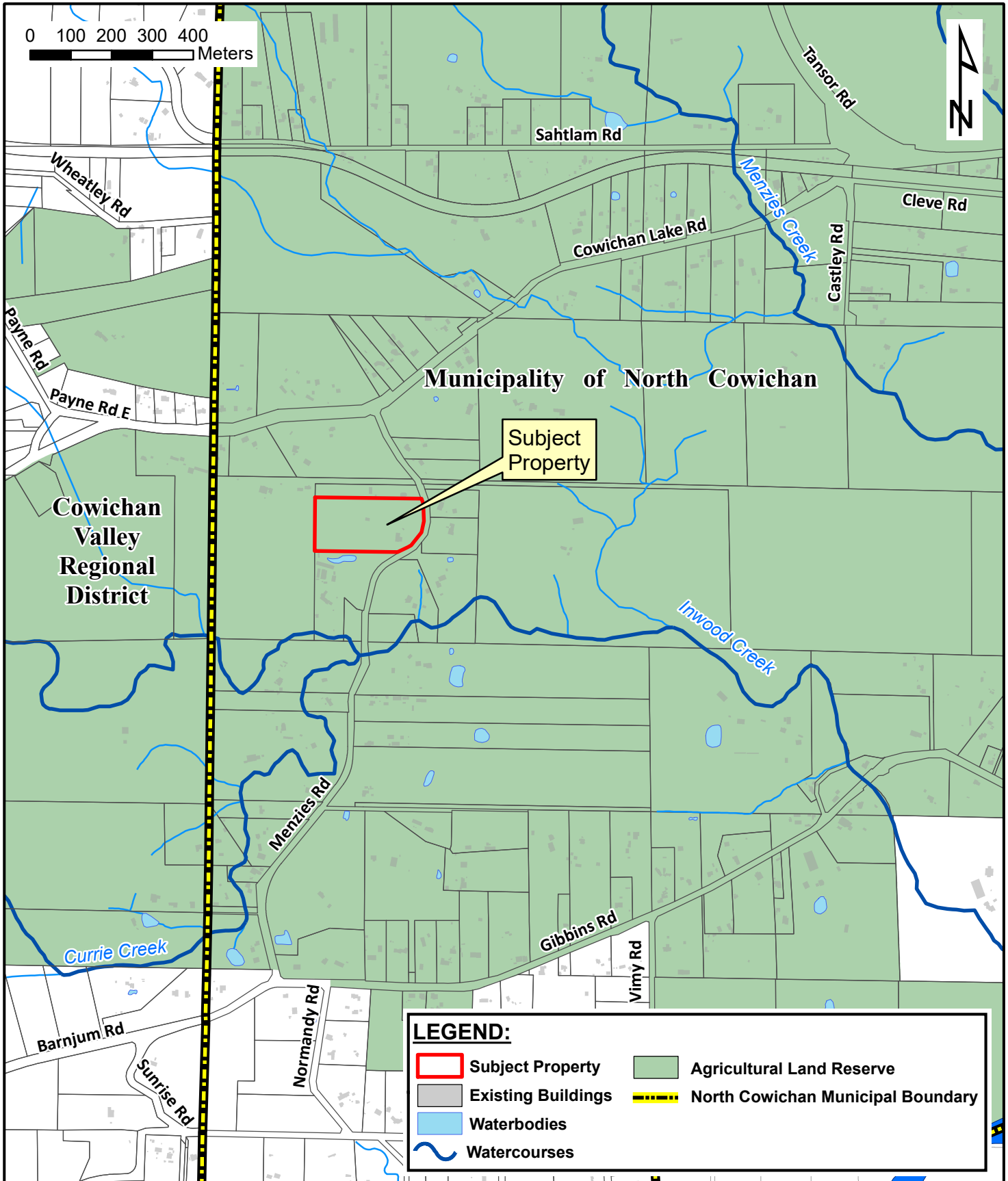
Denying the application would preclude the property owner from having a detached second dwelling in the form of a mobile home.

### Recommendation

THAT Council authorize Temporary Mobile Home Permit No. TTP00081/3070-20 20.03 to be issued to Marianne Kinzel for the placement of a temporary mobile home at 5840 Menzies Road, as shown on the Site Plan attached as Schedule 1 to the Permit, for a term of one year, expiring on August 18, 2022.

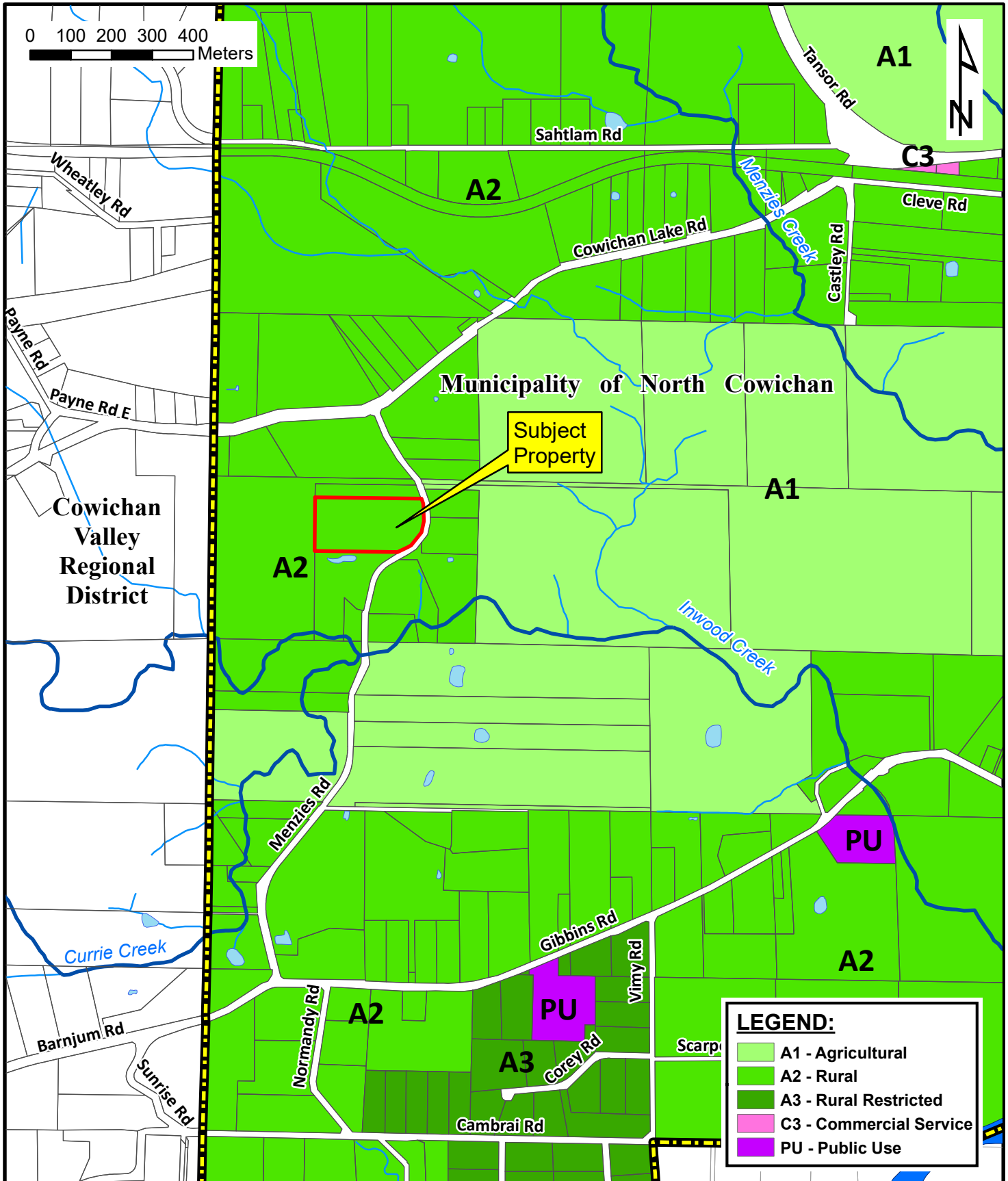
Attachments:

- 1) Location Map
- 2) Orthophoto
- 3) Zoning Map
- 4) Site Plan
- 5) Letter of Rationale
- 6) Site Photos
- 7) Riparian Assessment Report
- 8) Draft Permit





	<b>ORTHOPHOTO MAP</b> ( Orthophoto is from 2019 aerial photography)	<b>DATE:</b> June 8, 2021
	5840 Menzies Road	<b>TYPE:</b> Temp. Mobile Home Permit
		<b>FILE#:</b> TTP00081



*SITE PLAN SHOWING PROPOSED  
BUILDING LOCATION ON PART OF*

LOT 1, SECTION 18, RANGE 1,  
QUAMICHAN DISTRICT,  
PLAN 11610.

SCALE 1 : 400



*All distances are in metres and based on PLAN 11610.*

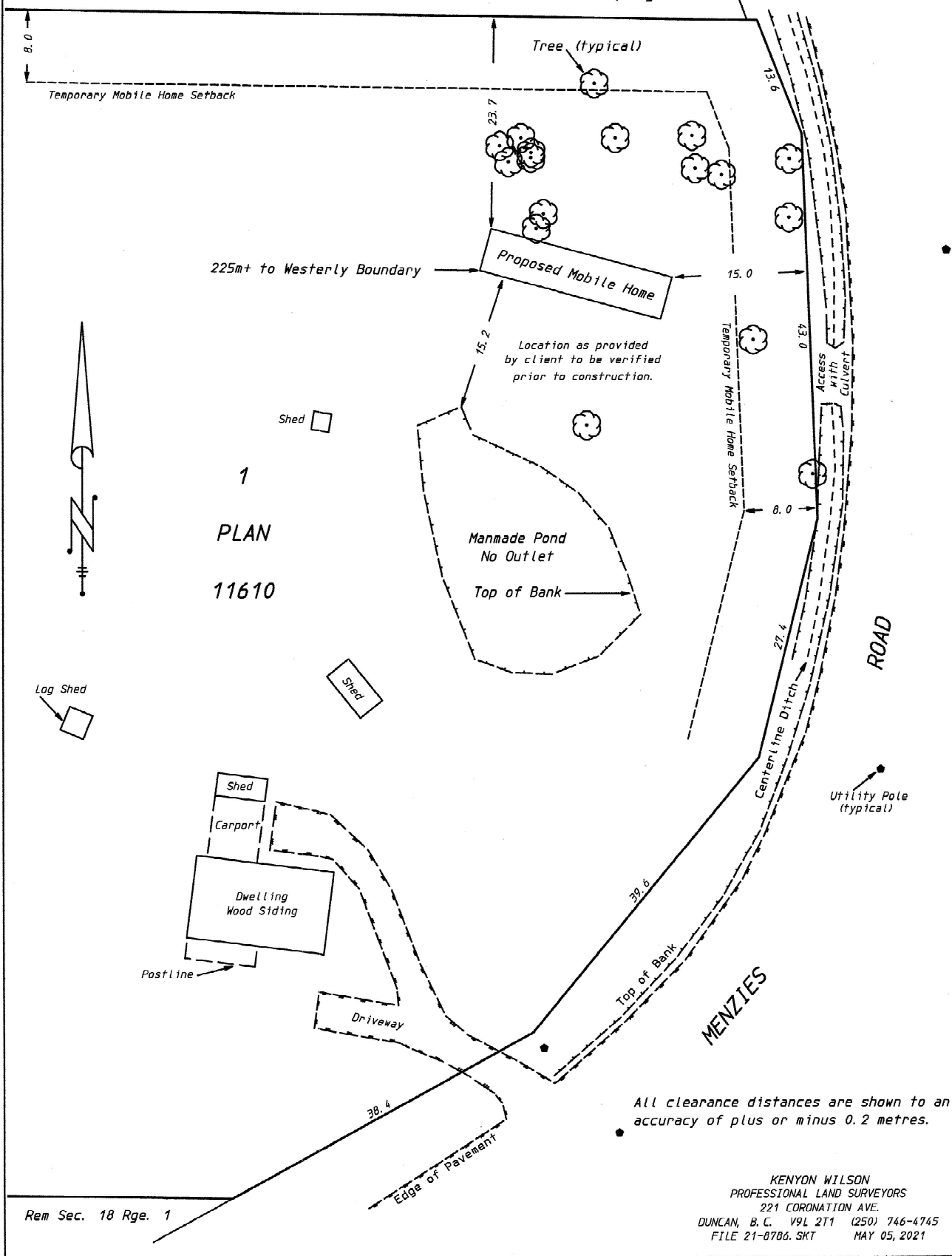
Note: Lot 1 lies within the Corporation of the District of North Cowichan and is Zoned A-2.  
Bylaw setback requirements are as follows:

Principal Buildings	Accessory Buildings
Front 6.0 m	Front 8.0 m
Side 3.0 m	Side 3.0 m
Rear 8.0 m	Rear 8.0 m

Temporary Mobile Home Permit Bylaw 1685.

Front 8.0 m
Side 8.0 m
Rear 8.0 m

PART Sec. 19, Rge. 1



Marianne Kinzel  
5840 Menzies Road  
Duncan, B. C.  
V9L 6J9

Municipality of North Cowichan  
7030 Trans Canada Hwy.  
Duncan, B. C.  
V9L 6A1

May 6, 2021

Temporary Mobile Home Application for 5840 Menzies Road, Duncan, B. C. V9L 6J9  
Roll No. 01388.000  
Lot 1, Plan VIP11610, Section 18, Range 1, Quamichan Land District, PID: 004-956-958

To whom it may concern,

Under Section 2 (b) of the TMHP Bylaw I would like to apply for a permit to place a Temporary Manufactured Home for my son and daughter-in-law on my above specified property.

Attached please find the required documentation:

- Application Form
- Site plan produced by BCLS Kenyon Wilson
- Current State of Title from 2021-04-25
- Letter and site plan from ROWP Blue Mountain Engineering 2021-04-24
- Confirmation of Well Water capacity of existing well by Holman Plumbing and Water Treatment Ltd. From 2021-02-04

I chose this part of the property for the following reasons:

- This corner of the property is not agricultural viable
- It is preferable for a new septic system
- We can situate the Mobile Home to preserve trees and vegetation
- Easy access for all utilities
- There already exists access to that part of the property. On Jan. 14, 2021 I submitted the Application for a Highway Access Permit with an explanatory letter and a site plan showing my primary driveway and this secondary

access. I was told the decision about the driveway will be made with the Mobile Home application.

Please let me know if there is anything else you need from me at this point.

Best regards

Marianne Kinzel

## Site Photos

### ATTACHMENT 6

**Photo 1** – View from Menzies Road facing the historic access (proposed secondary driveway) and mobile home (West). The cut grass helps to distinguish the proposed location of the driveway and the mobile home:



**Photo 2** – View from the front of the proposed facing Menzies Road (East):



**Photo 3** – View from proposed facing the pond (South):



**Photo 4** – Close-up of the south side of the Pond (July 2021):



**Photo 5** – View from proposed facing the closet neighbour (North):



**Photo 6** – View from the proposed (rear), facing the pond and the single-family dwelling (South):





**RIPARIAN ASSESSMENT ON PID 004-956-958**

**5840 Menzies Road, North Cowichan**



**PREPARED FOR:**

**Marianne Kinzel  
5840 Menzies Road, North Cowichan, BC**

**PREPARED BY:**

**Harry Williams, MSc, RPBio, PAg, QEP  
Madrone Environmental Services Ltd  
Dossier 21.0148**

**May 13, 2021**

MADRONE ENVIRONMENTAL SERVICES LTD.  
1081 CANADA AVENUE • DUNCAN • BC • V9L 1V2  
TEL 250.746.5545 • FAX 250.746.5850 • WWW.MADRONE.CA

## Property Details

<b>Registered owner:</b>	Marianne Kinzel (the Client)
<b>Subject property:</b>	Menzies Road area
<b>Current zoning:</b>	A2
<b>Street address:</b>	5840 Menzies Road
<b>Local Government:</b>	Municipality of North Cowichan
<b>Electoral Area:</b>	N/A
<b>Official Comm. Plan:</b>	OCP Bylaw 3450 (2011)
<b>Legal Description:</b>	Lot 1, Plan VIP11610
<b>PID:</b>	004-956-958
<b>Area:</b>	8.35 acres (3.7 hectares)

## Objectives

The objectives of this stream assessment were the following:

- Locate any streams (including creeks, wetlands and ditches), as defined under the Riparian Areas Protection Regulation (RAPR), that are close to a proposed site for a mobile/modular home.
- Assess the applicability of the RAPR to any located streams and provide recommendations.
- Consider that the property is in the ALR and the RAPR does not apply to farming activities as defined in the *Farm Practices Protection Act* (Right to Farm Act).
- Review applicable sections of the North Cowichan Official Community Plan that discuss watercourse protection.

## Riparian Assessment Process

Under the Riparian Areas Regulation, the Riparian Assessment Area (RAA) is defined as: “the 30-metre strip on both sides of the stream [or other watercourse], as measured from the high water mark”. Any planned development or activity within the 30 m RAA would trigger the need to do a Riparian Assessment Report, which would in turn determine the width of the Streamside Protection and Enhancement Area (SPEA), based on the width of the stream and the zones of sensitivity.

Wetland SPEAs are set at either 15 m or 30 m, depending on aspect (30 m for north facing banks and 15 m for east, west, and south facing banks). Based on the assessment methodology, the width of the SPEA will be, in many cases, less than 30 m, but it can never be less than 10 m for a stream and never less than 15 m for a wetland.

## Field Work

A field assessment was completed on May 11, 2021 by Harry Williams in the company of Marianne Kinzel.

The client has identified a site on her property that would be suitable for a mobile/modular home and she has laid out the proposed location with wooden stakes.

There is a man-made pond within 30 m of the proposed location. This pond was examined to look for features that would qualify this pond as “streams / watercourse” under the Riparian Areas Protection Regulation (RAPR).

Under the RAPR methodology, a stream does not necessarily need to support fish to be considered applicable. If there are habitat shortcomings that would discourage the use of a stream by fish such as -

- low stream magnitude
- poorly defined channel
- lack of perennial habitat for resident fish above a barrier
- and lack of features that would support fish-life

The key would be to determine whether a stream (pond in this case) connects by surface flow to potential fish habitat. In this case, connectivity to potential fish habitat was assessed to confirm RAPR-applicability, based on the features of the pond – particularly the inlet and outlet.

## Results

As mentioned, a man-made pond was found at about 25 m from the proposed house site – but within the 30 m RAA mentioned above. The water in the pond is impounded by an earthen berm, and some of the water is used for irrigation. The water seeps into the pond from the adjacent upland areas – however no inlet stream was present. Likewise, there is no stream leaving the pond – only water seeping through the soil. Therefore, the pond does not connect by surface flow to fish habitat.

This very localized drainage (the pond and adjacent areas) has no potential to support native fish populations, as it is a very low magnitude, poorly defined drainage that will dry completely by the end of each summer (except the pond). The drainage does not contain any habitat attributes that would support resident fish over the course of the year. Based on the lack of connectivity, there is no potential for fish to access the drainage on a seasonal basis, nor is the drainage providing any benefits to downstream fish habitat. Therefore, this drainage does not qualify as a “stream” under the Riparian Areas Protection Regulation.

However, this pond still provides riparian benefits such as open water, aquatic plants, and wildlife habitat suitable for amphibians and birds.

Sections 2.2.1.1 – 2.2.1.3 of the North Cowichan Official Community Plan (Bylaw 3450) outline the municipalities desire to “protect environmentally sensitive areas” and to “protect and support ecological functioning in watersheds”. Based on this direction, a 15 m riparian buffer from the high-water mark of this pond is recommended. The high-water mark in this case is measured from the outer edge of the riparian plants that border the pond – “the edge of wetted soil”.

This result applies only to this proposed house site. If other houses are built on this property, another assessment may be required to ensure that any house site does not occur too close to the pond.

If the proposed structure is placed at least 15m away from the high-water mark of the pond, there will be little impact to this riparian area. While moving and placing the structure, it is encouraged to minimize any soil disturbance and tree removal.

## Management of Riparian Areas

While it has been determined that the located watercourse is not defined as a stream under the Riparian Areas Protection Regulation, it does provide some habitat benefits (as mentioned above). Therefore the following non-binding recommendations apply to protecting this feature and the 15 m buffer:

- Maintain vegetation cover in the 15 m setback
- Minimize any soil disturbance while placing the modular home
- No building of temporary or permanent structures
- No paving, soil deposition, or storage of building materials
- Small trails can be built (1.5 m wide)

## Landscaping

When landscaping the house site, use native plants as much as possible. The following is a list of native plants that would grow well on the property.

TABLE 1: LIST OF SUITABLE NATIVE SHRUBS AND TREES

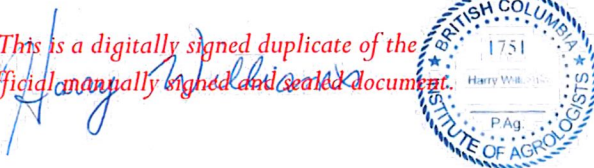
Latin name	Common name
<i>Crataegus douglasii</i>	black hawthorn
<i>Corylus cornuta</i>	beaked hazelnut
<i>Populus tremuloides</i>	trembling aspen
<i>Polystichum munitum</i>	sword fern
<i>Mahonia nervosa</i>	low Oregon grape
<i>Cornus stolonifera</i>	red-osier dogwood
<i>Oemleria cerasiformis</i>	Indian plum
<i>Physocarpus capitatus</i>	Pacific nine-bark
<i>Rosa nutkana</i>	Nootka rose
<i>Prunus emarginata</i>	bitter cherry
<i>Ribes sanguineum</i>	red-flowering currant
<i>Mahonia aquifolium</i>	tall Oregon grape

## Summary

- The pond in question does not meet the criteria for a watercourse as defined in the Riparian Areas Protection Regulation (RAPR).
- While this Regulation does not apply to farming activities as defined in the Farm Practices Protection Act, it does apply to residential, commercial and industrial development in the Agricultural Land Reserve and on lands that are used, designated, or zoned for agriculture.
- Keep all structures related to the mobile / modular home 15 m away from the pond – including driveways.

If you have any questions or comments regarding this report please do not hesitate to contact us.

*\*This is a digitally signed duplicate of the official manually signed and sealed document.*



Harry Williams MSc, RPBio, PAg, QEP (Qual. Env. Prof.)  
Certified Arborist



**APPENDIX A**

**Site Photos**



Photo taken from the berm of the pond looking north at the inlet area. The proposed location of the mobile / modular home is to the right.

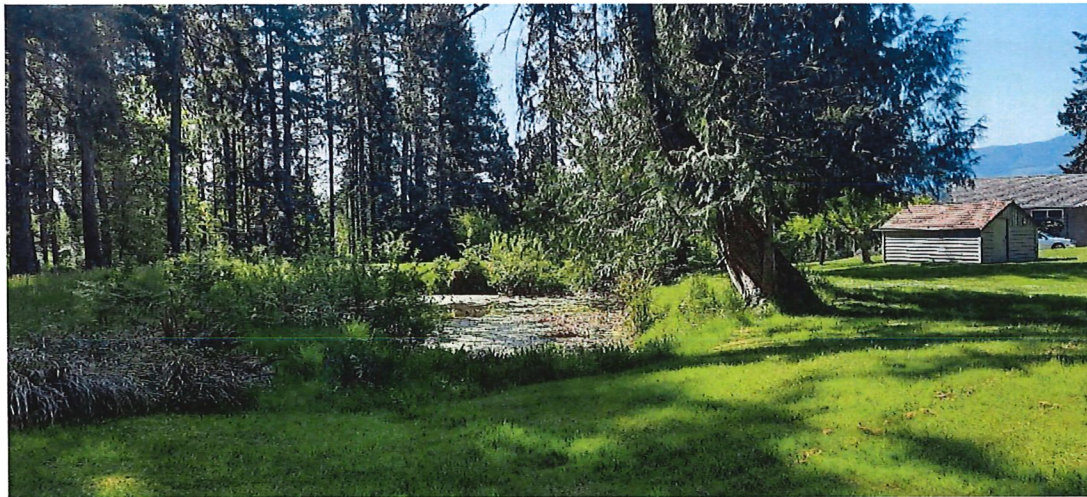


Photo from the opposite direction of the previous photo. Note inlet area in the foreground, however this area is more of a seepage site rather than a creek.



A closer look at the pond, clearly showing the berm at the south end. While this is a man-made pond, healthy riparian vegetation has become established around the perimeter. The pond is likely used by amphibians and other wildlife.



Photo of the berm which holds back the water in the pond. It appears that most of the water captured by the pond remains impounded and is used for irrigation. If water were to leave the pond it would flow to the left of the berm in this photo. However, any water that goes through the berm goes to ground. Note the lack of channelization, riparian plants, and flowing water, that would indicate a stream. There is no connectivity of surface water flow to fish habitat.



Proposed location of the mobile/modular home, which will be placed at least 15m from the pond.

## TEMPORARY MOBILE HOME PERMIT

<b>Permit No.</b>	TTP00081/3070-20 20.03
<b>Registered Owner</b>	KINZEL, MARIANNE
<b>Subject Property</b>	5840 MENZIES RD
<b>Description of Land</b>	
• Parcel Identifier	004-956-958
• Folio	01388-000
• Legal Description	LT 1 SEC 18 RGE 1 QUAM PL 11610 Lot 1, Section 18, Range 1, Quamchan District, Plan 11610
<b>Name of Occupant</b>	Son
<b>Relationship of Occupant</b>	Owner's son
<b>Source of Water</b>	Well
<b>Method of Sewage Disposal</b>	Septic
<b>Public Health Approval</b>	Yes
<b>Date of Council Approval</b>	August 18, 2021
<b>Permit Expiry Date</b>	August XX, 2022
<b>Renewable By</b>	December 31, 2021 – See Item 10

1. This permit is issued subject to compliance with all relevant Municipality of North Cowichan bylaws including the Temporary Mobile Home Permit Bylaw 1685 and Zoning Amendment Bylaw 2950.
2. This permit applies to the land described above and hereinafter called "the Land".
3. Pursuant to Section 2(b) of Temporary Mobile Home Permit Bylaw 1685, this permit is to allow for the accommodation of a child needing accommodation and/or for the child's family.
4. No land alterations or construction is permitted within 15 metres of the riparian area of the pond. Furthermore; the siting and construction of the temporary mobile home must adhere to the recommendations outlined in Schedule 3.

Schedule 1 – Site Plan

Schedule 2 – Letter of Assurance

Schedule 3 – Riparian Assessment Report

5. The Land is in the Agricultural Land Reserve. The use and development of the Land for a temporary mobile home must comply with all relevant policies and regulations of the Agricultural Land Commission.

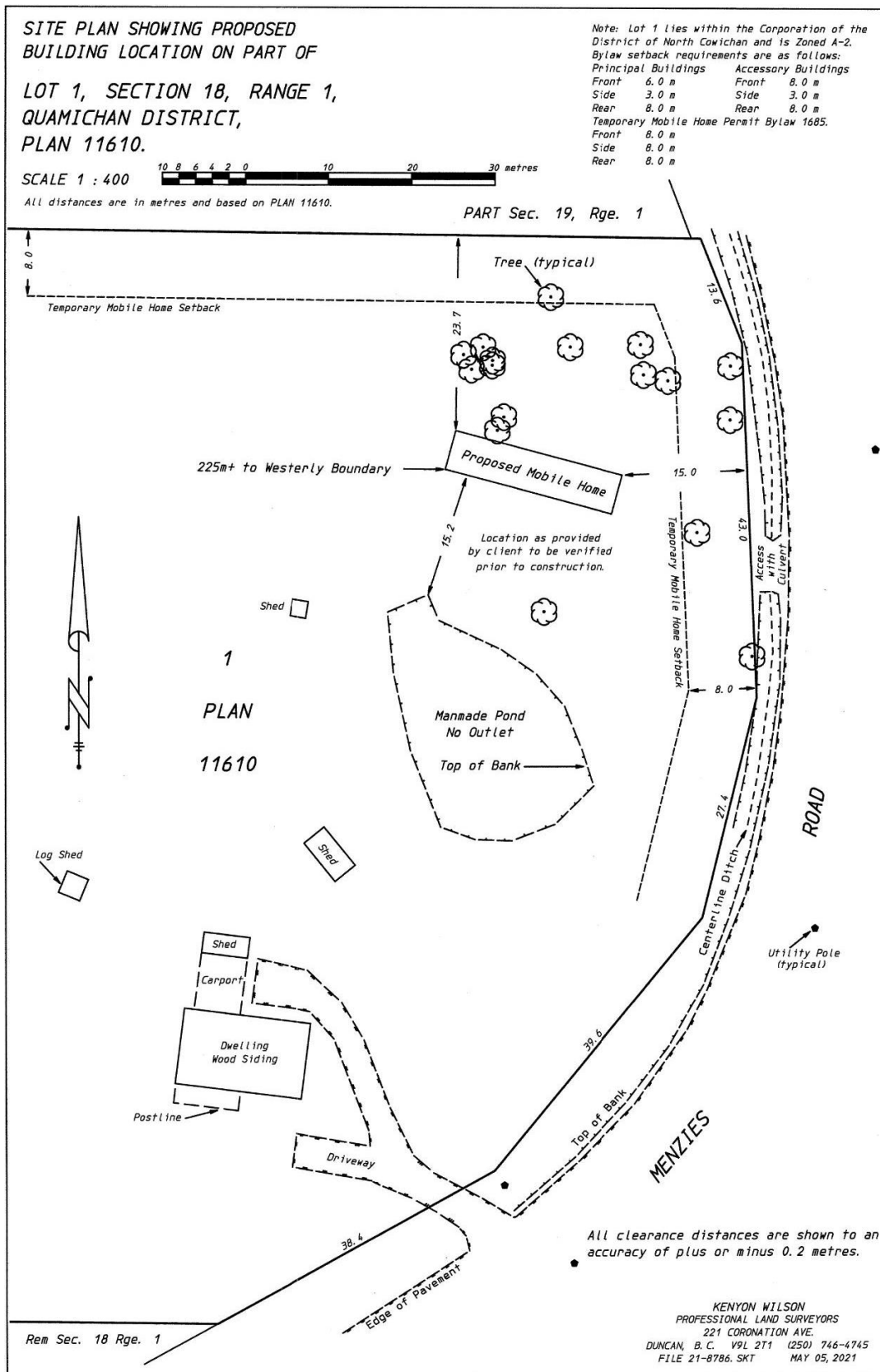
6. The mobile home must be constructed on one of the following foundation systems:
  - i) Concrete pile;
  - ii) Surface pier; or,
  - iii) Concrete slab.
7. This permit is not a building permit. A valid building permit must be obtained prior to placing a mobile home on the Land.
8. This permit is not transferable. If property ownership is transferred or the use for which the mobile home was assigned changes, you must notify the Municipal Office immediately. The temporary mobile home must then either be removed from the Land within 90 days of the expiry date or a new permit application is to be submitted to Mayor and Council.
9. This permit issued by Council is for a one year period from the date of Approval unless otherwise specified, and may, but not necessarily, be approved for renewal for further periods by the Council upon written application.
10. The registered owner of the land shall, not later than December 31<sup>st</sup> in each year declare that the accommodation is still required and that occupancy has not changed or that the mobile home has been removed from the land.

**The Corporation of the Municipality of North Cowichan**

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Designated Municipal Officer

**SCHEDULE 1  
TTP00081 SITE PLAN**



# Report

Date August 18, 2021  
To Council  
From Chris Osborne, Manager, Planning  
Subject Illegal Suites Enforcement

File:

Endorsed:



## Purpose

To update Council on impacts related to the enforcement of illegal suites.

## Background

On September 16, 2020, in response to a Notice of Motion and associated report from Councillor Manhas, Council resolved: *"That Council direct staff to prepare a report identifying potential safety issues, and financial and liability impacts and/or risks to the municipality in relation to existing illegal secondary suites in North Cowichan."*

## Discussion

### Suites in the Zoning Bylaw

Although Zoning Bylaw No. 2950 was adopted in 1997 without a definition for secondary suite, Council amended the Bylaw on April 5, 2000, to add a definition for "secondary suite" as a permitted use within the R-3 zone.

The last zoning amendment pertaining to secondary suites was adopted on December 6, 2017, whereby the definition established in 2000 was repealed and replaced with the current one and "secondary suite" was added to a number of other zones as a permitted use. This may have had the effect of rendering previously illegal suites legal with respect to the Zoning Bylaw.

Within the Zoning Bylaw, a secondary suite is defined as *"... an additional dwelling unit which is accessory to a single family dwelling, and meets the requirements set out in section 40.4"*. Section 40.4 articulates a size and bedroom limit and requires only a single driveway access to any one street adjoining the lot. However, suites are also captured within the definition of "two family dwelling" where a suite unit can be counted as one of the two units within a building. In these cases, the "suite" would not be subject to the restrictions of section 40.4, being merely the lesser of the two units in the building, rather than *"accessory to a single family dwelling"* as per the secondary suite definition.

At first glance, it may seem redundant for a zone to permit simultaneously a two-family dwelling and a single family dwelling with secondary suite, given that the latter is a subset of the former. However, the zones also articulate further restrictions regarding such things as lot sizes, off-street parking, and frontage lengths. Therefore, despite the permitted use, an owner may not be able to construct a two-family dwelling on a smaller lot but still construct a house with a suite meeting the requirements of s.40.4.

There are several zones where the existence of a suite in any form is prohibited; however, the total number of parcels under these zones is relatively small. Many of these zones allow multiple dwellings per parcel in a form other than suites. Table 1 below summarizes the results of interrogating the GIS mapping system for:

- zones which have a two-family dwelling as a permitted use (the most permissive use for suites, if the "suite" forms the second unit. Additional suites are not allowed within duplexes)
- zones where a "secondary suite" is allowed within a Single Family (SF) dwelling (suite subject to s.40.4 requirements)
- zones where a suite in any form is not allowed (does not include carriage houses)
- zones where only multi-family typologies are permitted (includes mixed use buildings)

*Table 1: Suites in Zoning*

Permitted use	Zones	Total # of parcels
Two-family dwelling (may also allow SF dwelling with suite)	A1, A2, A3, A5, R1, R3, R6, R7, R7-A, CD5, CD12, CD13, CD20	8,240
SF dwelling with suite	R2, R2-A, CD1-1, CD18-1	1,759
SF dwelling no suite (may include zones that are primarily multi-family)	A4, R3-S, R3-CH, R8, C2, C3, C7, CD1-A2, CD4, CD7-A, -B, -C, -E, -F, CD18-2	906
Townhouses only	CD6-A2, -A3, CD18-A3	-
Multi-family only	R3-MF, C9, CD2, CD9, CD10, CD14, CD15-A, -B, CD16, CD17, CD18-4, -5, CD19-1, -2	33

This table includes un-subdivided parcels, which will likely yield additional lots in all categories in the future. However, it shows that the vast majority 9,999 (91%) of the 10,960 parcels zoned for residential use (other than a single accessory dwelling unit) permit suites at least in principle, either as the "smaller half" of a two-family dwelling or as a suite in a single family dwelling, subject to the restrictions of s.40.4. The most likely zoning use infraction may be multiple suites when only one is permitted (including suites installed within duplex units).



Zoning compliance depends not only on permitted use, but also on whether the parcel size, dimensions, and other restrictions are met. In these cases, a suite may be non-zoning compliant but may also be brought into compliance through a successful application for a Development Variance Permit (DVP) or Board of Variance (BoV) decision where “hardship” is present. A DVP (or BoV decision) can provide a parcel-specific exemption from a zoning regulation such as minimum parcel size or off-street parking space requirement, which impedes the otherwise lawful installation of a suite. This is a simpler remedy than needing to rezone a parcel because a suite is a prohibited use in its own right (since use and density may not be subject to a DVP or BoV decision).

### Discovery of illegal suites

Having suites that do not meet BC Building Code (BCBC) is problematic since these requirements exist to keep people safe and housed in appropriate accommodation. However, an overly zealous approach to taking action may result in needless suite occupant evictions through no fault of the tenant and potentially place people in less secure and less safe situations than the non-code-compliant suite. This concern is particularly heightened during the current prolonged housing availability and affordability crisis. A balance, therefore, needs to be found that ensures minimum standards of safety are met, without exacerbating the existing housing availability situation.

It is not always apparent whether a suite is present in a dwelling. The Municipality may become aware of suites either actively or passively. Depending on how the suite is discovered, the Municipality’s response may be different. Table 2 below shows the “Active” and “Passive” ways a suite may be discovered, and the recommended course of action for each. These courses of action are reflected in the procedure flow diagram contained in Appendix 1.

*Table 2: Suite Discovery*

<b>“Active” Suite Discovery</b>	<b>“Passive” Suite Discovery</b>
<ul style="list-style-type: none"> <li>• Neighbour complaints due to annoyances such as noise, clutter and parking</li> <li>• Tenant complaint due to unsatisfactory living conditions or safety fears</li> <li>• Owner comes forward requesting to legitimize their suite</li> </ul>	<ul style="list-style-type: none"> <li>• Tenant or owner request for extra garbage pickup</li> <li>• Tenant or owner requests a second address/utility servicing</li> <li>• Anecdotal evidence or observation (not a complaint or problem)</li> </ul>
 <p>Investigate for full zoning and building bylaw compliance</p>	 <p>Take no further action if use is permitted by zoning bylaw</p>

### ***Passively-discovered suites***

In these cases where a suite is discovered passively on a lot whose zoning allows for a suite, it is recommended that no further action is taken, provided there are no unresolved complaints or reasons to believe that the number of suites exceeds the maximum permitted for the lot. This represents a policy whereby the Municipality is not actively seeking out incidences of non-compliance to enforce, nor committing to pursuing compliance by mere reason of becoming aware of a suite’s existence. This passive approach also minimizes the risk that an owner unwilling to regularize a suite (even if the degree of non-compliance is minimal) may decommission a suite and evict a tenant. Once the use has

been checked, the Municipality would not assess for minor zoning infractions (such as setbacks or parking provision) unless there is clear reason to believe a problematic situation may arise.

If a suite is confirmed on a lot where the zoning does not permit a suite as a use or where there is more than one suite, the Municipality will typically enforce its zoning bylaw. This means an owner will need to seek a rezoning from the Municipality, which is entirely at Council's discretion to grant. In the absence of a successful rezoning, the suite would need to be decommissioned. There exists no estimate at present of how many non-zoning compliant suites exist in the Municipality.

### ***Actively-discovered suites***

"Actively" discovered suites are the result of someone bringing the issue to the Municipality's attention and requesting action, whether it be the owner, tenant or affected neighbour. There is a greater expectation in these cases for the Municipality to investigate more thoroughly, and a site inspection is required to determine the degree or otherwise of zoning and building bylaw non-compliance. The situation must be resolved in some manner before the Municipality can "close the file" on these types of requests or complaints.

Since February 2016, the Municipality's Bylaw Services department has received 58 requests for service regarding suites, an average of just below one per month. The historic data is not particularly amenable to analysis, and only 32 of these calls could be categorized, but it appears that approximately 80% of those were zoning infractions and 20% were building code infractions. In total, approximately 75% were resolved through subsequent action by the owner.

### **Proposed policy regarding suites not meeting current zoning**

If a suite is confirmed on a lot where the zoning does not permit a suite as a use or where there is more than one suite, the Municipality should enforce its zoning bylaw. There should be no reward for people deliberately breaking zoning rules, and not taking action could undermine the very purpose of the bylaw. However, many suites may have existed for a considerable length of time either illegally or with legal non-conforming status (permitted by zoning at the time of construction, but subject to a subsequent zoning change) without issue or complaint. It may not even be known by a current owner when a suite was previously installed. There will be an opportunity for the owner to apply to rezone the parcel to legalize the use or density (or alternatively, to demonstrate legal non-conforming status). If granted by Council, the use becomes lawful, and compliance with the Building Bylaw may then be pursued. If denied, the use itself must cease, and the suite must be decommissioned.

Where the use is compliant with the zone, but there exists minor zoning infractions such as insufficient lot frontage, or not providing the required parking, there will be an opportunity to seek regularization through a DVP or BoV decision. Other zoning infractions *unrelated to the suite*, such as yard setbacks or roof height issues, will not be assessed or required to be addressed at this time unless there is evidence of a problem. An owner would still be encouraged to regularize these aspects, and the Municipality may opt to initiate enforcement against these infractions as a separate matter (or reserve the right to do so in the future), not affecting the status of the suite. Table 3 below summarizes the appropriate remedy, depending on the type of infraction:

Table 3: Infractions and remedies

Infraction	Remedy	Jurisdiction
-Suite not a permitted use; -Number of suites or residential units exceeds maximum permitted	Zoning bylaw amendment	Council
-Lot dimensions not sufficient; -Required off-street parking not provided; -Suite exceeds size/room limits set in s.40.4 -Access arrangement not compliant with s.40.4	Development Variance Permit Board of Variance decision if hardship can be shown	Council Board of Variance
-Minor zoning infractions not related to the suite	Subject to separate enforcement action if deemed appropriate	Staff

If attempts to regularize the suite-related zoning infraction are not successful (i.e. Council denies a DVP or zoning change), the suite must be decommissioned (or physically altered to bring into compliance). No building permits will be issued for suites that are not zoning compliant or regularized. However, a building permit for a suite may be issued even if non-suite-related infractions elsewhere on the parcel are noted or subject to enforcement.

#### Non Building-Code Compliant Suites

BCBC establishes safety and quality standards for all types of construction. Compliance with planning regulations (such as zoning or sign bylaw) is entirely separate from compliance with BCBC, and neither necessarily depends on the other. That said, a code-compliant structure will have a building permit withheld if it violates zoning.

Houses currently being constructed are often built either with a suite or built to be "suite-ready." "Suite ready" refers to a layout and construction that would facilitate a code-compliant suite but which lacks one or more of the defining features that differentiate a suite from merely being another part of a house. Generally, the presence of a cooker within a space that is separable from the rest of a house is taken to indicate the existence of a suite. The premise being that a person can live normally within the space independently from the rest of the house. Where kitchen or bathroom facilities are shared, this would usually mean that the space does not meet the definition of a suite.

Whether zoning compliant or not, suites must comply with BCBC, as does any structure or dwelling. The most common but serious problems with suites are the lack of fire separation from the principal unit and inadequate means of fire escape from bedrooms. Retrofitting suites to meet BCBC requirements can be an expensive and disruptive undertaking, and many owners avoid doing so. This is generally much less of a problem in new-builds created "suite-ready" but fairly commonplace in older dwellings.

The proposed policy would categorize BCBC infractions one of two ways:

- 1) Life safety issues; and,
- 2) Non-life safety issues

Life safety issues will include such things as:

- Means of fire escape;

- Fire separation;
- Structural defects increasing likelihood of catastrophic failure;
- Absence of smoke detectors;
- Insufficient venting; and,
- Guard rails.

Non-life safety issues will reflect other construction aspects pertaining to comfort, energy efficiency and minor structural problems such as weatherproofing.

Life safety issues represent a clear risk to inhabitants and must be corrected. Generally, an owner will be given up to 30 days to apply for a building permit and 90 days to perform all corrective action. A tenant may need to move out to enable these works to proceed, although the Municipality's ability to require and directly enforce a tenant relocation is limited.

#### Section 57 Notice on Title

If an owner becomes uncooperative and does not remedy the non-compliance, the Municipality's options are to pursue court action, or to impose a notice on the property's title under s.57 of the *Community Charter*. A s.57 notice may be registered where:

- A building permit has lapsed, but work is incomplete and/or inspections are outstanding;
- Work proceeded with no permit; or,
- A dangerous condition exists.

The s.57 notice is not intended as a punitive measure but as a tool to secure BCBC compliance and a disclosure mechanism to future owners or other parties with an interest in the property, including mortgage lenders. It also protects the Municipality from liability claims in the event that damage or injury arose from a BCBC infraction that the Municipality was aware of. This mechanism would allow a suite to remain in place if an owner did not address the identified issues. In the case of life-safety issues not being addressed, a judgement would have to be made by the Municipality whether a s.57 notice on title is sufficient, or whether the degree of non-compliance presents a sufficiently dangerous situation to warrant seeking a BC Supreme Court injunction.

S.57 provides for a Building Inspector to recommend to Council that a notice be registered on title. It therefore requires a decision of Council, and there is an opportunity for the property owner to make representations. If the situation is remedied, the notice can be removed by staff (*Community Charter* section 58) and does not require a further decision by Council. It is recommended that if a policy is developed, an appropriate fee is charged for the process of removing a notice on title.

#### Liability

Approaches to illegal suites vary between municipalities, and those municipalities with a proactive enforcement policy may cite fears of liability as a reason. These fears are not necessarily well-founded. No case law in B.C. suggests liability should automatically attach itself to non-enforcement of a zoning bylaw. In contrast, case law does find that policy matters made in good faith by a municipal government are exempt from tort claims, as evinced in the B.C. appeal court decision *Just v. British Columbia* [1989] 2 S.C.R. 1228.

However, in terms of BCBC, a Building Inspector has a duty of care once they have inspected a property. Unsafe conditions must be addressed, and inaction on the part of the Municipality may attract liability. If the owner does not remedy the safety issues, registration of a s.57 notice on title is a way of demonstrating that the Municipality has sought compliance. However, in particular cases where a clear ongoing risk exists, it may need to go further and contemplate or pursue court action to fulfil its duty of care. Even if life-safety issues do not exist, a s.57 notice may still be appropriate. This protects the Municipality from any potential damages claims of having tacitly endorsed construction that took place without a permit if that construction subsequently proves to be substandard.

### Utility Billing

The Municipality charges a second set of utility user fees on legal suites. An issue with a more passive enforcement approach can be illegal suites getting a “free ride” in terms of water and sewer. However, a municipality is entitled to recover its costs for providing utility servicing without being compelled to pursue enforcement of other bylaws. Therefore, it is possible to charge user fees on a “without prejudice” basis, which somewhat captures the consumption of municipal services without establishing a presumption that the Municipality accepts the suite as legal. The Municipality is still able to pursue bylaw enforcement at any time in the future.

It is therefore recommended that should Council opt to proceed with a more passive enforcement policy approach, provisions for appropriate utility billing are included where an illegal or potentially illegal suite is to be tolerated as a matter of policy. This may be with, or without, a s.57 notice on title, as the situation demands. It is hoped, however, that this situation will be uncommon.

### Conclusion

Much of what is described in this report reflect typical practice by Municipal staff in response to illegal suites. However, there is a benefit to setting out these procedures in a formal policy, which helps provide predictability and consistency. The flow diagram contained in Attachment 1 outlines the proposed process for dealing with illegal suite issues and captures the various steps and choices described in this report.

### **Options**

This report identifies three options for Council:

- 1) (Recommended option) create a formal policy structured according to the approach set out in this report and attached flow diagram:

*THAT Council direct staff to draft a policy regarding the enforcement of illegal suites and formalizing the approach thereof, substantially as set out in the Planning Manager's report dated August 5, 2021.*

- 2) Create a formal policy taking an alternative approach:

*THAT Council direct staff to draft a policy regarding the enforcement of illegal suites setting, including the following rules or guidelines, desired outcomes, and objectives:*

*(1) [features to be identified by Council]*

- 3) That no further work on policy development is carried out at this time.

*THAT Council direct staff to cease any further work on developing an illegal suites enforcement policy.*

### **Implications**

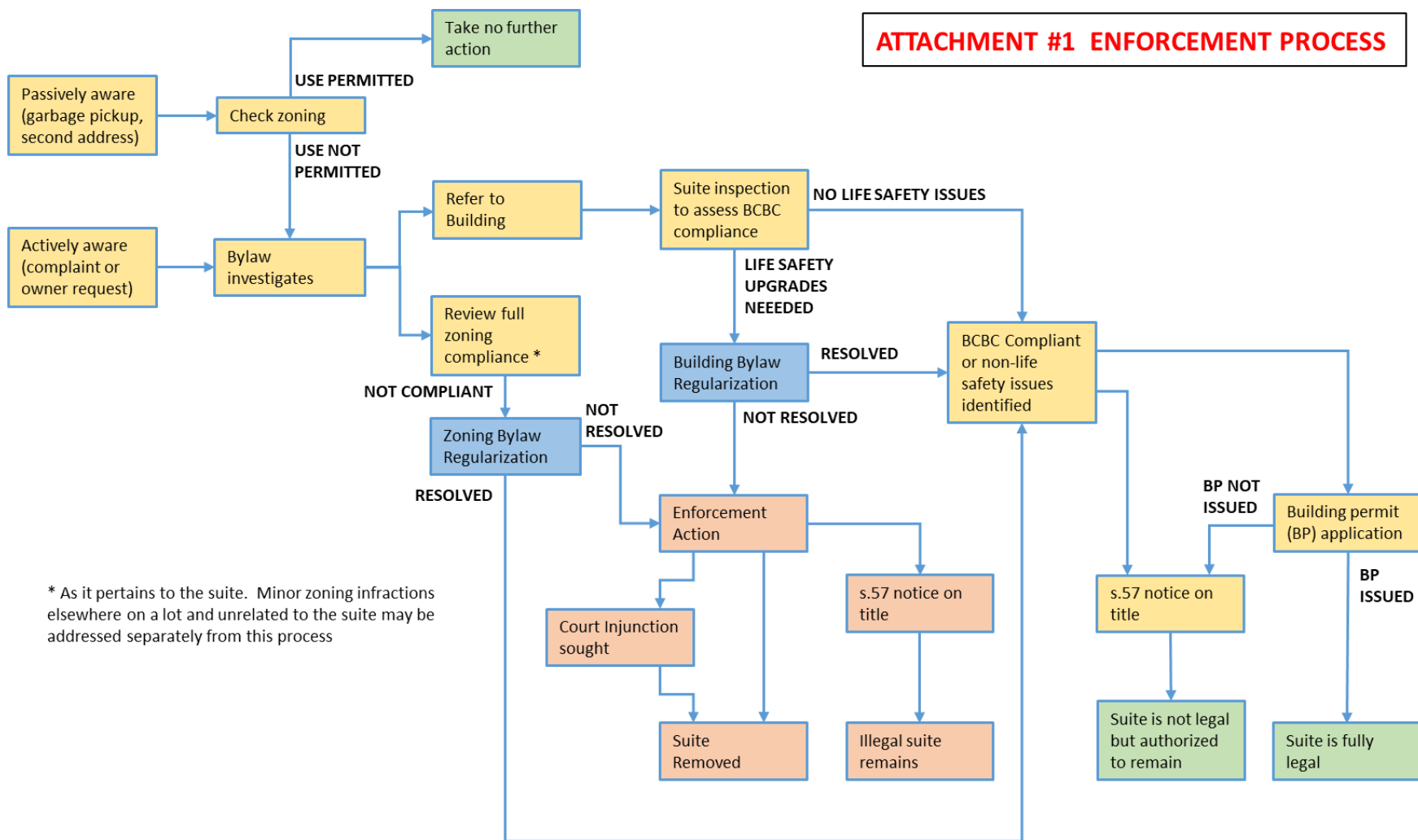
There are no impacts to staff resources as staff can produce a draft policy without any additional budget request. However, once Council has adopted a policy, there may be some impact on the number of affordable rental housing units available in North Cowichan. Given that the proposed policy would largely formalize the approach already typically taken by staff, this impact is not expected to be particularly significant if Option 1 is chosen by Council.

### **Recommendation**


THAT Council direct staff to draft a policy regarding the enforcement of illegal suites and formalizing the approach thereof, substantially as set out in the Planning Manager's report dated August 18, 2021.

Attachment: Suite enforcement process flow chart

# ATTACHMENT #1 ENFORCEMENT PROCESS



# Report

Date	August 18, 2021	File:
To	Council	
From	Ted Swabey, Chief Administrative Officer	Endorsed: 
Subject	Resuming Public Engagement on the Future of the Municipal Forest Reserve	

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## Purpose

To provide an update on the Memorandum of Understanding (MOU) with Cowichan Nation and seek direction from Council about the process of considering resuming public engagement on the future of the management of the Municipal Forest Reserve (MFR).

## Background

In early 2019, Council directed staff to carry out meaningful public engagement, both deep and broad, on the future management of our forests to determine the highest and best use of our MFR. After receiving a report on July 3, 2019 on the implications of collaborating with the University of British Columbia (UBC), 3GreenTree Consulting, and Coastal Douglas Fir Conservation Partnership, Council resolved to support a collaboration with UBC et al. The purpose of this collaboration would be to perform a technical review of our forest management practices and provide various options for Council's consideration on the future forest management with input from the public. After a Council decision was made on the future forest management of the MFR, a Forest Management Plan reflecting Council direction would then need to be made.

On January 29, 2020, Council approved Lees & Associates' draft engagement plan and directed staff to proceed with public engagement. However, in March the emerging COVID-19 pandemic caused Council to put a 90-day pause on all forestry related public engagement activities.

On May 6, 2020, Council directed staff to resume public engagement, approving revisions to Lees & Associates' plan for public engagement, and focusing on virtual engagement considering the ongoing pandemic. However, on July 15, 2020, Council enacted another 60-day pause on the public engagement process to accommodate government-to-government consultation with local First Nations to better understand their interests in the future of the MFR. The government-to-government consultation has been an ongoing process, and on October 7, 2020, Council extended the pause on forestry-related public engagement until an agreed upon way of moving forward is reached during the First Nations consultation process.

The MOU has now been signed off, and as such, Council may wish to direct staff to restart the public engagement process.

## **Discussion**

Lees & Associates are ready to present a proposal for scope change that outlines the work required to restart the project, update previous work/materials, reengage the Working Group volunteers, additional budget to expand digital/virtual engagement options, and a budget allowance to support communication needs. These revisions would update the Plan approved by Council in May 2020.

Staff propose the following motion for Council's consideration. If the motion passes, staff would invite Lees & Associates to the next Council meeting (September 1, 2021). Staff will also have a report on the agenda seeking Council's formal direction related to restarting the public engagement.

## **Recommendation**

THAT Council direct staff to invite Lees & Associates to present an updated engagement plan and options for the future of the management Municipal Forest Reserve (MFR), which include amended timelines and associated costs for each option, prior to Council resuming the public engagement on the MFR.

# Report

Date August 18, 2021  
To Council  
From George Farkas, General Manager  
Subject Forestry Review - Educational Resources

File:

Endorsed:



## Purpose

To provide Council with information regarding potential educational opportunities that could be hosted or shared online as part of the forestry review prior to resumption of the public engagement process.

## Background

In response to public interest in forestry harvesting activities and requests for a review of forest management in 2019, Council implemented limitations on harvesting and committed to undertaking a technical review of forest management practices and public engagement on the future management of the Municipal Forest Reserve (MFR). The technical review will support the public engagement process by providing the information needed for informed public participation. The public engagement process will inform the evaluation of the technical scenarios and options being prepared by the UBC partnership group.

On March 18, 2020, Council enacted a 90-day pause on all public engagement processes, which was further extended another 60 days on July 15, 2020, and then paused indefinitely on October 7, 2020 to facilitate a government-to-government consultation with local First Nations until an agreed-upon way of moving forward was reached during the First Nations consultation process.

Government-to-government consultation began between the Municipality and the Cowichan Nation, which is comprised of Cowichan Tribes, Halalt First Nation, Stz'uminus First Nation, Penelakut Tribe, and Lyackson First Nation, on August 26, 2020. These discussions led to a Memorandum of Understanding (MOU) being drafted in March 2021 that, when finalized, will signify the commitment by both parties to continue meeting and discussing activities in the MFR, which is within the lands over which the Cowichan Nation asserts aboriginal rights and title. With this MOU nearing completion, it is anticipated that public engagement could be resumed in the fall.

At the July 21, 2021, Council meeting, the following motion was carried.

### IT WAS MOVED AND SECONDED:

That Council direct the Mayor and Staff to:

- (1) Invite Suzanne Simard to give a public virtual presentation about her work with local context on our forests as part of the education for the MFR review followed by a question and answer period, and that staff be directed to report back to Council on the costs and the format.

- (2) Send a letter to Bond Group Entertainment, inviting them to film Suzanne Simard's memoir Finding the Mother Tree in North Cowichan.
- (3) And that Council direct Staff to solicit input from the following groups and report back with other educational opportunities we can host and/or share online as part of the forestry review, starting as soon as possible, prior to the public engagement process:
  - Forestry and Environment Staff,
  - the Forestry Advisory Committee,
  - the Forestry Review Working Group,
  - Forestry Review project consultants,
  - Environmental Advisory Committee, and
  - Resource Works

Staff have now had an opportunity to canvass the various groups identified in Council's motion to seek recommendations regarding potential educational opportunities/resources (outlined in Attachment 1). The Municipality has also attempted to contact Bond Group Entertainment on two separate occasions and is still waiting for a response.

In addition to providing the name of the consultant/course/training program and associated contact details/web address for each recommended resource from Council's motion (paragraph 3), staff had requested that the groups provide the following additional information with respect to each resource, where applicable:

1. General information regarding program delivery method and details, including:
  - a. in person, live webinar or self-directed/recorded
  - b. number of sessions/total hours required to complete the program
  - c. maximum number of participants per session, if applicable
2. Approximate timeframe during which the program could be scheduled / frequency of availability
3. Approximate cost of the program

It was also requested that the groups consider any existing "free to access" programs.

## Discussion

The educational information gathered by the solicited groups is to promote forestry education and share general forestry information and is intended to take place in advance of the resumption of the forestry engagement process. As such, the timeline for delivering any educational opportunities to the public would most likely need to be planned and delivered within the next couple of months.

The educational opportunities identified by the various groups have been organized into three categories, with the timeliest and most cost-effective alternatives listed first, followed by the more complex recommendations. Details regarding specific educational opportunities within each category are outlined in Attachment 1, but a brief description of the three categories is provided below:

1. **Readily available (free) educational materials hosted online on the North Cowichan website.** It is important to emphasize that these materials are not intended to be an exhaustive list of forestry educational opportunities/information. The public is encouraged to seek out and research other information from different sources that may not be included in what is outlined in this report.
2. **Educational tours led by the Municipal Forester, which could include other known local experts invited to participate in the tours as guests.** The tours could be organized and delivered before the commencement of the public engagement process but would require additional staff resources tasked with inviting and securing the participation of local experts, as well as organizing and promoting the tours.
3. **Educational opportunities hosted by the Municipality.** These opportunities could include guest speakers invited to participate in webinars, meetings, and other forums, as well as preparation of a customized research report. Due to the increased complexity and costs associated with these options, staff would require further direction from Council regarding the specific opportunities it may wish to pursue, resulting in an increased risk that these opportunities would not be delivered prior to the restart of public engagement. These options would also require further consideration of resource implications, such as identifying a funding source, the scope of each educational opportunity, and delivery methods.

## Options

1. **(Recommended)** THAT Council direct Staff to:
  - (1) Create a section on the Municipality's Forestry Review and Engagement webpage that includes links to the suggested educational opportunities/resources for the public to access;
  - (2) Organize a tour led by the Municipal Forester and promote it to members of the public utilizing all appropriate methods so that interested parties may attend prior to the restart of public engagement.

*This option allows the Municipality to provide two opportunities to deliver educational opportunities to the public prior to the restart of the public engagement process while staying within the Municipality's existing budget resources.*

2. THAT Council direct Staff to explore offering the following educational opportunities based on the recommended series of guest speakers, webinars, meetings, secondary research and similar events as outlined in Attachment 1 and return to Council with a report on the costs, associated scope and timelines of each opportunity:
  - *[Council to identify each topic, resource or type of tour]*

Depending upon the preferred educational opportunities identified by Council, staff will conduct additional research regarding the scope, cost, and delivery methods of each, and report back to Council to seek further direction regarding next steps. This option presents an increased risk that the educational opportunities will not be delivered prior to the restart of public engagement.

The Municipality's Procurement Policy requires that three quotes be obtained for all purchases over \$10,000. This can be accomplished through an invitation to quote but may require an open process through Bonfire to ensure all interested providers are given an equal opportunity to bid. Under some circumstances, a direct award may be possible, including if it can be demonstrated that only one vendor can meet the requirements; or if negotiating with a single vendor would offer better value. The procurement process does take time for posting, receiving and evaluating responses.

3. THAT Council direct Staff to take no action at this time with respect to educational opportunities and resources until such time that the Forestry Review/Public Engagement process resumes.

*This option does not require any implementation, but the public would not benefit from the collective advice provided to Council by the various parties that have been asked for their input.*

### Implications

- Providing a web page section with sources of information while the Forestry Review and Forestry Public Engagement processes are currently suspended may cause confusion as to how this information correlates to the broader public engagement process and the goals of the Municipal Forestry Review. This risk can be mitigated by clarifying on the website that the information was compiled as a general information resource for the general public and does not directly relate to the Forestry Review or the public engagement processes.
- Providing web resources of forestry information may lead the public to believe that the information will be reviewed and updated on a regular basis.
- Staff advise that given the short timeframe prior to when public engagement is anticipated to restart, a tour of Maple Mountain is recommended as it could be delivered as a walking tour with a trail network that passes through potential stops highlighting past [forestry] practices. The tour could begin at the Maple Mountain parking lot, further enhancing the appeal of this option as it would provide an easy parking/meeting point. Other options, including tours of Mount Tzouhalem, Mount Richards and Mount Prevost, would be difficult to offer within the timeframes proposed as they would require securing a bus rental and more advanced coordination by staff. To achieve the anticipated October 1 deadline, staff would need to invite the special guests recommended in Attachment 1 and appropriately promote the tour(s) to the public by providing details on the educational opportunities, including the meeting time(s) and location(s).

### Recommendation

THAT Council direct Staff to:

- (1) Create a section on the Municipality's Forestry Review and Engagement webpage that includes links to the recommended educational opportunities/resources for the public to access; and,
- (2) Organize a tour led by the Municipal Forester and promote it to members of the public utilizing all appropriate methods so that interested parties may attend prior to the restart of public engagement.

Attachment: Recommended Forestry Education Resources

## RECOMMENDED FORESTRY EDUCATION RESOURCES

1. The following links have been identified as being relevant to Forestry Education, and could be added to the Municipal Website:

Source	Topic/ Resource	Organization/ Individuals	Relevance	Website
Environmental Advisory Committee	2019-07-30 UBC Team MFR presentation to Committee of the Whole	University of British Columbia – Department of Forest Resources Management / Dept. of Forest Sciences, Faculty of Forestry	Building awareness of the MFR's social, ecological, economic, historical, environmental contexts based on existing and derived resource inventory information – and its location on the mountains	<a href="https://pub-northcowichan.escribemeetings.com/FileStream.ashx?DocumentId=90">https://pub-northcowichan.escribemeetings.com/FileStream.ashx?DocumentId=90</a>
Environmental Advisory Committee	2020-07-07 Committee of the Whole Workshop with UBC Professors regarding expectations for UBC Professors' participation in the Forestry Operational Review	3 GreenTree Consultants / UBC Research Team	Heightened awareness of carbon management / markets and the opportunities and constraints these offer as part of a broader forest management strategy	<a href="https://www.northcowichan.ca/EN/main/municipal-hall/video-player.html?video=20200707W">https://www.northcowichan.ca/EN/main/municipal-hall/video-player.html?video=20200707W</a>
Environmental Advisory Committee	Cowichan Land Trust Presentation "Seeing Cowichan Forests through the trees"- REPORT	Cowichan Land Trust - Heather Pritchard	Building awareness and community capacity to adopt voluntary best practices for tending forest ecosystems in the Cowichan region	<a href="https://www.cowichanlandtrust.ca/seeing-cowichan-forests-beyond-trees-2/">https://www.cowichanlandtrust.ca/seeing-cowichan-forests-beyond-trees-2/</a>

Source	Topic/ Resource	Organization/ Individuals	Relevance	Website
Environmental Advisory Committee	Presentation by Heather Pritchard of "Seeing Cowichan Forests through the Trees"- VIDEO	Cowichan Land Trust - Heather Pritchard	Building awareness and community capacity to adopt voluntary best practices for tending forest ecosystems in the Cowichan region	<a href="https://youtu.be/uj5Yxwb63Uo">https://youtu.be/uj5Yxwb63Uo</a>
Environmental Advisory Committee	Silvicultural Systems Handbook	Ministry of Forests Lands, and Natural Resource Operations	A simple, straightforward primer on silvicultural systems and how they are employed to achieve forest management objectives	<a href="https://www.for.gov.bc.ca/hfp/publications/00085/silvsystemshdbk-web.pdf">https://www.for.gov.bc.ca/hfp/publications/00085/silvsystemshdbk-web.pdf</a>
Environmental Advisory Committee	Forest Management Webinars	UBC Faculty of Forestry – Departments of Forest Resources Management and Forest Sciences	Dispatches from the Mother Tree Project: Suzanne Simard (Influence of different levels of harvest intensity on carbon stocks / biodiversity in Forests)	<a href="https://forestry.ubc.ca/events/webinar-dispatches-from-the-mother-tree-project-suzanne-simard/">https://forestry.ubc.ca/events/webinar-dispatches-from-the-mother-tree-project-suzanne-simard/</a>
Environmental Advisory Committee	Forest Management Webinars	UBC Faculty of Forestry – Departments of Forest Resources Management and Forest Sciences	Building Bridges – How Modern Forest Operations are Supporting Sustainable Forest Management (innovations in forest operations – small wood harvesting, etc.)	<a href="https://forestry.ubc.ca/events/webinar-modern-forest-operations-sustainable-forest-management/">https://forestry.ubc.ca/events/webinar-modern-forest-operations-sustainable-forest-management/</a>
Environmental Advisory Committee	Forest Management Webinars	UBC Faculty of Forestry – Department of Forest Resources Management and Forest Sciences	Can Parks Keep Pace with Recreation Demands While Also Protecting Wildlife?	<a href="https://forestry.ubc.ca/events/park-recreation-protect-wildlife/">https://forestry.ubc.ca/events/park-recreation-protect-wildlife/</a>

Source	Topic/ Resource	Organization/ Individuals	Relevance	Website
Environmental Advisory Committee	Forest Management Webinars	UBC Faculty of Forestry – Departments of Forest Resources Management and Forest Sciences	Building Sweetgrass: A Second Discussion with Author Robin Wall Kimmerer	<a href="https://forestry.ubc.ca/events/bridging-sweetgrass-discussion-robin-wall-kimmerer/">https://forestry.ubc.ca/events/bridging-sweetgrass-discussion-robin-wall-kimmerer/</a>
Environmental Advisory Committee	BC Strategic Review on Forestry Practice	Province of BC- Forestry Stewardship  Garry Merkel and Al Gorley	BC Strategic Review on Forestry Practice	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/old-growth-forests">https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/old-growth-forests</a>
Environmental Advisory Committee	Educational Activities for All Ages	Sierra Club	Learn to draw: The Mother Tree - a webinar with Dr. Julius Csotonyi and Dr. Suzanne Simard	<a href="https://sierraclub.bc.ca/learn-to-draw-mother-tree-with-suzanne-simard/">https://sierraclub.bc.ca/learn-to-draw-mother-tree-with-suzanne-simard/</a>
Environmental Advisory Committee	Educational Activities for All Ages	Sierra Club	Webinar: Finding the Mother Tree: A conversation with Suzanne Simard	<a href="https://sierraclub.bc.ca/finding-the-mother-tree-a-conversation-with-suzanne-simard/">https://sierraclub.bc.ca/finding-the-mother-tree-a-conversation-with-suzanne-simard/</a>
Environmental Advisory Committee	Educational Activities for All Ages	Sierra Club	Educational resources for kids to do on their own, with parents, with others	<a href="https://sierraclub.bc.ca/education/">https://sierraclub.bc.ca/education/</a>
Environmental Advisory Committee	Article - Vancouver Shade Inequality	The Tyee	Discusses the importance of shade trees for urban cooling	<a href="https://thetyee.ca/News/2021/06/29/Vancouver-Shade-Inequality/?utm_source=daily&amp;utm_medium=email&amp;utm_campaign=290621">https://thetyee.ca/News/2021/06/29/Vancouver-Shade-Inequality/?utm_source=daily&amp;utm_medium=email&amp;utm_campaign=290621</a>

Source	Topic/ Resource	Organization/ Individuals	Relevance	Website
Forestry Advisory Committee	Article- Natural Processes for the Restoration of Dam Removal	Polster Environmental Services	Discusses the Natural Processes for the Restoration of Dam Removal	<a href="https://6zv1w1i9d632in9ii1izgap9-wpengine.netdna-ssl.com/westerncanada/files/2019/01/5-Natural-Processes-for-the-Restoration-of-Dam-Removal-Disturbances.pdf">https://6zv1w1i9d632in9ii1izgap9-wpengine.netdna-ssl.com/westerncanada/files/2019/01/5-Natural-Processes-for-the-Restoration-of-Dam-Removal-Disturbances.pdf</a>
MNC Staff-Forestry and Environmental Team	Online Educational Opportunities	Association of British Columbia Forest Professionals (ABCFP)	The ABCFP Mission - To protect the public interest by ensuring BC has competent and accountable forest professionals who achieve good forest stewardship.	<a href="https://abcfp.ca/WEB/ABCFP/Students/Educational_Resources.aspx">https://abcfp.ca/WEB/ABCFP/Students/Educational_Resources.aspx</a>
MNC Staff-Forestry and Environmental Team	Online Educational Opportunities	BC Council of Forest Industries	The BC Council of Forest Industries (COFI) is the voice of the B.C. forest industry. B.C.'s forest industry is adapting, evolving and innovating, and continues to be one of the most significant economic drivers in the province and the largest producer of softwood lumber in Canada.	<a href="https://www.cofi.org/forest-education/">https://www.cofi.org/forest-education/</a>
MNC Staff-Forestry and Environmental Team	Online Educational Opportunities	BC Community Forest Association	The BCCFA is a non-profit society with a mandate to serve as the voice and advocate for community forestry in BC.	<a href="https://bccfa.ca/">https://bccfa.ca/</a>

Source	Topic/ Resource	Organization/ Individuals	Relevance	Website
MNC Staff-Forestry and Environmental Team	Online Educational Opportunities	Private Forest Landowners Association	The Private Forest Landowners Association is a non-profit organization dedicated to the responsible stewardship of B.C.'s private forest lands.	<a href="https://pfla.bc.ca/">https://pfla.bc.ca/</a>
MNC Staff-Forestry and Environmental Team	Online Educational Opportunities	Ministry of Forests Lands, and Natural Resource Operations	Educational resources on their website	<a href="https://www.for.gov.bc.ca/hre/">https://www.for.gov.bc.ca/hre/</a>
MNC Staff-Forestry and Environmental Team	Online Educational Opportunities	Province of BC – crown land focused but has lots of information	Educational resources on their website	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry">https://www2.gov.bc.ca/gov/content/industry/forestry</a>
MNC Staff-Forestry and Environmental Team	Online Educational Opportunities	Province of BC- Forests, Lands, Natural Resource Operations and Rural Development	Educational resources on their website	<a href="https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/forests-lands-natural-resource-operations-and-rural-development">https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/forests-lands-natural-resource-operations-and-rural-development</a>
MNC Staff-Forestry and Environmental Team	Online Educational Opportunities	Canadian Institute of Forestry	The Institute serves as the voice of forest practitioners representing foresters, forest technologists and technicians, ecologists, biologists, educators and many others with an interest in forests and forestry.	<a href="https://www.cif-ifc.org/">https://www.cif-ifc.org/</a>

Source	Topic/ Resource	Organization/ Individuals	Relevance	Website
Forestry Review Working Group / Project Consultants	TED Talk - "How Trees Talk to Each Other", August 30, 2016	Suzanne Simard, Professor, Department of Forest and Conservation Sciences, UBC	Ecologist Suzanne Simard's 30 years of research in Canadian forests have led to an astounding discovery — trees talk, often and over vast distances. Learn more about the harmonious yet complicated social lives of trees and prepare to see the natural world with new eyes.	<a href="https://www.youtube.com/watch?v=Un2yBglAxYs">https://www.youtube.com/watch?v=Un2yBglAxYs</a>

2. Guided Forestry Tours led by the Municipal Forester have been recommended as a way to engage with our residents. The following recommendations have been made:

Source	Type of Tour	Recommendation
Environmental Advisory Committee	Live Forest Tours led by our Municipal Forester	Invite Metchosin Councillor Andy MacKinnon. Andy is a Registered Professional Forester and is also a biologist, and has offered to do guided tours of the forest.
Environmental Advisory Committee	Live Forest Tours led by our Municipal Forester	Invite Genevieve Singleton of the Cowichan Valley Naturalists.
Environmental Advisory Committee	Self-Directed, Live, Interactive Forest Tours	Convene a Live Municipal Forest Tour Day (self-directed) – identify a number of stops / stations at various locations within the MFR to discuss / illustrate relevant topics in the field

3. Other recommendations noted below would require additional research and resourcing, as well as Council direction to proceed.

Source	Topic/ Resource	Organization/ Individuals	Recommendation
Environmental Advisory Committee	Update the MNC Forestry Map	Municipality of North Cowichan	Improve the interactive MNC Forestry map to include some description of the different mapping layers (what they are) and interpretation of what people are seeing on the site – add more mapping layers as appropriate – integrate the mapping with other learning resources in an integrated fashion.
Environmental Advisory Committee	Live Online (Webex / Zoom) or possibly in person Learning Event	Municipality of North Cowichan	Convene an Live Online (Webex / Zoom) or possibly in person Learning Event: Invite experts in their respective fields to provide a quick overview of the basics of their field (to enhance baseline understanding of things like forest operations, non-timber forest products, silviculture, visual resources, forest and well-being, cultural, old growth, fire, economics climate change etc.) Have experts compile a one or two page research bulletin summarizing their presentation that can be posted / accessed online.
Environmental Advisory Committee	Forest Well Being / Health ( <b>Part of a Speaker Series</b> )	Matilda Van Den Bosch and / or Tahia Devisscher (UBC Urban Forestry Program)  University of British Columbia – Department of Forest Resources Management, Faculty of Forestry	Part of a speaker Series (live or pre-recorded lecture) – recommended readings from the proponents – Given this is a course at UBC there may be an off-the-shelf introductory lecture available for use.

Source	Topic/ Resource	Organization/ Individuals	Recommendation
Environmental Advisory Committee	Forest Landscape / Scenic Values <b>(Part of a Speaker Series)</b>	University of British Columbia – Department of Forest Resources Management/ MFLNRO	Building awareness of the role of scenic values / visual quality to local economies / community image and character and how to incorporate this value into land / resource planning and management.
Environmental Advisory Committee	Non-Timber Forest Products <b>(Part of a Speaker Series)</b>	Suggested Cowichan Tribes, University of British Columbia, or MFLNRO	Raise knowledge and understanding for the range of non-timber forest products available in the MFR, management considerations and their possible role in a local forest based economy.
Environmental Advisory Committee	Forests and Climate Change <b>(Part of a Speaker Series)</b>	Suggested University of British Columbia, Faculty of Forestry, or MFLNRO	Insights into what the future holds for the CDF BGCZ and how communities / foresters can plan to adapt to the future in terms of species change etc. – particularly as it relates to the MFR.
Environmental Advisory Committee	Biodiversity / Landscape Connectivity <b>(Part of a Speaker Series)</b>	Diamond Head Consulting / Andy McKinnon (Formerly of MFLNRO)	Basics of landscape scale connectivity and its role in ensuring forest ecosystem function and health. Examples illustrative of how other similar communities have mapped out and used forest ecosystem structure as a basis for forest planning / design and management.
Forestry Advisory Committee and Forestry Review Working Group / Project Consultants	Urban Wildland– Planning and Managing Fire Risk at the Urban Edge <b>(Part of a Speaker Series)</b>	Bruce Blackwell, Lori Daniels of Blackwell and Associates and / or UBC Dept. of Forest Resource Sciences	Sharing of Innovations in UWI planning and management re: stand planning and management to respond to fire risk in urban environments

Source	Topic/ Resource	Organization/ Individuals	Recommendation
Environmental Advisory Committee	Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Suzanne Simard, UBC Forestry	"The Mother Tree Project", and Author of "Finding the Mother Tree"- <b>Cost \$10,000</b>
Forestry Review Project Consultants	Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Resource Works - Stewart Muir	Stewart is coming as a delegation to speak to Council about various educational opportunities available. He has put together a proposal for \$12,000 (see below for more detail).
Forestry Review Project Consultants	Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Lees and Associates	Could provide various presentations/ educational opportunities regarding Forestry.
Forestry Review Project Consultants	Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Lori Daniels in Forestry Advisory Committee, Faculty of Forestry at UBC	The province's leading expert on fire risk/prescriptions, and an excellent presenter. She could perhaps talk to the desirability of thinning to re-establish more open landscapes in appropriate ecological locations, etc.
Forestry Review Project Consultants <b>and</b> Environmental Advisory Committee	Research - Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Suzanne Simard, Department of Forest and Conservation Sciences, UBC	Suzanne is best known for the research she has conducted on the underground networks of forests characterized by fungi and roots. She studies how these fungi and roots facilitate communication and interaction between trees and plants of an ecosystem. Within the communication between trees and plants is the exchange of carbon, water, nutrients and defense signals between trees. She used radioactive carbon to measure the flow and

Source	Topic/ Resource	Organization/ Individuals	Recommendation
			sharing of carbon between individual trees and species, and discovered that birch and Douglas fir share carbon. Birch trees receive extra carbon from Douglas firs when the birch trees lose their leaves, and birch trees supply carbon to Douglas fir trees that are in the shade.
Forestry Review Working Group / Project Consultants	Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Mark Wood, Trail Consultant, Trail Holistics ( <a href="https://www.trailholistics.com/">https://www.trailholistics.com/</a> )	An expert in trail management strategies, Mark holds a wealth of experience in risk management, construction, assessment & planning. Working with Land Managers and communities throughout BC, Mark is experienced conducting assessments leading to development strategies in a range of biogeoclimatic zones. Mark's work includes the creation of powerful capacity building initiatives centered on a sustainable future. An enthusiastic Instructor, Mark continues to conduct trail workshops throughout BC since 2011, teaching participants the art of sustainable trail care, advanced design & construction, and operational capacity building.
Forestry Review Working Group / Project Consultants	Ecology - Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Andy MacKinnon, Retired Forest Ecologist, Adjunct Professor at Simon Fraser University and Professional Forester and Professional Biologist in BC	Until his retirement in 2015, Andy worked for the B.C. Forest Service for three decades, mostly on B.C.'s coast, where he was responsible for ecosystem classification and mapping and a program of forest ecology research focused on old growth structure and composition, effects of climate change, and B.C.'s native plants and fungi. Andy has also been involved in defining and implementing ecosystem-based

Source	Topic/ Resource	Organization/ Individuals	Recommendation
			management in Haida Gwaii and the Great Bear Rainforest. He has co-taught rainforest ecology field courses in Bamfield (for the University of Victoria) and Haida Gwaii (for UBC). Andy is co-author of six best-selling books about plants of western North America. Andy was awarded an Honorary Doctor of Science degree by Simon Fraser University in 2013
Forestry Review Working Group / Project Consultants	Carbon Offsets - Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Dr. Clive Welham, Research Associate, Department of Forest Resources Management, UBC Faculty of Forestry  President, FORRx Consulting and Founder, 3GreenTree Ecosystem Services <a href="https://www.3greentree.com/about-1">https://www.3greentree.com/about-1</a>	Clive developed many forest carbon projects in Canada and other countries. He helped construct a methodology (set of rules) used by an international organization, the Verified Carbon Standard, as the basis for carbon projects. 3GreenTree Ecosystem Services was contracted by the Municipality to test the feasibility of a carbon offset project in the North Cowichan Forest Reserve.
Forestry Review Working Group / Project Consultants	Forest Fire Mitigation - Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Bruce Blackwell, Professional Forester and Biologist <a href="https://www.bablackwell.com/associates/">https://www.bablackwell.com/associates/</a>	Bruce has more than 30 years' experience primarily focused in fire and forest ecology, silviculture, vegetation management, wildland/urban interface planning, forest policy and practice audits and reviews. He is considered a provincial expert in fire and fuels management and has managed numerous innovative projects related to fire risk identification and mitigation for both the public and private sector.

Source	Topic/ Resource	Organization/ Individuals	Recommendation
Forestry Review Working Group / Project Consultants	Ecology - Educational Resources/ Consultant <b>(Part of a Speaker Series)</b>	Dr. Peter Arcese, FRBC Chair of Applied Conservation Biology and Co-Director for Applied Conservation Research in the UBC Faculty of Forestry  <a href="https://forestry.ubc.ca/faculty-profile/peter-arcese/">https://forestry.ubc.ca/faculty-profile/peter-arcese/</a>	Peter is a member of the UBC Partnership helping with the North Cowichan Forest Review. He works on the ecology and genetics of animals and plants, the persistence of small populations, and the design and management of nature reserves. Peter knows our area well and has amazing stories about Basking Sharks, the Cowichan River, fish stocks, carbon offsets, First Nations gardens, endangered species and sustainable forestry.
Resource Works Society	Report and Presentation- "The Forest Around Us"	Stewart Muir, Resource Works Society	Proposes to customize a Green Growth BC report entitled The Forest Around Us to be delivered as a shelf-ready product to the District of North Cowichan and area residents to stimulate an informed discussion in the Fall of 2021- <b>Cost \$12,000</b>

# Report

Date August 18, 2021

To Council

From David Conway, Director, Engineering Projects

Subject 2021 Environmental Advisory Committee Workplan

File:

Endorsed:



## Purpose

To consider the projects and initiatives proposed by the Environmental Advisory Committee for implementation in their 2021 Environmental Advisory Committee Workplan (the "Workplan").

## Background

Since the Environmental Advisory Committee's (EAC) inception in February 2021, many agenda items have been referred by Council and/or suggested by staff, committee members and others for consideration by the EAC. Having reached the mid-point of 2021, staff have worked with the EAC to prioritize these items (Attachment 1).

Under the EAC's Terms of Reference,

- (1) Their role is to:
  - (a) Develop and integrate practical Climate Action and Energy Plan (CAEP) policies and programs through both the pending CAEP and Official Community Plan processes; and,
  - (b) Advise Council on other environmental issues, such as natural areas, watershed protection, air quality, climate adaptation, and other emerging issues referred by Council.
- (2) Meet six times per year, bi-monthly, or at the call of the Chair (Councillor Marsh). The meeting schedule for 2021 set by the EAC on February 16, 2021 (inaugural meeting), included six dates (March 16, April 20, May 18, June 22, September 23 and November 16). The Chair has called three special meetings (March 2, May 4 and July 20) for a total of eight meetings to date. In addition to the September and November meetings, a fourth special meeting is scheduled for August 17. Meetings run approximately three hours in length. However, this does not include meeting preparation time, such as reading and self-study, which members are likely spending so they can contribute towards valued recommendations.

## Discussion

Staff are seeking Council direction on the proposed EAC work plan for the remainder of 2021 to ensure the planned environmental activities meet Council's strategic priorities, staff resources and expected EAC deliverables. The proposed Workplan (Attachment 1) breaks down potential items for consideration by the EAC into three categories:

**Section A.** Items referred by Council to the EAC for advice and input.

**Section B.** Items referred by Council and other parties to support Council's Strategic Plan priorities.

**Section C.** Items referred by other parties for potential consideration by the EAC.

Staff have included an additional column to the Workplan to provide Council with an update on the status of the various items, as applicable.

The EAC prioritized each item as *high, medium* and *low* priority within the above-noted categories and adopted the following recommendation to Council:

*"The Environmental Advisory Committee recommends:*

*That Council endorse the amended EAC 2021 Workplan, and direct staff to schedule the subjects on future Environmental Advisory Committee agendas with first priority for subjects in Section A of the workplan."*

- **Section A**

Three of the subjects under Section A are items that have been referred by Council to the EAC and are waiting to be placed on an upcoming agenda or additional information is required before including:

- (1) Somenos Marsh presentation on Riparian Protection [A1],
- (2) Ban on Single Use Plastics [A2], and
- (3) 3137 Henry Road rezoning application [A3].

The remaining three items [A4 to A6] in Section A have already been addressed or are in progress. Staff will work with the EAC Chair to include these matters on an upcoming EAC agenda as early as practical.

- **Section B**

Section B contains seven subjects that are in relation to Council's Strategic Plan. Three were considered to be of high or medium importance by the EAC [B1, B2 and B7]. The top priority identified by the EAC is the Biodiversity Protection Policy project [B1], which was discussed at a special EAC meeting held on July 20 and will be discussed further at the special meeting scheduled for August 17.

The review of the CAEP community grants and Terms of Reference [B3] being of medium priority does not mean that CAEP fund use, promotion, and disbursement of the CAEP grants will not occur in 2021. It means that a project to update the grant program and terms of reference for the fund may not occur in 2021.

- **Section C**

Section C lists six current matters or ideas raised by EAC members or submitted by others. Four are considered highly important by the EAC [C2, C3-2, C4 and C5], including input on the Forestry Review [C5].

As the Forestry Review's public engagement is still on pause and the resumption date is unknown, staff suggest this be removed from the 2021 EAC workplan and potentially revisited as part of proceeding with the review. When the review proceeds, Council could give clear direction to the EAC and staff on the scope of desired EAC involvement, and the EAC workplan could be amended

as required. Prior to directing EAC involvement, Council may wish to request a staff report with options on where and when EAC involvement may be most beneficial in the project methodology. The Forestry Review is a complex project involving government to government consultation with First Nations (ongoing), a broad, planned public engagement led by an external consulting firm (currently paused), as well as expert technical advice and guidance from UBC/3GreenTree and the Forestry Advisory Committee (currently suspended) on forestry operations and options. Clarity on what Council envisions the EAC contributing specifically, and where in the project process they would be asked to contribute, is important direction for staff and the retained consultants to receive. It is also important for the public to understand as it relates to their expectations for the overall process and opportunities to be engaged.

## Summary and Conclusion

Council are asked to consider whether they wish to endorse the entire Workplan or just some of the items proposed in Sections B and C of the Workplan (in addition to Section A items), taking into consideration the anticipated time to respond to the referrals and the number of meetings possible between now and year-end. Council may wish to consider removing items to create EAC capacity for any emerging issues that are likely to arise and that the EAC is anticipating review of the draft CAEP upon its completion, which will be time consuming.

## Options

### Option 1 (recommended) THAT Council:

- (1) Approve the Environmental Advisory Committee (EAC) 2021 Workplan, subject to the following items being removed from the Workplan:
  - a. [Council to identify the item number and description of any item that is to be removed]; and
- (2) Direct staff to work with the EAC Chair to prioritize the items listed in Section A of the EAC Workplan for implementation in 2021.

- This option increases the likelihood that current issues of Council that have been referred to the EAC remain a priority and that the Workplan remains achievable with Council receiving timely input or recommendations from the EAC as desired. However, it may result in the deferral of other high priority tasks assigned by Council to staff until there is sufficient staff resource time available.

### Option 2 THAT Council direct the Environmental Advisory Committee (EAC) to focus on the tasks referred by Council as listed in Section A of the 2021 EAC Workplan.

- This option acknowledges the magnitude of issues that the EAC is interested in and those aligned with Council's Strategic Plan but does not provide any direction to the committee beyond the current Council referrals.

### Option 3 THAT Council endorse the 2021 EAC Workplan as proposed and attached to the August 18, 2021 report from the Director, Engineering Projects.

- This option allows for the most flexibility as it relates to the creation of EAC agendas and does not provide any guidance to staff or the EAC on Council's priorities.

## Implications

*Financial and Personnel* - Referrals to the EAC do not have a direct financial impact, but they do require a significant investment of staff time for coordinating and publishing the agendas and meeting materials, reviewing the agenda with the Chair, attending the meeting, minute-taking and providing meeting support, and following-up on action items and writing reports to Council following meetings where resolutions occur.

Staff workload in relation to supporting the EAC has been greater than anticipated due to the number of meetings that have occurred. If Council endorsed the entire Workplan as proposed, this would continue to have an impact on Environmental Services and Legislative Services staff capacity for other initiatives and operational work. The scheduled meetings for the remainder of the year are unlikely to allow enough time for proper consideration and recommendation on all matters listed, so they would require more meetings than the three anticipated under the Terms of Reference.

*Communications* - Recommendations that may arise from the Workplan will have a need for communications if endorsed by Council. For example, a ban on single-use plastics would require extensive communication and staff effort to implement.

## Recommendation

THAT Council:

- (1) Approve the Environmental Advisory Committee (EAC) 2021 Workplan, subject to the following items being removed from the Workplan:
  - a. [ Council to identify the item number and description of any item that is to be removed]; and
- (2) Direct staff to work with the EAC Chair to prioritize the items listed in Section A of the EAC Workplan for implementation in 2021

Attachment: 2021 EAC Workplan

## 2021 EAC WORKPLAN

attachment 1

Subject	Item Description	Requestor	Date Requested	Strategic Plan Relation	EAC Importance(H,M,L)	EAC Comments	Status
A. THE FOLLOWING LIST RELATES TO SUBJECTS THAT HAVE BEEN REFERRED BY COUNCIL TO THE EAC FOR ADVICE							
Staff to schedule with EAC as Priority items for response							
A1	Somenos Marsh Presentation on Riparian Protection	Council	18-Nov-20	n/a	high	**Move to top of list	
A2	Ban on Single Use Plastics	Council	18-Mar-21	n/a	high		
A3	3137 Henry Road Rezoning application	Council	13-May-21	n/a	high	Waiting for referral response from ALC	
A4	Cowichan Land trust- OCP Feedback letter for information	Council	2-Jun-21	n/a	high	Included in June 22, 2021 EAC Agenda	Councillor Marsh to write a letter complimenting CLT on the detailed response.
A5	Seek input from the EAC regarding educational opportunities the DNC can host or share online as part of the forestry review	Council	16-Jun-21	n/a	high	Included in June 22, 2021 EAC Agenda	EAC determined that more discussion was desirable
A6	Advise EAC of CAEP Timelines set by Council	Council		n/a	high	Staff to inform EAC of timeline	completed. Waiting on draft plan

## 2021 EAC WORKPLAN

Strategic Plan							
Subject	Item Description	Requestor	Date Requested	Relation	EAC Importance(H,M,L)	EAC Comments	Status
<b>B. THE FOLLOWING LIST RELATES TO SUBJECTS THAT HAVE BEEN IDENTIFIED IN COUNCIL'S STRATEGIC PLAN</b>							
EAC to provide recommendation to Council							
B1	Biodiversity Protection Policy - Project Charter Review with Council and EAC	Council	21-Jun-21	Strategic plan and 2021 business plan for ENV	high	Schedule EAC - July 20, 2021 at 1:30 p.m.	referred by Council jun 21
B2	Generate draft policies pursuant to Council direction on CAEP actions	staff/council		Strategic plan and 2021 business plan for ENV	high	Anticipation following next draft of CAEP update	refer to A6
B7	Developing a Community Energy Utility Utilizing Solar Photo Voltaic	Peter Nix/Councillor Marsh	20-Nov-20	In Council Strategic Plan to research solar potential to replace fossil fuels	high		staff working on a related report expected September 21, 2021
B3	CAEP Community Grants/ TOR	Staff Initiated		Implementing the CAEP is in the Council strategic plan - update the terms of reference to be current	medium	Unless tied to CEA grant will be more of a medium priority	staff pursuing CEA grant with funder meeting July 6/21
B5	Cascadia Bioenergy - Cascadia Bioenergy is a renewable energy company focused on producing clean energy from local forestry resources. Our vision is to displace fossil fuels in power generation converting non-merchantable, post-harvest forest fibre into biocoal	Councillor Marsh	9-Mar-21	Exploring feasibility of District Energy systems is a Council priority	medium		

Subject	Item Description	Requestor	Date Requested	Strategic Plan Relation	EAC Importance(H,M,L)	EAC Comments	Status
B6	Dairy Farmer looking for land (or a longterm lease) and funding to install a biogas RNG digester.	Joshua Larson/ Councillor Marsh	5-Mar-21	Tangentially related to District Energy which is a council priority - also related to implementation of CAEP	medium		
B4	Cowichan Green Community Agricultural Center - solar panels on roof - community grant	Councillor Marsh	10-Dec-20	Related to Strategic plan in regards to renewable energy and implementing the CAEP	low	Staff to check with CGC to see what urgency is	

## 2021 EAC WORKPLAN

attachment 1

		Strategic Plan					
Subject	Item Description	Requestor	Date Requested	Relation	EAC Importance(H,M,L)	EAC Comments	Status
<b>C. THE FOLLOWING LIST RELATES TO SUBJECTS THAT HAVE BEEN IDENTIFIED BY OTHERS</b>							
EAC to review merit and provide recommendation to Council							
C2	Native Plant Demonstration Project on the Beverly St. Dyke	Bruce Coates (EAC member and Cow	27-Nov-20		high	Lump in with discussion about biodiversity when meet on July 20, 2021	
C3-2	Backyard Burning	Councillor Marsh	24-Dec-20		High	Airshed Roundtable EAC statement to continue focus and funding Update policy on Backyard Burning	
C4	Bees and Natural Resources	Council/Tanis Bapty	26-Apr-21		high	Lump in with discussion about biodiversity when meet on July 20, 2021	
C5	EAC Input on Forestry Review	Councillor Marsh	16-Jun-21		high		this issue potentially goes beyond the referral of educational opportunities.
C3-1	Woodstoves	Councillor Marsh	24-Dec-20		medium		
C1	Green Hydrogen Generation in Alberta	Neil Anderson (EAC member)	44258		low	In conjunction with discussions of eco-industrial park	

Date August 18, 2021

File:

To Council

From Shaun Chadburn, Environmental Programs Coordinator

Endorsed:



Subject Clean BC Better Homes – 2021 Program Update

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## Purpose

To provide Council with the additional analysis and background information requested on July 21, 2021, regarding the Clean BC Better Homes and Home Renovation Rebate Program (the “Program”) so that they can make a decision on whether to continue funding the Program.

## Background

This report is to supplement the Clean BC Better Homes report originally presented to Council on July 21, 2021 (Attachment 1) with information related to the Climate Action Energy Plan (CAEP) reserve fund.

IT WAS MOVED AND SECONDED:

That the following motion be referred back to staff for further financial analysis and policy review:

*“That Council establish an annual allocation of \$40,000 in the Climate Action and Energy Plan Reserve Fund to be used as a top-up to the Clean BC Better Homes and Home Renovation Rebate Program beginning immediately in 2021 until the Program end date of March 31, 2024”*

## Discussion

Sustainability Solutions Group has stated that home energy efficiency retrofits (including the installation of heat pumps) are one of the five big moves associated with reaching Council’s Greenhouse gas reduction target of 80% by 2050 in the 2021 CAEP Update. These five big moves are responsible for ~94% of North Cowichans emissions reductions in the 2021 Draft CAEP, so it’s imperative that the Municipality starts to reduce emissions by renovating the residential housing sector with a focus on improving energy efficiency and converting fossil fuel based heating systems to clean energy alternatives if the target is to be reached.

Since reporting to Council on July 21, 2021, the Provincial government has advised staff that they have seen continued uptake of the Clean BC Better Homes Program in North Cowichan and **as of August 9, 2021 they have advised that they have insufficient funds to continue advertising our municipal top up beyond August 19, 2021, unless Council provides further funding towards the program immediately.**

Based on the increased interest in the program in 2021, staff estimate that up to \$50,000 could be utilized between the July 2020 start date and December 31, 2021, and up to \$40,000/year thereafter. The Provincial government has budget approval for this program until March 31, 2024. This suggests a reserve of \$40,000 per year through to the end of the Program (total additional investment of \$105,600 from August 2021 to March 31, 2024) will be needed for sustained local uptake of the initiative.

Table 1 (below) shows a summary of the community portion of the CAEP Reserve Fund and a projection of potential expenditures in 2022. As shown in the table, \$5,600 of the original \$30,000 allotment for the Clean BC Home Renovation Program was utilized in 2020, resulting in \$24,400 remaining at the start of 2021. As mentioned above, the funds remaining at the beginning of 2021 are now very close to being completely disbursed.

Table 1 also shows other budgeted items from the community side of the reserve fund for Council's reference. The 2021 budget showed an over-allocation of the Community funds, including the line item for CAEP Implementation. However, the other specified expenses (BC Energy Step Code, Clean BC, EV Charger etc.) are part of the implementation. Table 1 also includes the additional emissions modelling for the OCP project, which Council requested, but was not originally budgeted. The updated budget shows the redistribution of these. Additionally, the Biodiversity protection project was initially budgeted to come from the reserve fund, but staff feel the 2021 engineering studies category is suited to fund the project and has money available, thereby preserving the CAEP reserve.

**Table 1: 2021 Community CAEP Reserve Fund Balance and 2022 Projection.**

<b>Community Portion of CAEP Reserve Fund</b>			
	<b>2021</b>	<b>2021</b>	<b>2022</b>
<b>Available from previous year</b>	125,092	125,092	16,772
<b>Tax contribution</b>	32,780	32,780	32,780
<b>Total Funds Available at the Start of Year</b>	<b>157,872</b>	<b>157,872</b>	<b>49,552</b>
<b>LESS EXPENDITURES</b>	<b>2021</b>	<b>2021</b>	<b>2022</b>
	<b>Budgeted</b>	<b>Updated</b>	<b>Budgeted</b>
<b>Community Energy Project Grants</b>	-30,600	-30,600	-25,000
<b>BC Energy Step Code Incentives</b>	-30,000	-15,000	-15,000
<b>Clean BC renovation program<sup>1</sup></b>	-24,400	-50,000	-40,000
<b>EV Charger Strategy</b>	-18,000	-18,000	0
<b>CAEP Implementation</b>	-120,000	0	0
<b>Biodiversity Plan</b>	-25,000	0	0
<b>OCP Growth Scenario Modelling</b>	0	-27,500	0
<b>End of Year Balance</b>	<b>-90,128</b>	<b>16,772</b>	<b>-30,448</b>

*1 – Council allocated \$30,000 in July of 2020, of which \$24,400 was remaining at the beginning of 2021. Staff are proposing an additional allocation of 25,600 in 2021, bringing the budgeted funds available in 2021 forwards to \$50,000 to ensure program continuity until 2022.*

In order to allow for other potential community grants from the CAEP reserve fund and allow for the continuation of the Better Homes program through to 2022, staff recommend that Council allocate an additional \$25,600 for the program in 2021. Staff also propose additional allotments of \$40,000 per year in 2022 and 2023 to see this initiative through to the Provincial Government program end date. Any funds that are not spent before the provincial government program end date will remain in the CAEP reserve for future projects.

Table 1 shows allocations based on the 2021 budget with the exception being the growth scenario modelling for the OCP. Some of these budgeted amounts have not been spent yet and may not ever be fully utilized (e.g. BC Energy Step Code). This could lead to a greater surplus in the community portion of the fund than shown in Table 1 which may lead to a positive balance in the 2022 budget. Staff will be able to report more accurately to Council later in this budget cycle.

Alternatively, Council could consider a one-time transfer (now or at a later date) of funds from the corporate portion of the fund to the community portion. This would allow for more community emissions reduction initiatives but reduce opportunities for the Municipality to show leadership by reducing energy use and GHG emissions in its municipal operations. The balance of the corporate portion of the CAEP Reserve fund is currently at \$525,256.

## Options

**Option 1 (recommended):** THAT Council allocate an additional \$25,600 from the Climate Action and Energy Plan Reserve Fund towards the Clean BC Better Homes Renovation Program for 2021 and establish an annual allocation of up to \$40,000 for 2022 and 2023.

**Option 2:** THAT Council direct staff to complete a one-time transfer of \$\_\_\_\_\_ from the corporate side of the Climate Action and Energy Plan Reserve Fund to the community side to allow the continuation of the community grants and community emissions reduction initiatives.

**Option 3:** THAT Council allow the remaining funds to be paid out through the Clean BC Better Homes and Home Renovation Rebate Program, thereby discontinuing the Municipality's participation in the Program once the funds have been depleted.

## Implications

**Option 1 -** Reference implications from July 21, 2021, Environmental Programs Coordinator's report (Attachment 1). It is unlikely that all budgeted amounts will be spent in 2021, and the tax contribution for 2022 will be larger than currently shown. Therefore, the fund may have a surplus at the end of 2022. The full allocation for 2023 would then be allocated to this program.

**Option 2 Implications** – Transferring funds from the corporate portion of the reserve fund into the community portion will reduce staffs' ability to execute projects that reduce corporate energy and GHG emissions; however, the corporate portion has a current balance of \$525,256 and an annual allocation of at least \$130,000. As opposed to the corporate portion of the fund, funding community emissions reduction projects does not provide an opportunity to regenerate energy savings back into the fund under the current terms of reference.

**Option 3 Implications** – Uptake of energy retrofits in the community will likely be reduced. Staff will need to find alternate means of reducing energy and emissions in the existing residential housing sector, which could be more resource intensive as the province administers the Clean BC program.

### **Recommendation**

THAT Council allocate an additional \$25,600 from the Climate Action and Energy Plan Reserve Fund towards the Clean BC Better Homes Renovation Program in 2021 and establish an annual allocation of up to \$40,000 for 2022 and 2023.

Attachment: July 21, 2021 Clean BC Better Homes Program Update - Environmental Programs Coordinator Staff Report

# Report

Date July 21, 2021

To Council

From Shaun Chadburn, Environmental Programs Coordinator

Subject Clean BC Better Homes – 2021 Program Update

File:

Endorsed:



## Purpose

To update Council on the Clean BC Better Homes and Home Renovation Rebate Program (the "Program") and seek direction on continued Program funding.

## Background

On June 17, 2020, Council resolved to allocate up to \$30,000 from the Climate Action Energy Plan (CAEP) Reserve Fund to support the Program offered by the provincial government (Original Staff Report - Attachment 1). The Program offers provincially funded rebates for residents of British Columbia who upgrade their space and water heating systems, complete energy assessments or improve their building envelope. The Program's main objective is to reduce greenhouse gas emissions and energy consumption in the existing housing stock by converting fossil fuel-based heating systems to high-efficiency air-source heat pumps.

The municipal funding that was allocated for this Program is used to provide additional top-up incentives to residents of North Cowichan, which increases the uptake rate in our area and reduces our communities' greenhouse gas (GHG) emissions and energy usage.

## Discussion

Staff recently received an update from the Province on the uptake of the Program in North Cowichan. The information provided covers the period from the start date to May 31, 2021, summarized below in Table 1.

Table 1: Summary of Clean BC's "Better Homes" Program (July 2020 – May 31, 2021)

Type of Incentive	Number of Incentives	Municipal Incentive Amount
Oil to Heat Pump	32	\$10,150
Propane & Natural Gas to Heat Pump	6	\$1,750
Energuid Assessments	7	\$1,050
Electrical Service Upgrades	2	\$1,000
Number of Windows & Doors replaced	61	\$3,050
<b>Total</b>	<b>108</b>	<b>\$17,000</b>

Provincial staff have indicated a significant increase in the uptake of the Program in 2021, and there is only \$13,000 (43%) in funding remaining for municipal top-ups. They anticipate that the remaining funding will be fully allocated very shortly.

In order to provide continuity of the Program funding and to ensure proper notification can be given to interested residents of North Cowichan, provincial staff requested that staff seek Council direction regarding whether we will be providing more funding towards the Program so they can continue to ensure a smooth rollout. If Council chooses not to provide further funding towards the Program, the Province anticipates ending the municipal top-ups in North Cowichan soon.

Based on the increased interest in the program in 2021, staff estimate that up to \$40,000/year could be utilized in future years. The Provincial government has budget approval for this Program until March 31, 2024. This suggests a reserve of \$40,000 per year through to the end of the Program (total of \$120,000) will be needed to support the local uptake of the initiative. Noting as well that the money is only disbursed as the energy upgrades are completed, and that the municipal staff time required is very low.

### Options

**Option 1 (recommended):** That Council establish an annual allocation of \$40,000 in the Climate Action and Energy Plan Reserve Fund to be used as a top-up to the Clean BC Better Homes and Home Renovation Rebate Program beginning immediately in 2021 until the Program end date of March 31, 2024.

**Option 2:** That Council allow the remaining \$13,000 to be paid out through the Clean BC Better Homes and Home Renovation Rebate Program, thereby discontinuing the Municipality's participation in the Program once the funds have been depleted.

### Implications

**Financial:** A top-up reserve from the CAEP Reserve Fund utilizes the funds by leveraging existing provincial incentives to encourage local improvements to reduce GHG emissions in the community and help residents save energy. The CAEP Reserve Fund has money available, and supporting this initiative would not require a change in taxation.

**Communications and Personnel:** A significant advantage of this Program is the Provincial Government covers that administration and outreach, so very little municipal staff effort is required to support this Program.

**Environmental:** Converting fossil fuel based space-heating appliances to heat pumps forms a significant portion of our community's draft reduction strategy as outlined in the latest Climate Action Modelling. Additionally, removing oil heating appliances eliminates a significant liability of potential oil spills on our land base.

**Social:** Energy efficient housing provides comfortable and healthy living accommodations for residents in our community. The process of making energy improvements can increase knowledge about the benefits of reducing GHG's while saving energy over the life of the upgrade.

### **Recommendation**

That Council establish an annual allocation of \$40,000 in the Climate Action and Energy Plan Reserve Fund to be used as a top-up to the Clean BC Better Homes and Home Renovation Rebate Program beginning immediately in 2021 until the Program end date of March 31, 2024.

Attachment: June 17, 2020 Clean BC Staff Report

# Report

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Date June 17, 2020

File: 5280-20-CAEP

To Council

From Shaun Chadburn, Environmental Programs Coordinator

Endorsed:



Subject "Clean BC Better Homes" Program Overview

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## Purpose

To provide Council with an overview of the "Clean BC Better Homes" program and to seek Council approval to enroll in the rebate program and offer additional municipal incentives.

## Background

This report is in response to the following motion made at the March 4, 2020, Regular Council meeting:

*"That Council direct staff to prepare a report on a rebate policy focused on renovations to existing dwellings."*

## Discussion

The Provincial Government recently invited the Municipality to participate in the "Clean BC Better Homes" Rebate Program ([www.betterhomesbc.ca](http://www.betterhomesbc.ca)). The main goal of the Better Homes program is to reduce greenhouse gas (GHG) emissions in the residential housing sector. It is focused on replacing fossil fuel heating systems with high-efficiency air-source heat pumps. The program offers provincially funded rebates for homeowners to improve their building envelope, heating systems and electrical service (if required).

Although the rebates are available to all homeowners in BC, the provincial government is encouraging municipalities to provide additional top-up incentives to increase uptake in their jurisdiction. Municipal partners can determine what types of additional rebates they want to offer to the homeowners within their jurisdiction. A major benefit of enrolling in this program is that the Provincial Government staff handle all the administration and distribution of incentives on behalf of the Municipality. Furthermore, the province completes targeted social media campaigns as well as engagement with local contractors.

Staff recently participated in a workshop hosted by 'City Green Solutions' to learn about "Transition 2050," a project aimed at accelerating residential retrofits across Vancouver Island by creating promotional materials (Digital, Print and Social Media templates etc.) for the Clean BC Program as well as policy templates and staff training for accelerating residential home retrofits. The Municipality would have free access to these resources, which would further reduce administration time associated with improving the overall efficiency of North Cowichan's existing housing stock and reducing GHG emissions. The Cowichan Valley Regional District and the City of Duncan also participated in the workshop.

Transition 2050 and the Clean BC Better Homes program directly tie in with the anticipated greenhouse gas reduction strategies that will be recommended by the consultant working on the Climate Action Plan Modelling. If Council directs staff to join the program before August 2020, the Municipality could be offering top-up incentives as early as October of 2020.

A comparison of municipal partner's incentive choices and funding amounts are shown below and the "Municipal Top-up Overview" document is provided as an attachment to provide further information as well as frequently asked questions.

Municipal Top-ups	Vancouver	Victoria	Saanich	Capital Reg. District	Comox Valley	Campbell River	Powell River	Richmond	North Vancouver	Whistler	Kamloops	Kelowna
<b>Fuel Switch Heat Pump</b>												
\$350		\$350	\$350	\$350	\$350	\$350	\$350					
\$2,000	\$2,000								\$2,000	\$2,000		
\$6,000	\$6,000											
<b>EnerGuide Home Evaluation</b>												
\$150	\$150		\$150		\$150	\$150		\$150	\$150		\$150	\$150
<b>Electric Service Upgrade</b>												
\$500	\$500		\$500				\$500		\$500	\$500		
<b>Heat Pump Water Heater</b>												
\$350			\$350				\$350					
\$1,000	\$1,000								\$1,000	\$1,000		
<b>Contractor Spiff</b>												
\$50			\$50						\$50	\$50		
\$300	\$300											

Note: The above table only shows the additional municipal incentives that are applied on top of the amounts offered by the provincial government through the program.

Staff recommend offering up to \$30,000 (for 2020 and 2021 or until the funding is exhausted) for the following incentive amounts from the community part of the Climate Action Reserve Fund:

- Fuel Switch Heat Pump - \$350/participant
- EnerGuide Home Evaluation - \$150/participant
- Electric Service Upgrade - \$500/participant
- Heat Pump Water Heater - \$350/participant

The overall program budget and individual incentive amounts staff are recommending are based on what similar-sized municipalities who have already enrolled in the program agreed to offer. The Climate Action Reserve Fund currently has a balance of \$42,799 available if Council also chooses to fund the BC Energy Step Code incentive program at \$30,000 as proposed by staff.

## Options

Option 1 (Recommended): Enroll North Cowichan in the Clean BC Better Homes Program, allocate up to \$30,000 from the Climate Action Reserve Fund to support additional municipal incentives as outlined in the staff report from the Environmental Programs Coordinator dated June 17, 2020, and to provide the rebates on a first-come first-served basis until the allocated funds are exhausted.

Option 2: Join the Clean BC Better Homes Program and offer up to \$30,000 of incentives for fuel switch heat pumps and heat pump water heaters only on a first come first served basis until the funding is exhausted.

Option 3: Do not enroll in the Better Homes BC Program.

### **Implications**


- Opportunity to take advantage of provincial funding and administration as well as help to stimulate the local economy following COVID 19 restrictions
- Provide additional opportunities for homeowners to reduce their energy costs and improve the overall comfort of their home.
- Reduce the communities overall GHG emissions associated with space and water heating
- Minimal staff resources required to implement the program
- Complimenting similar efforts by other regional governments to help reduce GHG emissions in the whole Cowichan Valley

### **Recommendation**

That Council direct staff to enroll North Cowichan in the Clean BC Better Homes Program, allocate up to \$30,000 from the Climate Action Reserve Fund to support additional municipal incentives as outlined in the staff report from the Environmental Programs Coordinator dated June 17, 2020, and to provide the rebates on a first-come first-served basis until the allocated funds are exhausted.

Attachment(s): Better Homes Municipal Top Up Overview

# Report

Date	August 18, 2021	File:
To	Council	
From	Barb Floden, Manager, Communications and Public Engagement	Endorsed: 
Subject	Use of Municipal Coat of Arms	

## Purpose

To discuss with Council the current use of North Cowichan's Municipal Coat of Arms and determine Council's direction about its continued use.

## Background

In Canada, the Canadian Heraldic Authority is the public registrar of arms, flags, and badges that contain the heraldic emblems granted, registered, approved or confirmed since the establishment of the Canadian Heraldic Authority in 1988.

On November 20, 1989, the Canadian Heraldic Authority granted the Corporation of the District of North Cowichan the Grant of Arms, Supporters, and Flag currently in limited use in the Municipality.

<https://reg.gg.ca/heraldry/pub-reg/project.asp?lang=e&ProjectID=1844&ShowAll=1>

The coat of arms is described in the Municipal Style Guide: *"The rich history, geography, and economy of this region were taken into consideration for its design. Upon the shield stands the crest—a helmet adorned with a green and gold reversed mantle; atop which rests a green and golden wreath and a gold crown comprised of miners' picks and wheat sheaves. The supporters include a logger and a pioneer woman, depicted in traditional nineteenth century attire. Originally, the Coat of Arms included two men—a logger and a farmer. Upon redesign, a pioneer woman was included to replace the farmer, representing the many nameless women who have played an important part of North Cowichan's history. They stand upon a green, grassy meadow rising above silver-crested waves in reference to the coastline. The Motto, Vestigia Nulla Retrosum, is translated as No Stepping Back. This alludes to North Cowichan's desire for forward thinking and progression. A gold shield with wavy blue lines depicts the Cowichan and Chemainus Rivers. Between them lies a green area representing the farmland, forests, and fields of North Cowichan. The raguly line of the green banding denotes difficulties that have been encountered and overcome. The silver Pacific sockeye salmon is shown in naiant, or swimming, between two Pacific dogwood, the official flower of British Columbia. The golden base of the shield represents the rich mining history of the area."*

On June 3, 2014, Version 1.2 of the **Municipality of North Cowichan Style Guide** was adopted. In this document, the familiar logo featuring a wave between the stacked words “North” and “Cowichan” is described as the primary mark for official municipal business. On page 11, a compilation of logos that “have been discontinued, replaced or generally fulfilled their originally-intended purpose” is shown and includes an image of the arms (sans supporters). The full coat of arms is described in detail on Page 22, noting that any use of this emblem should be reviewed and approved by Corporate Services (now Legislative Services).

In December, 2015, the **Truth and Reconciliation Report** was released, including 94 “calls to action.” Call to Action # 47 states: “We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.”

One of the six priorities outlined in the **2019-2022 Council Strategic Plan** is Community, which is described as “We have safe, inclusive and inspiring neighbourhoods,” and the **Council Vision** states “Council will act to maintain and strengthen North Cowichan as an economically thriving and sustainable community of unique and inclusive towns and neighbourhoods, preserving our agricultural rural countryside, and stewarding healthy forests, rivers and lakes.” The Municipality of North Cowichan **2019-2022 Operational Strategic Plan** lists seven values, including “Inclusion: Our behaviours and actions foster a culture where all staff feel accepted, welcome and safe, and contribute to a positive, respectful, and fun work environment.” Objective 9, “Continue to develop strong relationships with Indigenous peoples” includes the action, “Explore how North Cowichan can internally and externally respond to the recommendations of the Truth and Reconciliation Commission.”

## Discussion

In light of Council and the Municipality’s intentions around inclusion and Municipal direction related to Indigenous relations and steps toward reconciliation, the imagery and motto of the Municipal Arms does not appear aligned in spirit or sentiment.

In the late 1980s and early 1990s, it was common for local governments to develop arms and flags through the new Heraldic office in Ottawa. Today, much like North Cowichan, most local governments use their corporate logo as the official mark of the organization. If still in use, arms and flags are often reserved for specific or very limited purposes, such as for Mayor and Council, or on documents such as Council declarations.

From the Municipal website, the female supporter displayed on the coat of arms is described as a pioneer woman, who “represents the many nameless ladies who played such an important part in the early history of the District.” It can be reasonably argued that these pioneer women did, indeed, have names and that these pioneer women were predated by countless generations of Indigenous women who also had names and a lasting and continued impact on the culture and history of the area.

The Bylaw department is using a patch/badge and vehicle branding that incorporates the municipal logo instead of the traditional municipal coat of arms often used by protective services. A factor in the decision to use the logo in lieu of the coat of arms was the messaging the municipal coat of arms sent around a perception of gender inequality and a culture based on colonial settlement.

The motto, *Vestigia Nulla Retrorsum* ("No stepping back") is also problematic in the era of reconciliation. The motto, together with the colonial elements and settler imagery of the coat of arms, makes no mention of the First Nations who inhabited the area at the time of first settler contact and instead alludes to a "new" era in which going back is not an option.

## Options

### Option 1 (recommended)

THAT Council direct staff to retire the use of the Municipality of North Cowichan coat of arms and remove, when timely and where feasible, all instances where the coat of arms is currently in use.

### Option 2

THAT Council direct staff to pause the use of the Municipality of North Cowichan coat of arms, pending a more fulsome review of the history, impact of, and consideration of additional options, which could include the creation of a revised coat of arms.

### Option 3

THAT Council direct staff to keep the coat of arms and continue its current level of use.

## Implications


The coat of arms has not been recognized as an official brand element of the Municipality of North Cowichan since 2014. There remain, however, a handful of instances and locations where the coat of arms is still in use. Depending on the option selected by Council, this will determine the impact to these outlying instances of usage. Most notable, these examples include:

- A three-dimensional sign of the coat of arms is displayed on the wall at the main entrance of Municipal Hall. This sign could be reconfigured to include just the words "North Cowichan Municipal Hall" without the coat of arms.
- The Municipality's official seal uses the coat of arms. The *Community Charter* does not stipulate that a municipality have an official seal, instead it simply places the keeping of the corporate seal, if any, under the responsibility of the Corporate Officer.
- A small number of older signs that include the coat of arms are still in use throughout the Municipality. These signs could be replaced with newer versions as part of standard replacement schedules.

## Recommendation

THAT Council direct staff to retire the use of the Municipality of North Cowichan coat of arms and remove, when timely and where feasible, all instances where the coat of arms is currently in use.

# Report

Date	August 18, 2021	File:
To	Council	
From	Kim Ferris, Manager, Bylaw and Business Licensing Services	Endorsed: 
Subject	Quarterly Community Safety Plan Update	

## Purpose

To update Council on the actions undertaken by Municipal staff and members of the Joint Local Government Safer Working Group to date, including the Corridor Safety Office and enforcement.

## Background

As a result of the Safer Community Plan (SCP), a Corridor Safety Office (CSO) and coordinated municipal bylaw enforcement, private security patrols and RCMP was established.

## Discussion

This report is to update Council on the SCP, which Council adopted on July 17, 2019. It was created to produce a framework to address community safety concerns in a variety of circumstances. The SCP was intended to be action-oriented and provide specific actions to respond to the safety concerns identified. This report will review the seven action items recommended in a report presented to the Committee of the Whole at a joint meeting with the City of Duncan by Consultant Randy Churchill (Attachment 1).

The seven recommended actions as presented in Attachment 1 are as follows:

1. Joint LG-Safer Working Group
2. Corridor Safety Office
3. Impact on Business and the Highway Corridor
4. Health and Social Service Roles
5. RCMP Crime Reduction-Crime Analyst
6. Crime Prevention through Environmental Design
7. Problem Properties

### 1. Joint LG-Safer Working Group

The Safer Working Group (SWG) is a staff-led working group responsible for providing oversight for the operation of the CSO, and advising the City of Duncan, Municipality of North Cowichan, and Cowichan Tribes' Councils on matters related to crime reduction, public disorder and community safety in the Trans-Canada Highway Corridor.

The SWG was significantly impacted by COVID, which simply managed day-to-day disorder issues in the Corridor. At the same time, the reduction in RCMP TRACE unit staffing reduced the police presence patrolling with Bylaw Officers along the Corridor. Going forward, a new schedule of joint bike patrols has started with the North Cowichan Bylaw Officers and the RCMP. The joint patrol's primary focus will be along the Corridor, but will also deal with all other matters related to crime reduction. The SWG continues to meet monthly to present statistics specific to their areas and discuss common problems and issues.

Monthly statistics are broken down into three main categories: Tents/Squatters and Other, which covers contact with persons experiencing homelessness and open burning. North Cowichan Bylaw collects this data. (the following statistics do not include the City of Duncan)

• Categories	Other	Squatters/tents	Open Burning
• November 2020	12	8	1
• December 2020	43	90	12
• January 2021	29	73	1
• February 2021	37	54	2
• March 2021	32	92	0
• April 2021	28	49	0
• May 2021	38	168	10
• June 2021	91	306	2
• Total	310	840	28

## 2. Corridor Safety Office

The CSO, located at 490 Trans-Canada Highway, is used by North Cowichan Bylaw Officers and Security Ambassadors (Blackbird Security). It is not a storefront and is not open to the public. The costs are shared 50/50 with the City of Duncan. The lease is currently up for renewal, and we are pursuing a month-to-month lease going forward with Blackbird Security cost-sharing a small portion. Joint bicycle patrols with North Cowichan Bylaw Officers and City of Duncan Bylaw Officers occur six days a week.

North Cowichan hired two new Bylaw Compliance Officers in April of 2021 with two-year appointments. After the Officers completed some initial training, both were assigned to work on the Corridor every day for two months. This increased presence has been well received by both businesses and the public. Recently, both Officers responded to four overdose calls, along with many other health and safety calls for service in the Corridor area since their arrival. North Cowichan Bylaw continues to patrol the Corridor and responds to calls seven days a week. The Overdose Prevention Service site is being relocated in October of this year to 5878 York Road. This Center will offer a broad range of services to support people living with addiction and mental health concerns. We are currently meeting with the staff in order to continue to provide a safe area for both the community and clients accessing the services.

Council is reviewing the Community Safety Response Gap Analysis, and the results may impact the future of the CSO. Currently staff feel there is an important need for the service provided by the CSO.

A brochure was created for “who are you going to call” and is handed out intermittently by Bylaw Officers (Attachment 2). This brochure is currently being reviewed and will be updated to ensure all contact numbers are current.

### **3. Impact on Businesses and the Highway**

A Safe Community Plan Impact Survey was completed by the City of Duncan (Attachment 3). Blackbird Security created and hand-delivered a flyer to all businesses and residents within the Corridor, offered by email and through an online survey. There were 22 participants, and the results showed that 32% of respondents indicated that they have contacted security and would again if they needed assistance. 85% responded, stating that the safety ambassadors were able to resolve and no further assistance was required.

### **4. Health and Social Services**

Joint work with street nurses and other community workers has been beneficial in dealing with the Corridor area issues. The North Cowichan Bylaw Officers coordinate with the street Nurses and Caseworkers when dealing with clients and the needs of those clients on a daily basis. North Cowichan Bylaw is part of the Cowichan Valley Integrated Response Team, a risk-based, collaborative, rapid triage model that can be an effective tool to deal with the clients that are often located in the area of the COS patrols. The North Cowichan Bylaw Manager meets with the Cowichan Community Action Team monthly, and important information is shared with a large group of front-line human services workers.

### **5. RCMP Crime Reduction-Crime Analyst**

RCMP representative on the SWG utilizes the statistics gathered by the Crime Analyst. We are in the early stages of developing protocols for the Crime Analyst to assist with statistical information that could be of value to us.

### **6. Crime Prevention through Environmental Design**

Crime Prevention through Environmental Design (CPTED) has been used effectively in the Corridor area. Both permanent and temporary fencing has been used as a valuable crime reduction tool throughout the community. Permanent fencing was used in an area on Whistler Street, while temporary fencing was placed on certain portions of Lewis, Beverly and York Streets. (Attachment 4). The City of Duncan facilitates the private security contract with Blackbird Security. Security Officers patrol seven days a week, from 7am -3pm, 5pm -8pm and 10pm to 3am. The patrol times are designed to address certain street problems and to create a street security presence. Warmland House & Outreach, located at 2579 Lewis Street, provides 30 shelter beds and 24 transitional apartments. The open courtyard has been closed since Public Health Orders (PHOs) were issued in response to COVID-19. Recent discussion with management staff confirmed that access to the courtyard would be increased as PHOs are lifted, providing some space for clients to stay during daytime hours, which may reduce street activity in the area. (Attachment 4)

## 7. Problem Properties

The Nuisance Abatement and Cost Recovery Amendment Bylaw No. 3832, 2021 was adopted on June 2, 2021, and is now being used to enforce on certain properties along Lewis Street. An example is a property at 2503 Lewis Street, which has a history of fourteen Bylaw calls for service over the last few years for unsightly property. Enforcement has begun using the Nuisance and Abatement and Cost Recovery Bylaw, and the owner is complying with directions to remove garbage and other chattels from the property. Two other vacant properties on Lewis Street are in the process of enforcement using the Bylaw. (Attachment 5)

## Recommendation

This report is provided for information only.

### Attachments:

- Attachment 1- Safer Community Plan Recommended Actions
- Attachment 2- Bylaw Enforcement Brochure
- Attachment 3- Community Safety Survey
- Attachment 4- CPTED Photos
- Attachment 5- Lewis Street photos

May 17<sup>TH</sup>, 2019

Ted Swabey  
Chief Administrative Officer  
Municipality of North Cowichan

Peter De Verteuil  
Chief Administrative Officer  
City of Duncan

## **Re: Municipality of North Cowichan and City of Duncan – Safer Community Plan – Recommended Actions**

### **Introduction**

Thank you for this opportunity to submit the Recommended Actions in this Safer Community Plan (SCP).

The neighbouring municipalities of the Municipality of North Cowichan and the City of Duncan (“the Communities” or the “Local Governments” [LG]), like many other municipalities, are faced with challenges as they deal with crime and public-disorder matters occurring in their respective communities.

To be successful, this SCP needs to include many stakeholders, including mayors and city councils, First Nations, the RCMP, LG departments, provincial ministries, area businesses, health and social services and local neighbourhoods—all are vital to achieving the common goal of having a safer community.

Your collaborative and respectful relationships with the Cowichan Tribes brings with it a shared concern for the effects crime and public disorder are having on all people—and helps provide a way to move forward together in dealing with the emerging challenges arising from homelessness, poverty, mental health and substance use, crime and public disorder.

While listening to your community speak, I was reminded of the fact that homelessness is not just the result of mental illness and substance use. It is increasing as a result of poverty. This fact is evident in the diversity of the people who are on the street.

Similar to what is occurring in North Cowichan and Duncan, many communities across the province are now sharing their concerns regarding the rising levels of homelessness

*four*

and public disorder. Many communities report that a rise in homelessness and public disorder began approximately two years ago—a rise that coincides with the opioid crisis and increasing signs of poverty.

Communities will need to face these emerging challenges together given their shared boundaries. Crime and public disorder do not take any notice of which side of the highway they are on or what community they are in.

Although I focus to a large extent on the crime and public-disorder aspects of addressing rising community concern, I want to say clearly that long-term actions to address these concerns will be best achieved through community support for the work being done by the health and social service agencies, and that the future availability of housing is integral to reducing crime and public disorder in all its forms.

Although this report deals specifically with an area known as the Highway Corridor, the specifics of the report and the recommended actions are meant to give the Communities tools they can adapt to address public disorder occurring elsewhere.

The key is to create a new organizational capacity and framework to address community public safety concerns in a variety of circumstances. In the case of the Communities, it starts with the Highway Corridor, but its impact will have further value through building partnerships among local governments, the police, social and health agencies and the business community.

Our ability to respectfully partner with those having differing security and social perspectives is key to successfully developing and implementing an effective SCP. Not only are the police important to lessening crime and disorder, but increased municipal efforts are also required as is the successful delivery of health and social services.

We are in this together for the betterment of all community members. We want to improve the situation for neighbourhoods, social services and businesses as well as for people who are street entrenched, dealing with poverty and dealing with mental illness and substance use.

Reducing crime and public disorder is a community problem and requires a community solution.

The writer interviewed thirty (30+) people in this process, including elected officials, First Nations staff, LG staff, RCMP, fire department staff, business owners, citizens, school officials, service providers, social services providers and healthcare professionals.

I wish to submit recommendations regarding actions that can be taken to lessen the impact of crime and disorder occurring in the Highway Corridor specifically and in the community generally.

## **Foreword**

It is difficult to make recommendations for all the factors that can influence a rise or fall in crime or public disorder. Therefore, this report should be viewed as a submission that offers recommendations based on experience addressing similar factors that are occurring in the Communities, but not giving a guarantee of outcomes.

The SCP is intended to be action-oriented and to provide specific actions to respond to identified issues. This will be evident in the recommendations.

The Communities will need to weigh the benefits of the proposed SCP options as they consider costs, budgets, goals and future developments.

This report is not intended as any form of legal advice.

## **Recommended Actions**

Recommended Action #1: Joint LG – Safer Working Group.....	3
Recommended Action #2: Corridor Safety Office .....	7
Recommended Action #3: Impact on Business and the Highway Corridor .....	11
Recommended Action #4: Health and Social Service Roles .....	12
Recommended Action #5: RCMP Crime Reduction – Crime Analyst .....	16
Recommended Action #6: Crime Prevention Through Environmental Design .....	17
Recommended Action #7: Dealing with Problem Properties.....	19
Resourcing Considerations: Staffing/Office – Corridor Safety Office.....	21

### **Recommended Action #1: Joint LG – Safer Working Group**

**That the Communities jointly align LG staff and RCMP resources to create a Safer Working Group in order to coordinate actions to address crime and disorder occurring in the community.**

**That the Safer Working Group guides the operations of the Corridor Safety Office highlighted in Recommendation #4.**

**That the Communities consider harmonizing municipal bylaws that can lessen the impact from crime and public disorder, including those dealing with nuisance properties, overnight camping, drinking in public, littering and nuisance activities.**

The SWG will serve as a permanent working and advisory body. It will be responsible for providing advice and/or making recommendations to councils and LG staff on matters related to crime, public disorder and safety within the Communities.

Crime and public disorder are of rising community concern, and the Communities will need to collaborate closely to address these issues. Closer coordination and communication can be achieved through the creation of a single SWG. This group will coordinate actions between internal LG departments and the RCMP, which will allow for their more effective joint engagement on matters regarding crime and disorder.

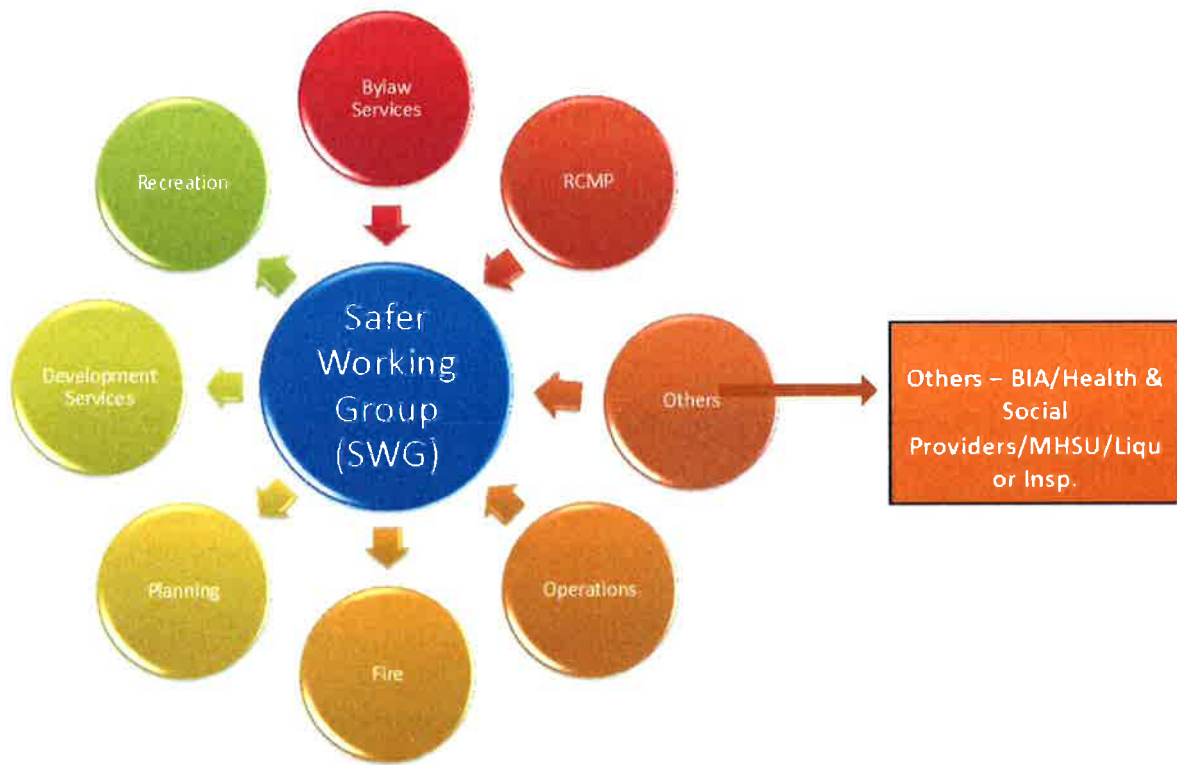
The SWG will also provide joint mayors and councils, senior LG staff and the RCMP detachment commander with an operational arm they can utilize when crime and disorder matters arise that are a concern within the community.

This includes, but is not limited to, developing operational responses to the following:

- Addressing community-wide and corridor-security issues
- Improving the protection of parks and facilities
- Developing the coordination and community between LG/RCMP enforcement personnel
- Integrating enforcement and health/social service responses on issues of community safety
- Giving operational focus to the goal of reducing crime and public-disorder activities as well as finding effective community-level responses
- Supporting the rollout of Crime Prevention Through Environmental Design (CPTED) actions and dealing with problem properties

This recommendation potentially has significant short-, mid- and long-term impacts on the ability of the Communities to address crime and public disorder. This joint LG-led working group aligns LG and RCMP resources to address crime reduction by implementing strategies that are based on problem-solving and by launching a partnership that can focus available resources more effectively.

## Safer Working Group (SWG)



The SWG can function in the following ways:

- Reduce conflict, crime and public disorder in our community by developing a collaborative LG-staffed working group
- Take actions that recognize the fact that integrated health, social and enforcement responses succeed if they are collaborative and coordinated
- Oversee the operation of the CSO if approved
- Realize the ability of LG departments and the RCMP to collaboratively impact crime and public disorder occurring in the community,
- Provide a collective LG-led response to matters of security in the community
- Respond operationally to public-safety problems and develop Action Plans aimed at achieving an effective LG/police response to manage public disorder in both an ethical and practical framework
- Reduce criminal and disorderly behaviour on our streets while protecting the interests of the most vulnerable citizens in the Communities

**Key internal LG departments and police involved:** RCMP, Fire, Bylaws, Parks, Public Works, Business Licensing and Planning

**Key external partners:** Cowichan Tribes, Provincial Health Services, Provincial Social Services, Business Community, Service Providers and Provincial Inspectors

The SWG serves as a joint LG-led working group. The SWG is responsible for maintaining and enhancing a safe and healthy community that promotes and supports quality of life while encouraging resident involvement and input.

The SWG will invite other groups to attend meetings as issues arise that would benefit from engaging those agencies or organizations to facilitate joint problem-solving. These groups could also help by providing advice with regard to community public safety, crime and public-disorder issues.

The purpose of the SWG is to provide mayors and councils with an ability to do the following:

- Align LG and policing resources to more effectively address crime and public-disorder matters
- Develop a proactive and integrated approach to issues of crime prevention, public disorder and safety
- Partner with First Nations, social, health, neighbourhood and business groups to address issues arising from crime or public-disorder matters that require LG involvement
- Provide co-ordinated services to support public safety throughout the Communities
- Reduce the adverse effects arising from public disorder or criminal activities
- Integrate enforcement and LG departmental responses to issues regarding community safety
- Respond to emerging issues related to public safety,
- Access services and joint strategies that lead to the protection of vulnerable persons
- Bring together those LG resources capable of lessening the crime, security and public-disorder impacts in the community

The SWG is a valuable tool that can help address issues concerning crime and disorder occurring in the whole community. In conjunction with LG bylaw enforcement officers, RCMP officers and private security ambassadors, the SWG can bring a joint focus to lessening crime and public disorder in the Highway Corridor.

Another area that requires consideration by the joint Communities is the fact that municipal enforcement bylaws and policies can differ along the Highway Corridor. This

can lead to confusion within the public, business and street population. These bylaws and policies need to be harmonized where possible. The Communities could consider harmonizing municipal bylaws that lessen the impacts from crime and public disorder, including those dealing with nuisance properties, overnight camping, drinking in public, littering, dealing with chattels and nuisance activities.

## **Recommended Action #2: Corridor Safety Office**

**That the Communities create a Corridor Safety Office “storefront” to coordinate and address crime and disorder occurring in the Highway Corridor.**

**That the Communities commit bylaw enforcement officers to being part of a coordinated presence in the Highway Corridor and as part of the increased enforcement presence addressing public disorder and supporting health and social responses.**

**That the Communities contract a daytime security ambassador to provide “eyes” on the street and a presence in the Highway Corridor to discourage crime and public-disorder activities.**

**That the RCMP addresses crime reduction in the Highway Corridor area and assigns supportive, investigative and analytical resources, as able, to reduce crime and public-disorder activities occurring in this area.**

**That the Communities create a separate “Who Do You Call?” information brochure that lets business owners and the general public know how to report suspicious occurrences, illegal activities and LG-maintenance issues to the right service provider.**

This recommendation identifies actions that can be taken to assist in reclaiming, maintaining and protecting the future of the Highway Corridor and the general community as a safe place to visit, shop, work and live.

The Highway Corridor area is the first “Welcome” sign for visitors and travellers alike to the Communities. It is the doorway into downtown Duncan. It needs to be supported and public disorder needs to be addressed. The CSO will be a base for LG bylaw enforcement officers, contracted security ambassadors and RCMP investigative officers.

The Communities are changing rapidly, and public expectations for a safe community continue to increase and will continue to do so as the population grows. Provision of a

secure Highway Corridor environment where the RCMP, bylaw officers and private security ambassadors have a visible presence will support that goal.

Public disorder will continue to increase if enforcement and security responders are not a more visible presence in the daily life of the Highway Corridor.

Coordination and communication are the key tools to regaining a sense of order in dealing with the stresses that can occur. To achieve that goal necessitates the daily presence of security resources centred in the core area that is under duress.

This will be actioned through the creation of a CSO. The CSO can help deliver daily street-level enforcement of bylaws as well as a police and security response that can help meet the needs of residents, business owners, property owners, social and health service providers and visitors to the community.

### **Function of Corridor Safety Office**

The CSO will be able to provide the following functions:

- Be a central office in the Highway Corridor for communication and coordination of all enforcement and security matters
- Provide a “uniformed” presence in the Highway Corridor by all three enforcement tiers – bylaws enforcement officers, RCMP officers and contracted security ambassadors
- Function as an office for bylaw enforcement officers, RCMP officers and security ambassadors
- Help coordinate and manage the daily activities of contracted security ambassadors
- Allow the RCMP to have a supportive “come and go” presence focussed on crime reduction
- Work closely with Cowichan Tribes enforcement staff
- Allow enforcement personnel to work closely with health and social service providers by referring those in need to these services
- Assist with street-outreach programs that are being run by health and social service providers
- Assist with RMCP crime-reduction efforts
- Allow LG bylaw enforcement officers, RCMP officers and contracted security ambassadors to have a daily presence in the Highway Corridor depending on the most efficient scheduling of those resources,
- Be a point of contact for security problem-solving in the Highway Corridor

- Help promote effective communication within the Highway Corridor area
- Promote research on best practices in public safety and security for the area and for the community
- Help distribute written public safety as well as fire and emergency planning information
- Be a point of contact for merchants, residents and property owners on bylaw enforcement and security-patrol matters,
- Work with the business community and encourage the distribution of security-advisory notifications
- Explore the use of volunteers for communication and on-going educational aspects of service delivery on public-security matters

The CSO office will not be a full-service office. Staff will come and go as required and there will be no clerical support. When no staff are present in the office, the door will be locked.

Any complaints made to the CSO will occur as laid out in the recommended “Who Do You Call?” pamphlet.

### **Contracting of a Daytime “Security Ambassador” for the Highway Corridor**

Business owners and citizens alike can experience crime and public-disorder matters in the Highway Corridor. This has been an on-going concern and a source of frustration in the community. One of the most effective tools to address and counter these concerns is to hire a contracted private security firm to provide “security ambassadors” (SA) to work in the Highway Corridor during key hours. The actual hours can be assigned based on input from the business community and on input from the RCMP regarding reported crime. One of the key times to have a street security presence is in the hour before businesses open so that potential disorder can be addressed in a timely manner.

This security ambassadors will become the constant “eyes” on the street that will enable RCMP and bylaw staff to respond to concerns based on immediate information when incidents are occurring. They can also provide focussed patrols in problematic areas.

The private security contractor who provides these security ambassadors will be required to provide staff who can communicate and engage the street population, work with enforcement personnel, have an understanding of the health and social services resources available, be able to support the work of street-outreach workers, be able to

represent the community in an ambassadorial way and, most importantly, be able to work in a respectful way with the street population.

It is important that the same one or two security ambassadors be utilized in order to develop good relationships with all stakeholders—street people, business owners, enforcement personnel, the public, neighbours and visitors alike.

The following is the rationale for hiring a contracted security patroller service:

- Security ambassadors provide enforcement services with “eyes” on the Highway Corridor during key business hours
- Security ambassadors will be part of a coordinated effort by all enforcement services, including bylaw enforcement officers and RCMP officers, to increase their “visible” presence in the Highway Corridor
- Security ambassadors provide a connection to the public in the Highway Corridor
- Security ambassadors are a cost-effective way to address or prevent public-disorder activities—the people in this role will receive a higher wage based on their skill in building effective relationships with the varied clientele they encounter in their duties
- Security ambassadors can commence an early morning patrol before the start of each business day and help resolve any unwanted activity
- Security ambassadors provide the community with a contact person who can assess minor matters before they escalate to a criminal or public-disorder level
- Security ambassadors allow bylaw enforcement officers and RCMP officers to respond effectively to crime as well as bylaw and disorder matters when they are occurring
- Security ambassadors provide appropriate recording and reporting of incidents

### **Who Do You Call?**

This simple recommendation will have a positive impact to help the public and merchants know who to call to report specific situations. The brochure/card will lay out what services are available and how to contact those services. It will be a handy guide to keep available for merchants and citizens alike who are often confused regarding who to call for a variety of public-disorder, security or bylaw matters.

Without this information being readily available, citizens and businesses often call the RCMP for matters that could be handled more efficiently by the LG department responsible for that area of LG operations.

The brochure will need to differentiate between the services being delivered in the two separate cities: the Municipality of North Cowichan and the City of Duncan.

The creation of this simple brochure will be an effective tool to lessen crime and public disorder by giving the public access to information that will allow them to receive a timely and appropriate response to their concerns.

### **Recommended Action #3: Impact on Business and the Highway Corridor**

**That the Communities look for ways to address the stress being experienced by the business community and citizens in the Highway Corridor.**

**That the Communities take joint actions to collaborate and coordinate their efforts to lessen the impact of crime and public disorder occurring in their respective communities.**

**That the broader business community consider ways to partner on actions that could support the collective lessening of crime and public disorder.**

The Highway Corridor business community has been significantly affected by crime and public disorder during the last two years. They are a small group of businesses that are highly committed to the community and support it in many ways. They are concerned and are looking for input regarding strategies to deal with the on-going public disorder and crime they are experiencing in their daily work.

The last two years have seen a deterioration in the quality of experience for their clientele as the stress being experienced across the province increases through the effects of homelessness, fentanyl, poverty, lack of housing, mental health issues and substance use issues. Many of the businesses have taken on substantial costs to remedy the public-disorder issues associated with needles, garbage, loitering, disturbances, theft and break-ins. Also, the costs of installing CCTV and hiring private security in response to crime and public disorder are high. These businesses range in size but are predominantly smaller in size and do not have the ability to withstand the continued drain of their energies and finances without broader community involvement towards finding resolutions to the on-going pressures of crime and public disorder.

From meeting and talking to these owners, I can say without hesitation that each one I have spoken with understands the health and social needs of the street population, but that does not solve their need to have their business thrive in the face of issues not of their making. Hence, they are looking to local government to consider what would help

lessen the effects of crime and public disorder they are facing daily in the Highway Corridor.

The Highway Corridor itself is the Welcome/Entranceway to both communities and perceptions related to public disorder can change how visitors and the travelling public see the whole community. This is an important factor for consideration, and it is important that the business and tourism community work together on possible solutions. Levies could be considered as a way to bring forth other solutions that could be cost-shared by the business community.

I have worked with organized business groups that bring new ideas and positive change to public-disorder matters. It typically starts by focussing collaborative efforts on a single aspect of the problem that could be jointly addressed in order to bring about a positive result for all businesses. Once this problem has been addressed, the group could build off their success by looking at other initiatives to implement.

#### **Recommended Action #4: Health and Social Service Roles**

**That the Communities recognize the important role of health and social service providers in the Communities and see them as key partners towards reducing crime and public disorder.**

**That Communities recognize the important work already being done by health and social service providers, such as the Cowichan Valley Basket Society (Food Bank), the Canadian Mental Health Association Sobering Centre, the Canadian Mental Health Association Peers (Clean Team/Sharps Team, Island Health Mental Health and Substance Use/Royal Canadian Mounted Police Car 60 & Integrated Response and the Island Health Overdose Prevention Site, towards reducing crime and public disorder.**

**That the Communities consider ways to collaboratively address the problem of garbage, waste and needles left in the community and in the Cowichan River and also consider how the existing CMHA Peer Group could be engaged to assist business owners and property owners in dealing with this problem.**

**That Communities consider taking on a staff facilitation and communication response role, through a Good Neighbour Agreement process, when issues arise between service providers and neighbourhoods.**

**That the Communities recognize the importance of the Cowichan River to Cowichan Tribes, and all our communities, and work to address the effect of needles being thrown in the river and people not feeling safe while walking on the dikes.**

During my time spent in the communities of North Cowichan and Duncan interviewing stakeholders, I had the opportunity to speak with stakeholders with many perspectives on the issues, their causes and the ways to address them.

Goals aimed at lessening crime and public disorder are not in conflict with health or social goals. They are compatible and mutually supportive processes. I can say clearly that the most significant long-term action to lessen crime and disorder is found in the support of health and social service providers dealing with mental health, substance use and poverty reduction as well as building a range of housing for those in need.

Since my focus is specifically on reducing crime and public disorder, I'd like to recognize particular programs that fit those topics closely, while also filling other important roles for their clients. In particular, I'd like to mention the following (not in any prioritized order) programs:

- 1) Cowichan Valley Basket Society (Food Bank)
- 2) Canadian Mental Health Association (CMHA) Sobering & Assessment Centre
- 3) CMHA Peer Group (Clean Team/Sharps Pick-up Team)
- 4) Island Health MHSU/RCMP Car 60 & Integrated Response
- 5) Island Health Overdose Prevention Site (OPS)

These services, in addition to all the valuable work they do for their clients, have a significant effect on the reduction of crime and public disorder in the community and should be recognized for the value they bring to lessening the impact of these issues.

**The following are challenges I've learned about in your community that need community-wide assistance to lessen the impacts of crime and public disorder:**

### **Needles**

Needles are a magnet for community anger, angst, frustration and fear as well as a feeling of being victimized by those who discard of them improperly. It is particularly evident in talking to business and property owners that face the often daily need to move people along from their properties—and then dispose of the numerous needles as well as the garbage and waste left on their property.

Needles are a source of a high percentage of the frustrations I hear from the general community in almost every interview. Solutions are not there yet. I understand that addicts seek the instantaneous feeling they get from injecting. It is one of the preferred methods of drug use. I see great efforts to educate the public on how to dispose of needles, but public concern for improperly discarded needles on private and public properties remains. In fact, the complaints appear to be increasing in the community.

Health and social service providers together with the community can help to resolve this disorder. Their existing programs, such as the Sobering & Assessment Centre, and CMHA Peer Group (Clean Team/Sharps Team) adds value to the community's effort to reduce crime and disorder while supporting people who are using substances.

Discarded needles and garbage left by the street population is one of the biggest "frustration factors" in the community, and we need to support efforts by health and social service programs to recognize the importance of these needle pick-up services to the community,

Without doubt, needles left on the street, which require the community to clean them up on its own, is a very concerning community issue. Health and social service programs that can help abate the problem and help with clean-ups need to be strongly supported by the entire community.

Efforts by the CMHA Peer Group need to be supported and appreciated. When the community sees the street population involved in solutions, it gives the community a sense of cohesion.

### **Needles in Cowichan River**

The Cowichan River receives its name from the Cowichan Tribes "People of the Warm Land." The river is culturally and historically important in the lives of the people and to the salmon that are in it during the various stages of their lifecycle. This ancient heritage and culturally important river on the edge of the Highway Corridor and is under stress from literally 100s of needles being dropped into its waters. This is an example of public disorder that can be worked on by the whole community.

There needs to be a community-wide recognition of the harm being done to this river and the need to address needles in the river. There needs to be a willingness in the community to be part of the solution by recognizing, addressing, remediating and preventing this from happening in the future.

This could be part of the Safer Highway Corridor project or handled as a separate Communities-supported initiative. It is also a good project for the SWG in partnership with Cowichan Tribes and community services.

### **Island Health - Overdose Prevention Site**

When I first started working on the SCP, I read newspaper articles about the opening of the OPS on Trunk Road and the concerns of the neighbourhood. I understand the community frustration, but I've also seen how these sites can fit in well with neighbours and significantly help influence safe needle disposal.

I encourage neighbours to engage and participate with any Good Neighbour Agreement (GNA) process that occurs. Discuss how community engagement in the beginning went, but then focus on opening up good lines of communication through the GNA process. The process works and I have been part of that experience on many other projects. The LGs have a role to play in helping facilitate collaboration within the community and resolution of community concerns.

From a crime and public-disorder perspective, the work of the OPS is exactly where the community needs to be in regard to full support. The OPS makes a significant difference to the levels of public disorder experienced on the street. Many in the community want needles off the street but they also want people to have a safe place use their drug of choice. The OPS provides this valuable role in the community.

The OPS is part of the solution, not part of the problem. It is an important way to reduce crime and public disorder in the community. A respectful GNA process involving the neighbourhood, local governments, the RCMP and Island Health will help everyone get through these often challenging start-up phases. The OPS can also encourage and communicate safe disposal practices with its client base as part of the solution.

### **Public Disorder Increases When There's Nowhere To Go**

CMHA Warmland House offers services that are successful and vitally important to the community. However, it does not allow the use of drugs on its premises. This is not a criticism, simply a comment on the model. When a person takes opioids over a period of time, their body becomes dependant on it which leads to withdrawal symptoms within hours after the last use. The OPS is open from 1:00 p.m. to 7:00 p.m. and they have funding for six hours per day. Many people who use opioids need to use first thing in the morning or they start to feel the symptoms of withdrawal, which can be unbearable. People who use substances who cannot or do not want to stay at CMHA Warmland

House or the Cowichan Women Against Violence (CWAV) Women's Shelter because of their need to use a substance to stay well, stay on the street. They have nowhere to go, so they sometimes stay on private property during the night and leave behind waste and needles for the property owner to address.

Cowichan Valley Basket Society (Food Bank) is one of the few places during the day that feeds and allows people to stay, play cards and talk during opening hours. Otherwise, the street entrenched spend a lot of hours each day with no place to be personally safe, or use substances safely (except during opening hours) and no place to sleep each night if they are unable to stay at a shelter. This is one factor as to why so many people living on the streets are leaving needles and garbage on the ground and camping rough.

The Communities, businesses, residents, police services, First Nations, visitors and neighbourhoods see the resulting crime and public disorder that occurs daily as the homeless population lives on the street in the Highway Corridor area. Are there other community solutions?

### **Recommended Action #5: RCMP Crime Reduction – Crime Analyst**

**That the Communities support crime reduction to address crime occurring in the whole community as well as in the Highway Corridor that is affecting the personal safety of the homeless population on the streets.**

**That the Communities consider supporting a full-time RCMP criminal intelligence analyst position at the North Cowichan/Duncan RCMP Detachment.**

**That the RCMP criminal intelligence analyst be part of the Safer Working Group (see Recommended Action #1).**

### **Criminal Intelligence Analyst**

The criminal intelligence analyst researches, collates, evaluates and analyzes information to develop intelligence products that assist management in decision-making and provides recommendations to further intelligence and investigations. The analyst develops and applies specialized knowledge in specific fields and in law enforcement specialties and makes ongoing decisions regarding products, identification of crime trends and insights into the criminal environment. Analysts are considered an expert resource for detachments.

A RCMP crime intelligence analyst employed at the North Cowichan/Duncan RCMP Detachment will, in addition to having a full-time role dealing with community-wide crime analysis, be able to assist in identifying key predatory offenders in the community who cause violent crimes within the homeless population and who use fear, drugs and intimidation to organize thefts in the business and general community.

One of the most effective tools to reduce crime and public disorder that I have seen deployed through crime reduction is having a crime analyst working full time. There are many examples on Vancouver Island of a crime analyst working with police investigators to deal with chronic/prolific offenders. North Cowichan/Duncan RCMP Detachment currently has the use of crime analyst services one day of the week.

The Communities would be well served by having a full-time person in this role. This greatly multiplies the ability of police investigators to achieve crime reduction in the whole community. It will also be a valuable tool to lessen resulting public disorder in the Highway Corridor.

It is also important as a tool to reduce violence towards the homeless. The street population is victimized by predatory individuals who use fear and violence to intimidate them into acts that can involve organized shoplifting, break-ins, other crimes or forced prostitution.

In most cases, predation occurs when the victim is a vulnerable person entrenched on the street and has their own mental health and/or substance use issues. These predators are a very small percentage of the street population but cause significant violence and harm if not identified and dealt with by the police and courts.

#### **Recommended Action #6: Crime Prevention Through Environmental Design**

**That the Communities and the RCMP Detachment jointly learn, practice and apply Crime Prevention Through Environmental Design principles as another crime and public disorder reduction tool.**

**That the Communities use the upcoming Crime Prevention Through Environmental Design training hosted in the City of Duncan by Cowichan Community Policing as an opportunity to increase their knowledge regarding this valuable crime reduction tool in the community.**

**That the Communities consider hosting a presentation for community businesses, so they can learn about Crime Prevention Through Environmental Design practices and how to lessen crime and public disorder on their properties.**

A successful action that a local government can take to assist a downtown, neighbourhood or business area, such as the Highway Corridor, under stress from crime and disorder is to train LG staff, enforcement officers and police to be able to provide a CPTED assessment of specific areas under the most stress and to provide advice on the actions property owners can take to reduce those criminal activities.

During my time spent interviewing many persons in the Highway Corridor and surrounding area, I could see areas where previous CPTED actions have been taken. These actions have made a difference towards lessening crime and public disorder in those areas.

I've been involved in using CPTED as we tackled areas that experienced similar problems to those in the Communities. CPTED was used extensively and all staff dealing with public-disorder issues were CPTED trained. We also used the services of a CPTED professional for many LG-owned larger projects both in the planning stage and sometimes to address remedial security solutions where a CPTED assessment was not part of the initial building process.

## Crime Prevention Through Environmental Design



CPTED training should also be considered as a necessary and valuable skill for bylaw enforcement officers, police officers, planners and park planning personnel. I recommend this training to communities as a valuable tool for addressing crime and public disorder. It is an integral part of developing safe public spaces in the community and in areas under stress from crime or public disorder. This training can often be cost-shared with other communities.

I also recommend sponsoring a CPTED information session for businesses on how to take actions regarding their properties that lessen crime and discourage unwanted behaviour. It may also be possible to consider using real Highway Corridor areas as work examples for the training sessions. LGs may want to check with Cowichan Community Policing about this possibility.

### **Recommended Action #7: Dealing with Problem Properties**

**That the Communities and RCMP intervene early on nuisance properties occurring in neighbourhoods and consider implementing a nuisance property bylaw as an effective tool to deal with such properties.**

Nuisance properties in community neighbourhoods can be identified as contributors to the distress being experienced. They are identified by the multiple visits from the police they receive because of noise and disturbance complaints from the neighbourhood. Nuisance properties are often associated with fights, yelling, shouting and disturbing the surrounding neighbourhood.

These properties can be drug houses or chronic “noisy party” houses operating in the neighbourhood. They can also be businesses that are not properly managing issues that arise as a result of their operations. Noise and neighbourhood disturbances are usually the common features regarding why complaints come into the police and often result in frustrated neighbours bringing their concerns to the attention of the mayor and council.

The goal of this recommendation is to provide the police with an LG-led response to a problem that causes frustration in a neighbourhood but cannot be remedied by laying criminal charges or by waiting through lengthy delays for court action.

The most successful resolution occurs when action is taken once the number of police visits shows a pattern of nuisance activity occurring or a significant neighbourhood concern has been reported and police visits have not been able to resolve the situation. When police cannot end the nuisance, the LG becomes involved by taking bylaw enforcement action under a nuisance-property bylaw.

The Communities need to have the ability to claim the costs for the visits by the police, the fire department and bylaw officers that are required to address nuisance activity at these properties. These properties, when acting as nuisances, can waste a large amount of resources. By having to respond to a nuisance-property complaint, the police may be unable to respond to a more pressing issue in the community. Owners need to be held accountable for this misuse of police resources and for the unnecessary costs to the public.

The process of dealing with nuisance properties can require coordination and planning with health and social services if a displacement of persons is expected to occur. If needed, these services can work with youth and adult outreach services and help people find appropriate shelter, such as CMHA Warmland House and the CWAV Women’s Shelter. These services are valued partners when dealing with people who need a place to go when a nuisance-property issue is being resolved. The process involves outreach to these services and they become part of the process when handling a nuisance property. The goal is to deal with neighbourhood concerns and fears created by nuisance activities that are on-going as a result of the resulting nuisance activity

associated with the property. Another goal is to find assistance for those being displaced in the process.

Engagement of these properties should be coordinated and resolution should be sought through an LG-hosted person-to-person meeting involving the owner, the police and bylaw enforcement staff in order to gain early resolution.

In most cases, early intervention of this type brings positive action from the owner and the concern is usually addressed without a need for continual attendance. LG staff and RCMP officers would explain the nuisance-property process to the owner and provide information on the issues the owner needs to address in order to meet the requirements of the bylaw.

If the intervention meeting does not result in a resolution, the LG needs to be able to address such properties by way of fining or charging for costs. Each LG should look into the creation of a nuisance-property bylaw focussed on addressing problematic properties causing excessive calls for police, fire and bylaw services as a result of disturbances and nuisance behaviour caused by lack of action by the property owners.

As stated, this process starts with the goal of having the owner address the issues arising from their property. It is a positive interaction as long as the problem is addressed in a reasonable manner and timeframe and does not require the issue to be brought before council. If the issue is not addressed, council hears the matter and can elect to deem the property a nuisance.

Once deemed to be in contravention of the nuisance-property bylaw, cost recovery for services rendered attending nuisance properties can be sought through either fines or through taxes.

Note: LG will need to obtain an updated legal opinion when writing the bylaw.

### **Resourcing Considerations: Staffing Impact – Corridor Safety Office**

**That additional bylaw enforcement staffing and the contracting of a private security ambassador be considered as necessary to the resourcing of recommended actions in this SCP report.**

**That bylaw enforcement officers be in uniform due to the nature of enforcement duties.**

**That Occupational Health & Safety perform a workplace risk assessment to determine the need for bylaw enforcement officers to have personal protective equipment to perform their duties.**

### **Municipality of North Cowichan – Staffing/Uniforms**

The following recommendations are for the Municipality of North Cowichan.

The municipality should hire one (1) additional bylaw enforcement officer (BEO) to add to the two (2) current positions already in place and equally divide additional CSO duties between them. The current workload of your BEOs is approximately 330 files per year for each BEO. This is already higher than expected compared to other municipalities and I would consider your staffing level to be short by .75 of a position even without taking on the new CSO role. The municipality need to add an additional BEO and monitor the new CSO workload.

There will also be an increase in responsibility for the position of the senior bylaw compliance officer. This is a result of the increase in work out of the CSO and because bylaw enforcement officers will be responsible for a higher proportion of the action out of the SWG.

This new CSO duties for bylaw enforcement officers can only be performed by uniformed LG personnel due to the nature of enforcement duties in a challenging street environment. I recommend that all three (2 existing and 1 additional BEOs) wear uniforms during the delivery of all bylaw services.

If not already completed, I recommend that an Occupational Health and Safety OHS Risk Assessment be done on the use of personal protective equipment (PPE) for officers performing a bylaw enforcement role.

### **City of Duncan – Staffing/Uniforms**

The following recommendations are for the City of Duncan.

The city should consider reconfiguring its current staffing levels by adding hours to existing personnel in order to meet a .5 of a position, which will focus on the Highway Corridor area. Alternatively, reduced parking enforcement could lead to an increased ability to focus resources in Highway Corridor duties.

This new CSO role for bylaw enforcement officers can only be performed by uniformed LG personnel due to the nature of enforcement duties in a challenging street environment.

If not already completed, I recommend that an OHS Risk Assessment be done on the use of PPE for officers performing a bylaw enforcement role.

### **Shared Cost of Renting Office Space**

I do not see the increase in crime and public disorder as being seasonal in nature. It appears to have been a rising concern through the winter and issues were actively rising months ahead of any expected springtime increase with the warmer weather.

To be successful in addressing crime and public disorder, strategies will need to be operational in the areas under stress. The opening of a CSO in the stressed Highway Corridor area will be an important step.

I recommend that the LGs rent suitable storefront space to house a CSO in the Highway Corridor. This office will be the central work office for bylaw officers, security ambassadors and RCMP crime reduction members. It could be considered for a one-year initial rental contract and assessed yearly thereafter.

### **Cost of Private Security Ambassador Staff**

This private security role is important to the success of a safer Highway Corridor project as discussed. It requires the contracting of dedicated private security staff who are trained and comfortable in dealing with a challenging street environment. The role is outlined in Recommended Action #2.

### **Concluding Comments**

A supported SCP process will focus on reducing crime and disorder occurring in the Communities and specifically in the Highway Corridor. The development of an SCP works to address community concerns by coordinating enforcement, improving community communication and collaboration, supporting the health and social service community, supporting the business community and supporting neighbourhoods so all citizens achieve the goals of having a safe and healthy community.

### **Recommended Roll-Out**

The following process is recommended for the rollout of the report's recommendations:

- The report goes to joint councils as a draft
- If the joint councils approve the report in principle, the report goes forward as a draft for input by stakeholder groups
- The report will consider all input prior to being finalized
- The report goes back to the joint councils for final approval
- If approved, implementation of phase two of the Safer Community Plan commences

The recommendation for an SCP that is initially focussed on the Highway Corridor is not a process to start and stop. This will only make future efforts more difficult to launch. This is especially true in the Highway Corridor where shop owners have a high level of frustration with the lack of resolution regarding current crime and public disorder. They have a sense of being isolated and rely on themselves for solutions without broader local government involvement. They have stopped reporting crime through frustration over a perceived lack of disinterest by the court system regarding their victimization.

It requires a commitment by all stakeholders to understand and to be willing to look for ways to lessen public-disorder impacts while carrying on their many important roles in the community.

If the recommendations in this report are supported, reported crime and public disorder may actually increase in the early stages of the SCP Implementation Phase as more citizens and businesses learn of the role of the CSO and decide that they now have somewhere to call and receive assistance based on the "Who Do You Call?" pamphlet.

Your community cares about the availability of health and social services to those in need. It also cares about the quality of life for neighbourhoods, businesses and all its citizens. The Communities have demonstrated the ability to achieve their goals through a history of working together, and I'm sure it will also achieve the goal of lessening the impact of crime and public disorder occurring in the community.

It is a pleasure to meet with individuals in the community while working on this SCP. I thank everyone that I have interviewed for sharing their words, wisdom and knowledge.

Thank you for inviting me to your community and receiving this report.

**Randy Churchill**  
**Consulting For Municipalities**

## Who to Call?

It can be confusing to know who to call for public-disorder or bylaw enforcement matters.

By ensuring that the contact information is readily available, many issues can be efficiently addressed by bylaw enforcement staff in each jurisdiction. Bylaw enforcement staff can help refer vulnerable people to health and social services resources.

Call **911** in the event of an emergency when police, ambulance or fire response is needed immediately.

For non-life threatening police emergencies, please call the North Cowichan / Duncan RCMP non-emergency number at **250-748-5522**. For all other issues, please use the map inside to determine which organization to call.



### Cowichan Tribes

5760 Allenby Road, Duncan, BC V9L 5J1

**236-800-4023**

(Mon-Fri 8:30am-4:30pm)

**After-Hours Emergency\*:**

**250-732-1449**



### North Cowichan

7030 Trans-Canada Highway, Duncan, BC V9L 6A1

**250-746-3100**

**Bylaw Office: 250-746-3108**

(Mon-Fri 8:30am-4:30pm)

**After-Hours Emergency\*:**

**250-746-5112**



### Duncan

200 Craig Street, Duncan, BC V9L 1W3

**250-746-6126**

(Mon-Fri 8:30am-4:00pm)

**Public Works After-Hours Contact\*:**

**250-746-7192**

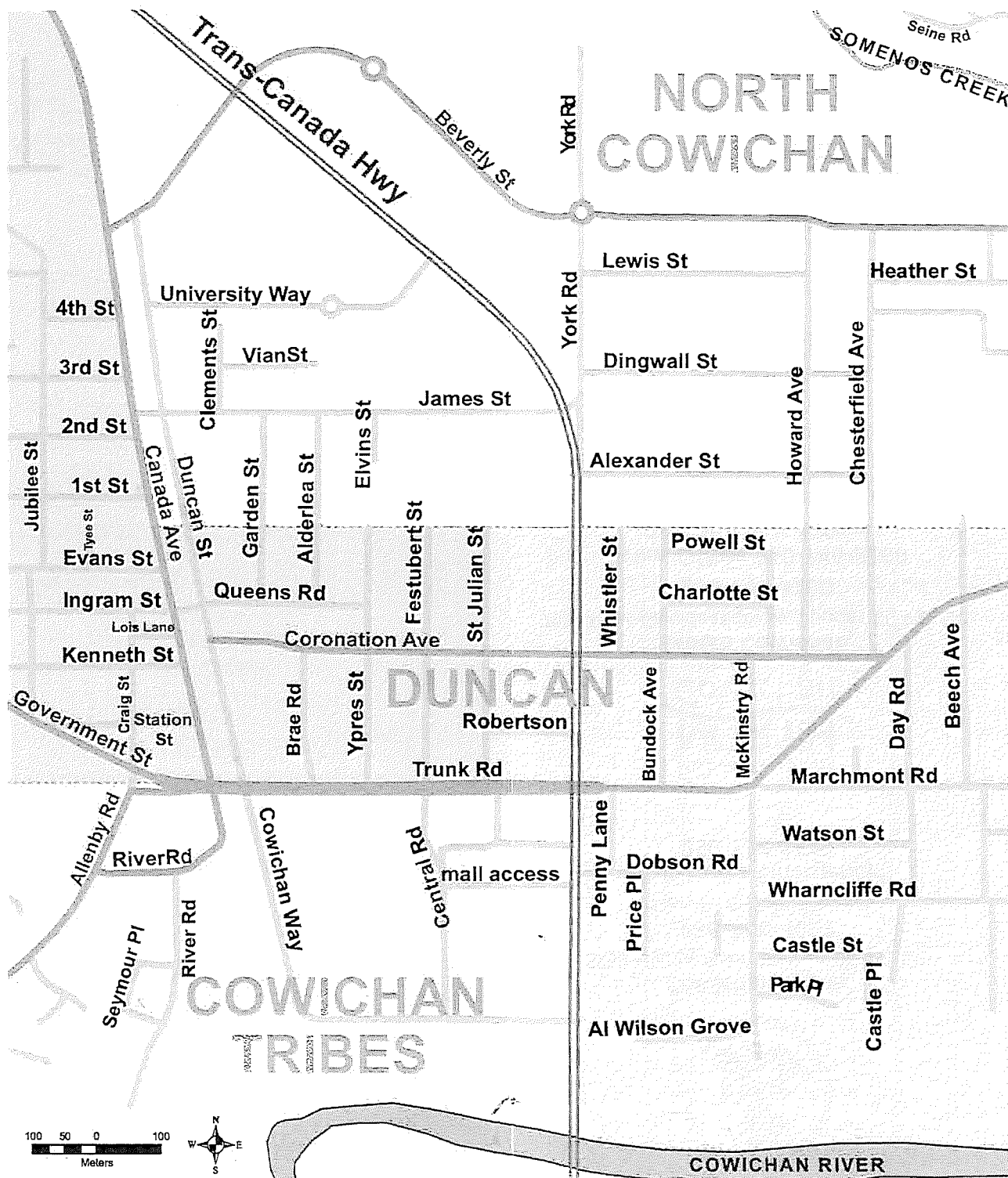
\*After-hours numbers should only be used to report urgent maintenance issues (ex. potholes, water leaks, road signs down, etc.).

**Call 911 in the event of an emergency.**

## Community Safety Contact Information

North Cowichan, Duncan, and Cowichan Tribes are working together under the Safer Community Plan to address crime and public disorder.





**Call your local Bylaw Enforcement Office to respond to:**

- Squatting
- Panhandling
- Noise
- Garbage
- Graffiti
- Temporary Shelters
- Loitering

**Call Coastal Animal Services to respond to:**

- Aggressive dogs
- Dogs at large
- Barking dogs

**Coastal Animal Services**

**250-748-3395**


Mon-Fri 9:00am-5:00pm


Sat 10:00am-1:00pm


To report an animal in distress, including wildlife, please call the **BC SPCA Provincial Call Centre** at **1-855-622-7722**

**LEGEND**

See back page for phone numbers.

 If you are in the red area, please call **Cowichan Tribes**

 If you are in the green area, please call **City of Duncan**

 If you are in the yellow area, please call **Municipality of North Cowichan**

Count of Are you responding as a resident, employee, or business owner?

	Duncan	North Cowichan	Blank	Grand Total
Business Owner	5	1		6
Employee	2	1		3
Resident	5	3		8
blank				
<b>Grand Total</b>	<b>12</b>	<b>5</b>		<b>17</b>

Of particular importance from the survey were the 2 questions that surrounded the perception of safety where the results of those who responded showed improvement.

In the past year, how has the Corridor Safety Office impacted your perception of safety at your business/residence?	Duncan	North Cowichan	Grand Total
<input checked="" type="checkbox"/> Improved	2	4	6
Business Owner	1	1	2
Employee	1	1	2
Resident		2	2
<input checked="" type="checkbox"/> Same	6	1	7
Business Owner	4		4
Resident	2	1	3
<input checked="" type="checkbox"/> Worse	1		1
Resident	1		1
<input checked="" type="checkbox"/> Did not provide response	2		2
Blank			
Employee			
Resident	2		2
<b>Grand Total</b>	<b>11</b>	<b>5</b>	<b>16</b>

How have the Bylaw Enforcement and Safety Ambassador patrols impacted your perception of safety at your business/residence?

	Duncan	North Cowichan	Grand Total
<input checked="" type="checkbox"/> Improved	6	4	10
Business Owner	2	1	3
Employee		1	1
Resident	4	2	6
<input checked="" type="checkbox"/> Same	4	1	5
Business Owner	3		3
Employee	1		1
Resident		1	1
<input checked="" type="checkbox"/> Worse	1		1
Resident	1		1
<b>Grand Total</b>	<b>11</b>	<b>5</b>	<b>16</b>

The remaining questions centered around the safety ambassador's role within the Corridor and the level of satisfaction attributed to their presence and availability. 32% of the respondents indicated that they have contacted the safety ambassadors and would again if the need for assistance arose. 85% of those

**In the past year, have you contacted the Safety Ambassadors (Blackbird) for assistance?**

9 - No

8 - Yes

**Is your business currently paying for nighttime security patrols?**

8 - No

1 - Yes

**What causes your business the greatest concern?**

5 - Loitering or sleeping on or near property

2 - Open drug or alcohol use

2 - Garbage, including sharps

1 - Theft

5 - Other - All of the above

**What time of the day are you most impacted by the problem you have identified above?**

4 - Early Morning (12:00 am to 7:00 am)

2 - Morning (7:00 am - 12:00 pm)

2 - Afternoon (12:00 pm - 5:00 pm)

1 - Evening (5:00 pm - 8:00 pm)

5 - Late Night (8:00 pm - 12:00 am)

**In the past year, how have the Bylaw Enforcement and Safety Ambassador patrols impacted your perception of safety at your business/residence?**

1 - Worse

5 - Same

10 - Improve

**In the past year, how has the Corridor Safety Office impacted your perception of safety at your business/residence?**

1 - Worse

7 - Same

6 - Improve

**How often have you contacted the Safety Ambassadors (Blackbird) for assistance?**

3 - Weekly

4 - Other

Answers included:

- Rarely
- Multiple times per day
- About every other day
- 4-5 times

**Were the Safety Ambassadors (Blackbird) able to resolve the issue(s)?**

1 - No

6 - Yes

**Will you contact Safety Ambassadors (Blackbird) again in the future?**

7 – Yes

**The Safety Ambassadors (Blackbird) currently patrol 7:00 am to 3:00 pm, and 5:00pm to 8:00 pm, would you prefer them to start their patrols:**

1 - Earlier

9 - Same

4 – Later

**Are you interested in contributing financially to increase the Safety Ambassador patrol hours?**

5 – No

1 – Yes

**Additional comments on ways business owners or residents can improve the perception of safety and reduce public disorder.**

Put bars on their windows and doors to prevent theft.

i don't know if there is a clear answer for this but I am finding that when business owners/residents/officers have asked them to move along, they just jump to another property or business and then they're someone else's problem. Is there a place they can go during the day? It just feels like they're being shuffled instead of actually solving the issue.

Things have improved significantly since Blackbird has been doing security in the area. They have a good relationship with the street folks, and make it all feel a lot safer. They follow up much better than the previous security firm, which just drove through.

How do YOU think that I, as a business owner, can improve the "perception" of safety?? The only way I can reduce public disorder would be to patrol the streets myself. I'm already picking up garbage in the TCH corridor, not just on my own property. What more do you want business owners to do?

Your questions leave out numerous other options. I have been and continue to be impacted by those numerous issues throughout the day and night. I have no impression of the Corridor Safety impact, I'm assuming things have improved. The Safety Blackbirds patrol time could be expanded.

The Blackbird patrols are great, Would like to see their patrol hours expanded. They are professional, and I have been impressed with the calm way they handle difficult situations.

Regular folks should be able to do regular activities in their neighborhood without fear or apprehension. I believe the Whistler St project will go a long way towards this; and prove to be a great asset to the City of Duncan and surrounds.

I have been heartened to see that the Duncan Motel really has been cleaned up .. My hat is off to the new owner and his manager lady. It has taken them courage and persistence.

Have a strategic action meeting with stakeholders to organize coordinated response

I pay for security at night, I pay people daily to do a huge clean around the businesses around me and my property taxes keep increasing, plus many other expenses (stealing, vandalism repair etc etc). The problem on the corridor are costing me a lot of money, I unfortunately can't afford to pay more towards this.

Blackbird and Bylaw are amazing, we just need 24 hours of coverage and possibly another Blackbird employee so there are two for their safety. Its nice to be able to call them, instead of having my staff or myself risk our lives dealing with the criminal addicts around.

Our office is open 830 to 430 mon - friday. on a weekly basis at least we have to walk around our property and pick up garbage food container needles abandoned clothing and occasionally people passed out by our door. We have had drug users start small fires close to our building to cook drugs I suspect. We have also had someone throw things though our window. All of the destruction and fires etc take place well after 8 pm and before 7 am

Stick to the plan of calling Blackbird for help, and cleaning up their business spaces of graffiti and garbage and drug garbage. Business owners shouldn't be the only ones suffering from this, they should get assistance with maintaining their business grounds from the landlords or building owners. The costs start to add up for businesses leasing spaces from landlords that don't aid in this situation at all. Urine buster for example is \$40 a gallon, this will do 3 applications, if its a repeat issue, you will be buying a gallon a week for prevention. This cost doesn't include the time to order and deal with the actual issue, or the time spent trying to sort what's best to clean with etc. Then there is the cost of additional garbage pickups for occasions where businesses are left with cans full of garments, sharps, shoes, food, garbage, hazmat garbage, cardboard, car parts, radiators etc. I applaud fellow businesses that care and take the time and money to help set up the perception that their space is safer than not, there are a lot of businesses that don't, either out of spite, frustration but most lack candor to deal with this in a formable manner.

It would help if Blackbird was also patrolling at night.

Stop wasting money with excessive upkeep of the flowers and grass along the island corridor. Mowing the lawns twice a week by 2-3 people seems like a lot of expense. Maybe helping the Salvation Army at the corner of Trunk Rd to landscape would go along way as they are one of the first impressions upon arriving in Duncan.

Maybe the Coop gas station has funding in the community improvement funds. Or all three gas stations could get together to finish off the intersection.

Business owners could take more responsibility in not just maintaining their entrances, but improving their entrances and surrounding space. Put out planters and welcoming objects so that healthy citizens will feel invited to linger/loiter and displace the less healthy citizens.

#### **Additional comments on ways local governments can improve the perception of safety and reduce public disorder.**

Partner with the Federal and Provincial governments to devise a plan to deal with the addicted population. I have never seen people shooting up in plain sight until this past year. The area between Cowichan High School and Quamichan School, and around McDonald's is disgusting.

i don't know if there is a clear answer for this but I am finding that when business owners/residents/officers have asked them to move along, they just jump to another property or business and then they're someone else's problem. Is there a place they can go during the day? It just feels like they're being shuffled instead of actually solving the issue.

The main issue that is not yet receiving attention is the amount of trash in the streets. Although public garbage cans are available, they are few and far between. Because of the amount of street activity,

private garbage cans are no longer as readily available for people like me to casually pick up trash on the street (and not have to carry it far). And nobody else seems to be picking it up.

More life stories, more explanations of how people become homeless. Any education to help build empathy and push people past the idea that 1) they're entitled not to see homeless individuals and 2) people on the street are living this way to irritate others.

I already pay HUGE taxes; unfair that I have to pay more for private security. Public safety can be improved when cops and courts actually charge criminals and hold them accountable.

How about forging ongoing reciprocal link with tribes, all the levels of gov't and making a decent walkway on Tzouhalem Rd? Expanded bicycle pathways throughout the community, especially either along the TCH or a reasonable bypass. I'm not happy with the RCMP new location taking arable land out of potential production.

I would urge the City of Duncan to invest in the Whistler St project. Also North Cowichan needs to get involved as this problem area straddles the border.

Most importantly, drug dealers must be moved out of the area; whether by eviction or police action. It is because of drug dealers in the area, that we have the users in alleys. Of course they would move somewhere else, but that is a bigger problem. I empathize with those suffering from addiction to the horrible drugs that are out there; however they cannot be allowed to ruin good neighborhoods, and impinge upon the quality of life of regular folks.

I believe this area can be transformed through the combined efforts of residents, business, law enforcement and local government.

Lobby higher levels of government that current philosophy of enabling is not the whole answer.

Put some money into making the corridor look pretty. Put trash cans along the sidewalk, arrest people who are doing illegal things, like doing drugs in plain site and are threatening people.

Consistent patrols and an increase in available patrol members. It may feel redundant but letting Jason and Barbie sleep in the bus stop because they are nice people isn't acceptable. Even though they are nice, they still smoke crack in the bus stop and that isn't acceptable. The perception of security making your area safe includes being consistent with Patrols and enforcement, if no enforcement, there is no feeling of safety, more frustration that they are paying for services that are supposed to make a difference in the community but the same problems remain day after day. At the end of the day, FUNDING is what is going to make a difference.

There should be a direct line to the blackbird security person whom is on duty on the time. Have been routed through the hotline and not had security person attend in a timely fashion.

Make the streets more pleasant to walk and sit. More organized, urban landscaping and benches/etc that will make the place welcoming enough for healthy people to walk around, shop and stay. Model the area after Whippletree Junction and public disorder would surely go down.

I have to say that I am so thankful for the people who pick up the sharps. I am raising a young child and we have had a close call with a needle, but I know there would be many, many more if someone wasn't consistently picking them up.

There has been a noticeable difference in the patrolling by both Bylaw and Blackbird since school went back in. Prior to this we saw the patrols but they didn't seem to be enforcing anything. We are

encouraged by the current patrols. The big problem is the people do not have anywhere to go during the day. Prior to the enhanced patrols we would have people hanging out in our parking lot and behind store all day long. They leave garbage behind, they do drugs in the open, they urinate on our building, they fight and yell. There needs to be a place for the homeless people to go and gather. There is a big yard behind the shelter; why can this not be opened up as a gathering space and provide shelter and washrooms???

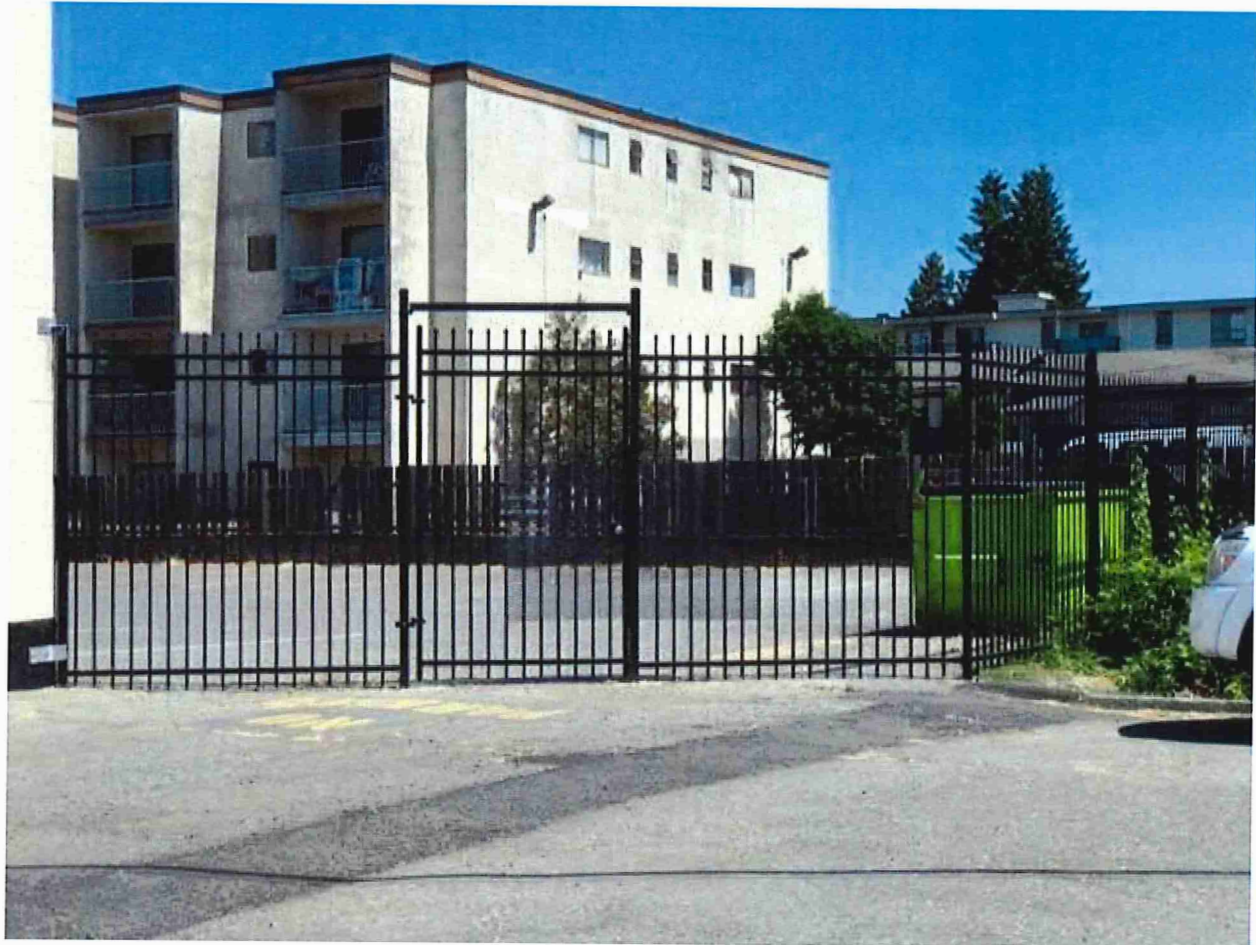
York Street



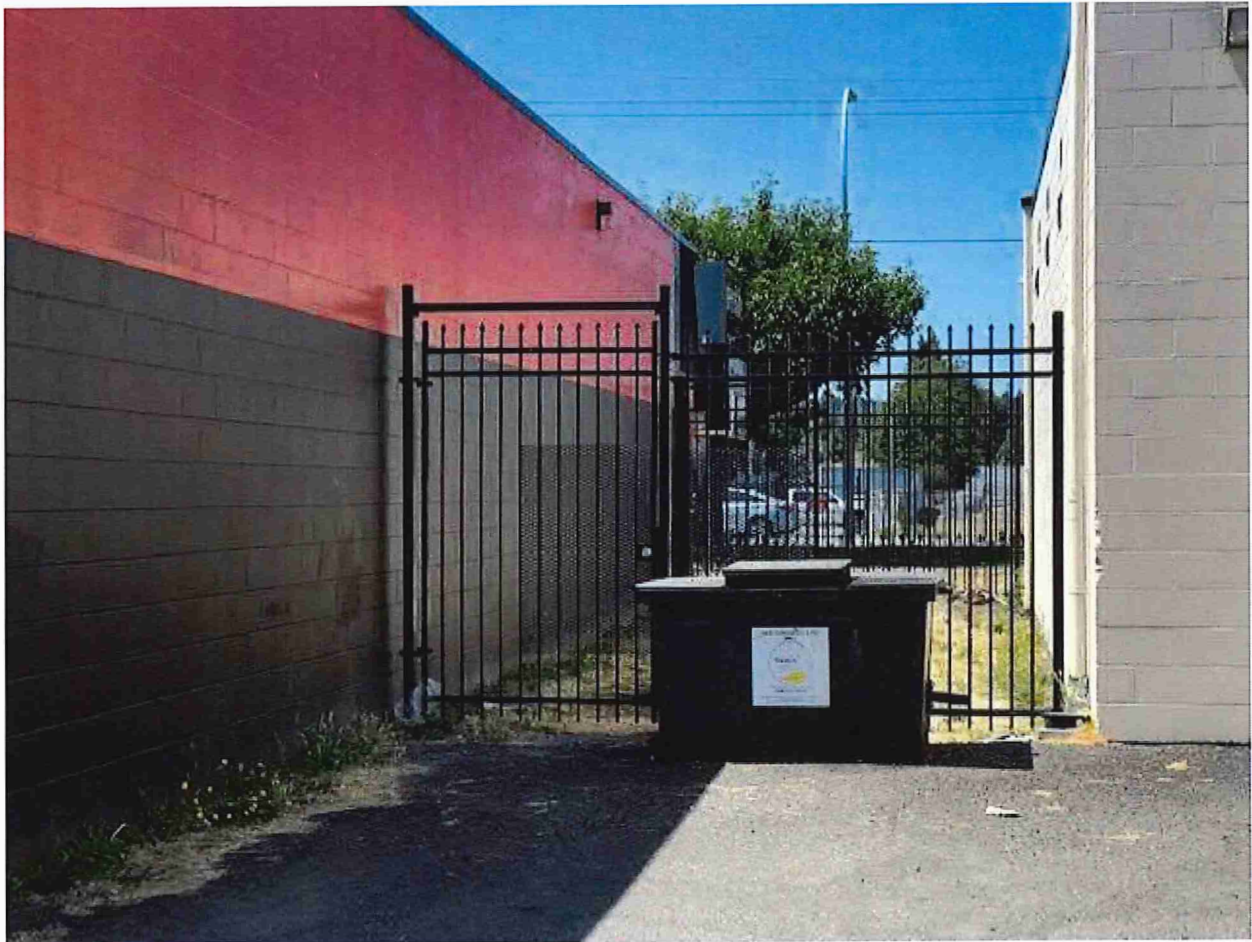
Lewis Street



Whistler Street



Whistler Street













Lewis St.- After

# Report

Date	August 18, 2021	File: 6480-30 2019.01
To	Council	Prospero No: SPP00040
From	Chris Hutton, Community Planning Coordinator	Endorsed: 
Subject	OCP Project Update	

## Purpose

To provide Council with an OCP Project status update on progress made to date, work that is underway, upcoming tasks, and an updated project timeline.

## Background

At the May 5, 2021, Council meeting staff presented a revised OCP work plan and project schedule (Attachment 1). The revisions were premised on completing Phase 3 (Plan Development and Draft Plan) by October 31, 2021, and completing Phase 4 (Formal Adoption) by the end of February 2022. Staff advised Council that the project schedule was achievable if the project's scope was not expanded and deadlines and timeframes for completion of tasks outlined in the work plan were followed with minimal deviation. This report is intended to update Council on progress made on the project since the last update and outline outstanding tasks and upcoming work.

## Discussion

### *OCP Work Plan Progress:*

Since the last update to Council on May 5, 2021, the following tasks have been completed:

- Community engagement on growth management scenarios, including backgrounder document, webinar and survey (May-June);
- OCP Advisory Group consulted on growth scenario options (July 7);
- CAEP modelling of growth management scenarios completed and presented to Committee of the Whole (July 13);
- Summary of growth management engagement process findings and recommended approach presented to Committee of the Whole (July 13);
- Community Character Profiles accepted by Council with modification (July 21); and,
- Council resolution to proceed with "Scenario Two plus" approach, with direction on Bell McKinnon area deferred until after a Council workshop (July 21).

### Other Phase 3 work that has commenced includes:

- Drafting of OCP Policies has begun, including onboarding of sub-consultants to provide content for the OCP, based on engagement results;
- Creation of the growth and land use management mapping is underway (excluding Bell McKinnon, until after September 21);
- An additional OCP Advisory Group meeting was held to address numerous additional agenda items, including how OCPs relate to ecology and climate actions, input from environmental stakeholders, and housing studies; and,

- Communication with intergovernmental stakeholders and area First Nations to notify when they will receive referral, timeline for response and to invite early discussion of shared issues prior to referral.

#### *Project Health Check:*

At Council's request, a workshop regarding the MODUS recommendation for a health and wellness precinct near the new hospital site and land uses in the Bell McKinnon area has been added into the OCP Update work plan. The project work plan presented at the May 5 Council meeting anticipated Council would provide direction on the approach to growth management at the July 21 Council meeting. Due to the workshop, Council direction for the Bell McKinnon area is not expected until the September 7 Committee of the Whole meeting. Work on land use mapping and policy development for other areas has continued. Still, parts of this work cannot be completed until Council direction on the Bell McKinnon area is obtained. This delay has required policy workshops with the OCP Advisory Group, referrals to agencies, First Nations and public engagement to be shifted outwards. As a result, the anticipated delivery date for first reading of the draft OCP has changed from October 31 to December 15. As completion of the Climate Action and Energy Plan (CAPE) and Master Transportation Plan are partially dependant on a finalized OCP land use plan, the timelines of those projects are also potentially impacted by this delay.

#### *Upcoming OCP Work Plan Tasks:*

An updated project schedule identifying key events and milestones for Phase 3 is provided in Attachment 2. Upcoming tasks for the project include:

- Internal reviews of the policy sections by Planning staff and Municipal Departments before MODUS can finalize the drafts for comment by the Advisory Group;
- Preparation of land use, environmental, infrastructure, resource and hazard maps;
- Drafting of the Development Approval Information (DAI) and Development Permit Area frameworks;
- A workshop with Council on Bell McKinnon land use issues at the September 7 Committee of the Whole meeting;
- Scheduling of OCP Advisory Group policy workshops for late September/early October; and,
- A policy workshop with Council at the October 12 Committee of the Whole meeting.

#### *Risk Management:*

- Up to three policy development workshops will be scheduled with the OCP Advisory Group. As there will be a lot of content for the Advisory Group to review, a generous amount of time has been allocated to it in the work plan. If additional time is required to complete the review, Council direction will be sought to extend the review time or move ahead without further Advisory Group input.
- Staff are re-initiating engagement with area First Nations. Although there have been preliminary engagement with First Nations on the project, most have not provided substantive input to date because there has not been a draft document in which to respond. Staff intend to conduct early outreach in August, but some First Nations may be challenged to respond within the timeframes of the project schedule.

- The Phase 3 Schedule in Attachment 2 shows an overlapping referral and public comment period. This includes an online engagement period for public comment, a referral to intergovernmental stakeholders, as well as a referral to area First Nations. It is hoped that by stacking this feedback on a singular draft, all parties will be responding to the same details, and MODUS can then prepare a final draft for presentation to the Advisory Group and on to Council for first reading. The risk with this approach is that if significant revisions to the draft plan are requested it may be necessary to re-refer the amended draft.


## **Recommendation**

This report has been provided for information purposes only.

### Attachments:

1. May 5, 2021 Project Update with Work Plan
2. Updated Project Schedule Phase III Schedule Update

# Report

Date	May 5, 2021	File: SPP00040
To	Council	
From	Rob Conway, Director, Planning and Building	Endorsed: 
Subject	Revised OCP Work Plan and Project Schedule	

## 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:

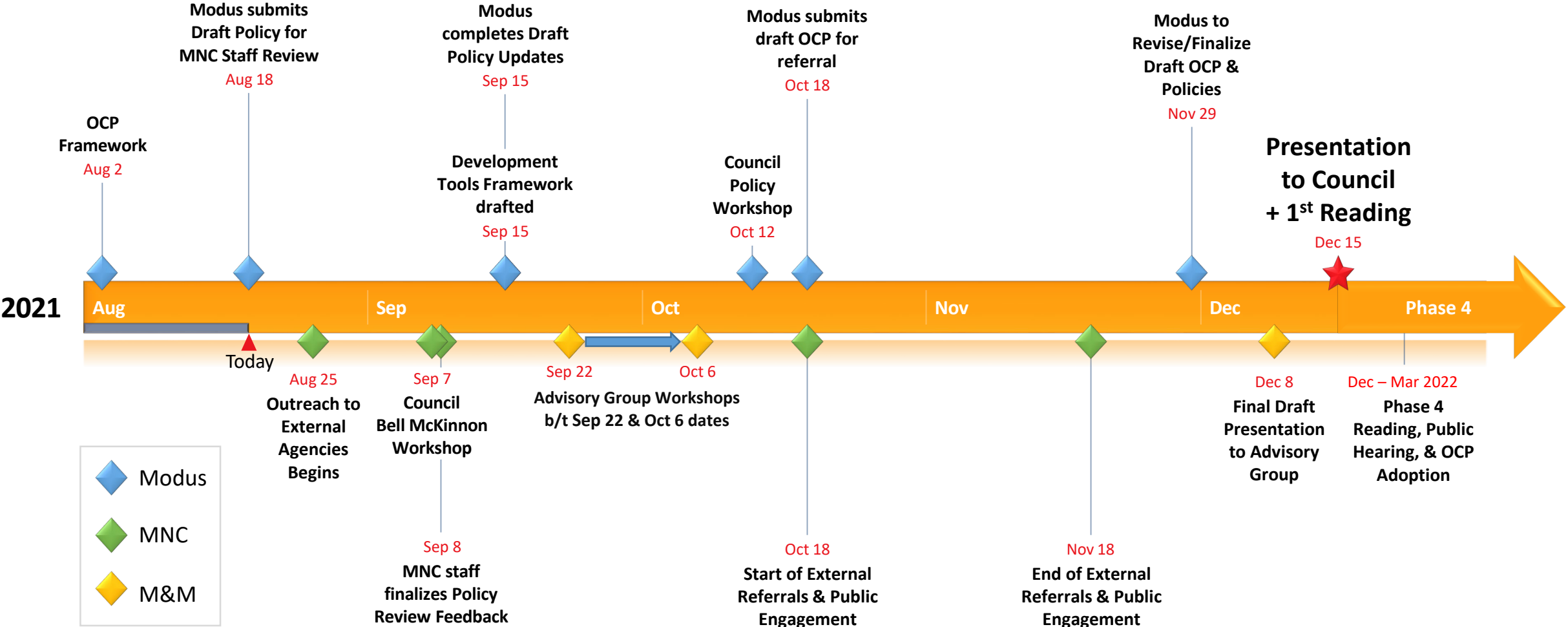
- 4.1** Council consider draft OCP in context of the Municipality's financial plan, liquid waste management plan and CVRD solid waste management plan. (Mid November 2021)
- 4.2** Council considers first and second reading of OCP Bylaw (Early December, 2021)
- 4.3** Staff refer OCP Bylaw to Government 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, July 21, 2021

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Meeting Date      Wednesday, August 18, 2021  
From                Councillor Justice  
Subject             Regular Pumping Out of Septic Tanks to Support the Health of Water Bodies

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### Background

Septic systems, especially old and decrepit ones, can introduce excessive nutrients and bacteria into the environment, contributing to the nutrient pollution of our water bodies and making them at times unsafe for recreational activities. Sewer is not an option in some areas of our municipality like Maple Bay where business opportunities have been limited and environmental impacts exacerbated by sub-standard septic systems- and/or site conditions that preclude upgrades to meet current standards.

One strategy for addressing these impacts is through the regular pumping of septic tanks and disposal of the waste into a sewage treatment facility.

However, the costs associated with pumping and disposal in North Cowichan is high, reportedly due to having to transport the effluent to the CRD and pay for its disposal there. These costs may be a significant factor preventing business owners and homeowners from regularly emptying their tanks.

The intent of this motion is for staff to explore options for reducing the environmental impacts of sub-standard / non functioning septic systems to facilitate both reducing the amount of effluent seeping into our waterbodies and beaches, and to enhance the viability of businesses to locate and operate in places like Maple Bay.

Options explored could include looking at ways to lower the cost of septic tank pump outs by disposing of the effluent in our own sewage processing system and/or perhaps, (for certain sensitive areas), proving a service or subsidizing a service through environmental budgets and/or grants

### Recommendation

WHEREAS Council has prioritized the importance of environmental policies and practices to support the future health of North Cowichan;

AND WHEREAS the regular pumping out of septic tanks may be an effective method for preventing nutrients and bacteria from entering nearby water systems;

AND WHEREAS the cost of regular pumping out of septic tanks and effluent disposal may be cost prohibitive for some residents;

THEREFORE BE IT RESOLVED THAT Council direct staff to prepare an analysis of options to reduce the environmental and other impacts caused by private septic tanks or ineffective septic fields.