

Municipality of North Cowichan

Council - Regular and Public Hearings

AGENDA

Tuesday, September 21, 2021, 1:30 p.m.

Electronically

Pages

1. CALL TO ORDER

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

- To join by computer, smartphone, or tablet, visit northcowichan.ca/virtualmeeting for instructions.
- To join by telephone, dial 1.844.426.4405, enter the meeting ID 2464 386 5548, 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. Correspondence

Recommendation:

THAT the following correspondence is received for information purposes only:

2.1.1. Letter regarding Emergency Paramedics and Dispatchers

12 - 13

Letter from Ambulance Paramedics of BC requesting that Mayor and Council visit their virtual booth at UBCM, and write letters to advocate for enhanced paramedic services and healthcare in North Cowichan.

2.1.2. Emails regarding UBCM Resolution EB16: Safe Passing Distance for All Road Users

14 - 15

2 identical emails (form letters) were received from residents requesting that Council endorse the City of North Vancouver's UBCM Resolution EB16: Safe Passing Distance for all Road Users.

2.1.3.	Email regarding Child Care Space Creation Initiative	16 - 17
	Email from Honourable Katrina Chen, Minister of State for Child Care, regarding information on the opening of the Childcare BC New Spaces Fund initiative.	
2.1.4.	Email regarding Foster Family Month	18 - 19
	Email from Honourable Mitzi Dean, Minister of Children and Family Development, declaring October as Foster Family month.	
2.1.5.	Regional District of Waddington regarding Village of Lytton	20 - 21
	Challenge put forth to other municipalities by the Regional District of Waddington to donate to the Village of Lytton to help rebuild their community after being destroyed by wildfire.	
2.1.6.	Email regarding COVID Vaccine Passes	22 - 22
	Suggest that Council and North Cowichan staff/management be considerate to those with opposing views about vaccinations.	
2.1.7.	Email regarding limited housing opportunities	23 - 24
	Comments regarding restrictions on subdividing their 10-acre property.	
2.1.8.	Email regarding illegal suite policies	25 - 25
	Supports formalizing enforcement of illegal suite bylaw.	
2.1.9.	Email regarding urban sprawl	26 - 26
	Concerned with the increase of traffic, crime, and disorder due to residential development.	
2.1.10.	Email regarding aging septic systems	27 - 27
	Supports exploring solutions for North Cowichan's aging septic system.	
2.1.11.	Email regarding cell towers and poor internet service in rural communities	28 - 28
	Concerns with internet / cell service in the Panorama Ridge area.	
2.1.12.	Email regarding Fairy Creek blockade	29 - 29
	Suggest politicians help facilitate dialogue between all parties involved in the Fairy Creek blockade.	
2.1.13.	Email regarding homeless cabins	30 - 30
	Concerns about the homeless cabins located near The Commons.	

2.1.14.	Letter regarding the proposed automated garbage pickup	31 - 31
	Concerns regarding the proposed automated garbage pickup relating to service and cost.	
2.1.15.	Email regarding the Municipal Forest Reserve	32 - 33
	Comments regarding climate change and the Municipal Forest Reserve.	
2.1.16.	Emails in relation to Vancouver Island Motorsport Circuit (VIMC)	34 - 53
	19 emails were received by residents who have concerns with noise levels from VIMC.	
2.1.17.	Emails in relation to the proposed development of 9090 Trans-Canada Highway	54 - 59
	3 emails were received from residents who have concerns (e.g. wetlands, water supply, sewage treatment, wildlife habitat, increased traffic and road safety) regarding the proposed development of 9090 Trans-Canada Highway.	
2.1.18.	Emails in relation to the construction noise from the Kingsview development	60 - 66
	6 emails were received from residents who have concerns with the construction noise from the Kingsview development.	

3. APPROVAL OF AGENDA

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

Recommendation:

THAT 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 September 1, 2021 regular meeting for adoption **67 - 72**

Recommendation:

THAT Council adopt the minutes of their regular meeting held September 1, 2021.

5. MAYOR'S REPORT

6. DELEGATIONS AND PRESENTATIONS

6.1. Cowichan Housing Association **73 - 109**

Purpose: Bev Suderman, Acting Executive Director, Cowichan Housing Association to present their annual priorities to Council.

6.2. Vancouver Island Vipassana Association Permissive Tax Exemption Application Request 110 - 111

Purpose: Steven Armstrong, on behalf of Vancouver Island Vipassana Association (VIVA), to provide an overview of their permissive tax exemption request for their property located at 2359 Calais Road on the basis of the facility's use for spiritual retreats, religious education and practice.

6.3. Forestry Engagement Consultants

Purpose: Lees and Associates to present the Forestry Engagement Plan restart to Council.

7. PUBLIC INPUT

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

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

8. BYLAWS

8.1. Zoning Bylaw Amendment Application No. ZB000160 (2431 Beverly Street) 112 - 137

Purpose: To introduce Zoning Amendment Bylaw No. 3846, which proposes to:

- add a new "Market Community Space" use;
- add "Rural Market Zone (A6)" to Zoning Bylaw No. 2950, 1997;
- rezone 2431 Beverly Street from A2 (Rural Zone) to A6 (Rural Market Zone); and,
- apply form and character development permit area (DPA-1) guidelines to the non-agricultural uses of the A6 Zone.

Recommendation:

1. THAT Council give first and second reading of "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846".
2. THAT a Public Hearing be scheduled for "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846" be conducted by electronic means and notification be issued in accordance with the *Local Government Act*.

8.2. Revisions to Fire Protection Bylaw No. 3841, 2021 for first three readings 138 - 216

Purpose: To consider the amendments made to Fire Protection Bylaw No. 3841, 2021 regarding the use of fire pits, wood-burning appliances, gender-neutral language, and linkage to the Fire Services Act in relation to entry onto personal property.

Recommendation:

1. THAT Council withdraws their September 1, 2021 motion "to give first and second readings to Fire Protection Bylaw No. 3841, 2021".
2. THAT Council gives first, second and third readings to Fire Protection Bylaw No. 3841, 2021 as attached as Attachment 1 to the Manager of Legislative Services' September 21, 2021 report.

8.3. Consequential Amendment Bylaws for first three readings 217 - 234

Purpose: To introduce bylaw amendments to the Delegation of Authority, Fees and Charges, Bylaw Offence Notice Enforcement (BON), and Municipal Ticket Information System (MTI) Bylaws that are consequential to Fireworks Regulation Bylaw No. 3810 and Fire Protection Bylaw No. 3841 for first three readings.

Recommendation:

THAT Council gives first, second and third readings to:

1. Delegation of Authority Amendment Bylaw No. 3842, 2021;
2. Fees and Charges Amendment Bylaw No. 3843, 2021;
3. Bylaw Offence Notice Enforcement Amendment Bylaw No. 3844, 2021;
and
4. Municipal Ticket Information System Amendment Bylaw No. 3845, 2021.

8.4. Fees and Charges Amendment Bylaw No. 3849 for first three readings (Name Change Applications for Reclaiming Indigenous Names) 235 - 239

Purpose: To consider whether to waive the administrative costs associated with name changes by Indigenous peoples when reclaiming their names changed by the residential school system.

Recommendation:

THAT Council give first, second and third readings to Fees and Charges Amendment Bylaw No. 3849, 2021.

9. REPORTS

9.1. REPORTS FOR DECISION

9.1.1. North Cowichan Civic Building – Tender Package 3 240 - 241

Purpose: To award construction tenders from Tender Package 3 of the new RCMP Building.

Recommendation:

THAT Council award the contract for the C-018 Interior Steel Stud/Gypsum Board to Dryco Systems Inc. for \$1,143,000 plus GST.

9.1.2. Self-contained Breathing Apparatus Contract Award

242 - 244

Purpose: To award the contract for the provision of self-contained breathing apparatus for the North Cowichan Fire Department and seek Council approval to accelerate the purchase.

Recommendation:

THAT Council:

1. award the contract for the provision of self-contained breathing apparatus (SCBA) to Guillevin International for a total cost of \$696,672 plus GST (\$705,043 including interest), and
2. approve short term borrowing of up to \$516,700 for the purchase of SCBA to be paid back over three years under the Liabilities Under Agreements in Section 175 of the *Community Charter*.

9.1.3. Permissive Tax Exemption Applications

245 - 365

Purpose: To consider permissive tax exemption applications received for the 2022 assessment roll.

Recommendation:

THAT Council instruct staff to prepare an amendment to Permissive Tax Exemption Bylaw No. 3519, 2013 to include:

1. A full tax exemption for all land and improvements at 2359 Calais Road and Wicks Road owned by the Vancouver Island Vipassana Association;
2. A full tax exemption for all land and improvements at 3776 Gibbins Road owned by the Nature Trust of BC;
3. A (insert amount here) exemption for improvements leased by Duncan Dynamics Gymnastics Club and located within the Cowichan Community Centre;
4. A (insert amount here) exemption for improvements leased by the Cowichan Valley Arts Council and located within the Cowichan Community Centre.

9.1.4. Resuming Public Engagement on the Municipal Forest Reserve Review

366 - 400

Purpose: For Council to consider:

- revisions to Lees & Associates' Engagement Plan (the "Plan"),
- the scope change request with a revised budget, and
- whether to proceed with public engagement and the parallel UBC Partnership Group technical review, on the future of the management of the Municipal Forest Reserve (MFR).

Recommendation:

THAT Council:

1. Approve the amendments to the Municipal Forest Reserve Public Engagement and Communications Plan (the "Plan"), including the changes to the schedule and scope as presented in Attachment 1 of the Manager of Communications and Public Engagement's report dated September 21, 2021;
2. Approve the additional budget request of \$24,360 to restart and complete the Engagement Plan, and
3. Authorize staff to proceed with public engagement as per the Engagement Plan.

9.1.5. Consent Agenda Policy

401 - 418

Purpose: To establish a formal process for adding and removing items in the Consent Agenda.

Recommendation:

THAT Council adopt the Consent Agenda Policy as presented in Attachment 1 to the Manager of Legislative Services report dated September 21, 2021.

9.1.6. First Nations Relations Committee Meeting Update

419 - 446

Purpose: To consider the First Nations Relations Committee's recommendations from their June 14, 2021 meeting.

Recommendation:
THAT Council:

1. Authorize staff to work with the First Nations Relations Committee Chair on hosting another Government to Government session, and send a copy of the survey results, included as Attachment 1 in the Chief Administrative Officer's September 21, 2021 report to all participants who attended the April 21, 2021 session, and provide any feedback and suggestions to improve the next session;
2. Endorse the Principles of the Truth and Reconciliation "Calls to Action" and instruct staff to work with the First Nations Relations Committee to develop a process, plan and budget for local implementation of the nine Calls to Action related to municipalities, as stated in Attachment 1 of the Chief Administrative Officer's September 21, 2021 report; and,
3. Authorize the Mayor to send a formal request to the Cowichan Valley Regional District Board for its consideration of renaming Hecate Park.

10. NOTICES OF MOTIONS

10.1. Downzone 9090 Trans-Canada Highway

Purpose: So that Councillor Marsh may introduce the following motion which she intends to move at the October 6, 2021 regular Council meeting:

"THAT Council direct staff prepare an amendment to Zoning Bylaw No. 2950, 1997 to downzone 9090 Trans-Canada Highway (PID 009-885-200) from Residential Mobile Home Park Zone (R5) to Rural Restricted Zone (A3)."

10.2. Delegation Requests Submitted by Development Applications

Purpose: So that Councillor Justice may introduce the following motion which he intends to move at the October 6, 2021 regular Council meeting:

"THAT Council direct staff to develop, as part of the upcoming revisions to the Council Procedures Bylaw and/or a future Land Use Development Bylaw, a policy which prohibits delegations from addressing Council where there is an active land use file and/or development application that requires a public hearing as part of the approval process."

11. UNFINISHED AND POSTPONED BUSINESS

12. NEW BUSINESS

12.1. Policy on Use of Gender Neutral Language and Pronouns

447 - 447

Purpose: So that Councillor Sawrie may move the motion she gave notice on at the September 1, 2021 regular Council meeting.

Recommendation:

THAT Council direct staff to draft a policy regarding the use of gender neutral language and pronouns for all bylaws, policies, reports, website and social media content, and other written communications.

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

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

Recommendation:

THAT the meeting be adjourned at _____ p.m. to reconvene at 6:00 p.m. this evening.

15. PUBLIC HEARINGS 6:00 P.M.

Mayor Siebring to provide an explanation of the public hearing process and to advise members of the public that no further verbal or written presentations can be received by any member of Council following the closure of the public hearings. Written submissions received between 1:00 p.m. on Friday, September 17 and the holding of the public hearing will be provided to Council when they are received and are available for review by the public on the municipal website. Following the close of the public hearings, Council may give the bylaws further consideration.

15.1. Public Hearing Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 (CD18 Kingsview Comprehensive Development Zone – Area 3)

448 - 527

Purpose: The purpose of the Public Hearing is to allow the applicant and the public to make representations to Council respecting matters contained in Zoning Amendment Bylaw No. 3825, which proposes to amend Area 3 of the Kingsview Comprehensive Development Zone to include single unit and two-unit building types within the definition of a townhouse.

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

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

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

15.2. Public Hearing Zoning Amendment Bylaw (6353 Genoa Bay Road) No. 3847, 2021

528 - 577

Purpose: The purpose of the Public Hearing is to allow the applicant and the public to make representations to Council respecting matters contained in Zoning Amendment Bylaw (6353 Genoa Bay Road) No. 3847, 2021, which proposes to permit a second detached residential dwelling at 6353 Genoa Bay Road.

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

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

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

16. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS

16.1. Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 578 - 579

Purpose: To consider third reading of Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825, following the close of the public hearing.

Recommendation:

THAT Council give third reading 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.

16.2. Zoning Amendment Bylaw (6353 Genoa Bay Road) No. 3847, 2021 580 - 580

Purpose: To consider third reading of Zoning Amendment Bylaw (6353 Genoa Bay Road) No. 3847, 2021, following the close of the public hearing.

Recommendation:

THAT Council give third reading to Zoning Amendment Bylaw (6353 Genoa Bay Road) No. 3847, 2021.

17. CLOSED SESSION

Recommendation:

THAT Council close the meeting at ____ p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(c) labour relations or other employee relations;
- 90(1)(e) the acquisition, disposition or expropriation of land or improvements, which council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(1)(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*; and
- 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

17.1. Closed minutes from the September 1, 2021 meeting for adoption

17.2. Closed under section 90(1)(e) potential land acquisition(s)

17.3. Closed under sections 90(1)(j) and 90(2)(b) confidential information regarding negotiations with a third party and the provincial government

17.4. Closed under section 90(1)(c) labour relations

18. RISE AND REPORT

19. ADJOURNMENT

Recommendation:

THAT Council adjourn the meeting at ____ p.m.

Ambulance Paramedics

of British Columbia - CUPE 873

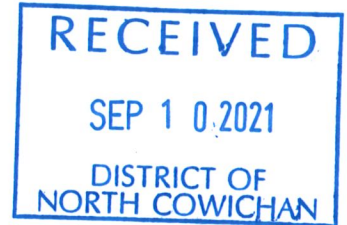


Tel: 604-273-5722 | **Fax:** 604-273-5762 | **Toll Free:** 1-866-273-5766 | **Toll Free Fax:** 1-866-273-5762
105 - 21900 Westminster Hwy., Richmond, BC V6V 0A8
info@apbc.ca | www.apbc.ca

September 3, 2021

To: BC Mayors and Councillors

Re: Emergency Paramedics and Dispatchers: Who we are and what we do!



Dear Mayor & City Councillors;

In BC, over 4500 Paramedics and 270 Medical Dispatchers work 24 hours a day, 365 days a year to keep our communities healthy and safe. As leaders in emergency pre-hospital care and public safety, allies in healthcare and professionals in our communities, Paramedics and Medical Dispatchers are a quintessential resource for municipalities in BC.

The field of Paramedicine has evolved from a traditional response of unscheduled emergencies to a robust and multi-disciplined practice encompassing public safety, emergency first response, scheduled and acute transport, and community-based health innovation. As experts in emergency management, Paramedics are uniquely qualified to assist in emergency preparedness, prevention and response culminating in a dynamic and versatile skillset that transcends conventional public sectors. Engaged as a mutual stakeholder in both public safety and healthcare, Paramedics are able to provide relief to healthcare systems and infrastructures operating at or above capacity within BC communities as specialists in emergency response and preventative healthcare.

As the world evolves and continues to adapt to the universal consequences and reality of Covid-19, our leaders continue to manage an ongoing opioid epidemic amidst a global pandemic with the constant threat of seasonal natural disasters (such as heatwaves, wildfires and flooding). A unique set of circumstances requires a unique response and BC Paramedics and Medical Dispatchers are always ready to respond.



What can Paramedics do in YOUR community?

Paramedics in BC provide a variety of services to support community health and safety. Through a multitude of specialties and license levels BC Paramedics are there for you.

- Primary Care Paramedic
- Advanced Care Paramedic
- Critical Care Paramedic
- Paramedic Specialists
- Community Paramedics
- Emergency Medical Dispatch and Call-taking

Our resources are available by land, sea or sky.

Ambulance Paramedics

of British Columbia - CUPE 873



Tel: 604-273-5722 | **Fax:** 604-273-5762 | **Toll Free:** 1-866-273-5766 | **Toll Free Fax:** 1-866-273-5762
105 - 21900 Westminster Hwy., Richmond, BC V6V 0A8
info@apbc.ca | www.apbc.ca

- Ambulances
- Paramedic Response Units
- Fixed-wing Aircraft
- Helicopters
- Boats

Services Paramedics can provide:

- Emergency medical first response
- Scheduled and acute transport of ill and injured patients
- Province-wide service ensuring access to healthcare in hard to reach communities
- Provision of primary healthcare in communities experiencing service delivery gaps
- Community based care for elderly, indigenous, at-risk or vulnerable populations
- Immunization clinics, Covid-19 testing and contact tracing for Covid-19
- Emergency management including planning, preparedness and response
- Emergency Medical Dispatch and Call-taking, providing over the phone medical assistance until resources arrive at the patient's side

How can you ensure YOUR community's needs are met?

As municipal and community leaders, you have a critical role in the decisions being made about healthcare services and public safety within your community. You know the needs of your community better than anyone else. We want to work with you!

Visit www.apbc.ca and check out what resources are currently available in your community. Our comprehensive resource list includes every Ambulance Station in British Columbia along with the current resources available in each of those communities.

We welcome the opportunity to discuss your community specific Public Safety, Ambulance Service and healthcare needs, challenges, gaps and paramedic services. Please visit our virtual booth at UBCM, we will be available to live chat.

We ask that you write both the Health Minister and Health Critic to advocate for enhanced paramedic services and healthcare in your community.

Again, we encourage you to come visit us virtually if you have any questions about Paramedic Services in your community. Alternatively, feel free to contact myself at (250) 250-319-4713 or troy.clifford@apbc.ca or info@apbc.ca either leading up to, during or post UBCM.

Thank you for your time, see you virtually at UBCM!

Sincerely,

Troy Clifford
Provincial President
Ambulance Paramedics and Emergency Dispatchers of BC
CUPE Local 873
TC/sb/MoveUp

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, September 13, 2021 9:26 PM
To: Council
Subject: I just signed HUB Cycling's petition

Dear Christopher Justice,

I am a concerned citizen, residing at:
Canada

[REDACTED] FIPPA s. 22(1)

I am petitioning you to endorse the City of North Vancouver's Resolution EB16: Safe Passing Distance for All Road Users, at the UBCM meeting this week.

Five Canadian provinces have safe passing laws that are on the books (Newfoundland, New Brunswick, Nova Scotia, Ontario and Quebec). So do 35 other jurisdictions in North America. These governments recognize that a minimum distance for motor vehicles to pass a person walking or cycling - typically between 1 and 1.5 metres (3-5 feet) - would protect people and save lives.

In British Columbia, we should expect the same from our provincial government - and garnering support from you, our local elected officials, is one way to get us there.

Sincerely,

[REDACTED] FIPPA s. 22(1)

Canada

[REDACTED] FIPPA s. 22(1)

HUB Cycling will keep [REDACTED] and your constituents informed about your position on Safe Passing Distance for All Road Users. FIPPA s. 22(1)

Tricia Mayea

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, September 13, 2021 9:26 PM
To: Council
Subject: I just signed HUB Cycling's petition

Dear Christopher Justice,

I am a concerned citizen, residing at:
[REDACTED] FIPPA s. 22(1)

I am petitioning you to endorse the City of North Vancouver's Resolution EB16: Safe Passing Distance for All Road Users, at the UBCM meeting this week.

Five Canadian provinces have safe passing laws that are on the books (Newfoundland, New Brunswick, Nova Scotia, Ontario and Quebec). So do 35 other jurisdictions in North America. These governments recognize that a minimum distance for motor vehicles to pass a person walking or cycling - typically between 1 and 1.5 metres (3-5 feet) - would protect people and save lives.

In British Columbia, we should expect the same from our provincial government - and garnering support from you, our local elected officials, is one way to get us there.

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

HUB Cycling will keep [REDACTED] and your constituents informed about your position on Safe Passing Distance for All Road Users.
FIPPA s. 22(1)

From: MCF Info MCF:EX <MCF.Info@gov.bc.ca>

Sent: Monday, September 13, 2021 10:29 AM

To: Info <Info@northcowichan.ca>

Subject: E-mail from the Honourable Katrina Chen, Minister of State for Child Care

VIA E-MAIL

Ref: 263194

His Worship Mayor Albert Siebring and Council

District of North Cowichan

E-mail: info@northcowichan.ca

Dear Mayor Siebring and Council:

Families throughout British Columbia are looking for access to inclusive, affordable, quality child care. As leaders, I know you are acutely aware of the needs in your community and share our government's concerns and ambitions of providing access to an inclusive universal system of care. Although we have made significant progress over the last three years with nearly 26,000 new licensed child care spaces approved for funding across Childcare BC's space-creation initiatives, too many families still struggle to find the care they need in their local communities. With this in mind, I am emailing today to ensure you have received information about the opening of the [Childcare BC New Spaces Fund](#), our province's largest child care space creation initiative.

In the 2021/22 intake for the New Space Fund program, we are focusing our efforts on expanding quality, inclusive, community-based child care in areas with the greatest need in alignment with provincial priorities and commitments under the [Canada Wide Early Learning and Child Care Agreement](#). This means that only School Districts, Indigenous and local governments, not-for-profit organizations, and Indigenous not-for-profit organizations are eligible to apply for up to \$3 million in grant funding per project.

As an eligible organization, I encourage you to visit [Childcare BC](#) to review the New Spaces Fund program guidelines, FAQ, application form, and other resources. Further, I encourage you to seize this opportunity to partner with the Province to help address your community needs and serve families in your community with more affordable, quality child care.

Note that the deadline to apply is November 16th, 2021 at 4:30 p.m. PST.

Please do not hesitate to contact our Capital Funding program staff at MCF.CCCF@gov.bc.ca or 1 888 338-6622 (option 5) for any additional questions you may have.

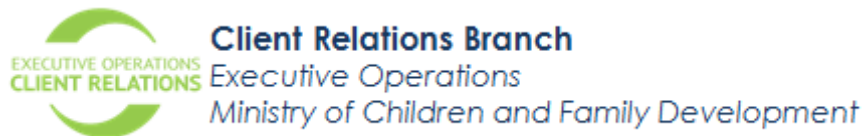
Thank you for the work you do for families in your community.

Sincerely,

Katrina Chen

Minister of State for Child Care

Sent on behalf of the Minister of State by:



This communication and any accompanying document is confidential and is intended solely for the addressed recipient(s). If you received this e-mail message in error, please delete the e-mail and any attachments and contact the Client Relations Branch, Ministry of Children and Family Development at: MCF.Info@gov.bc.ca.

From: MCF Info MCF:EX <MCF.Info@gov.bc.ca>

Sent: Friday, September 10, 2021 11:37 AM

To: Info <Info@northcowichan.ca>

Subject: Letter from the Honourable Mitzi Dean, Minister of Children and Family Development

VIA E-MAIL

Ref: 262443

His Worship Mayor Albert Siebring and Council

District of North Cowichan

E-mail: info@northcowichan.ca

Dear Mayor Siebring and Council:

I am pleased to announce that October will once again be declared Foster Family Month in British Columbia. This marks the 31st year of celebrating the caregivers who have stepped up time and time again when they are needed most. As a caregiver, they have accepted a vital role in the lives of the children they care for and an important role in the fabric of the communities where they live.

I wish to express my gratitude for the time, love, and energy that these foster families have given to the young people in British Columbia. Every day, these incredible caregivers work hard to ensure that the young people in their care are provided with a safe and healthy home and are cared for and nurtured in times of personal and global uncertainty. Their dedication to improving the lives of some of our province's most vulnerable children and youth is recognized and honoured as an integral part of the young person's journey.

Please join me in celebrating October as Foster Family Month to show those in your community how important the role of a foster caregiver is. I encourage you to celebrate foster families for the selfless work they do for the children, youth, and families of British Columbia.


On behalf of the Government of British Columbia, thank you for your continued support in recognizing extended family and foster caregivers.

Sincerely,

Mitzi Dean

Minister of Children and Family Development

Sent on behalf of the Minister by:

 **Client Relations Branch**
Executive Operations
Ministry of Children and Family Development

This communication and any accompanying document is confidential and is intended solely for the addressed recipient(s). If you received this e-mail message in error, please delete the e-mail and any attachments and contact the Client Relations Branch, Ministry of Children and Family Development at: MCF.Info@gov.bc.ca.



Regional District of Mount Waddington

PO Box 729 2044 McNeill Road, Port McNeill, BC V0N 2R0

Telephone (250) 956-3161 Fax (250) 956-3232

Web-site: www.rdmw.bc.ca Email: info@rdmw.bc.ca

File No. 310.01

August 27, 2021

By e-mail to BC Local Governments

Dear Regional District Chairs and Boards, Mayors and Councils:

The people of the Regional District of Mount Waddington (RDMW) are independent, resilient, and compassionate. Although we may be a little geographically and politically isolated, we are caring, and community oriented. When trouble befalls one of our friends, we show up to help.

The Village of Lytton suffered a catastrophic loss this summer. The RDMW would like to remind the population of Lytton and the Thompson-Nicola Regional District that they do not stand alone in their time of need.

To help Lytton rebuild, the Electoral Area Directors of the RDMW will contribute one dollar for every person in their representative areas. In doing so, the Electoral Area Directors of the RDMW wish to challenge all other local governments to make a similar gesture.

This is a time for solidarity and the rebuilding of community, lives, and dreams. The Regional District of Mount Waddington is honoured to contribute.

Sincerely,

Andrew Hory
Chair and Area B Director

Sandra Daniels
Area A Director

James Furney
Area C Director

Rod Sherrell
Area D Director



BC CLIMATE ACTION
COMMUNITY
SINCE 2012

INCORPORATED JUNE 13, 1966

MUNICIPALITIES: VILLAGE OF ALERT BAY, VILLAGE OF PORT ALICE, DISTRICT OF PORT HARDY, TOWN OF PORT MCNEILL
ELECTORAL AREAS: "A" (BROUGHTON ARCHIPELAGO, SOINTULA / MALCOLM ISLAND, MAINLAND); "B" (COAL HARBOUR, HOLBERG, QUATSINO, WINTER HARBOUR);
"C" (FORT RUPERT, HYDE CREEK, TSULQUATE); "D" (CORMORANT ISLAND, TELEGRAPH COVE, WOSS)

Regional District of Mount Waddington

VILL001 VILLAGE OF LYTTON

DATE 27-Aug-2021

CHEQUE NO.

3956

DATE	INVOICE #	DESCRIPTION / VOUCHER NO.	AMOUNT
27-Aug-2021	VILLAGE OF LYTTON	VILLAGE OF LYTTON - COMMUNITY REBUILD DONA LYTTON	3,413.00

TOTAL

3,413.00

THIS DOCUMENT CONTAINS SECURITY FEATURES

SEE DETAILS ON REVERSE

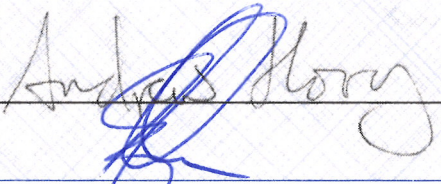
REGIONAL DISTRICT OF MOUNT WADDINGTONP.O. BOX 729, PORT McNEILL, BC V0N 2R0
TEL: 250-956-3301 FAX: 250-956-3232CANADIAN IMPERIAL BANK OF COMMERCE
P.O. BOX 340, PORT McNEILL, BC V0N 2R0

003956

DATE 20210827
Y Y Y Y M M D D

PAY Three Thousand Four Hundred Thirteen AND 00/100 Dollars

\$*****3,413.00

TO THE
ORDER OF**VILLAGE OF LYTTON**380 Main Street
PO Box 300
Lytton BC V0K 1Z0

⑈003956⑈ ⑆07040⑈010⑆ 77⑈00814⑈

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Sunday, September 12, 2021 9:48 AM
To: Council
Cc: Al Siebring
Subject: Vaccine Passes

Dear Council Members,

We have certainly been subjected to some challenging directives concerning Covid over the last year and a half with no imminent resolution. Even families are divided on the issues so I have no doubt that it cannot be easy to maintain harmony within a large organization especially when serving the public.

With the introduction of the latest Covid restrictions I thought I would encourage you to consider the following; There are thousands of good people on Vancouver Island who prefer to abstain from the Covid 'shots'. These are not necessarily anti-vaxxers, as most have had vaccines throughout their lives along with their children, they simply are not convinced that this injection is necessary or safe. Thankfully, it is still within their right under law to refuse any medical procedure.

So I humbly suggest that with the roll-out of the vaccine-passes, that you strongly advise your staff, and especially management, to be more considerate of those with opposing views who now have the frustration of the ostracism that this causes. Ask them to refrain from referring to these people as "anti-vaxxers" or "anti-maskers". The condescending attitudes are unnecessary and when (if) all this is over, these tax-paying citizens will remember who was professional, civil and kind.

In closing, I am an employee of MNC and I am not alone in my concerns. Whether Covid jabbed or not, staff may seem to be unaffected by the negativity and hostility but many are deeply troubled by the attitudes, demeaning comments and incitement of division.

Respectfully,

Sadly Anonymous,

Sent with [ProtonMail](#) Secure Email.

From: [REDACTED] FIPPA s. 22(1)
Sent: Sunday, August 29, 2021 3:04 AM
To: Council
Subject: Housing Crisis

Dear Politicians, Representatives of the Taxpayers,

Forgive me if I am cynical around the issue of limited housing opportunities for Canadians. My mother currently owns 10 acres of land that my parents bought over 40 years ago. There are four children in the family, all of whom wanted to one day build on the property. Now as ageing adults in our 50s and 60s, we are finally ready to consider moving onto the property. We contacted local government, and hired a surveyor/land developer. We were told the following:

1. Despite the fact that at least 18 properties on this road are less than 5 acres, loopholes have since been closed. We can only subdivide the 10 acres into two 5 acre parcels. We will never be able to further subdivide into 2.5 acres so that each sibling may own their individual piece of land.
2. We have been told that if we apply to subdivide, my mother's current driveway will have to be assessed (at our cost). Measurements will be taken to determine whether it is too close to the apex of a hill. Would she be forced to construct a new driveway if the new rules say it was built in the wrong place?
3. Invasive species. There is a list of plants that supposedly must be removed from the 10 acres at the owner's cost. A specialist will have to be paid to assess, and more money spent on the removal of said invasive species. How does a person budget for this? When is removal complete? One season to another, checking for new growth? Large scale developers simply clear cut, remove all ground cover and continue on. Small property owners don't have that luxury of finances and resources. Nor do we wish to remove the trees, the undergrowth. We just wanted to clear enough space for a house.
4. Riparian/Hydrologist requirements: My mother has a small pond with water flow. (The previous neighbours filled in their part). We have been told we will have to hire an "expert" to assess this pond. Despite the fact that we won't be building near it at all.
5. We have all these other entities involved in the subdivision of my mother's property: YET, the same local government has allowed marijuana grow operations right next door, and on other properties on this road. Despite vocal protest from some people on this road, nothing has been done, other than saying it is legal. The smell coming from this grow-up causes nausea at times, but still it is legal and nothing is done. At times my family can't sit on their deck outdoors, depending on the stage of marijuana growth cycle. As you may or may not know, there is a quick turn-around in harvesting the plants, so the cycle repeats itself often. The smell is invasive, the air quality is of concern....but the government has no rules for that.
6. If we find all these costs insurmountable given we don't know for certain how much to budget -- or even how long it will take to jump all the hoops - alternatives have all been removed as well. For example, tiny homes are not legal in our area. Yet many have been built for the homeless in other areas of the community.
7. It appears that rules and regulations are meant to hinder the average person, but to help large scale developers and those involved in the social contracts for the homeless/low income. The middle class, such as our family, is being weeded out. Perhaps in the end, we are the so-called invasive species. Broom blooms in the clear cut areas of Mt Prevost, but the local government is concerned about my mother's 10 acres. My parents bought this property so that one day their children might preserve it, to keep it for the wildlife. I suspect it will one day go the route of developers and turned into a subdivision. That will be for our descendants "benefit", we currently are in limbo. All parts of the island appear to be headed the way of larger scale development - the government's quick fix to a "housing crisis". Perhaps that is the ultimate agenda of the governments. I guess it would be too much to ask them to be honest about it?
8. For my part, I am wishing to sell my home and downsize. As I don't know how much it will ultimately cost me in terms of dollars and time, building on the property has been ruled out as an option. I am looking elsewhere for housing, and not having an easy time of it. As you know there is a housing shortage. I am not a developer who can pass on all these extra and unknown costs on to the buyer. I have a fixed income and fixed budget. I have limited power and you, the government, can overpower me anytime you wish, and will change the rules to do so.

So, again, forgive me for being cynical. You will build new houses for Canadians, but if one Canadian (or 4) wish to build one house, on their own property, you make it very difficult.

Something is very wrong here.

Thanks for listening.

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, September 3, 2021 12:08 PM
To: Council
Subject: MNC to formalize illegal-suite policies

Dear Mayor and Council:

I fully applaud, for safety and sanitation reasons, council's drive (Sept. 2 Citizen) to formalize enforcement of our illegal-suite bylaws.

Preventing fires, vermin infestations and other dangers is why our bylaws must not only be written but firmly enforced before risks become realities, affecting citizens, families and neighbourhoods.

However, our rise in illegal suites signals a big need for more housing that is not being met sufficiently by council working with homeowners and developers.

I do realize there will always be scofflaws installing illegal suites.

Still, I urge council and staff to continue searching for ways, such as tax breaks, for homeowners and developers to build more truly affordable housing for our ever-growing and aging population.

Those creative ideas, with attendant legislation, could help boost supplies and meet demands for safe, legal, affordable housing — thereby helping to reduce illegal suites and our rising ranks of homelessness.

Some property owners use illegal suites to collect non-taxed rent while skirting safety- and building-code regulations.

This sadly puts themselves, renters and neighbours at risk while also reducing property values.

That is clearly criminal behaviour so I support council's action to stem this greedily ignorant activity.

Yours in health and safety,

[REDACTED], FIPPA s. 22(1)

North Cowichan

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, September 6, 2021 5:30 PM
To: Council
Subject: Urban sprawl

To Whom It May Concern:

This is my input as a long-time residents of Duncan, as well as an Indigenous Cowichan Elder. I live in Centennial Heights and I am very disturbed by the heavy traffic, due to the residential development at Burkey's Corner as well as the apartment building now being constructed at the bottom of Government Street. All spring and summer there has been a greater amount of traffic/noise as people drive, bike or walk down Government Street.

There motor cycles revving up their engines as they speed down/up Government Street. There are shouts and yelling from people coming up from Centennial Park, either on drugs/alcohol or both. The result is that this is a residential area that used to be a nice, quiet family neighbourhood until the last few years. I believe it is because of urban sprawl and travellers on their way to Lake Cowichan, as RVs' and boats are towed on this Street.

I have been frustrated by the line-ups to get onto Government Street with the construction going on at 7 a.m. and all day long. There are noticeably more people traffic and litter near my house, which is out of the way, but my car has been keyed, recently and back-packs thrown in my yard. I am concerned that there will be more break-ins or theft as the population grows and more cars are impacting this neighbourhood in a negative way.

Thank you for you time to read my input to the concerns of urban sprawl in little Duncan.

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, September 6, 2021 11:56 AM
To: Council
Subject: Addressing MNC's aging septic systems

Dear Mayor and Council:

I strongly support Coun. Christopher Justice's tabled motion to explore solutions for North Cowichan's growing septic-system crisis.

Justice's concerns appear in the Sept. 2, 2021 Cowichan Citizen.

Given historic, continued fecal and nutrient loading of our lakes, streams and oceans, it's time for council to work with Island Health about ways of economically pumping septic tanks, plus eco-safe means of disposing of our rising septage volumes.

Proof is seen in Quamichan Lake's toxic blue-green algae, fed in part by septic tanks and a farm ringing our sick lake.

Similar worries appear in Somenos Lake, Cowichan and Chemainus rivers, and during Maple Bay's high coliform counts this summer.

Solutions must also include septage-pumping facilities at North Cowichan's marinas.

Indeed, council must strictly control growth and mandate more municipal sewage collection. Plus, more areas using septic tanks must be hooked — where possible — to our aging sewage-treatment facility.

In fact, another facility is likely needed now to augment that of our JUB lagoons.

Part of North Cowichan's sewage solution must come from innovative, affordable technology to treat and dispose of our liquid waste.

I look forward to Island Health's reply to council's request for partnering in a report addressing our quiet sewage crisis.

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

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, September 10, 2021 10:06 AM
To: Al Siebring; Council
Subject: Connectivity

Perhaps you are aware: CVRD Economic Development is now conducting an online survey to map internet connectivity with the goal of partnering with government and carriers to improve underserved areas like our neighbourhood.

Our neighbourhood - Panorama Ridge has been working for the past 6 months with Telus' Customer Solutions Delivery Regional Manager to be considered for fibre optic service since the cell tower and satellite options provide poor internet service. Funding the proposal was recently declined by Telus for 2021.

We have been very disappointed reading in the North Cowichan Council meeting reports, comments by various Municipal councillors discouraging improving cell tower service in the Municipality, with what many of us believe is ill-informed scientific information. Given the Municipal OCP's recognition that most of North Cowichan is rural and wants to remain rural in nature, and given the reality of how people work/recreate/get educated/live in today's world, good connectivity is critical in today's world to lead successful lives.

Would a councillor please respond to this email to discuss Connectivity in North Cowichan, and perhaps be available to discuss this important topic with a number of us in the neighbourhood.

Thank you, [REDACTED] FIPPA s. 22(1)

[REDACTED] FIPPA s. 22(1)

"Life is like riding a bicycle.
To keep your balance you must keep moving." A Einstein to son, 1930

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, September 13, 2021 10:01 AM
To: Council
Subject: Worried

Dear Politicians,

Please help change the unconscionable lack of political involvement in resolving the Fairy Creek Blockades crisis. Lack of political involvement has led to 117 days of frustration and burnout for the police. Lack of political involvement has resulted in 117 days of a large body of young Canadians being methodically trained to develop contempt for our nation's police force.

A small fire left unattended can become an enormous wildfire. Similarly, prolonged civil disobedience left unattended by political leadership can become a spreader virus that infects our entire democracy. Many young Canadians feel overwhelmed by the relentless forces of threat bearing down on them by the Covid viruses and global climate change. Walking in the ancient forests along the Fairy Creek ridges has given some youth a feeling of responsibility for what seems to be a potential environmental extinction event they can hope to do something about.

Videos like "Fantastic Fungi" on YouTube suggest that the mycelium in an old growth forest vaccinates *"itself against pathogens in the ecosystem. Our old growth forests that contain these ancient fungi are deep reservoirs of potential compounds that can fight pandemic viruses. We should save the old growth forests as a matter of national defense"*. People who believe that such capabilities infuse old growth forests are, understandably, capable of extreme acts that they hope will protect the precious ancient soils.

If this hope is wrong thinking, it will not change by increasingly brutal RCMP attacks. The Fairy Creek Blockades demand political leadership. When 900 citizens in a democracy feel so strongly about an environmental event that they are willing to be arrested, the politicians need to show up, listen, and work hard to find peaceful solutions.

As Stewart Phillip, Grand Chief of the Union of BC Indian Chiefs, has said, ***"You can't simply parcel this off as an Indigenous cultural rights issue. You can't parcel it off as an economic issue. You must remain focused on the fact that old growth forests in British Columbia are at the point of extinction. We all have a responsibility to do whatever we can to protect them."***

We want our young people to be responsible, to care and contribute. If Chief Phillip and the Fairy Creek protestors are thinking wrong, then you politicians need to work with them to find right thinking. By responding to a peaceful protest with excessive force and massive arrests, BC politicians have opened a window that sheds a whole different light on Canada's alleged commitment to take a leading role in the support of and protection for our environment.

Please, help facilitate truthful and inclusive dialogues between all parties involved in the unconscionable Fairy Creek loggerheads.

Worried,

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Thursday, September 2, 2021 5:05 PM
To: Council
Subject: Enough.

Follow Up Flag: Follow up
Flag Status: Completed

Categories: In Laserfiche

You ask the people of North Cowichan to do a survey on automated garbage pick-up but don't ask about the residences near the Commons about the 46 homeless cabins. We already experience problems in the Averill Creek trails to the Commons with refuse and stolen merchandise. You would only be allowing more problems in the area to happen. My guess is that no one on council lives in the area. Please do not pool the homeless in with mental health and vice versa. They are NOT one-in-the-same. You need to do more consideration regarding this issue.

[REDACTED] FIPPA s. 22(1)

RECEIVED

SEP 10 2021

DISTRICT OF
NORTH COWICHAN

The Council

Municipality of North Cowichan

Dear Council

September 7, 2021

RE: Garbage pick up Initiative

I write to express my concern about the proposed substantial alteration of the service provided by North Cowichan. This relates to the service but also the increased cost to users. I am not at present able to use this service.

The heritage pick up service provided to our residents was always a matter of significant satisfaction if not pride by prior members of council and staff. This low cost service, together with water, sewer and fire were thought of as the core of our municipal existence. So much so that we resisted "regionalizing" garbage pick up and gave short shrift to proposals to contract out. This from councils which had members unafraid of the political fallout of cost effective government. The program was most reasonable in cost and stays so today. A good plan delivered by great employees has resulted in years of compliments.

As such I am concerned at the proposal and the cost implications. Why are we doing it? Health concerns of employees? What are the injury statistics? Is the existing program not green? Is the proposal greener? What shade?

It will be more costly. 50% at a minimum.

Rethink.

Best wishes:



FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Tuesday, September 14, 2021 2:07 PM
To: Council
Subject: Municipal Forrest Reserve

[REDACTED] FIPPA s. 22(1)
[REDACTED] Mt. Prevost Rd.
[REDACTED] FIPPA s. 22(1)

September 14, 2021

To: The Mayor and Council of The Municipality of North Cowichan

WHO IS REALLY GREEN? (And I don't mean leprechauns!)

Firefighters are very green. They save green trees, the lungs of our planet. Thank you to each and every firefighter who works so hard, travelling over abhorrent roads in hot, difficult, dangerous situations to protect our homes and forests. You are our heroes!

Who else is green? Those of you who have bought electric vehicles? How much energy is expended on producing a new vehicle let alone the infrastructure cost of expanding the electrical grid to support it if everyone does this? Are you green if you drive to and protest logging? Do you know that younger trees are a better carbon sink than old growth forests? Maybe you might be interested in reading the following papers I have found supporting this. They are:

1. World's biggest terrestrial carbon sinks are found in young forests - Materials provided by University of Birmingham
2. New documentation: Old-growth forest carbon sinks overestimated - Materials provided by University of Copenhagen - Faculty of Science
3. Largest carbon dioxide sink in renewable forests - Materials provided by Karlsruher Institut für Technologie (KIT)
4. Don't look to mature forests to soak up carbon dioxide emissions - Materials provided by SUNY College of Environmental Science and Forestry
5. Buildings can become a global CO2 sink if made out of wood instead of cement and steel - Materials provided by Potsdam Institute for Climate Impact Research (PIK)

These papers can all be found online.

It is way easier to blame someone else like forestry for climate change than ourselves. How many of you turn your heat down in the winter or your air conditioning off in the summer? How many of you hang up your laundry rather than using a dryer? How many of you commute to work everyday in a vehicle?

Again I ask who is really green? Although we are not perfect my husband and I try very hard to walk the walk, not just talk the talk. We have not had children in an overpopulated world. We have lived off grid for over 33 years consuming as little energy as possible most of which is renewable. We try to limit vehicle trips to once or twice a week. We grow gardens for food. How many of you have done this?

We as a community would not have access to and the ability to enjoy the woods had not industry (mining and forestry) built and maintained roads. Foresters also patrol and protect our forests from vandals and people being irresponsible with fires. Now, North Cowichan Forestry Department is fighting for its financial life. It has no income because logging responsibly has been shut down. Roads are in disrepair. Gates are torn down. Staff is limited for patrols (no summer staff).

At least 32 hectares of forest burned right next to the municipal forest, our home, and threatened many more. A very close call for all of us. BC Wildfire Service, along with much assistance from others had to contend with fighting a fire during drought conditions. They also had to haul water, equipment and personnel over roads in abhorrent conditions which slowed their progress considerably. Why is this? Why are the roads so terrible? Might it have something to do with the anti logging faction in North Cowichan? I firmly believe that roads need to be repaired, maintained and patrolled if you want green forests. In order to do this I firmly believe that the foresters of North Cowichan be allowed to do the jobs they were initially hired to do and from what I have observed have done a good job up until the anti loggers have shut them down. I have read the papers mentioned above and I believe responsibly managed forests are far better for our climate.

Canada has some of the strictest environmental laws in the world, and we do a much more responsible job than many other countries. I would also much rather Canadian Industry be supported than importing resources from another country who has less rigorous standards. Like I said before I try to walk the walk.

So the questions I ask you are:

Do we want to support jobs in our community? (Foresters, summer students, loggers, truckers, mills, tree planters, all the support staff that go with it and all the spin off businesses that provide support)
Do we want to support lower property taxes as a result of this?
Do we want to maintain roads and gates within our forests?
Do we want a responsibly managed forest?

Or

Do we want a burned out forest?

Choose wisely!

Sincerely

From: [REDACTED] FIPPA s. 22(1)
Sent: Tuesday, August 17, 2021 8:39 PM
To: Info <Info@northcowichan.ca>; Ted Swabey <Ted.Swabey@northcowichan.ca>; Al Siebring <mayor@northcowichan.ca>
Subject: public Concern

Dear Members of North Cowichan Council, Management, and Community Development,

I am a North Cowichan resident, who really loves living in the beauty of this area.

I am VERY concerned about the noise of the race track on highway 18. It is 13 kilometres from where I live!! We frequently hear noise from the track, a lot of noise! I cannot imagine what the residents nearby the track have to put up with. We live on the shore of Lake Somenos, overlooking Mount Prevost and the valley to the west, and spend an enormous amount of time outside, enjoying our property and surrounds.

This past Sunday (August 15th), we heard the race track for hours on end, so loud that it seemed to be in the parking lot of the Walmart across the lake. This noise CANNOT be good for the wildlife, the birds, and most importantly the residents - those who pay taxes to North Cowichan. Sunday was so bad that I had to write this letter to express my concerns, which are shared by our neighbours.

I know that the expansion of the race track has been a contentious issue. We cannot allow this to happen, as it would enable more noise, more pollution, and more destruction of the beauty of the local environment.

I appreciate you considering this concern, and your response to it.

Yours truly,

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Saturday, August 21, 2021 5:57 PM
To: Info
Subject: Vimc racetrack noise disruption

Dear North Cowichan

I have lost track of the number of times I have written regarding the incessant, assaultive noise emanating from the VIMC racetrack. After a particularly difficult week I was hoping to have a peaceful weekend with family, friends and neighbours getting together after a challenging 18 month of social isolation due to COVID.

This was not meant to be. All afternoon we have been pummeled with continuous engine revving, braking and squealing of tires. We have been driven inside our homes with closed windows to escape the assault. There is nothing new I can offer that you have not already made aware of. VIMC conducts their business at the expense of the . physical and emotional health of their neighbours. Of that they are aware but do not appear to care.

Please find it within yourselves as a municipal body to hold VIMC accountable for the damage they are willfully inflicting on their neighbours.

Please remember this when VIMC approaches you with a DPA to expand their operation and by extension the misery they create for area residents.

Thank you

Respectfully

[REDACTED] FIPPA s. 22(1)

[REDACTED] Sahtlam Rd
Duncan

Sent from my iPhone

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Sunday, August 22, 2021 11:20 AM
To: Al Siebring; Info
Subject: Thanks for another Horrible Sunday VIMC and North Cowichan.

You've heard it before but here we go again. I have retreated to my house because, despite plenty of construction noise close by, I cannot hear myself think outside. Not good inside either. A gorgeous, blissfully cool day when I could be outside enjoying my garden is ruined.

I sincerely hope that wherever you find yourselves today, you can enjoy your surroundings in peace. I wouldn't wish this on my worst enemy.

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, August 23, 2021 9:34 AM
To: Info; al.seibring@northcowichan.ca
Subject: VIMC excessive noise

Dear Council,

The VIMC over the last few weeks has been getting louder and louder once again. It seems that ever since they got the rezoning they are pushing the limits of the community and trying to send a message that they are going to turn up the volume on the irritation to the community. This weekend was especially insanely loud. We could not enjoy our property again this weekend having to stay inside, not getting chores done on the farm that needed to be done to avoid the continuous noise coming for hours and days on end from the racetrack, (which they clearly refer to themselves as on social media as a racetrack even though they swore up and down in the public meetings that they are not). We are 3 km away from the track, we should not have to be driven into our home over the noise. Friends told me they were in downtown Duncan this weekend and could hear it too distantly in town. You can see clearly on our neighbourhood pages through the posts how our community continues to suffer from this business, it is not 1 or 2 people that live right close to the racetrack, it is the larger community that is being affected.

I understand the legal costs of enforcing something on this business, but something needs to be done to control this business and the damage it is doing to the people who live here.

thank you,

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Wednesday, August 25, 2021 3:53 PM
To: Council
Subject: Vancouver Island motorsport circuit

Good afternoon North Cowichan council. My name is [REDACTED] FIPPA s. 22(1), I live at [REDACTED] FIPPA s. 22(1) Payne Rd in the Satlam area 1.5km (as the crow flies) away from the Vancouver Island Motorsport circuit. I attended the open council meetings about the proposed expansion of the motorsport circuit. At these meetings I heard several times that this was a test track and NOT a race track. This past Sunday afternoon Aug 22nd the noise was so loud that I drove to the track to see what could possibly make that much noise. I parked on the side of highway 18 and watched for awhile. I saw a group of at least six cars running at high speed close together and some being passed that were not in the main group. They sure looked like they were racing to me. The other thing I noticed was a lot of dry grass around the edges of the track and the tinder dry timber not far away. A car crash could very easily start a fire that would be hard to stop. Today, Aug 25th was also very loud but sounded like only one car. There is no such thing as peaceful back yard gardening or anything else peaceful around here anymore.

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



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, August 27, 2021 4:12 PM
To: Info <Info@northcowichan.ca>
Subject: VIMC NOISE

Hi,

I would like it to be noted that I am fed up with my downtime being ruined by noise from the racetrack. I live on a hill by the Firehall at Sahtlam , and my weekends have been blighted by the constant roaring of engines and screeching of wheels.

Sitting on our deck at the front of our house is becoming a no, no, now. We can't enjoy our property the way we should be able to. This last weekend and this week have been VERY bad. This is just not fair on us.

FIPPA s. 22(1)

[REDACTED]
[REDACTED] Cowichan Lake Road
Duncan
[REDACTED]

FIPPA s. 22(1)

[REDACTED]

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, August 27, 2021 4:59 PM
To: Bylaw; Info; Al Siebring; Council
Subject: VIMC noise - TOO MUCH

To the North Cowichan Representatives,

As tax paying residents of North Cowichan, we are again writing to document our concern over the horrendous noise being generated by those at the VIMC.

When one, or more, attendees have an accident on the track and urgently require medical attention at the Cowichan hospital, there may not be anyone there awake enough to save their lives. How can anyone get their required and much needed rest, with that kind of noise plaguing them?

How are taxpayers of North Cowichan, getting their money's worth?? Not good business!

[REDACTED] FIPPA s. 22(1)

North Cowichan Resident

FIPPA s. 22(1)

From: [REDACTED] <[REDACTED]>
Sent: Friday, August 27, 2021 8:24 PM
To: Info <Info@northcowichan.ca>; al.seibring@northcowichan.ca; Bylaw <bylaw@northcowichan.ca>
Subject: Unbelievable noise at VIMC Racetrack

The noise again coming from VIMC has been ridiculously outrageous. Why should our community be continually terrorized by this noise for hours and days on end for something that should have never been allowed in the first place. We couldn't carry on a conversation with each other if we were outside today and we are 3 km away from the racetrack. The municipality needs to respond to its tax paying citizens and act on the many complaints it continues to receive by forcing this business to mitigate its noise pollution. I continue to be very confused as to why as taxpayers we are being sacrificed to this business. This problem is not going to go away on its own.

[REDACTED] FIPPA s. 22(1)

From: [REDACTED] FIPPA s. 22(1)
Sent: Sunday, August 29, 2021 6:32 PM
To: Info <Info@northcowichan.ca>; al.seibring@northcowichan.ca; Bylaw <bylaw@northcowichan.ca>
Subject: Even louder today At VIMC

Our neighbourhood is absolutely being brutalized again today from this noise at VIMC. This is not normal noise from any kind of business. This business is showing so much disrespect towards the entire area, the municipality, its council members and staff having to hear and deal with the complaints of their taxpayers that are suffering from this business. No one should be subjected to this kind of noise. This business is just letting it get louder and louder and it's happening more often. Many of their customers enjoy taunting the neighbourhood, as well. When people are being driven out of their homes to go elsewhere to find peace and quiet because of a business that should not have been approved in the first place, is all kinds of wrong. This neighbourhood and anyone visiting it is suffering, and the frustration levels are getting higher. Like many of my neighbour's are asking, please do something to mitigate this noise.

[REDACTED] FIPPA s. 22(1)

From: [REDACTED] FIPPA s. 22(1)
Sent: Sunday, August 29, 2021 7:45 PM
To: Info <Info@northcowichan.ca>
Subject: Utter frustration..

FIPPA s. 22(1)

On Sun, Aug 29, 2021 at 7:40 PM [REDACTED] wrote:
Hello,

Today I have finally had enough. The last week has been an absolute disgusting display of noise pollution which has completely ruined any enjoyment during my children's waking hours both inside our house and out.

I am not an old fuddy duddy with nothing else to do but complain to local government. On the contrary, I am mother to three young children, I work part time as a registered dental hygienist and I have five acres, many gardens, chickens, and endless laundry, dishes and meal prepping to do. I assure you that the last thing I want to make time for is to email you regarding this issue. BUT enough is enough!!

I am not someone who hates sound. We have two dirt bikes, a lawn mower, leaf blower, chain saws and three extremely loud and rambunctious children. My teenage cousins who live next door ride dirt bikes regularly with their friends and I smile to see them ride back to their house as I appreciate them spending time outside with friends doing something they love. A neighbour has been running a machine lately during the day, and although it's noisy it's not all day and I know it's temporary only going until the job is done. I never take issue with neighbours chainsawing or mowing their lawns and I don't blink an eye as a semi truck goes down the stretch of highway nearest us. The thing that these have in common is that although they are noisy, the noise is purposeful and temporary. If my cousins sat on the throttle of their dirt bike next door to me from 8-8 you bet I would take issue with that. Any noise of the pitch and tone of the cars RACING, and yes it IS racing despite what they say, for an entire day, day after day, is enough to drive me crazy.

My husband works out in our garage and usually likes very loud bass heavy music while he does so. Last year our neighbours not so subtly (air horn and a shout) let us know that the music's sound level was unacceptable to them. After realizing he forgot to close the garage door (so all the sound was escaping to their house) he apologized and now he's extra careful to ensure all doors are shut before he works out. [REDACTED] was working out during the day so technically FIPPA s. 22(1) according to bylaw he was allowed to continue with the loud music, and the neighbours would have had to suck it up. But that's the thing about being a neighbour, it's common courtesy to consider their wants and needs so that everyone can live amicably.

We are living in a pandemic. These are stressful, scary, and uncertain times right now with everyone on edge. People are facing a major health risk, uncertainty in their workplace and a housing crisis to top it off. I have never once said I want VIMC shut down.. I want them to be considerate and neighbourly (like I am) and spend some of their vast sums of money to construct proper noise mitigation. I want a community calendar so that when I plan my children's birthday

parties (which are all in summer months by the way) I can plan them on days that will be noise pollution- free. I want to enjoy my long weekends celebrating the holiday without having to stay inside the entire time (and I can still hear it even then). I want VIMC to stop being arrogant, condescending and downright belittling to the affected citizens like me.

Today I took my children for a frog catch at our pond and a bike ride around our block. I want to be able to enjoy my home, property and surrounding area with my family - is this too much to ask? I know these wants probably don't pertain to specific bylaws, and as such, will not retain any interest or weight with you but perhaps you should consider enacting a bylaw against being an asshole because unfortunately that is the only way I can describe a company that put my neighbourhood through what we've had to experience this last week.

Sincerely,

An extremely peeved and perpetually sleep deprived mother aka [REDACTED] FIPPA s. 22(1)

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, August 30, 2021 7:36 PM
To: Info <Info@northcowichan.ca>
Cc: Al Siebring <mavor@northcowichan.ca>
Subject: VIMC NOISE

Hi,

I would just like to let you know that my weekend was a nightmare with noise from the track. If you would like to see/hear a video of it from my house by the fire hall I will be very happy to bring it in on a memory stick or send it to a drop box account. I feel very strongly that you should hear how loud it is from a few miles away,

Many thanks

[REDACTED] FIPPA s. 22(1)
[REDACTED] Cowichan Lake Road
Duncan

[REDACTED] FIPPA s. 22(1)

[REDACTED] FIPPA s. 22(1)

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, August 30, 2021 2:25 PM
To: Al Siebring <mayor@northcowichan.ca>; Info <Info@northcowichan.ca>
Subject: VIMC

Good afternoon,

I'm writing in to ask that immediate action be taken by the Municipality to ensure another day of horrendously intrusive noise, originating from VIMC, does not occur. The noise has been unbearable for the last several days, and the lack of empathy and human decency from VIMC and their patrons is palpable. If VIMC is going to do whatever they please with no regard for the neighbourhood in which they operate, then responsibility is left with the Municipality to step up and put an end to this. That is all.

Sincerely,

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

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, August 30, 2021 12:24 PM
To: Council
Cc: [REDACTED] FIPPA s. 22(1)
Subject: VIMC

Once again I am feeling the need to contact you regarding the horrendous noise that residents of Sahtlam have been subjected to this past weekend.

We live 7 kms (as the crow flies) from the track and all weekend we were inundated with the noise of changing gears as cars raced around the track.

So yesterday we left our home and spent the afternoon on the shores of Lake Cowichan. Such a beautiful spot with occasional boats passing by and it made me think. Years ago Lake Cowichan had drag boat races on the lake and I'm sure all of you can imagine the noise from those boats. The Village of Lake Cowichan ended up passing a bylaw restricting unmuffled boats on the lake to ensure the peace and quiet for the residents. My question is - if a Village can enforce noise restrictions why can't a Municipality?

We have noise restrictions for many other activities and surely those cars and motorcycles on the track can be fitted with mufflers.

It seems very unfair that the tax paying residents are having their lives and enjoyment of their homes ruined by people who don't even live or pay taxes in this area.

Sincerely

[REDACTED] FIPPA s. 22(1)

From: [REDACTED] FIPPA s. 22(1)
Sent: Monday, August 30, 2021 12:57 PM
To: Al Siebring <mayor@northcowichan.ca>; Info <Info@northcowichan.ca>
Subject: VIMC - Monday August 30, 2021
FIPPA s. 22(1)

Our family lives at [REDACTED] Cowichan Lake Rd. We have lived here for 13+ years and have been through the entire process of VIMC becoming what it is today.

Today has to be one of the loudest days we have ever heard here. The past few weeks we have really noticed the increase of noisy days and it is 100% because of the motorcycle days that they have out there. Honestly, other than the motorcycle days we can easily live with it as we are far enough away to not heat when cars are out there.

I know that we are hearing it more today because of the wind direction, but even still it is so loud I thought I would take the time to write and have a small voice in this horrible conversation that is the VIMC and the people who live in the Cowichan Valley.

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

From: [REDACTED] FIPPA s. 22(1)
Sent: Sunday, August 29, 2021 1:07 PM
To: Al Siebring <mayor@northcowichan.ca>; Info <Info@northcowichan.ca>; Bylaw <bylaw@northcowichan.ca>
Subject: VIMC

I invite any one of you to come to Payne Road and stand outside for 2 minutes. If a burning ball of rage doesn't rise in your throat, you must be deaf. This is absolutely ludicrous and something must be done. I keep hoping to hear a motor or two blow up.

August 30, 2021

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

Re: VIMC RACetrack Intrusive Noise - Ongoing

Dear Sir or Madam,

[illegible]

Enraged Sahtlam Residents,

[REDACTED] FIPPA s. 22(1)

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

Sent: Friday, September 10, 2021 2:27 PM

To: Info <Info@northcowichan.ca>

Subject: VIMC

I live at [REDACTED] FIPPA s. 22(1) creighton road, beside [REDACTED] FIPPA s. 22(1) and [REDACTED] FIPPA s. 22(1).

The racket at VIMC has once again driven me indoors.

It has been going on for several hours already today. The WHO has many articles regarding the impacts of long term exposure to high volumes of noise.

Why is the Cowichan Valley a playground for noisemakers?

Why is their enjoyment more important than our enjoyment of our homes?

I cant even be outside in my own yard.

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, September 10, 2021 2:53 PM
To: Al Siebring; Kate Marsh; Rosalie Sawrie; Rob Douglas; Christopher Justice; Ted Swabey; Council; Tek Manhas; Info; Al Siebring; Debra Toporowski; Kate Marsh; Public Meetings; Rob Conway
Subject: Track Noise

Dear Mayor and Council

The track noise today is as loud and as debilitating as it has ever been. It is horrible and there is NO relief or possibilities of escaping it. The events are getting more frequent, much louder and they go on much longer than ever before. I'm pleading that something be done about this and very soon! We are at home on Sahtlam Road. My husband has just returned home from major traumatic brain surgery to try to remove a tumour. We are far from being out of the woods with weeks of radiation and chemotherapy therapy in our future. This daily noise assault is debilitating, painful, stressful and angering! Our anxiety levels increase by the day. We are not alone in our little community where we have several others battling various cancers, tumours, PTSD etc and not to forget all of the first responders and shift workers who take care of the at risk and sick. This has just gone on for too many years and continues to escalate by the day. Please, you need to come over and LISTEN! It will be ALL that you will hear! No sounds of nature are audible at all today. We can't even get relief with ear plugs. Imagine the detrimental effect this is having on my husbands brain. Please! There must be resolution to this brutal noise before someone just can't take it any longer.

[REDACTED] FIPPA s. 22(1)
[REDACTED] Sahtlam Rd
Duncan

Sent from my iPhone

From: PIM <pimltd@telus.net>

Sent: Monday, September 13, 2021 9:09 AM

To: Al Siebring <mayor@northcowichan.ca>; Info <Info@northcowichan.ca>

Subject: Race Track Noise

Noise from the race track was particularly bad this past weekend. Had we a monitor on decibels, it would have been over. I hope it does not come to that again. To date, the owners have made no attempt at noise mitigation – no berms, no sound walls, no anything. Quite disrespectful but not surprising.

Brian Thacker

PACIFIC Industrial & Marine Ltd.

5105 Tzouhalem Rd. Duncan, BC V9L 6Y1

Ph: 250 746 7272 Fx: 250 746 7271 [REDACTED] **FIPPA s. 22(1)**

www.pacificindustrialmarine.ca

Please advise this office without delay if you are unable to read or open any part of this email.

*Thank you for choosing **PACIFIC** for your business.*

Regarding: Development of 9090 Trans Canada Highway, Chemainus

Concerns: Impact on wetlands, creek and Chemainus River; over-use of the intersection at Henry Road West/Smilie Road and Trans Canada Highway; Official Community Plan for Chemainus being ignored.

FIPPA s. 22(1)

I live at [REDACTED] Henry Road in Chemainus. My concerns regarding the proposed development of 9090 TCH have been discussed in a previous letter. At that time the #1 priority was to have the developer find a different way to access his property, without using the small country road which is Henry Road West, as the conduit for well over 100 vehicles per day, several times a day. We were happy to hear that idea has been shelved for now, but not totally taken off the table.

As for the impact of this development on the endangered Chemainus River - the clearing of the 25 acres above/bordering the river will have a detrimental effect, taking away trees, brush, grasses and other habitat that absorbs moisture and keeps it from running down the slope into the river. The river already is heavily impacted by the industrial park further up-stream - I have witnessed first-hand dirty water running in a rushing stream from one of the properties situated on Smilie Road above the river. This stirred up the sediment on the river bottom, making a murky mess which was bound to impact the fish/aquatic life of the river. There is also bank erosion from the seasonal heavy flooding which occurs yearly, sometimes several times a winter. I understand the property in question has a mere 15 meter setback for any sort of development/clearing. This is insufficient to protect the river from runoff and erosion, which will impact the fish habitat below. WATER SUPPLY to the homes in this development will also impact the river aquifers adversely, and I believe the Halalt First Nation is studying the impact of the wells on the river levels. I know the [REDACTED], one of the neighbours who have a long border with the development property, have been in discussion with the Environmental Health Officer for Island Health, Alison Gardner, regarding the effects of sewer seepage, and overland drainage into the Chemainus River. FIPPA s. 22(1)

Ignoring the Official Community Plan for the town of Chemainus, which was developed with input from the citizens of Chemainus, will jeopardize the health and welfare of the whole town. This OCP has designated growth areas to keep urban sprawl to a minimum, and to encourage containment within existing areas. I believe that the health of the Chemainus River, as well as other environmental impacts including air quality will be impacted adversely by the large development proposed for 9090 TCH. As there is no current transit route or even trail system from this property into Chemainus, household vehicles which are needed to move residents from an isolated and unconnected residential area to the town centre will impact the air quality and traffic volume. The volume of water necessary to service this large number of homes seems ill-advised, in light of the fact that we already struggle with water volumes during the long dry summers we are experiencing.

As for traffic, the addition of up to several hundreds of vehicle trips per day at the existing intersection of TCH/Henry Rd West/Smilie Road would make a bad situation worse. This will happen if the new residents are expected to access their homes via this intersection, either as a U-Turn access to head south by turning off the highway to drive past the HaidaWay Restaurant and Fuller Lake Motel frontage road and then onto the highway to head south again to the access at Country Maples, or in the worst-case scenario of using the existing but so far undeveloped easements at the end of Henry Road West to drive the 2 km along the small, narrow road with no sidewalks, no shoulders and poor lighting, to end up at the congested and already unsafe intersection.

This intersection is inadequate at this time, with much traffic from the Industrial Park on Smilie Road including chip trucks, logging trucks, other tractor/trailer vehicles, delivery vehicles etc, trying to access the too-short space available at the highway light. Add in heavy traffic in and out of the Co-op gas station, the existing residents of Henry Road West, the restaurant and motel traffic, and the traffic which uses this area as a designated U-turn from the Fuller Lake Arena to head south, and there will be a total traffic nightmare.

I believe this development should be redesigned, and downsized from the proposed 108 modular homes to a more rural subdivision of minimum 2 acre lots.

I hope that the concerns I have listed in this letter will be taken seriously. I am a passionate advocate for the Chemainus River, it's water, it's fish life, the wildlife that depends on it.

I am convinced that the water in the aquifers is finite, and will be impacted badly by the addition of over 100 new homes accessing it. Since this is now being studied by the Halalt First Nation, it should not be seen as an existing supply of water for a new large development.

I know that the traffic at the intersection of the Trans Canada Highway and Henry Road West is already congested and creates dangerous situations every single day, for motorists and especially for pedestrians and bicyclists.

Please re-consider this development as it has been proposed. It does not conform with the existing Official Community Plan. It does not protect the Chemainus River, its water quality and aquatic life, and wildlife. It strains the traffic infrastructure.

I believe the promise of "affordable" homes, so far from the actual town, should not trump the quality of life for the existing residents of this area.

I appreciate you reading this letter and hope it will strike a cord with enough of you to have another look and downzone the proposal.

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

From: [REDACTED] FIPPA s. 22(1)
Sent: Tuesday, August 31, 2021 11:48 AM
To: Council
Subject: Re: Proposed Development 9090 TransCanada Highway

Mayor and Council
Municipality of North Cowichan
7030 Trans-Canada Hwy
Duncan, BC
V9L 6A1
E-Mail: Council@northcowichan.ca

Dear Mayor & Council

Re: Proposed Development 9090 TransCanada Highway

Further to a July 5, 2021 letter which I sent to the Mayor and Council and for which I received a notice of receipt, with this letter I wish to raise my other concerns with respect to this matter. I also wish to express my appreciation for the Mayor's very prompt response relating to the matter of access of the above development to Henry Road and to thank him for very proactively addressing the community concerns as raised in my letter and I understand, in a number of other letters from community residents.

While I am, for the reasons stated below, not in favor of the proposed development of 108 units on the subject property, I do recognize the right of an owner to develop his property as desired, provided such development is in accordance with existing guidelines and does not have an adverse affect on surrounding lands or the community.

The concerns that I wish to bring to the attention of the Mayor and Council fall into a number of categories. First, does this development of 108 units fall within the area Official Municipal Plan or other such overall development plans for the Municipality of North Cowichan. The concern arises from the proximity of intense residential development in close proximity to land designated for Agricultural Reserve. As a suggestion, perhaps a less intense use or smaller unit number of units on the development would be desirable.

A concern relates to water drainage through the property which ultimately ends up in the Chemainus River. The Chemainus River is currently in a drought situation and preservation of all water sources are key to it continuing as a viable aquatic habitat. We would be concerned that the development does not preserve the existing drainage status. Also, while I am not aware of how this development is serving their water needs, having regard to the concern that water not be diverted from the river the question arises, if the development is utilizing water that would otherwise be destined for river use. I understand that relevant provincial government departments are involved in the review of such matters for the development, but raise it as an overall concern if the river is to be protected.

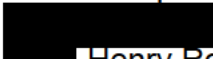

A concern arises with the dealing with sewage treatment on the property. We have been advised that a plan for some 20 units has been submitted for the development application. We are uncertain how the remaining proposed units will be serviced. If 108 units are proposed the sewage treatment

solutions should address the full number of proposed units rather than only a portion of them. Also in the plan submitted, the concern arises of “potential surface breakout”, in the area of the proposed sewage system location, which could have deleterious affects upon both the development property and adjacent properties. A further question arises with respect to the daily water use of the proposed 20 units and whether it is reasonable given that it seems to be under values that would require review by a provincial authority.

On a more general note and not having the benefit of viewing application material, we must question what steps are being taken, if any to preserve existing wetlands, ponds and creeks which provide habitat to a large variety of animals. While such environmental factors cannot be measured on an economic scale, their existence makes living in North Cowichan a vital and rewarding experience. I think we would all suffer should intensive development replace the reasons that many in the community chose to live here.

I wish to thank the Mayor and Council for taking the time to allow us to express our concerns with this proposed development and are hopeful that these factors will be taken into account as review of the development proceeds.

Yours Respectfully

 FIPPA s. 22(1)
 Henry Road,
Chemainus, B.C.

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Sunday, September 12, 2021 1:39 PM
To: Council; Al Siebring; Al Siebring; Rob Douglas; Christopher Justice; Tek Manhas; Kate Marsh; Rosalie Sawrie; Debra Toporowski
Subject: Morgan Maples, 9090 TCH

Mayor Siebring and Councillors:

Thank you for taking the time to read this, and yes, you have heard from me prior to this, regarding access to this development via Henry Road, and the attention paid to this matter by you was and still is very much appreciated.

[REDACTED] FIPPA s. 22(1) [REDACTED] FIPPA s. 22(1)
We, the [REDACTED], are residents of one ([REDACTED] Henry Road) of the 3 Henry Road properties that share property lines with the property at 9090 TCH.

Most of Council and some staff have visited the area, for a first hand look at the subject property.

The proposed first phase of the development is for 20 units. Interesting that estimated sewage volume is just under the limit that requires provincial monitoring. If they are making an application for 108 units it should reflect what the plans are for the full development. Even though the plan is to treat the sewage from these 108 homes, the discharge will greatly degrade the fragile river ecosystem.

Living adjacent to this proposed development, we are extremely concerned about this large scale development discharging sewage/waste water into the Chemainus River. We understand the sewage will be treated but the Chemainus River is already listed as an endangered river. Populations of catid fly, crayfish, and all species of trout and salmon have plummeted over the last 25 years. The once clean rocks and gravel beds are now covered in silt from upstream logging.

Also, we do not see, on the new plan, dry wells to hold water runoff. Instead, the developer is proposing direct water release to the creek, with flooding concerns paramount.

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: massive infill, road construction through the wetlands, another burden on the water supply, and sewage discharge.

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

Adding 108 homes will further burden an already fragile and endangered 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.

Loss of habitat and environmental damage affects everyone, everywhere.

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.

There was a motion made at the June 2nd North Cowichan Council meeting to downzone the land back to rural and the video stream suggests Council struggled with the decision to downzone the property, defeating it 4 to 3.

Ideally, we would like to see Council reconsider that motion to downzone the property, or failing that, a significant reduction in the scale and scope of the development – for example, 5 acre minimum lot size, that would fit in with the rural nature of the area.

Regards,

 FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Thursday, August 26, 2021 8:44 AM
To: Council
Subject: FW: Construction Noise Bylaws

Follow Up Flag: Follow up
Flag Status: Completed

Categories: To be put in Laserfiche

Further to my previous email, please see the staff response regarding the construction noise from the Kingsview development.

I appreciate that the developer is using a machine that will speed up the length of time needed to complete the work. However 3.5 months of this debilitating noise, that can happen 7 days a week for up to 13 hours a day, seems excessive. I would again ask that engineering staff discuss possible mitigation effort

Sent from [Mail](#) for Windows

From: [Kim Ferris](#)
Sent: August 20, 2021 2:56 PM
To: [REDACTED] FIPPA s. 22(1)
Subject: RE: Construction Noise Bylaws
Dear [REDACTED], FIPPA s. 22(1)

Thank you for sharing your concerns with us. North Cowichan's [Noise Bylaw](#) outlines permitted hours for work such as the soil compaction underway at the Kingsview development on Woodrush Drive. The machine being used for this work, a Rapid Impact Compaction (RIC), is a quicker way to complete the compaction process – 3.5 months versus 7.5 months using conventional methods and machines.

We recognize that the noise from this work is unusual for area residents. However, compaction work is permitted within the hours allowed for in the Noise Bylaw; 7am to 8pm from Monday to Saturday, and 9am to 6pm on Sunday. Noise or other impact complaints from outside the permitted hours can be directed to bylaw@northcowichan.ca or by calling 250.746.3108.

Kind regards,

Kim Ferris

Manager

BYLAW & LICENSING SERVICES

Municipality of North Cowichan

7030 Trans-Canada Highway

Duncan, B.C. V9L 6A1 Canada

www.northcowichan.ca

kim.ferris@northcowichan.ca

T 250.746.3204

O 250.746.3108

From: Council Support <CouncilSupport@northcowichan.ca>

Sent: Thursday, August 12, 2021 8:53 AM

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

Cc: Council <council@northcowichan.ca>

Subject: RE: Construction Noise Bylaws

FIPPA s. 22(1) [REDACTED] this email is to confirm that Mayor & Council have received your correspondence. I am also sharing your email with Kim Ferris, Manager, Bylaw and Business Services, and have asked her to follow up with you directly. Thank you for taking the time to write to us.

Kind regards,
Terri Brennan
Executive Assistant and Council Support
Office of the Mayor & CAO
Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

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From: [REDACTED] >FIPPA s. 22(1)
Sent: August 10, 2021 3:07 PM
To: Council <council@northcowichan.ca>
Cc: Ted Swabey <Ted.Swabey@northcowichan.ca>
Subject: Construction Noise Bylaws

Hello,

My concerns are as regards the current bylaws governing construction noise.

I live in The Properties which has and will have ongoing residential construction for several years as the Kingsview phased development continues.

The current daily incessant noise from the pounding, ongoing in phase 3, is very disturbing and unsettling. The noise reverberates through the area.

I would suggest that the time frames for allowing this excessive noise should be much more limited. Allowing this for 7 days a week from 7 am to 8 pm, shows little regard for the residents living in the area.

Perhaps daily hours could be reduced and/or mandatory breaks every couple of hours or limiting the excessive noise to the mornings only.

Anything to stop the headaches would be appreciated.

Thank you.

[REDACTED] FIPPA s. 22(1)

[REDACTED] Salish Road Duncan BC

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, August 27, 2021 2:10 PM
To: Council
Subject: Construction Noise at Kingsview Development

I am writing regarding the ongoing construction noise from the Kingsview Development which has been intrusive and debilitating to people in a wide area surrounding the site since July. I live on Kathleen Drive, over 2 kilometers away, and have not been able to be outside without feeling like I need to wear hearing protection in my own backyard. The pounding starts at 7:30am to 5pm and now that there are two compactors working, even closing the windows does not keep out the sound when we are inside my house. On Thursday I had two people here to give me quotes on work and they both said spontaneously what is that awful, loud noise!! I understand that construction noise happens and have lived through a lot in my 37 years of living in the area. People can accept normal construction noise of blasting, hammering, sawing and truck noise but this compaction noise has become an overwhelming irritation and intrusion far beyond anything I have ever experienced before and in my opinion is unreasonable. I can only imagine what it must be like for the people closer to this and to those with concussions, head injuries or young babies and children. It is literally like water torture and creates a state of high alert and anxiety internally.

The North Cowichan Noise Bylaw# 2857 states : No person shall make nor allow to be made any noise that disturbs the quiet peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighborhood or vicinity whether by any animal, vehicle, conveyance, vessel, machinery, equipment, device or activity. I believe this constant noise has disturbed a far flung group of people as it echoes across Quamichan Lake and possibly over to Salt Spring Island , certainly much of The Properties, Lake View and along Maple Bay Road is affected. My understanding is that there are no bylaws being broken as North Cowichan does not seem to have decibel limits on construction noise and has fairly unlimited hours of construction within their Noise Bylaw. Perhaps a change to the bylaw including some limits to these both would be a start. Finding a way to mitigate the sound conduction by using dampers or sound barriers may be another solution to explore. Could other methods of compaction be considered? I understand there may be many months of this and it could become an ongoing occurrence as the phases of the development progress. Finding a compromise solution, I feel is needed in order for neighbors to tolerate this and remain reasonable.

I appreciate your consideration of this concern and will add my voice to those already communicating with you. I have not sent in a complaint to North Cowichan Council prior to this but I have increasingly felt I had to speak up and say that this is wrong!

Thank You.

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, August 27, 2021 8:06 AM
To: Council
Subject: Maple Bay Relentless Daily Construction pounding

Mr Mayor and Council

It is very hard to understand why daily pounding begins at 7:30 am and continues every day. It is my understanding lots were created on fill and now to build this compaction process was approved.

Lots created on fill without engineered building envelopes should never have happened!

I have retired and live on McKenzie Drive approx a kilometer away and this excessive noise impacts my ability to enjoy my home during the day; Even with all Windows closed!

How long will this continue? I will not support a council that accepts this excessive noise as routine.

There must be alternatives, the current method is unbearable and unfair to the public.

Thank you

[REDACTED] FIPPA s. 22(1)

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Thursday, September 2, 2021 8:45 AM
To: Bylaw; Council
Subject: Noise Bylaw Complaint / Excessive NOISE

Follow Up Flag: Follow up
Flag Status: Completed

Categories: In Laserfiche

Good morning Mr Mayor and Council,

Thank you for the response from staff regarding my email complaint of the constant excessively loud pounding waking all at 7:30 am each morning and continuing all day with a link to the noise bylaw. The windows are all closed and kilometres from the site the repetitious pounding disturbs the quiet, peace, rest, enjoyment etc site of thousands of North Cowichan residents.

The Bylaw states:

“regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity, or which Council believes are objectionable; “

I have spoken to planning staff and the general contractor and understand this type of compaction is being used to speed up the compaction of excessive fill used to create the proposed golf course. Council has allowed the site to be rezoned for a subdivision and now the owners seek roads and building lots on huge fill areas. This is not the conventional way to create a subdivision, and the public should not have to suffer.

We accept years of development on the site with typical construction sounds and volumes, but the constant pounding for months violates the Noise Bylaw and the comfort of the community.

Please accept the many complains from the public and address the excessive noise that this repetitious daily pounding is impacting our community with; clearly disturbing the right to enjoy our homes.

Thank you

[REDACTED] FIPPA s. 22(1)

Sent from my iPad

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, September 3, 2021 7:32 AM
To: Council
Subject: Noise!!!!

Kingsview pile driver/compacter noise is unacceptable. No issue with preparing the land for more construction, we encourage more development in the area, but there are quieter ways to do this and/or noise mitigation techniques that could be used (or at a minimum, give the neighbourhood some occasional breaks from the constant noise).

We are not even particularly close to the equipment and it bothers us, it must be downright unhealthy for those living closer.

I have no idea how this level of noise, all day, everyday falls within the by-laws...either they are breaking the by-laws or the by-laws need amending.

Council must address this.

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

Ginny Gemmell

From: [REDACTED] FIPPA s. 22(1)
Sent: Friday, September 3, 2021 9:06 AM
To: Council
Cc: Al Siebring
Subject: Development noise Kingsview
Attachments: Video.MOV

Hello

As residents of Nevilane drive we have been made to accept construction noise but the current situation of soil compaction from 7am to 4:30 every day right behind our home is something that should never ever been allowed to occur. What is council thinking??? I would invite any of you to sit on my deck and experience the horror that we call summer. There has to be some consideration for residents. It is seriously like torture. Every resident feels the same. I would ask, with tongue in cheek, that you play the attached video during the next council zoom meeting and loop it for the entire meeting so you can experience what working from home feels like in this environment.

Warm regards

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

[REDACTED] FIPPA s. 22(1)

Municipality of North Cowichan

Regular Council

MINUTES

September 1, 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)
Talitha Soldera, Director, Financial Services
Michelle Martineau, Corporate Officer
Jason Birch, Chief Information Officer
Shawn Cator, Director, Operations
David Conway, Director, Engineering Projects
Rob Conway, Director, Planning and Building
Martin Drakeley, Manager, Fire and Bylaw Services
George Farkas, General Manager
Barb Floden, Manager, Communications and Public Engagement
Clay Reitsma, Director, Engineering
Don Stewart, Director, Parks and Recreation
Kim Ferris, Manager, Bylaw and Business Licensing Services
Marla Laycock, Acting Director, Human Resources and Corporate Planning
Tricia Mayea, Deputy Corporate Officer
Chris Osborne, Manager, Planning
Anthony Price, Planning Technician

1. CALL TO ORDER

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

2. APPROVAL OF CONSENT AGENDA

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

- 2.2.4 Neighbourhood Zero Emission Vehicle Bylaw
- 2.2.5 Email regarding Roundup Herbicide weed spray
- 2.2.6 Email regarding water usage
- 2.2.8 Email regarding pounding noise from Properties development
- 2.2.9 Letter regarding the Canada Community Building Fund-Gas Tax fund: Community Works Fund Top-Up Payment and Updated Eligibility Guidelines
- 2.2.10 Email regarding Genoa Bay Waterworks and Business Licenses

IT WAS MOVED AND SECONDED:

THAT the remaining items in the Consent Agenda be approved.

CARRIED

2.1 Draft Committee Minutes

THAT the following minutes be received for information purposes only:

2.1.1 August 17, 2021 Environmental Advisory Committee ADOPTED ON CONSENT

2.2 Correspondence

THAT the following correspondence is received for information purposes only:

2.2.1 Emails in relation to Vancouver Island Motorsport Circuit (VIMC)

2.2.2 Emails in relation to the Municipal Forest Review

2.2.3 Email regarding New Crofton Ferry Terminal Upgrade

2.2.7 Email regarding proposed development on 9090 Trans-Canada Highway

ADOPTED ON CONSENT

3. APPROVAL OF REGULAR AGENDA

The agenda was amended as follows:

(1) Moved item 9.1.2 [Regional Emergency Program] to after item 7. [Public Input]

(2) Added an item closed under Section 90(2)(b) of the *Community Charter* - negotiations with provincial or federal government

(3) Added an item closed under Section 90(1)(i) of the *Community Charter* – legal advice

IT WAS MOVED AND SECONDED:

That the agenda be adopted as amended.

CARRIED

4. ADOPTION OF MINUTES

4.1 Minutes from the August 18, 2021 regular meeting for adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt the minutes of their regular meeting held August 18, 2021. CARRIED

5. MAYOR'S REPORT

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

6. DELEGATIONS AND PRESENTATIONS

6.1 North Cowichan/Duncan RCMP Detachment's 2nd Quarter Report for RCMP Activities

Inspector Chris Bear presented the North Cowichan/Duncan RCMP Detachment's quarterly report for April - June 2021 and answered questions from Council.

6.2 North Cowichan/Duncan RCMP Detachment's 2021-2022 Annual Performance Plan

Inspector Chris Bear provided an overview of the RCMP's 2021-2022 Annual Performance Plan and answered questions from Council.

IT WAS MOVED AND SECONDED:

THAT Council endorse the North Cowichan/Duncan RCMP Detachment 2021-2022 Annual Performance Plan as presented.

CARRIED

6.3 Regional Emergency Program with Cowichan Valley Regional District

April Diver, Emergency Program Coordinator, from the Cowichan Valley Regional District (CVRD) presented the Regional Emergency Response Program and answered questions from Council. Brian Carruthers, Chief Administrative Officer, and John Elzinga, GM Community Services, from the CVRD were also present and answered questions from Council. A copy of the presentation materials is appended to the agenda.

7. PUBLIC INPUT

Council received no public input regarding agenda items.

9.1.2 Regional Emergency Program

IT WAS MOVED AND SECONDED:

THAT Council approve

- (1) North Cowichan's participation in a single regional Emergency Management Organization established by the Cowichan Valley Regional District Board.
- (2) That through the newly established Cowichan Emergency Management Organization, implementation of the report's recommendations be carried out in a phased approach.

CARRIED

Council recessed, by unanimous consent, at 3:13 p.m. and reconvened at 3:25 p.m.

8. BYLAWS

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

IT WAS MOVED AND SECONDED:

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*.

(Opposed: Douglas, Justice, Marsh)

CARRIED

IT WAS MOVED AND SECONDED:

THAT the meeting be extended to 9:00 p.m.

CARRIED

8.2 Fire Protection Bylaw No. 3841, 2021 for first three readings

IT WAS MOVED AND SECONDED:

THAT Council give first and second readings to Fire Protection Bylaw No. 3841, 2021.

Council, through unanimous consent, postponed consideration of the above motion when moving the following motion:

IT WAS MOVED AND SECONDED:

THAT Council refer Fire Protection Services Bylaw No. 3841, 2021 back to staff to amend the bylaw based upon Council's discussions.

(Opposed: Marsh, Sawrie)

CARRIED

8.3 Consequential Amendment Bylaws for first three readings

Council, through unanimous consent, deferred the Consequential Amendment Bylaws for first three readings to the same meeting as when Fire Protection Bylaw No. 3841, 2021 comes back to Council.

9. REPORTS

9.1 REPORTS FOR DECISION

9.1.1 2020 Community Wildfire Protection Plan for adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt the 2020 Community Wildfire Protection Plan attached to the September 1, 2021 report from the Municipal Forester.

CARRIED

9.2 REPORTS FOR INFORMATION

None.

10. NOTICES OF MOTIONS

By unanimous consent, Council suspended the rules to allow Councillor Sawrie to provide notice of the following motion, which she plans to bring forward to the September 21, 2021 Council meeting:

"THAT Council direct staff to draft a policy regarding the use of gender neutral language and pronouns for all bylaws, policies, reports, website and social media content, and other written communications."

11. UNFINISHED AND POSTPONED BUSINESS

12. NEW BUSINESS

12.1 M'akola Housing Society request for Financial Assistance

IT WAS MOVED AND SECONDED:

THAT council approve providing the M'akola Housing Society with \$900 from the Grant in Aid budget. (Opposed: Douglas, Justice, Manhas, Sawrie, Toporowski)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council approve providing the M'akola Housing Society with \$2,000 from the First Nation Initiatives budget.

CARRIED

12.2 Consent Agenda Item 2.2.4 [Neighbourhood Zero Emission Vehicle Bylaw]

IT WAS MOVED AND SECONDED:

THAT as part of the development of the Master Transportation Plan, staff develop options for the implementation of a bylaw to allow operation of zero emissions vehicles in North Cowichan.

CARRIED

12.3 Consent Agenda Item 2.2.5 [Email regarding Roundup Herbicide weed spray]

This item was discussed.

12.4 Consent Agenda Item 2.2.6 [Email regarding water usage]

IT WAS MOVED AND SECONDED:

THAT Council refer the Consent Agenda Item 2.26 [Email regarding water usage] to a Committee of the Whole meeting prior to January 2022.

CARRIED

12.5 Consent Agenda Item 2.2.8 [Email regarding pounding noise from Properties development]

This item was not discussed.

12.6 Consent Agenda Item 2.2.9 [Letter regarding the Canada Community Building Fund-Gas Tax fund: Community Works Fund Top-Up Payment and Updated Eligibility Guidelines]

This item was discussed.

12.7 Consent Agenda Item 2.2.10 [Email regarding Genoa Bay Waterworks and Business Licenses]

This item was discussed.

13. QUESTION PERIOD

Council received no questions from the public regarding agenda items.

14. CLOSED SESSION

IT WAS MOVED AND SECONDED:

THAT Council close the meeting at 5:29 p.m. to the public on the basis of the following sections of the *Community Charter*:

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

CARRIED

- 14.1 Closed minutes from the July 21, 2021 meeting for adoption**
- 14.2 Closed under section 90(1)(e) land matter, 90(1)(i) legal advice, 90(1)(m) FOIPPA s. 16 - relations with aboriginal government - Land**
- 14.3 Closed under section 90(1)(e) land matter, 90(1)(i) legal advice, 90(1)(m) FOIPPA s. 16 - relations with aboriginal government and 90(2)(b) negotiations - Proposed Memorandum of Understanding**
- 14.4 Closed under section 90(1)(i) of the Community Charter – legal advice (LATE ITEM)**
- 14.5 Closed under section 90(1)(e) land matter, 90(1)(m) FOIPPA s. 16 - relations with aboriginal government and 90(2)(b) negotiations - Land**
- 14.6 Closed under section 90(1)(e) land matter - Land Acquisition**
- 14.7 Closed under Section 90(2)(b) negotiations with provincial or federal government (LATE ITEM)**
- 14.8 Closed under section 90(1)(c) labour relations**

Following the motion to close the meeting to the public, Council through unanimous consent, took a 30 minute recess.

15. RISE AND REPORT

16. ADJOURNMENT

Council adjourned the meeting at 7:50 p.m.

Certified by Corporate Officer

Signed by Mayor



Annual Report

North Cowichan Regular Council
September 21, 2021

Year in Review - Outline

April 1, 2020 – March 31, 2021

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair."

- Charles Dickens; *A Tale of Two Cities*



- The Year of the Pandemic
- Our Programs
- Regional Housing Service Highlights
- Covid-19 Task Force for Vulnerable Populations
- Financials
- Housing Crisis, Challenges and Needs Assessment
- Emerging Issues
- Housing Policy Challenges and Recommendations



The Year of the Pandemic



Photo (above): Cowichan Valley Citizen



- March 11, 2020 WHO declared COVID-19 a pandemic
- Concern for homeless population to access services and self-isolate
- BC Housing funding to create temporary housing for people experiencing homelessness
- Covid-19 Task Force for Vulnerable Population created emergency housing plan
- Increase in homelessness: 270+ on waitlist for 99 units of supportive housing
 - 129 identified in 2020 PIT count
- Dramatic rise in housing prices – average sale price for a single-family home \$693,200, 28% jump in 12 months
- Two pandemics (COVID & Opioids) and a housing crisis



Our Programs

HOMELESSNESS PREVENTION

Emergency Assistance Program
Tenant Support & Referrals
Landlord Support Information
Rent Bank (coming soon)

REGIONAL HOUSING SERVICE

CVRD HOUSING TRUST FUND:

- 🏠 Project Development Fund
- 🏠 Rental Housing Capital Contribution Fund
- 🏠 Emergency Contingency Fund



PROGRAMS

EMERGENCY RESPONSE

Lewis Street Fire
Covid-19 Task Force
🏠 Ramada Hotel
🏠 Cabin Sites

RESEARCH & INFORMATION

Housing Needs and Data
Local Government Policy
BC/Canada Funding Information
Housing Crisis Innovations
Point in Time (PIT) Counts

COMMUNITY DEVELOPMENT

Covid-19 Task Force
Community Action Team
Building Not-For-Profit Housing Capacity
Facilitating Housing Strategies
Development Consultation

Regional Housing Service



Regional Housing Service funds have been allocated to three affordable housing projects in Ladysmith, Lake Cowichan, and Duncan, and applications are pending for 2 projects in North Cowichan. In total, we are anticipating **452** new units of affordable housing.

1. Rental Housing Capital Contribution Fund - 85% (\$425,000)

In March, 2021, Cowichan Lake Elder Care Society was successful in their application for \$175,000 towards an affordable seniors development in the Town of Lake Cowichan.

2. Project Development Fund – 13% (\$65,000)

\$75,000 in total PDF was awarded in 2020-2021 to the Duncan Housing Society and to the Cowichan Lake Elder Care Society to further develop their proposed projects in the City of Duncan and the Town of Lake Cowichan.

3. Emergency Contingency Fund – 2% (\$10,000)

\$20,000 was approved by the CVRD in 2021 to assist those displaced by the Lewis Street apartment fire on December 31, 2020.



Covid-19 Task Force



- BC Housing operations funding in place for Ramada/cabin sites until March 31, 2022
 - Ramada closure expected November
 - New supportive housing:
 - Drinkwater Rd – 51 units – opening November
 - White Rd – 49 units – opening Spring 2022
- UBCM Application for \$2.5 million – 1 year emergency homelessness response – 40 new cabins and wrap-around support
- Rapid Housing Initiative re-submission Aug. 31, 2021 (\$21.9 million more permanent homes) – Cowichan Tribes partnership
- \$1.6 million COVID Emergency Response Dollars administered by CHA in 2020-2021



Financials

Operations 6%: CVRD Funding of \$112,000 for affordable housing support, administration and overhead.

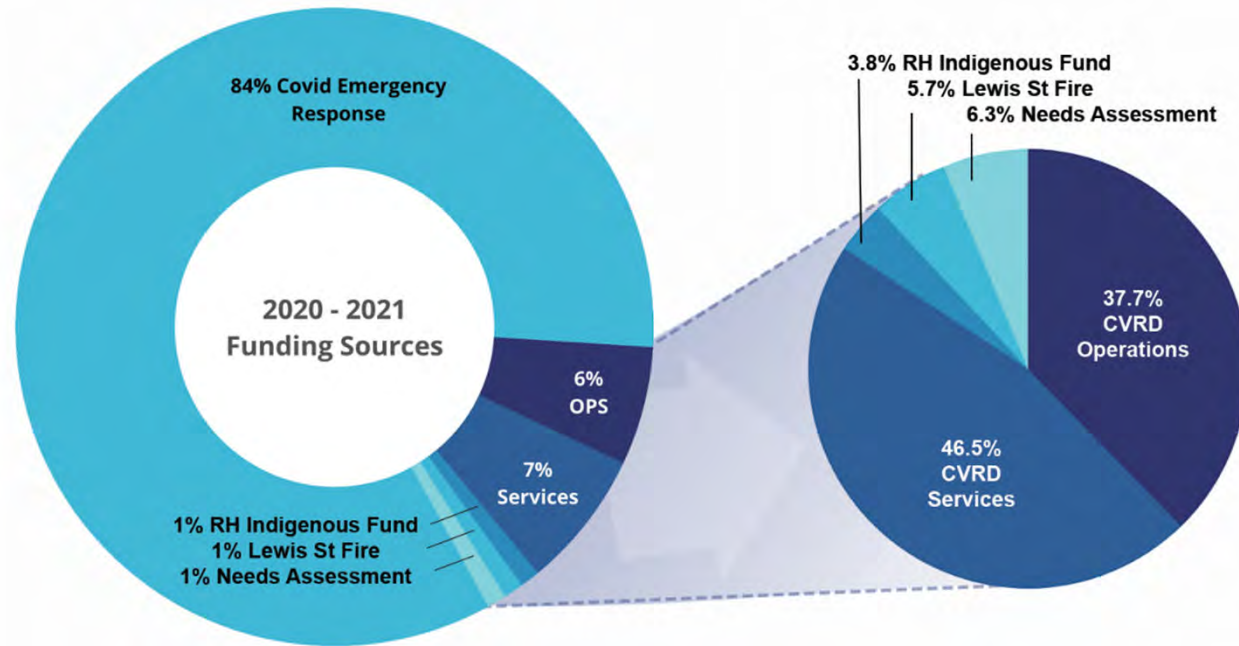
Services 7%: CVRD funding of \$138,000 for Regional Housing Trust Fund-related development, research, data collection, community collaboration and education.

RH Indigenous 1%: Emergency Assistance Program

Lewis St. Relocation 1%: Tenant Support for relocation

CVRD Housing Needs Assessment 1%: Research and data collection, community engagement and education.

Covid Response 84%: Combined funding to shelter homeless population during Covid-19



2020-21 Total Budget \$1,951,476

2020-2021	CVRD Regional Housing Service	250,000
	Reaching Home: Canada's Homelessness Strategy Indigenous Funding	11,291
	CVRD Needs Assessment – Modus Contract	18,720
	BC Housing – Tenant Support, Lewis St. Fire	16,800
	Regional Housing Service – Emergency Contingency Fund, Lewis St. Fire	20,000
	BC Housing – Covid Response	1,055,632
	Canadian Red Cross – Covid Response	184,755
	Reaching Home, Designated Fund – Covid Response	208,477
	Reaching Home, Indigenous Fund – Covid Response	124,090
	Victoria Foundations – Covid Response	61,711

Housing Crisis and Challenges

- Dramatic rise in housing prices – avg. sale price for a single-family home \$693,200, an 28% jump in 12 months
 - Most affected: first time home buyers
- Rental prices ballooning
- Acute rental shortage
- Renovictions
- Vacation rentals
- First Nation, youth, minorities, and people receiving income or disability assistance find it extremely difficult to find rentals due to discrimination



Housing Needs Assessment



4,955 HOUSING UNITS NEEDED
in the CVRD by 2025

14% Expected Population Growth
in the CVRD between 2019 and 2025

14%



22% in CORE HOUSING NEED
(Core housing need: spending more than 30% of
their household income on housing expenses)

991 units needed per year

(4,955 units need in the CVRD by 2025)

422 units built per year in CVRD

(2110 units built in CVRD between 2011-16)

569 units falling behind each year

(991 units/yr needed minus 422 units/yr built)

Canadian Rental Housing Index

	2016	2020	2025
1 bed	\$616	\$1195	\$1,415
Townhouse	\$1354	\$1670	\$2040

Recent Ads

PLACE YOUR AD HERE



\$1,000 · Bachelor Suite For Rent



\$1,525 · \$1,525 / 2br - 2 bed, 1 bath Condo on
Canada Ave



\$2,000 · Top floor of house near Down town
Duncan

Emerging Issues

- LAND, LAND, LAND – Lack of available land!
 - Women's shelter
 - UBCM appeal for land and no local government land holdings
 - Rapid Housing Initiative 2 - no appropriately zoned land available for sale
- Workforce housing challenges
 - New hospital = more jobs = housing need
 - Tourism and retail sectors
- Increase of citizens living in non-standard housing, couches, and vehicles
- Aging rental stock – fires & renovictions causing displacement of lower income individuals
- Ending of COVID specific policies re housing protections



Comprehensive & Consistent Regional Affordable Housing Policy Framework Needed

Consider – North Cowichan OCP:

Policy Framework: 4 themes

1. Land provision and acquisition
2. Preservation of rental housing
3. Housing market barrier controls
4. Increase affordable rental stock

Beyond Policy:

Relax bylaw enforcement on non-standard housing



Recommendations

- Identify, protect, and acquire all land suitable for affordable housing
 - Land acquisition and protection policies for housing
 - Have zone-ready land for future Rapid Housing funding calls with fast-tracked development permitting processes
- Support a region-wide workforce housing strategy and implementation
- Relax bylaw enforcement on non-standard housing and develop policy to allow for temporary housing such as RVs (see Valemont, BC policy)
- Develop vacation rental business license for stats purposes to understand effects on rental stock
- Streamline JUB credits negotiation: Cowichan Tribes CMHC Rapid Housing project requires construction complete in 12 months. JUB negotiations slow and cumbersome causing uncertainty to connect 32 units.



THANK YOU

Questions?

COWICHAN HOUSING ASSOCIATION

ANNUAL REPORT 2021



WWW.COWICHANHOUSING.COM

THANK YOU TO OUR PAST AND PRESENT PARTNERS AND SUPPORTERS



United Way
Central & Northern
Vancouver Island



This project is funded by the Government of Canada's
Reaching Home: Canada's Homelessness Strategy



BC Housing
Canadian Mental Health Association - CVB
City of Duncan
Clements Centre
Cowichan Valley Division of Family Practice
Cowichan Basket Society
Cowichan Family Life Association
Cowichan Green Community
Cowichan Independent Living Resource Centre
Cowichan Intercultural Society
Cowichan Tribes
Cowichan Valley Regional District
Cowichan Valley School District
Cowichan Valley Youth Services
Cowichan Women Against Violence
CVRD Cowichan Community Centre
CVRD, Economic Development
Ditidaht First Nation
Discovery Youth and Family Substance Use Services
Duncan Community Corrections
Duncan Mental Health
Duncan United Church
First Nations Health Authority
Habitat for Humanity
Halalt First Nation
Hiye'yu Lelum Society
Hiye'yu Lelum Society: Healthiest Babies
H-ulh-etun Health Society
Island Health
Ladysmith Resources Centre Association
Literacy Now Cowichan
Lookout Housing and Health Society
Lyackson First Nation
M'akola Housing
M'akola Development
Malahat Nation
Meals on the Ground
Medix EMS - Duncan
Ministry of Child and Family Development
Ministry of Social Development & Poverty Reduction
MLA Doug Routley
MLA Sonia Furstenau
MP Alistair MacGregor
MP Paul Manly
Municipality of North Cowichan
New Life Baptist Church
Nexus Modular Solutions
Our Cowichan Communities Health Network
Penelakut Tribe
Ramada Hotel
RCMP - North Cowichan / Duncan Detachment
SD79 - Cowichan Valley Open Learning Cooperative
Social Planning Cowichan
Stz'uminus First Nation
Town of Ladysmith
Town of Lake Cowichan
Ts'ewulhtun Health Centre

We acknowledge that for thousands of years the Quw'utsun, Malahat, Halalt, Penelakut, Stz'uminus, Lyackson, Ts'uubaa-asatx , and Ditidaht Peoples have walked gently on the unceded territories of where we now work, live, and play.

CONTENTS:

MESSAGES	2
Message from the Chair	2
Message from the Executive Director	3
Covid & Housing	4
Thank You John	6
WHO WE ARE	7
Board of Directors	7
Staff	7
Our Mandate	8
Our Programs	8
PROGRAMS	9
Regional Housing Service	9
Covid-19 Task Force	12
Housing Needs Assessment 2021	15
Homelessness Prevention	16
Lewis St. Fire	17
WORK PLAN	18
Work Plan 2021-2022	19
FINANCIALS	20

MESSAGE FROM THE CHAIR



As I reflect on our past fiscal year at the Cowichan Housing Association I am reminded of Charles Dicken's quote from *A Tale of Two Cities*. ***"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair."***

Looking back on the year through the lens of contrast we witnessed darkness as the pandemic crept into our region, touching lives, leaving despair and loneliness and exposing our vulnerabilities as individuals and as a community. And those most impacted were those who had no home to retreat to, nowhere to go to be safe, to be protected. Just having collaborated in the Point in Time homeless count, we were acutely aware of the number of children, youth and adults in our community experiencing homelessness.

The darkness continued as we witnessed the devastating impact of the Lewis Street fire, leaving 42 individuals homeless in a community facing a housing crisis.

We heard horrific stories of discrimination and hate across the United States, Canada and even in our region and we kept space for those who fell victim to Covid-19 and the Opioid crisis.

And yet, we saw good, light, hope and even incredulity. We saw a community respond to the pandemic, creating quick and innovative solutions to keep the homeless safe. What started as tents became sleeping cabins and hotels as the cold weather approached. With remarkable support from all levels of government, our community partners, and local businesses, our community's ingenuity was shared on media outlets across North America resulting in our successful model popping up in other rural and urban communities.

We learned that 100 units of supported housing will be built in Duncan, providing much needed transitional housing for our homeless citizens.

Through local and provincial funding we hired a tenant support worker who was able to re-house almost everyone displaced by the fire, a remarkable feat in a community with a virtually zero vacancy rate.

And even through the chaos the year presented, we still managed to move forward in our mission to facilitate affordable housing through the Regional Housing Services Housing Trust Fund, positioning us well within our goal of 1,000 units in five years. We welcomed two new board members and a City of Duncan liaison who share the CHA's drive for affordable housing. We conducted a series of strategic planning sessions to refresh our mission. We advanced a plan to bring a Rent Bank to the Cowichan Valley to prevent homelessness and we have begun the arduous task of revamping our policies.

The past year tested our resilience as a community, as Board members and as individuals and as we worked through the darkness the year presented we saw light and as we face a new fiscal year we see hope.

Joy Hayden
Chair, Cowichan Housing Association

MESSAGE FROM THE EXECUTIVE DIRECTOR

As interim Executive Director, I am very proud of the work that CHA has accomplished over the past year, and the staff team that made it possible. John Horn, the former Executive Director, was a bold visionary who, together with the other COVID Task Force members, spearheaded an initiative that started as a way to keep some of the most vulnerable members of our community safe during the pandemic. First as organized and supported tent cities, and later as pods of small cabins, the Cowichan Region's response in caring for its homeless people became a beacon of inspiration and hope for communities across Canada. This short-term solution to providing opportunities for people to be able to safely self-isolate also demonstrated the value of a Housing First approach to providing care for people with multiple barriers.

Success such as this is not created by a single individual or group. Mary Lionas, Angela Andersen and Connie Vaughan were hired at the very start of this initiative, and are a very large part of the success of this project, along with the CHA's Outreach Workers, with their daily demonstrations of care for the residents in our various "street families."

The Cowichan Housing Association has been successful with financial support from the Cowichan Valley Regional District, BC Housing, the United Way, the Victoria Foundation, and the Red Cross, and in-kind support from many others, including Cowichan Tribes, City of Duncan, Municipality of North Cowichan, Town of Ladysmith, Cowichan Green Community, Meals on the Ground, Hiiye'yu Lelum-House of Friendship, Cowichan Valley Basket Society, Canadian Mental Health Association, Island Health, the RCMP, OUR Cowichan Community Health Network, the folks at the Ramada Hotel, and the guys at Blackbird Security. Truly it takes a community to make sure that our most vulnerable members do not get left behind in the twin pandemics of COVID and the opioid crisis. We are grateful for the confidence that our community has placed in us to do this important work in partnership.

In the past year, we have seen many successes, with some people detoxing and moving on with their lives independently, and others dreaming about their next steps. In the coming year, we are optimistic that some of these people will be placed in supportive housing and more will be healthy enough to be able to move into independent living situations. While the COVID pandemic appears to be abating, the opioid crisis is still with us.

Bev Suderman
Interim Executive Director



COVID & HOUSING

2020 will be remembered as the Year of the Pandemic. On March 11, 2020, the World Health Organization declared the COVID-19 a pandemic, and on March 18, the shutdowns began across Canada.

In BC, both the provincial and federal governments immediately leapt into action, to provide supports to people and businesses who would be most affected by the shutdowns in services. In BC, rent freezes were imposed, as well as a temporary prohibition against evictions. Government subsidies such as the Canada Emergency Response Benefit provided income support to employed and self-employed Canadians and wage subsidies provided supports to businesses.

In BC, there was also concern about the homeless population, in terms of their ability to access services in case of illness and to be able to safely self-isolate. BC offered funding to assist with the creation of temporary housing for people who were homeless, and the Cowichan Covid-19 Task Force for Vulnerable Population was born. There is more about that initiative in other parts of this report.



What we at the CHA have seen is a dramatic increase in homelessness with an estimated 200 people without a home. The most recent Point in Time (PIT) count indicated that there were 137 people who were unhoused. The PIT count began on March 11, 2020, the day the pandemic was declared.

2020 will be remembered as the Year of the Pandemic.

There has not been another Point in Time count yet, but based on the number of applications for the new supportive housing under construction, our estimate is that the population has doubled. For the 99 units of new supportive housing to be built by the spring of 2022, there are well over 200 applications at the time of this report, and not all of them are in yet. This housing is designed for people with multiple barriers to accessing housing, so the number of applications is fairly reflective of the homeless population that is connected with services in some way. Those who are not connected would not have put in applications.

At the same time, housing prices are rising dramatically. The June 2021 statistics from Vancouver Island Real Estate Board indicate that the average sale price for a single family home in the Cowichan region was \$693,200, which is an 84% jump over the average sale price for a similar home 5 years ago. Within the last 12 months, prices have risen by 28%. This dramatic increase is changing the face of our communities, and making it much harder for working people, whether in the low wage service industry or mid-career professionals, to

COVID & HOUSING CONT...

find housing that they can afford.

Are these increased housing prices related to COVID? Some people say they are ... people are travelling less, and interest rates are low ... because people are looking for ways to improve their lives by improving their housing.

The entire country is experiencing an unprecedented rise in the cost of housing. In classic economic analysis, rises in housing prices are due to lack of supply. Therefore, we need to build more. However, the bulk of the housing stock available in the Cowichan region is the most expensive type of housing available: single family dwellings with a yard. It is expensive both in terms of environmental costs and in dollars. We need to build more, but not more of the same. We need more variety in the housing stock, to reduce the cost of housing and associated infrastructure. And the pandemic demonstrated conclusively that dense populations need a lot of access to green space, so the public space planning needs to go hand-in-hand with addressing the need for affordable housing.

...unprecedented rise in the cost of housing.



In addition to the responsibilities that CHA has taken on to manage the COVID emergency housing, COVID has transformed our work in other ways as well. Office closures, and working from home, has resulted in fewer calls for tenant and emergency supports, as reflected in our statistics.

Our experience in assisting the victims of the Lewis Street fire (December 31, 2020) demonstrated issues within the rental housing market in the Cowichan region ... with a number of people having to leave the region (along with their family, friends, and connections such as doctors) to obtain affordable housing. Some who stayed have been forced to rely on the food bank, because of the high percentage of their disability income allocated for rent, despite sharing their apartment with others who are also contributing to the rent.

The long-burning crisis of the lack of affordable housing is continuing to impact children and their families, as well as a wide variety of vulnerable groups: seniors, people with disabilities, youth, and people with multiple barriers to housing.

Covid appears to be moving on, as business is returning to some semblance of normalcy. The affordable housing crisis is continuing.

THANK YOU JOHN!

The Board of Directors of the Cowichan Housing Association sends out best wishes to our Executive Director John Horn, who moved on to the position of Executive Director with the Nanaimo Region John Howard Society.

John joined the Cowichan Housing Association as the Executive Director in April 2019. John brought to this role an innate understanding of the mechanisms required to build affordable housing and an appreciation of the urgency.

Much of John's time with us occurred during the pandemic and as a natural leader, John stepped in as the co-chair of the COVID 19 Emergency Task Force. The legacy of John's work on the task force goes beyond the housing and safety of vulnerable individuals. It contains a "proof of concept" that is being replicated to the benefit of the homeless across the Island and beyond.

Even with a pandemic consuming John's time, much has been accomplished.

In addition to the homelessness effort, the Housing Trust programs are well established and will lead to a substantial increase in affordable housing units in the Cowichan Region and the seeds planted for many more. We have built solid partnerships and demonstrated an ability to work collaboratively within the Region. We have furthered our understanding of the housing crisis in the Region and have supported our municipal colleagues in their efforts to address housing needs. And, we have increased the number of organizations willing to invest in housing projects.

The meaning of life is defined by making the world a better place because of one's actions and contributions. John's time at CHA has made the world a better place especially for those most in need.

We thank John for his service and contribution to CHA, and to the people of the Cowichan Region.



photo: Chad Hipolito - Hip Photography - <http://hipphotography.com/>

BOARD OF DIRECTORS



Joy Hayden, Chair



Guido Weisz, Vice Chair



Gail Calderwood, Treasurer



Monica Finn, Secretary



Jane Barton-Greig, Director



Caelen Cook, Director



Patricia Gray, Director



Chris Hall, Director



Bob Brooke, Liaison,
City of Duncan

STAFF



Beverly Suderman,
Interim Executive Director



Morgan Saddington,
Administrative Coordinator



Andrew Wilson,
Project Planner

THANK YOU

We would like to extend our warmest thank you to our current Housing Trust Fund Allocations Committee members Chloe Boyle, D'Arcy Beaveridge, and Lynn Taylor Weaver, past Executive Directors John Horn and Terri Mattin and to our past Board Members: Craig Marchinko, James L. Cosh, Morgan McLeod, Georgina Jackson, Debbie Williams, Brigid Reynolds, Tina Schoen and Gerry Giles.

WHO WE ARE

Our Mandate

At the Cowichan Housing Association (CHA), we believe that stable, secure, accessible and affordable housing is foundational to healthy individuals, families and communities.

We work to increase affordable housing options and to prevent homelessness in the Cowichan Region through research, community development, homelessness prevention programming and facilitating affordable housing development.

CHA incorporated in January 2015. We have accomplished a great deal in a very short time and have grown into a highly knowledgeable and professional organization.

Our Programs

HOMELESSNESS PREVENTION

Emergency Assistance Program
Tenant Support & Referrals
Landlord Support Information
Rent Bank (coming soon)

REGIONAL HOUSING SERVICE

CVRD HOUSING TRUST FUND:
🏠 Project Development Fund
🏠 Rental Housing Capital Contribution Fund
🏠 Emergency Contingency Fund



EMERGENCY RESPONSE

Lewis Street Fire
Covid-19 Task Force
🏠 Ramada Hotel
🏠 Cabin Sites

RESEARCH & INFORMATION

Housing Needs and Data
Local Government Policy
BC/Canada Funding Information
Housing Crisis Innovations
Point in Time (PIT) Counts

COMMUNITY DEVELOPMENT

Covid-19 Task Force
Community Action Team
Building Not-For-Profit Housing Capacity
Facilitating Housing Strategies
Development Consultation

REGIONAL HOUSING SERVICE

What is the CHA Annual Financial Contribution Service

In April 2018, Bylaw 4201 was adopted by the Cowichan Valley Regional District (CVRD) to provide an Annual Financial Contribution Service (\$750,000) to Cowichan Housing Association to assist with providing programs and services related to affordable housing and homelessness prevention in the Cowichan Valley Regional District. The two components of the service are:

REGIONAL HOUSING SERVICE

The goal of the Regional Housing Service is to increase capacity by providing expertise, knowledge and support for local communities to develop affordable housing projects. The Housing Service funding is allocated as follows:

- Planning, research, housing development coordination and housing loss prevention - \$138,000
- Service management and administration - \$112,000

HOUSING TRUST FUND

The Housing Trust Fund provides funding support to local organizations for affordable housing projects, from the concept stage to construction or renovation. A key aim of the program is to leverage resources from other funders. The exception is the CHA Emergency Contingency Fund, the purpose of which is to provide the ability to respond to an emergency situation such as sudden loss of housing due to fire, flood, or extreme weather. The Housing Trust Fund is allocated as follows:

1. Rental Housing Capital Contribution Fund – 85% (\$425,000)
2. Project Development Fund – 13% (\$65,000)
3. Emergency Contingency Fund – 2% (\$10,000)



Regional Housing Service funds have been allocated to three affordable housing projects in Ladysmith, Lake Cowichan, and Duncan, and applications are pending for 2 projects in North Cowichan. In total, we are anticipating **452** new units of affordable housing.

RENTAL HOUSING CAPITAL CONTRIBUTION FUND (RHCCF)

The goal of the Rental Housing Capital Contribution Fund is to address the shortfall in affordable rental housing stock within the Cowichan Region. The Fund's purposes are:

- 1) to support development of new affordable rental housing stock, shelters and second stage housing by making a contribution to capital costs, and
- 2) to enhance community contributions and partnership in order to leverage additional funding resources. .



In March, 2021, Cowichan Lake Elder Care Society was successful in their application to the RHCCF. Upon acquiring full project funding, CLECS will be awarded \$175,000 towards an affordable seniors development in the Town of Lake Cowichan.

Cowichan Lake Elder Care Society (CLECS) plans to build a 30-unit affordable housing development in the Town of Lake Cowichan, BC. The proposed four-storey apartment building will offer 26 one-bedroom units and four two-bedroom units geared towards seniors.

CLECS is seeking funding through BC Housing's Community Housing Fund.

"CLECS's vision for this project is to provide safe and appropriate affordable housing geared towards seniors aged 55+ in Lake Cowichan in order to provide more opportunities for people to remain within their community, surrounded by their friends, family, and support system, as they grow older.... By reducing the need for affordable seniors housing in Lake Cowichan, the proposed development will help seniors to safely age in place and stay connected to their community ties, while benefitting from flexible care services. This, in turn, will help tenants maintain a high quality of life."



PROJECT DEVELOPMENT FUND (PDF)

The purpose of the Project Development Fund (PDF) is to address pre-construction 'soft-costs' for proposals that aim to create new affordable housing by way of construction, acquisition and / or conversions. The goal is to support affordable housing development by not-for-profits organizations at the pre-construction phase.



Cowichan Lake Elder Care Society and the Duncan Housing Society were granted PDF funding to further develop their proposed projects in the City of Duncan and the Town of Lake Cowichan. \$75,000 in total was awarded in 2020-2021.

EMERGENCY CONTINGENCY FUND (ECF)

The Emergency Contingency Fund (ECF) is intended to provide short term emergency support to individuals and families in the CVRD who experience a sudden and unexpected loss of housing. \$10,000 is allocated to the ECF per year from the Housing Trust Fund. Funding is intended to support direct housing-related costs, such as rent, utilities or temporary accommodations.



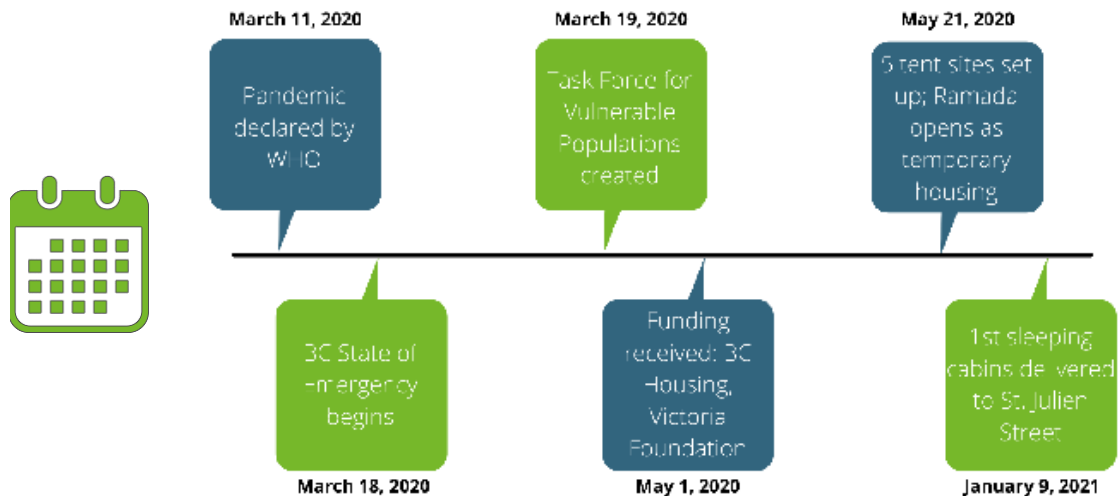
\$20,000 was approved by the CVRD in 2021 to assist those displaced by the Lewis Street apartment fire on December 31, 2020. Funds covered expenses such as:

- First month rent
- Damage deposits
- Moving trucks and expenses
- Transportation
- Replacement of necessities lost in the fire
- Retrieval of items for non-ministry clients

COVID-19 TASK FORCE

The Task Force

At the outset of the Covid-19 pandemic, Emergency Teams in Cowichan mobilized quickly. The City of Duncan asked Cowichan Housing Association to lead a joint task force to develop a response plan to provide safe places for people living on the streets to practice physical distancing and reduce the risk of spreading the virus. The COVID-19 Vulnerable Population Cowichan Task Force was created on March 19, just 1 week after Covid-19 restrictions were implemented.



Task Force Members

Canadian Mental Health Association - CVB
City of Duncan
Community Action Team
Cowichan Division of Family Practice
Cowichan Housing Association
Cowichan Neighbourhood House
Cowichan Tribes
Cowichan Valley Regional District
Cowichan Women Against Violence Society
Island Health
Island Health: Mental Health & Substance Use
Ladysmith Resource Centre Association
Municipality of North Cowichan
Our Cowichan Communities Health Network
RCMP
School District No. 79
Service Canada
Social Planning Cowichan
Sonia Furstenau, MLA
Town of Ladysmith
Town of Lake Cowichan
United Way - CNVI

107
of people housed
in temporary
accommodations



TENT SITES

Tent sites were chosen as a short-term emergency solution to house a number of people experiencing homelessness in Cowichan during the Covid-19 pandemic. This model differed from “tent cities” in that no more than 12 individuals are permitted to stay at each site. These “family clusters” ensured that physical distancing could be maintained and health and sanitation protocols could be implemented effectively. Each site includes food, outreach, hygiene and security services as well as garbage collection, cleaning, and sanitation.

In addition to basic shelter, tenters received three meals a day, regular wellness checks and other wrap-around support services by numerous outreach and social service organizations.



The original 5 tenting sites were located at the Cowichan Community Centre, St. Julien St., the Mound, Fuller Lake Arena, and Buller St. in Ladysmith. Management and oversight of the sights was provided by Cowichan Women Against Violence Society, the Canadian Mental Health Association, Hiiye’yu Lelum House of Friendship, Cowichan Neighbourhood House, and the Ladysmith Resources Centre Association.

THE RAMADA

In addition to the tenting sites, the Task Force partnered with the Ramada Hotel to take over the operations and management of the hotel rooms in Duncan, BC to house 36 individuals experiencing homelessness during the pandemic. Cowichan Housing Association signed an operating agreement with BC Housing to provide the outreach support, cleaning, and operations required to run a safe and secure site.

OUTREACH STAFF

Coordinator: Mary Lionas;

Clean Team: Angela Andersen, Connie Vaughan, Paul Stanton;

Outreach: Stacy Middlemiss, Colleen Fuller, Cailey Foster, Wendy Montgomery, Chantelle Sorenson, Corey Sylvester, Isabelle Latremouille Maheu, Kelly Smith, Nick Mravunac, Carmen Brooks, Rosa Chaves, Robyn Hohn, Bill King, Isabella Dehaumont, Necole Young.

FUNDING

\$ 1,055,632	BC Housing - Covid Response
\$ 332,567	Reaching Home - Covid Response (sleeping cabins)
\$ 184,755	Canadian Red Cross - Covid Response
\$ 61,711	Victoria Foundation

TOTAL Covid Emergency Response Dollars administered by CHA:

\$1,634,665

THE SLEEPING UNITS

With the winter months looming, the Task Force recognized that a more robust shelter accommodation would be needed at the tent sites for individuals to keep warm and dry without compromising their own safety from open flames in tents. CHA partnered with Nexus Modular Solutions in Chemainus to provide specs on a made-in-Cowichan micro sleeping unit.

Each unit is fully insulated and contains a light, plug, an in-wall heater, vent hole, smoke detector, and a locking door.

The United Way - Central and Northern Vancouver Island - was pivotal in providing funding from the Government of Canada's Reaching Home: Canada's Homelessness Strategy, Covid Economic Response Funds, to build, transport, and install the cabins at 2 sites on land graciously leased by Cowichan Tribes and the City of Duncan. Without their courage, leadership, and support, these cabins would not have seen the light of day.

Communities across Canada are looking at this temporary housing model as not only emergency housing solution but as a potential short-term "Housing First" model to transition people living on the street into more stable and permanent supportive housing.

The City of Nanaimo called the small managed clusters of sleeping cabins "The Cowichan housing model" and is moving forward on a similar initiative.



HOUSING NEEDS ASSESSMENT

Municipalities and regional districts in B.C. are required to complete housing needs reports by April 2022 and every five years thereafter. These reports will help local governments and the B.C. government better understand and respond to housing needs in communities throughout B.C.

In 2020, CHA was subcontracted by MODUS Planning, Design, & Engagement to carry out qualitative interviews, to assist with community engagement, and to present the findings of the CVRD Housing Needs Assessment, 2021 to all local governments in the region.

We are grateful for the stories and lessons shared to us by Cowichan Tribes, Ditidaht First Nation, Halalt First Nation, Lyackson First Nation, Malahat First Nation, Penelakut Tribe, Stz'uminus First Nation, and Ts'uubaa-asatx First Nation. And many thanks to the non-market housing organizations and social service organizations for offering their valuable insight into the needs of our community members, particularly those in marginalized and vulnerable groups.



4,955 HOUSING UNITS NEEDED
in the CVRD by 2025

14% Expected Population Growth
in the CVRD between 2019 and 2025



22% in CORE HOUSING NEED
(Core housing need: spending more than 30% of their household income on housing expenses)

Full Report: www.cvrld.ca/3291/Housing-Needs-Assessment

HOMELESSNESS PREVENTION

EMERGENCY ASSISTANCE

With funds provided by Reaching Home: Canada's Homelessness Strategy - Indigenous Funding and the United Way Central and Northern Vancouver Island, CHA assisted 15 Indigenous individuals and families who were at imminent risk of losing their housing, with our Emergency Assistance Program, for a total of 54 families helped since 2018.

"This assistance was very, very helpful. I take care of my elderly sister and am really struggling to pay my bills."

- grant recipient

"This has gotten me out of a rut. Thank you!"

- grant recipient

15

15 individuals or families received assistance

TENANT INFORMATION & REFERRALS

62

62 Individuals and families were supported with tenancy information and referrals to resources and shelter, for a total of 474 since 2015.

RENT BANK

CHA is opening a Rent Bank - COMING SOON!

The Cowichan Housing Association is developing a Regional Rent Bank pilot project for CVRD residents in each electoral area and member municipalities. This 2-year program is intended to provide a micro-loan service for renters experiencing difficulty paying rent and/or utilities. The purpose of these loans is to assist renters to maintain stable accommodation and to prevent individuals from losing their homes.

Rent banks are a housing loss prevention tool that provide short-term loans to households in financial crisis and who are at risk of losing their homes. These small, one-time emergency loans are for the payment of rent or utilities to avoid eviction.

LEWIS ST FIRE

The Lewis St fire occurred on the afternoon of December 31, 2020, causing significant damage to the 36 units leading to a full evacuation of the building. 42 adults and 6 children were displaced. An Emergency Response Team was formed, facilitated by the Municipality of North Cowichan. Response funding was provided by Emergency BC, BC Housing, private donors, and CVRD's Emergency Contingency Fund (\$20,000) to support the displaced residents. CHA hired a tenant placement coordinator from the funding provided by BC Housing.



photo credit: Cowichan Valley Citizen

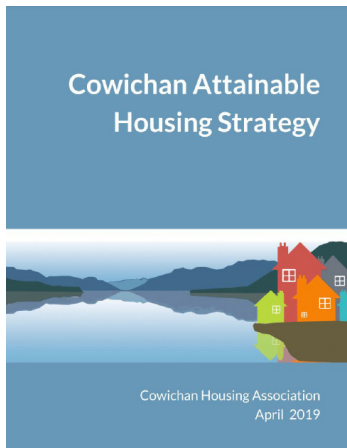
Of the 36 families displaced, 30 were re-housed through this response.

Key challenges of re-housing the displaced residents were that the typical market rental rates for similar apartments to the ones they lost are far higher than the Lewis St. residents can afford. The Lewis St. apartment was geared for lower income people with monthly rents ranging from \$500 to \$850. Low vacancy rates resulted in increased competition for available apartments leaving residents feeling passed over and discriminated against based on their previous residence, race, disability and income.

This response uncovered significant housing challenges experienced by both residents and staff. However, re-housing a high percentage of the families in such a tight rental market can be looked at as a resounding success.

Current Housing Situation	Number of Residents
Found long term housing solutions	27
Found temporary rentals while continuing to look for better solutions	4
Staying with family or friends long term while they continue to look for housing	5
Staying in hotels (self funded/funded by insurance)	2
Unknown location	4

WORK PLAN CONTEXT



The Cowichan Region has a housing affordability crisis that has been growing slowly but steadily over the past decade, but exploded out of the gate two years ago. CHA's Attainable Housing Strategy (2019) identified the crisis based on 2016 Census data: 22% of all households spending more than 30% of their income on housing, while 44% of renters were doing this. The 2021 Census data will tell us how we are doing, once the data is released in 2022, but in the meantime, all indications are that housing is becoming less affordable and that rental availabilities are less than 1%. Our experience with the Lewis Street fire indicates that to find affordable

housing, people are needing to leave the region.

The Attainable Housing Strategy also identified the goal of assisting 1,000 households to move into housing affordability. We are pleased to report that Regional Housing Service funds have been allocated to three projects, designed to build affordable housing projects in Ladysmith, Lake Cowichan, and Duncan, and applications are pending for two North Cowichan projects. In total, we are anticipating 452 new units of affordable housing. Additionally, BC Housing in partnership with Lookout Housing & Health Society is currently building 51 units of supportive housing on Drinkwater Road and in partnership with three local organizations, under the leadership of Cowichan Women Against Violence Society, is building an additional 48 units of supportive housing on White Road, which is anticipated to be completed by the spring of 2022.



WORK PLAN 2021-2022

CHA's workplan for 2021-22 has multiple components:

- 1** Work with the local Community Access and Assessment team to get as many of our residents as possible placed into the new supportive housing units;
- 2** Continue to operate the three "Housing First" facilities, according to the terms of our agreements;
- 3** Continue to offer emergency housing assistance, on an as-needed basis;
- 4** Start and operate, in collaboration with community partners, a Cowichan Rent Bank;
- 5** Build partnerships with developers and other housing organizations within the region, to create more affordable housing;
- 6** Work with community partners to build capacity for more organizations to create housing needed by the people within their respective mandates;
- 7** Support initiatives by local developers to build more affordable housing, generally;
- 8** Support policy development by local government to create a more effective affordable housing strategy for the region;
- 9** Continue education initiatives, through regular lunch and learn opportunities on current topics;
- 10** Advocate for additional funding for the housing in the region;
- 11** Develop a land inventory for affordable housing projects;
- 12** Continue to administer the Regional Affordable Housing Financial Contribution Service, and in this way provide supports to local organizations to build more housing.

The CHA's strategic vision is to work with others to create housing on many fronts. To start, CHA has a specific focus is on building capacity within the Cowichan Region's non-profit sector to build emergency shelters, transitional housing, or social housing to meet the needs of our most vulnerable.

FINANCIALS 2020-2021

In 2019, the Cowichan Valley Regional District (CVRD) entered into an agreement with Cowichan Housing Association (CHA) to develop and implement the Regional Housing Trust Fund. The purpose of the fund is to increase local funds for affordable housing, to leverage funds from other sources, and to incentivize the development of affordable and attainable housing options in the Cowichan Region.

In 2020, the Regional Housing Trust Fund provided:

- \$20,000 from the Emergency Contingency Fund to support the apartment fire residents from Lewis Street.
- \$75,000 in Project Development Funding assisted Duncan Manor and Cowichan Lake Elder Care Society with project development, site assessment and design costs.

When the Covid-19 Pandemic hit hard in 2020, CHA with the Cowichan Covid-19 Vulnerable Populations Cowichan Task Force stepped up to assist the region's most vulnerable citizens. Funding provided by BC Housing, Reaching Home: Canada's Homelessness Strategy, Canadian Red Cross and the Victoria Foundation totaled \$1,634,665, provided shelter, food, support and virus protection to those living outdoors.

Year	CHA's Funding Sources	Amount
2015-2016	Homelessness Partnering Strategy	30,338
	Real Estate Foundation (Housing Trust Fund Business Case)	10,000
2016-2017	Homelessness Partnering Strategy	35,011
2017-2018	Homelessness Partnering Strategy	67,260
	Homelessness Partnering Strategy (Close to Home Project)	156,460
2018-2019	Homelessness Partnering Strategy	77,000
	CVRD (Attainable Housing Strategy)	10,000
	Vancity (Attainable Housing Strategy)	10,000
2019-2020	CVRD Regional Housing Service	250,000
	Homelessness Partnering Strategy	56,541
	Homelessness Services Association of BC (HSABC)	9,969
2020-2021	CVRD Regional Housing Service	250,000
	Reaching Home: Canada's Homelessness Strategy Indigenous Funding	11,291
	CVRD Needs Assessment – Modus Contract	18,720
	BC Housing – Tenant Support, Lewis St. Fire	16,800
	Regional Housing Service – Emergency Contingency Fund, Lewis St. Fire	20,000
	BC Housing – Covid Response	1,055,632
	Canadian Red Cross – Covid Response	184,755
	Reaching Home, Designated Fund – Covid Response	208,477
	Reaching Home, Indigenous Fund – Covid Response	124,090
	Victoria Foundations – Covid Response	61,711

FINANCIALS 2020-2021

Operations 6%: CVRD Funding of \$112,000 for affordable housing support, administration and overhead.

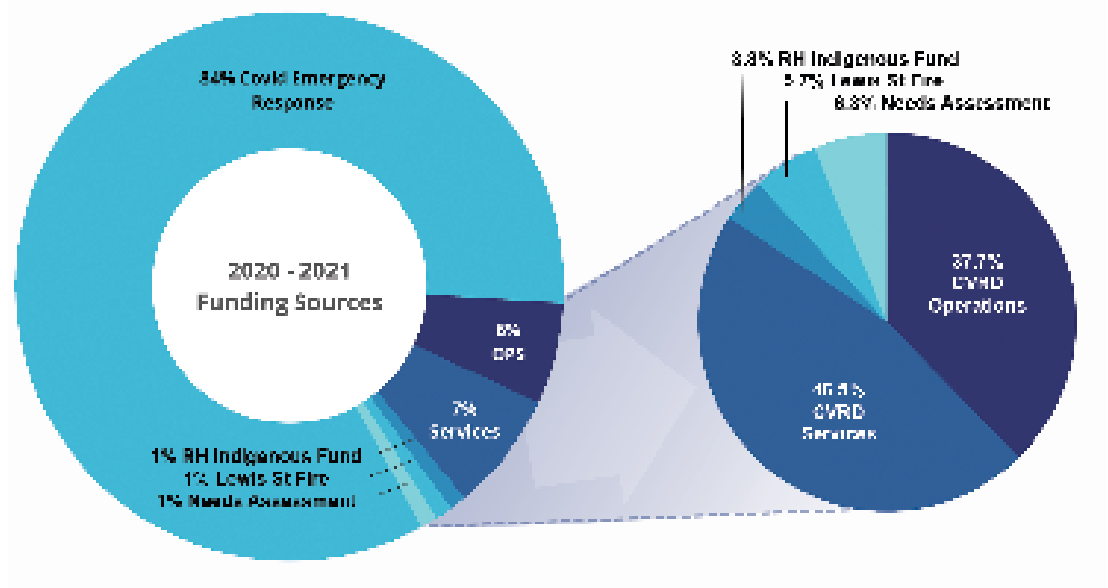
Services 7%: CVRD funding of \$138,000 for Regional Housing Trust Fund-related development, research, data collection, community collaboration and education.

RH Indigenous 1%: Administration of Emergency Assistance Program, referrals and information, service provider liaison.

Lewis St. Relocation 1%: Tenant Support position; administration, guidance and support in assisting Lewis St. residents with relocation.

CVRD Needs Assessment 1%: Research and data collection, community engagement and education.

Covid Response 84%: Combined funding to shelter homeless population during Covid-19 pandemic.





prepared July, 2021

DELEGATION APPLICATION for Virtual Meeting

Personal information is collected by the Municipality of North Cowichan under the authority of s.26(c) of the Freedom of Information and Protection of Privacy Act for the purposes of processing delegation requests. Should you have any questions about the collection of this personal information, please contact Information Management Officer, (250) 746-3116; 7030 Trans-Canada Highway, Duncan, BC V9L 6A1.

Date: August 30th, 2021

Name of Applicant: Danel Cove

On behalf of: VIVA

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

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

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

I/We request to appear electronically as a delegation before:

☐ Council

☒ Committee of the Whole

☐ Forestry Advisory Committee

Please provide a brief overview of your presentation, below, and attach a one-page (maximum) outline of your presentation.
Please be specific.

We would like to present the usefulness of the property on 2359 Calais Rd (and Wicks Rd.) for our spiritual retreats, religious education and practice. This includes both longer-term, residential retreats for adults (10-day retreats) as well as shorter courses for children and youth (1-day courses).

This presentation is part of our application for PTE, permissive tax exemption for the above-mentioned lands.

Will you be requesting a grant or financial assistance?

☐ Yes ☒ No

I confirm that I have tested my ability to participate in a Webex Online meeting:

☒ Yes ☐ No

Please advise how many separate connections will be required:

three

Council and Committees welcome public comments, but as a courtesy to Council and Committees who deal with lengthy agendas, we request that you present your information clearly and concisely in ten minutes or less. All delegation applications along with supporting documentation and a copy of your presentation must be submitted for Council, Committee of the Whole or the Forestry Advisory Committee to legislativeservices@northcowichan.ca at least one week before the meeting is held. If the delegation consists of more than one person, please appoint one person to speak on behalf of your group.

To test your ability to participate in a Webex meeting, start a meeting at this site:

<https://www.webex.com/test-meeting.html>

Once you join the test meeting, use these instructions to test your webcam, speakers, and microphone:

<https://help.webex.com/en-us/bzg2s7/Test-Your-Speaker-and-Microphone-in-Webex-Meetings>

For Internal use only

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

☐ Yes

Request approved (date) _____ Date of Meeting September 7, 2021

The property belonging to the Vancouver Island Vipassana Association consists of 2 lots; 2359 Calais Rd is on a 3.5 acre lot. The main building is also on this property and there is a fully serviced cabin for the center manager and some additional structures providing necessary storage and provisions for the operation of the centre, as well as a workshop and parking for cars.

The 2nd lot, on Wicks Rd. Without this land we could not have run retreats here, and in truth we would not have bought the Monastery. It is an integral part of our religious retreats.

All parts of the properties are well maintained with an eye to developing and maintaining a healthy forest environment hundreds of years into the future.

During the early weeks of 2021 we planted 100 new trees, some to fill in the canopy and replace windfalls since buying the property. Others were planted to create privacy for us and our neighbours. This past year we've been clearing the grounds of fire hazard debris.

VIVA became a Cowichan Community Land Trust member as stewards of our lands and forest, and to formalize solidarity with others caring for our place in nature.

Meditation Courses for Children and Teens at Dhamma Modana

While the majority of courses offered at Dhamma Modana are for adults, children and teen courses are a small but important part of the annual course schedule. These courses are usually held over the spring and summer breaks from school, making it easier for children and parents to participate.

One day courses are offered to children who range in age from eight to seventeen years and the curriculum is a modified version of what's taught and practiced during the adult courses, with a focus on moral behaviour/action and developing awareness of one's own natural breath (Anapana meditation)

Short periods of instruction and seated meditation practice are interspersed with activities suitable for children, such as stories, outdoor games, forest walks, meals and other creative activities.

An important part of the course is the time spent out of doors, learning about and developing a sense of care and responsibility for our natural surroundings. The 10 acres of land with its many trails, varieties of trees, plants, birds and animals is both an ideal and necessary setting for the program.

These children and teen courses are popular and much appreciated by parents who've participated in courses themselves or who have friends who've attended courses. We feel very lucky that the property is so well situated and set up for these younger student retreats.

Report

Date	September 21, 2021	File: ZB000160
To	Council	
From	Caroline von Schilling, Development Planner	Endorsed:
Subject	Zoning Bylaw Amendment Application No. ZB000160 (2431 Beverly Street)	

Purpose

To introduce Zoning Amendment Bylaw No. 3846, which proposes to:

- add a new "Market Community Space" use;
- add "Rural Market Zone (A6)" to Zoning Bylaw No. 2950, 1997;
- rezone 2431 Beverly Street from A2 (Rural Zone) to A6 (Rural Market Zone); and,
- apply form and character development permit area (DPA-1) guidelines to the non-agricultural uses of the A6 Zone.

Background

Property Details

The subject property is 1.37 ha (3.39 acres) in area, is not located within the Agriculture Land Reserve, and is designated in the Official Community Plan (OCP) as 'Growth Centre' within the Urban Containment Boundary. The subject property is currently zoned Rural Zone (A2). The location of the subject property is identified in Attachments 1 & 2. A zoning map is provided in Attachment 3.

Land Use Context

The surrounding land uses are:

North and East: Dike and Trail, Somenos Creek, and Residential (single-family, two-family) dwellings beyond

South: Residential (single-family, two-family) dwellings

West: School site (SD79)

Proposal

The non-profit organization Cowichan Green Community (CGC) has leased the municipally-owned property at 2431 Beverly Street (subject property) for agriculture use, including the growing of seeds and plants for farming promotion and retail sales (limited to 50% produced on-site). These uses conform to the existing A2 zone.

To further support local and regional (Cowichan region) food, its production and producers, the CGC would like to develop the property for a 'Food Processing and Innovation Hub.'

In support of this vision, in June 2021, Council approved the CGC twenty-year lease on the subject property to allow for continued agricultural uses and the development of the Food Processing and Innovation Hub, subject to permissive zoning. The current A2 zone (Attachment 4) allows the processing of agricultural product grown on-site but limits the processing of products grown off-site and other activities intended for the new facility. The following additional uses are proposed in the zoning amendment:

- Processing, marketing, and storage of agricultural products grown off-site;
- Education and training; and,
- Community gathering and rental space.

The CGC's rationale for the requested zoning amendment is provided in Attachment 5. The applicant's proposed Site Plan is provided in Attachment 6.

Discussion

Official Community Plan (OCP)

OCP policies in support of the proposed land uses on the subject property are:

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

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

Although the proposed uses are related to agriculture, they are also commercial and light industrial in nature. The OCP policy about considering the "scale and character in keeping with the adjacent residential area" (Policy 2.4.5.3 & 4) is also relevant to this application.

Rural Market Community Zone (A6)

Although many of the activities CGC is presently doing and intend to do on the subject property are related to agriculture, there is a commercial and light industrial element to the Food Processing and Innovation Hub that is atypical of other uses in the A2 zone. Therefore, a new Rural Market Zone (A6) is proposed, which would facilitate a combination of agriculture, small-scale commercial and light industrial uses, including limited retail sales of agricultural products, produced off-site. The benefit of introducing a new zone is that it can be tailored to the unique needs of the CGC. The new zone could also have application elsewhere in the community.

The draft Rural Market Community Zone (A6) is loosely based on the A2 zone, but excludes residential uses and adds the following two uses (with modifications; see next section):

1. Defined in the Zoning Bylaw:

“food and beverage processing” means the use of a building or structure to house equipment used for processing and/or packaging food, including fish, and beverages to prepare them for sale to the public, and may include a restaurant or sampling area;

2. Not yet defined in the Zoning Bylaw:

“market community space” means the use of premises for activities, meetings, presentations, and informational/public outreach open houses conducted by local community groups, non-governmental organizations and agricultural or food supply groups. This may also include temporary or permanent educational facilities which promote farming and the processing of farm products.

Land Use Impacts (Use and Scale, Access and Safety, Neighbourhood Character)

In order to manage the potential impact of commercial and light industrial uses within a residential area, a development permit process and application of development permit guidelines is recommended.

Use and Scale

While the light industrial use of food and beverage processing is permitted in the Municipality's industrial zones, the A6-zoned land is not intended for large-scale food production or centralized warehouse distribution. Therefore, the scale of food and beverage processing use is limited to a maximum total footprint area of 500 m² (5,382 sq. ft.) in the A6 zone.

Similarly, the proposed A6 zone is not intended for restaurant use, which is embedded in the definition of “food and beverage processing” because “restaurant” use requires significant parking demands and frequent vehicular visits during certain hours. Therefore, restaurant use has been removed from the food and beverage use definition for the proposed A6 zone only. However, “food truck use” is included in the permitted uses of the proposed A6 zone.

Access and Safety

Site layout, including vehicle and pedestrian safety provisions, is typically demonstrated on a site plan as part of a development permit application prior to a building permit issuance. Requirements for paving, parking and site drainage are also typically addressed at the development permit stage.

The inclusion of A6 Zone commercial and industrial uses in DPA-1 is recommended to ensure there is a safe and efficient site layout for on-site vehicle circulation and pedestrian safety.

Neighbourhood Character

If included in a form and character development permit area (DPA-1), established guidelines for encouraging development compatible with the surrounding neighbourhood's character and context would apply to non-agricultural uses in the A6 zone.

Development Permit Areas: Natural Environment, Natural Hazard, General

Development Permit Area – Natural Environment (DPA-3; for aquifer vulnerability) and Development Permit Area – Natural Hazard (DPA-4; for flood hazard) also apply to the site. These development permit areas require assessment of the impact of the development on the local aquifer and assessment of flood hazard before development occurs on the site.

The applicant is not supportive of inclusion of the property in DPA-1 as recommended and is instead requesting that design approval for future development on the site be addressed through the lease, which has some provisions for the approval of future development delegated to the Director of Planning and Building. Option 2 of this report would exempt the property from form and character development permit requirements (DPA-1) should Council support that approach.

Community Amenity

The OCP policy states, "Development applications that seek higher density or greater development rights may be considered more favourably when accompanied by a public benefit or amenity" (OCP policy 3.2.3.4).

Staff believe that this land use amendment proposal does not constitute a "greater development right" to the non-profit organization requesting commercial and light industrial uses facilitating agriculture product processing (grown off-site) and education/meeting space on this municipally-owned site. Therefore, an amenity contribution by the CGC to the Municipality is not recommended.

Summary and Conclusion

Council has authorized a 20-year lease to CGC for agriculture and a 'Food Processing and Innovation Hub' at 2431 Beverly Street. The CGC is currently using the property for various agricultural uses and intends to conduct some commercial and light industrial activities that do not fit within the definition of "agriculture" or other uses currently permitted within the A2 zone.

To allow the CGC to operate the facility as intended, a zoning amendment is necessary to allow processing of agricultural products produced off-site, as well as education and training, and community gathering space.

A draft "Rural Market Zone (A6)", which includes "food and beverage processing" and "market community space" uses, would permit these proposed activities, with an added benefit that the proposed A6 Zone could potentially be applied to other locations.

To manage the potential impact of commercial and light industrial uses of the A6 zone within a residential area, a development permit application process that applies guidelines for site circulation, pedestrian safety, and aesthetic considerations (DPA-1) to these uses is recommended. However, the applicant is not supportive of inclusion of the property in DPA-1 and is instead requesting that design approval for future development on the site be addressed through the lease. Option 2 of this report would exempt the property from form, and character development permit requirements (DPA-1) should

Council support that approach.

The subject property is centrally located at 2431 Beverly Street where the site can be accessed by residents, nearby schools, and local food producers using a variety of modes of transportation. Water and sanitary services and adequate access exist at the site.

This proposal is consistent with OCP policy related to food security and supports agriculture products and their producers (OCP policy 2.1.1.6 & 2.1.1.9). Further, the proposed A6 zone meets the needs of the Food Processing and Innovation Hub while also mitigating land use impacts related to commercial and light industrial uses. Staff recommend approval of the zoning bylaw amendment as presented.

The draft Zoning Amendment Bylaw No. 3846 is provided in Attachment 7.

Options

Options available to Council include:

Option 1 (**Recommended**): Give the bylaw, as presented, first two readings and schedule the public hearing through electronic means.

- 1) THAT Council give first and second reading of "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846".
- 2) THAT a Public Hearing be scheduled for "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846" be conducted by electronic means and notification be issued in accordance with the *Local Government Act*.

Option 2 (Alternate): Amend the bylaw to remove the form and character development permit area (DPA-1) guidelines for non-agricultural uses within the A6 Zone.

- 1) THAT Council give first reading to "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846".
- 2) THAT Council amend "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846" by deleting section 6 in its entirety.
- 3) THAT Council give second reading to "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846", as amended.
- 4) THAT a Public Hearing be scheduled for "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846" be conducted by electronic means and notification be issued in accordance with the *Local Government Act*.

Option 3 (Alternate): Deny request.

- 1) THAT Council deny zoning amendment application ZB000160 to request additional land uses related to processing agricultural products grown off-site, education and training, and community gathering at 2431 Beverly Street.

Implications

Should Council deny this application, food processing and agricultural storage would be limited to agricultural products grown on the property, and the use of the property would be limited to what is permitted in the Rural Zone (A2).

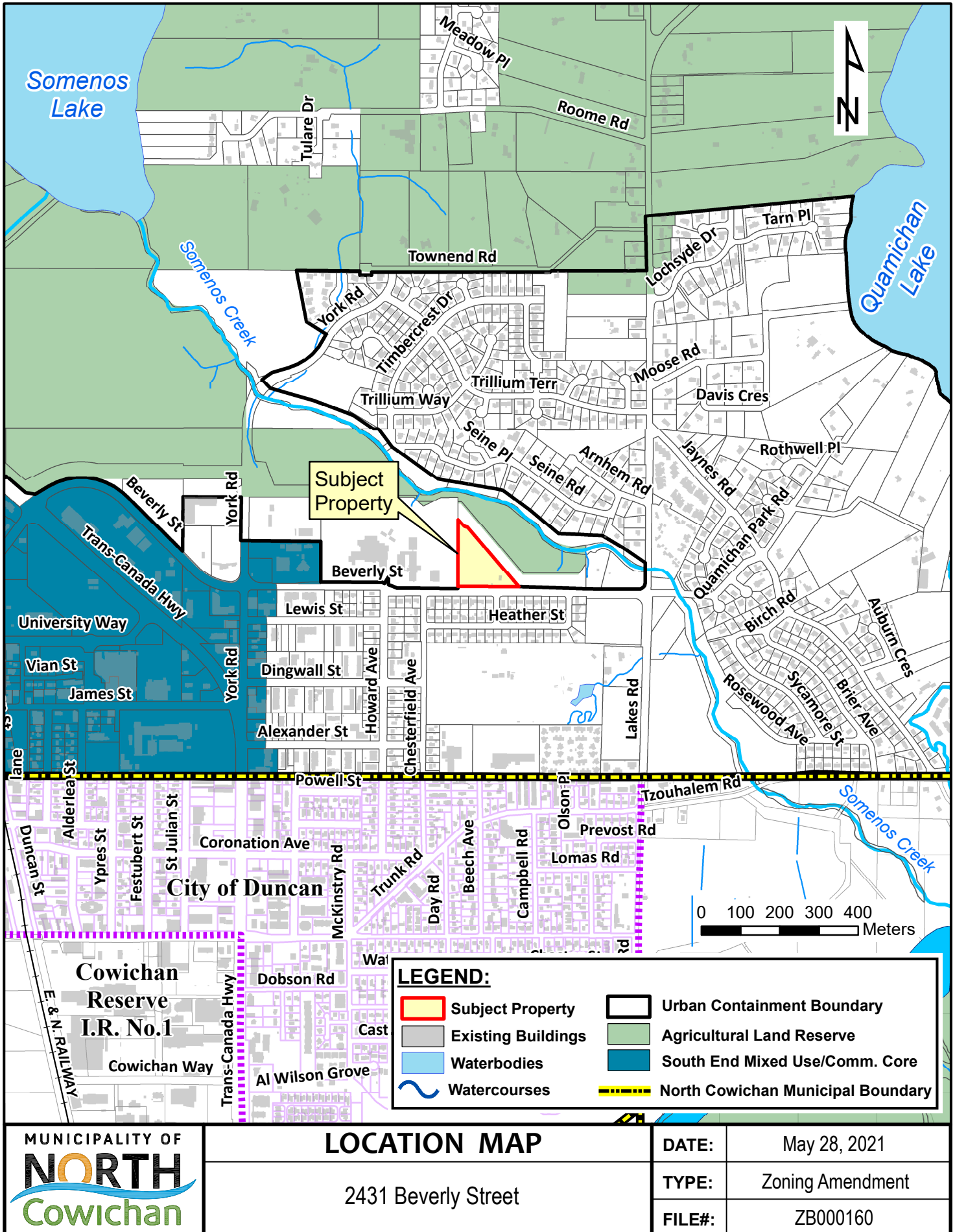
Should Council approve the zoning amendment bylaw, all use intended for the Food Processing and Innovation Hub would be allowed, and a form and character development permit area (DPA-1) would apply to the property.

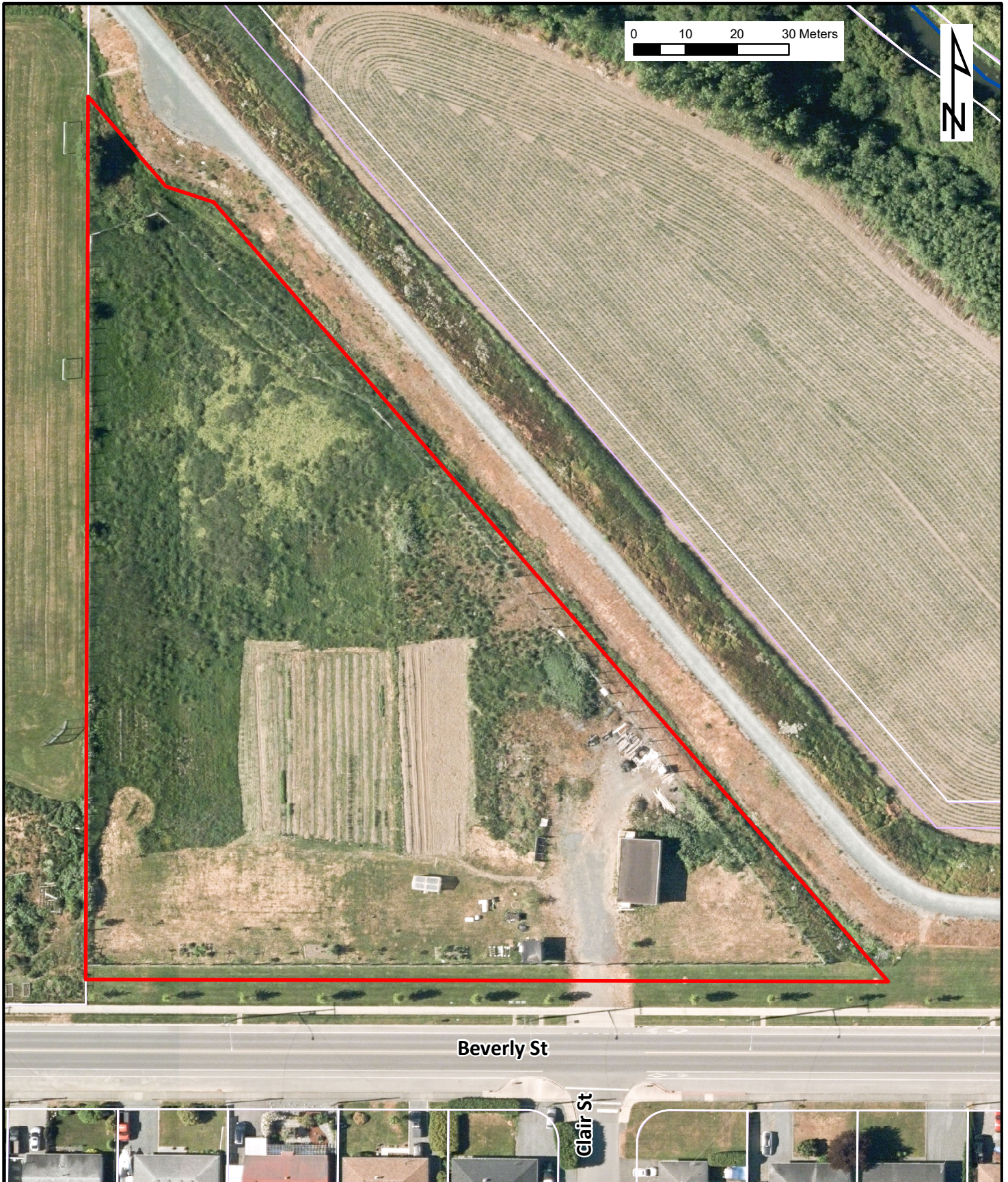
Recommendation

- 1) THAT Council give first and second reading of "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846".
- 2) THAT a Public Hearing be scheduled for "Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846" be conducted by electronic means and notification be issued in accordance with the *Local Government Act*.

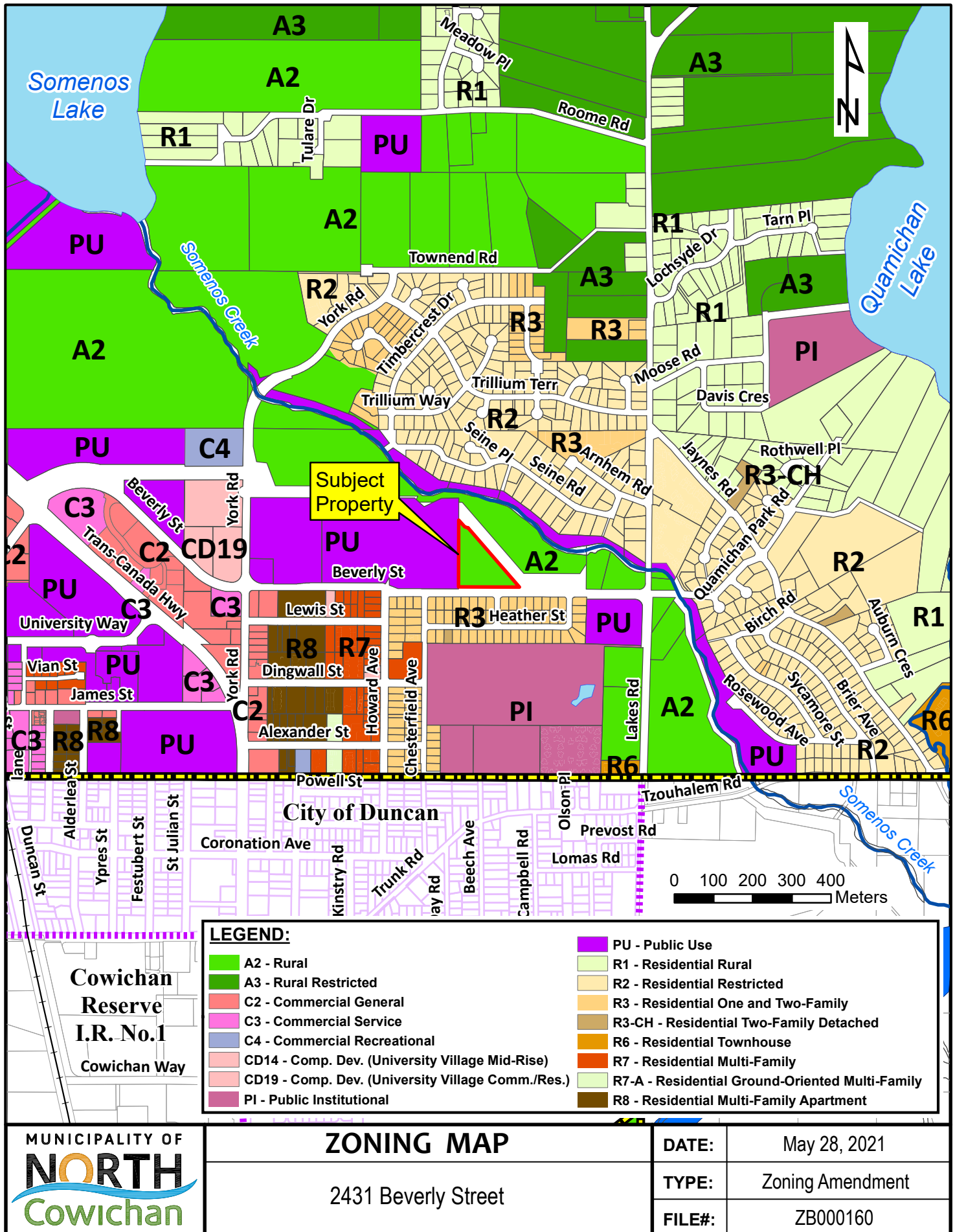
Attachment(s):

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) Current A2 Zone
- (5) Rationale
- (6) Site Plan proposal
- (7) Draft Zoning Amendment Bylaw No 3846 (incl. A6 Zone)





	ORTHOPHOTO MAP		DATE:	May 28, 2021
	(Orthophoto is from 2019 aerial photography)		TYPE:	Zoning Amendment
	2431 Beverly Street		FILE#:	ZB000160



Rural Zone (A2)**Permitted Uses**

- 52 (1) The permitted uses for the A2 zone are as follows:
- Accessory Dwelling Unit
 - Agriculture
 - Agricultural Storage
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Craft Distillery
 - Forestry Use
 - Greenhouse
 - Home-based Business
 - Kennel
 - Manufactured Home
 - Riding Stable
 - Single-Family Dwelling
 - Supportive Housing
 - Temporary Mobile Home (subject to the Temporary Mobile Home Permit Bylaw). [BL3754]
 - Two-Family Dwelling [BL3302, BL3457, BL3520]

Minimum Lot Size

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

Minimum Frontage

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

Density

- (4) The maximum permitted density in the A2 zone is one residential building per lot, except in the following circumstances:
- (a) where land is not within the Agricultural Land Reserve, and is at least two hectares (4.94 acres) in area, a maximum of two residential buildings are permitted with a maximum of two dwelling units;
 - (b) where land is within the Agricultural Land Reserve, and is at least two hectares (4.94 acres) in area, additional dwelling units may, with Agricultural Land Commission approval, be permitted for bona fide farm labour;
 - (c) where a Temporary Mobile Home is permitted, subject to the Temporary Mobile Home Permit Bylaw; [BL3754]
 - (d) despite paragraph (a), a maximum of two residential buildings with a total combined maximum of three dwelling units is permitted on 941 Arbutus Avenue (PID 000-232-556);
 - (e) despite paragraph (a), a maximum of two residential buildings with a total combined maximum density of two dwelling units is permitted on the following properties:
 - (i) 3252 Gibbins Road (PID 006-360-378);
 - (ii) 3286 Gibbins Road (PID 004-555-562);
 - (iii) 3276 Gibbins Road (PID 002-343-789);
 - (iv) 3240 Gibbins Road (PID 002-742-501);
 - (v) Lot 1..., Plan 21749, Banks Road (PID 002-705-087);
 - (vi) B-3228 Gibbins Road (PID 001-252-267);
 - (vii) Lot 4..., Plan 8636, Cliffs Road (PID 005-586-429);
 - (viii) 3088 Cliffs Road (PID 005-586-445);
 - (ix) Lot 5..., Plan 8636, Cliffs Road (PID 005-586-437);

- (x) Part of Lot 11..., Plan 2785, Banks Road (PID 006-360-742);
- (xi) Part of Lot 1..., Plan 9537 (PID 005-338-859);
- (xii) A-3228 Gibbins Road (PID 000-041-874);
- (xiii) repealed;
- (xiv) 3246 Gibbins Road (PID 028-738-080);
- (xv) Lot A..., Plan 10506 (PID 005-267-412);
- (xvi) 3186 Gibbins Road (PID 005-409-292).
- (xvii) 2772 Herd Road (PID: 002-831-732) [BL3819]
[BL3287; BL3697; BL3757]

Maximum Lot Coverage

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

Minimum Setbacks

- (6) The minimum permitted setbacks for the A2 zone are as follows:
 - (a) Single-Family Dwellings and Two-Family Dwellings
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (b) Mobile Homes
 - Yard, Front, 30.0 m (98.42')
 - Yard, Side, 12.0 m (39.37')
 - Yard, Rear, 12.0 m (39.37')
 - (c) All Other Principal Buildings
 - Yard, Front, 25 m (82.02')
 - Yard, Side, 15 m (49.21')
 - Yard, Rear, 15 m (49.21')".
 - Yard, Abutting Residentially Zoned Property, 30 m (98.42') [BL3767]
 - (d) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 8.0 m (26.25')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (e) Temporary Mobile Homes
 - To be sited in accordance with the provisions of the Temporary Mobile Home Permit Bylaw. [BL3754]
 - (f) Kennel
 - Yard, Front, 30 m (98.43')
 - Yard, Side, 30 m (98.43')
 - Yard, Rear, 30 m (98.43') [BL3758]

Maximum Building Height

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

Conditions of Use

- (8) The conditions of use for the A2 zone are as follows:
 - (a) Bed and breakfast uses may have no more than six sleeping units and may be conducted in a maximum of one accessory building (with no kitchen) and/or one dwelling unit.
 - (b) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on

- the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use.
- (c) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed ten, including resident staff,
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,
 - (iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve,
 - (iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained, and
 - (v) each single-family dwelling unit may contain this use where the property is two hectares (4.94 acres) or greater and has two single-family dwelling units.
- (d) despite section 52 (1), "campground (seasonal)" is a permitted use on 3042 River Road, and "campground (short-term)" is a permitted use on 8701 Chemainus Road, 8682 and 9090 Trans-Canada Highway, and 3800 Gibbins Road for a maximum of 25 campsites during a gathering for an event. [BL3662]
- (e) [Repealed; BL3697].
- (f) a maximum of 14 gatherings for an event with up to 150 attendees, and 20 events with up to 20 attendees, are permitted per year on 3800 Gibbins Road.
[BL3083, BL3302, BL3323, BL3521, BL3554, BL3662]
- (g) A kennel must not be located on a lot less than 8000 m² (1.98 acres) in area. [BL3758]

Temporary Use Permit or Rezoning for 2431 Beverley St.**Purpose:**

1. To obtain a TUP or rezoning to allow components of a food and agriculture hub on municipally owned land currently under a License of Occupation to Cowichan Green Community (CGC).
2. To renew and/or revise purpose & provisions of the License of Occupation or Lease.

Background:

CGC's mandate is to improve food security by developing strong relationships with local food producers, increasing capacity for local food production (both urban and rural), and empowering people with the knowledge, skills and resources they need to feed their community.

CGC has a license of occupation from North Cowichan to use the site. Over the past 5 years, the property has been used and developed into a productive agriculture education and demonstration centre through limited grants and assistance from community service organizations.

With support from North Cowichan and others, CGC has recently obtained significant Federal and Provincial funding to create a regional food and agriculture "hub" for the Cowichan Region. It will be part of a broader BC Network centred out of UBC.

"The Project is expected to achieve four important goals:

- Increase the availability of and access to infrastructure, equipment, services and training for local agriculture and food producers and processors;
- Improve coordination and collaboration between agriculture and food stakeholder groups and across the value chain;
- Leverage and complement current, related agriculture and food sector programs for improved service delivery; and
- Address COVID-19-related impacts to the Cowichan Valley and support regional economic recovery."

The long-term vision for the Food Hub is "to foster a thriving regional agriculture and food sector that is a significant contributor to the local economy in the Cowichan Valley".

The mission of the Food Hub is "to be a catalyst to help agriculture and food producers and processors improve their sales and economic success."

Some of the desired outcomes of the project include:

- Enhance agriculture and food businesses' access to commercial production spaces, specialized processing equipment, training and expertise;
- Enable micro, small and medium enterprises (SMEs) to scale-up production and grow their businesses;
- Encourage the development of new products, processes and food categories, contributing to the growth and diversity of BC's agriculture and food sector;
- Facilitate agriculture and food cross-regional and cross-sectoral connections;
- Increase agriculture and food businesses' market access through product development and improvement;
- Implement innovative, sustainable, efficient and zero-waste production practices in BC's food and agriculture sector;
- Support economic recovery from COVID-19-related impacts in the Cowichan Valley;
- Pilot strategies related to aggregation and selling to government institutions, distributors, restaurants, and retailers;
- Support the development of the BC Food Hub Network by serving as a Food Hub that is financially self sustaining.

Clearly, all these outcomes will be dependant on resources off site as well on the subject property. For example, sales of food products processed on site and some educational and training programs will continue to take place off site such as retailing through the Refresh Store, educational sessions on other community gardens etc.

Partners

The success of the food hub is contingent on the contributions of each partner. While CGC is responsible for those aspects of the site on Beverly Street, other will also be involved both on site as well as at other locations. The partners include:

CVRD – Economic Development Division
Cowichan Valley Co-operative Marketplace
Vancouver Island University
Cowichan Agriculture Society
Scale Collaborative
FoundTree
Various local agriculture farmers and producers/renters

The Challenges

1. The A2 zoning allows much of the activities already occurring on site (ie. educational programs/workshops). These are important elements of the hub concept. There is, however, a limitation on how much processing that can occur on an agricultural site. Current zoning Section 52 (8)(b)(i) stipulates that a minimum of 50% of processing must be from produce grown on site and (iii) require any sales be ancillary to the farm use. This constrains the concept of the hub becoming fully functional as a centre for innovation and service to the broader agricultural and food production community.

2. The License of Occupation from North Cowichan is due to expire shortly. In order to proceed with construction and implementation of the Food Hug Concept, a new arrangement for site use is required. In particular, a longer term lease is requested to enable a greater sense of security to the Hub partners.

Proposal:

In accordance with funding provisions of the Provincial and Federal governments, CGC wishes to provide a facility with specialized commercial kitchen(s) along with storage space and equipment for local farmers and food producers (ie Cow-op). The following concept plan gives an overview of the general activity locations.

Building location and orientation are approximate: Building areas shown in brown are as follows:
Food Production Kitchen 2000 sq.ft., Storage Building 3000 sq.ft., Kitchen addition 960 sq.ft.
To scale drawing will be provided once Council grants permission for application to proceed.

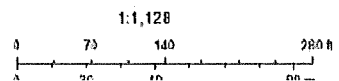
Request:

1. That a TUP or Rezoning be granted for an Agriculture and Food Hub that permits education, training, processing and marketing of food using produce grown on site, from other local farms, and food recovery programs.
2. That a new lease be provided to CGC that permits use of the site based on the Agriculture and Food Hub concept along with current uses permitted in zoning.

Site Concept Plan



3/12/2021, 1:39:28 PM



Appendix 1
The Cowichan Valley Food Processing and Innovation Hub

The Food Hub components to foster and expand upon at the Beverly Street site include:

- Seed saving
- Plant propagation
- Food production
- Education
- Community gathering space
- Inclusion and Community gardens
-
- Livestock opportunities
- Food testing facilities
- Food processing
- Warehouse/Storage area

Below is a chart of the probable and possible expansion of each of these areas recognizing the limited space available.

Seed Saving	
Active &/or Planned	Possible in the future
Seed library	Seed vault for region
Seed exchange	
Seed sales	
Heirloom and organic seed production & processing	

Plant Propagation	
Active &/or Planned	Possible in the future
Diversity of plants propagated onsite	Sale of plants to landscapers and the District
Onsite sale of plants	Wholesale sales
Native plant propagation	Heated greenhouse with year round propagation

Food Production	
Active &/or Planned	Possible in the future
Processing of food grown, purchased and recovered	Food sold wholesale
Food sold onsite & at CGC store	
Food provided as outreach support	

Education: Food & Environmental Focus	
Active &/or Planned	Possible in the future
Primary & Junior curriculum based learning	Compost education centre
Small Group Workshops & classes for community	

Partnership with other groups, including post-secondary organizations.	
Onsite and live streamed options	

Community Gathering Space	
Active &/or Planned	Possible in the future
	Outdoor Community meeting space
	Community events

Inclusion and Community Gardens	
Active &/or Planned	Possible in the future
Gardens available for community use	Specific mental health programs active in gardens

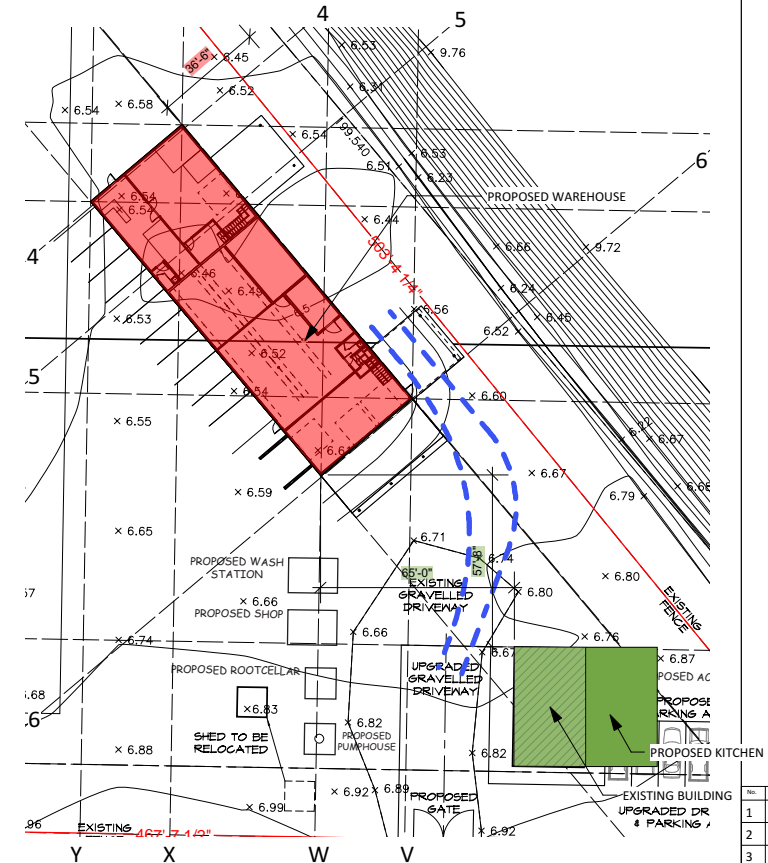
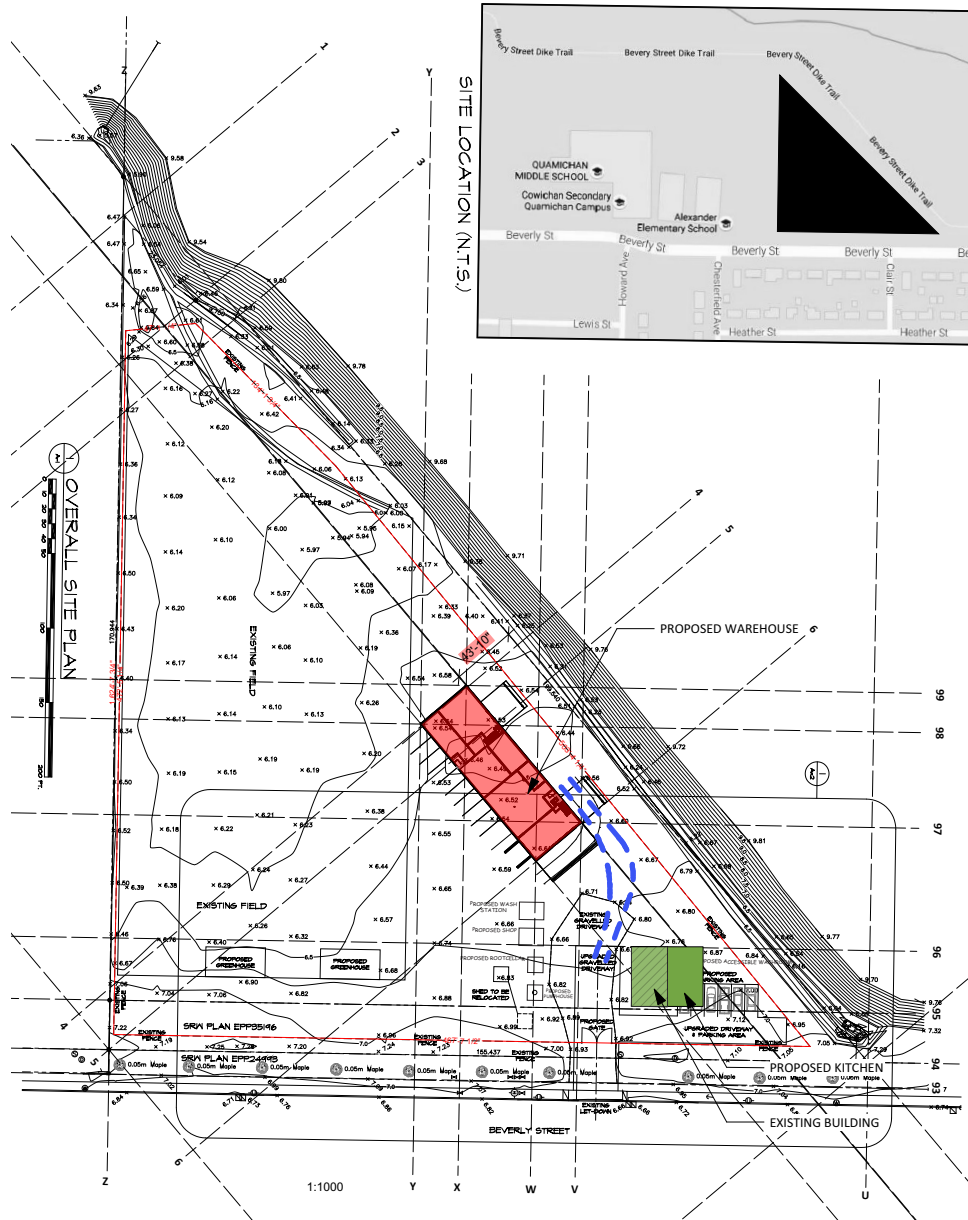
Livestock Opportunities	
Active &/or Planned	Possible in the future
	Onsite laying hens
	Onsite 'small animals': goats, sheep, mule, rabbits, poultry

Food Testing Facilities	
Active &/or Planned	Possible in the future
Food testing equipment for local food producers	

Food Processing in Commercial Kitchen	
Active &/or Planned	Possible in the future
CGC production of value added food	
Local farmer and food producer use of kitchen	
Community outreach	

Warehouse	
Active &/or Planned	Possible in the future
Cow-op headquarters	Food co-operative
Food recovery sorting space	

And beyond	
Active &/or Planned	Possible in the future
Farm equipment library	Ancillary retail sales
	Food Truck location



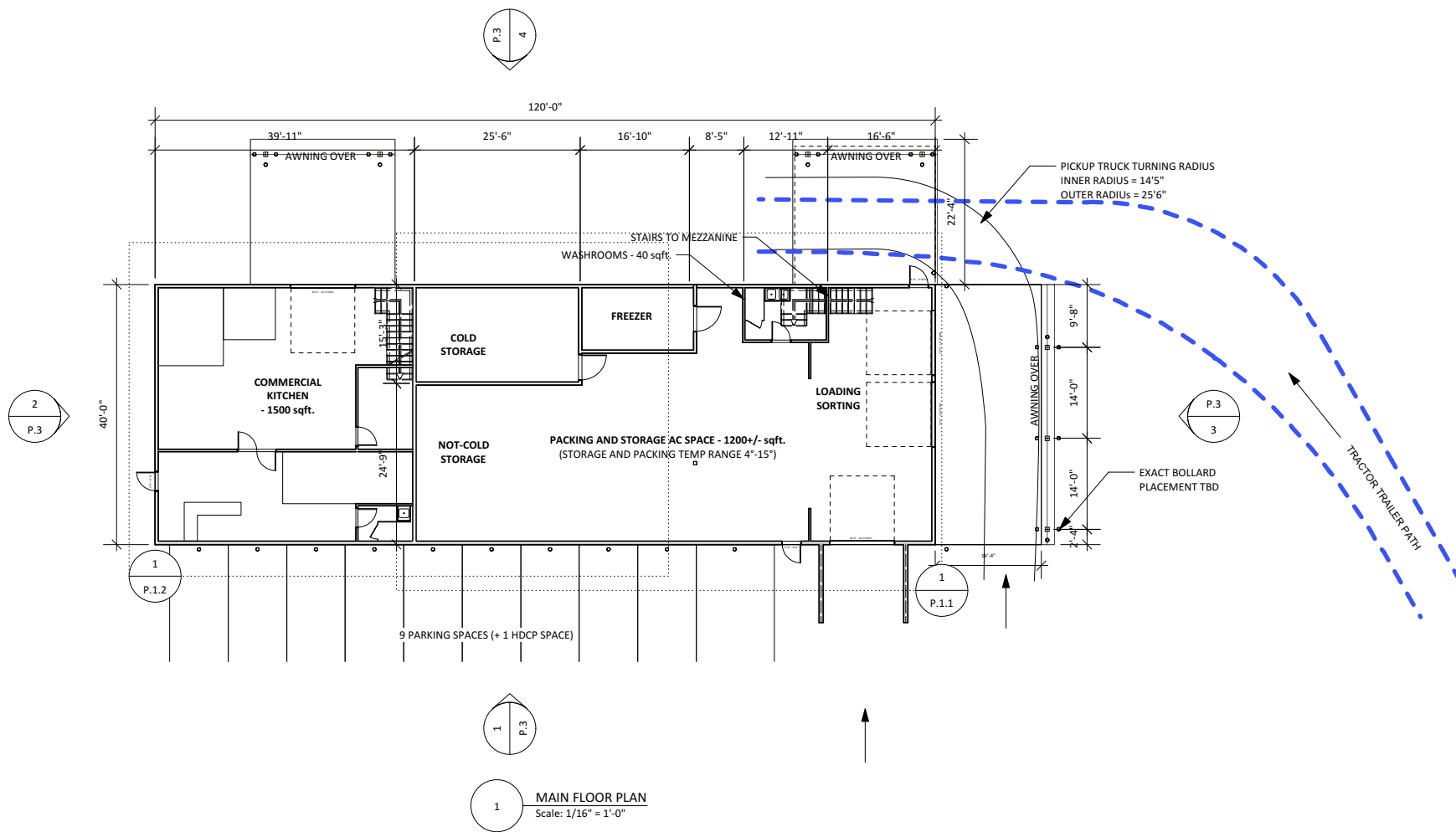
PRELIMINARY

zaiss design

250-510-6720
jakezaiss@gmail.com

No.	Issue Notes	Date	By
1	Prelim	2021.06.05	CO
2	Prelim rev1	2021.06.18	CO
3	Prelim rev2	2021.07.02	CO
4	Prelim rev3	2021.07.07	CO

CGC-COW-OP WAREHOUSE 2431 Beverly Street			
SITE PLAN			
Designed By	JZ	Project No.	20210603
Drawn By	JZ	Scale	1:500
Reviewed By		DWG No.	
Date	2021.06.05		P.O



zaiss design
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jakezaiss@gmail.com

No.	Issue Notes	Date	By
1	Prelim	2021.06.05	CO
2	Prelim rev1	2021.06.18	CO
3	Prelim rev2	2021.07.02	CO
4	Prelim rev3	2021.07.07	CO

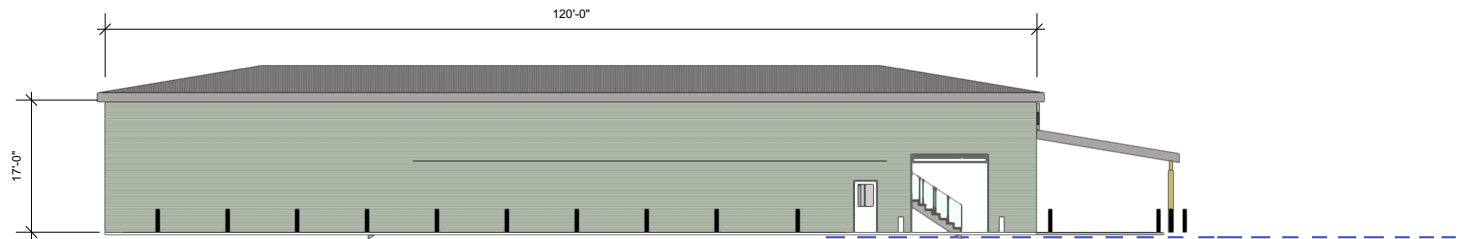
Project Title
CGC-COW-OP WAREHOUSE
2431 Beverly Street

Drawing Title
MAIN FLOOR PLAN

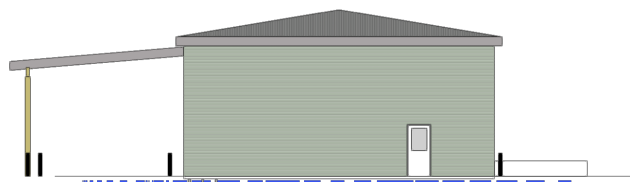
Designed By	JZ	Project No.	20210603
Drawn By	JZ	Scale	1/16" = 1'-0"
Reviewed By		DWG No.	
Date	2021.06.05		P.1

PRELIMINARY

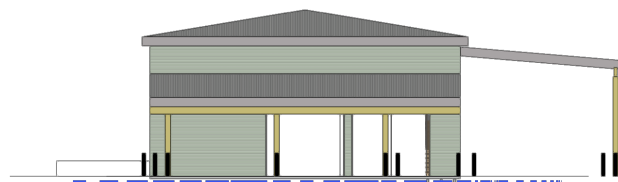
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RANGE 1, TOWNSHIP 23 NORTH,
PLANT 2ND BEHE, PID: 024-291-1-024



1 SW Elevation
Scale: 1/16" = 1'-0"



2 NW Elevation
Scale: 1/16" = 1'-0"



3 SE Elevation
Scale: 1/16" = 1'-0"



4 NE Elevation
Scale: 1/16" = 1'-0"

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3	Prelim rev2	2021.07.02	CO
4	Prelim rev3	2021.07.07	CO

Project Title
CGC-COW-OP WAREHOUSE
2431 Beverly Street

Drawing Title
ELEVATIONS

Designed By JZ	Project No. 20210603
Drawn By JZ	Scale
Reviewed By	DWG No.
Date 2021.06.05	P.3



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (Market Community Space use; A6 zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021

Bylaw No. 3846

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

Title

1. This Bylaw may be cited as "Zoning Amendment Bylaw (Market Community Space use; A6 Zone; 2431 Beverly St. from A2 to A6; text amendment DPA-1), 2021, No. 3846".

Amendment

2. Zoning Bylaw 1997, No. 2950, Section 12 [Definitions] is amended by inserting the following:

"market community space" means the use of premises for activities, meetings, presentations, and informational/public outreach open houses conducted by local community groups, non-governmental organizations and agricultural or food supply groups. This may also include temporary or permanent educational facilities which promote farming and the processing of farm products.

3. Zoning Bylaw 1997, No. 2950, Section 43 is amended by inserting "Rural Market Zone (A6)" after "Rural Residential Zone (A5)"
4. Zoning Bylaw 1997, No. 2950, is amended by inserting the following zone after Section 55.

"Rural Market Zone (A6)

Permitted Uses

- 55.1** (1) The permitted uses for the A6 zone are as follows:

- Agriculture
- Agricultural Storage
- Food and beverage processing
- Food truck
- Greenhouse
- Market Community Space

Minimum Lot Size

- (2) The minimum permitted lot size for the A6 zone is 2 hectares (4.94 acres).

Minimum Frontage

- (3) The minimum permitted frontage for the A6 zone is 75.0 m (246.06').

Maximum Lot Coverage

- (4) The maximum permitted lot coverage for the A6 zone is 10% of the lot area.

Minimum Setbacks

- (5) The permitted setbacks for the A6 zone are as follows:

- (a) All Principal Buildings and Structures (Excluding Fences)
 - (i) Yard, Front, 8.0 m (26.25')
 - (ii) Yard, Side, 3.0 m (9.84')
 - (iii) Yard, Rear, 8.0 m (26.25')

Maximum Building Height

- (6) (a) The maximum permitted building height for buildings and structures within the A6 zone is 9.0 m (29.53').

Conditions of Use

- (7) The conditions of use for the A6 zone are as follows:

- (a) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.);
 - (iii) the retail sales are clearly ancillary to the farm use; and
 - (iv) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve.
- (b) Despite the definition of "food and beverage processing" under section 12, "restaurant" is not a permitted use.
- (c) Despite the maximum permitted lot coverage under section 55.1 (4), the total building footprint for all uses permitted in the A6 zone except for "agriculture" shall not exceed 1,000 m² (10,764 ft²) whereby no one building footprint shall exceed 500 m² (5382 ft²)."

5. Zoning Bylaw 1997, No. 2950, Schedule "A" is amended by reclassifying 2431 Beverly Street (Parcel Identifier: 029-237-424) from Rural Zone (A2) to Rural Market Zone (A6), as shown in Schedule A attached to and forming part of this Bylaw.

6. Zoning Bylaw 1997, No. 2950, Schedule "J" Section 1.1 (DPA-1 Objectives & Application), is amended by deleting the final paragraph and inserting the following in its place:

"The guidelines contained within DPA-1 will be applied to all multi-family (3 units or greater), commercial and industrial developments, including non-agricultural uses within the Rural Market Zone (A6), within the Municipality of North Cowichan. Development Permits will only be issued in this Development Permit Area (DPA-1) subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual design through to

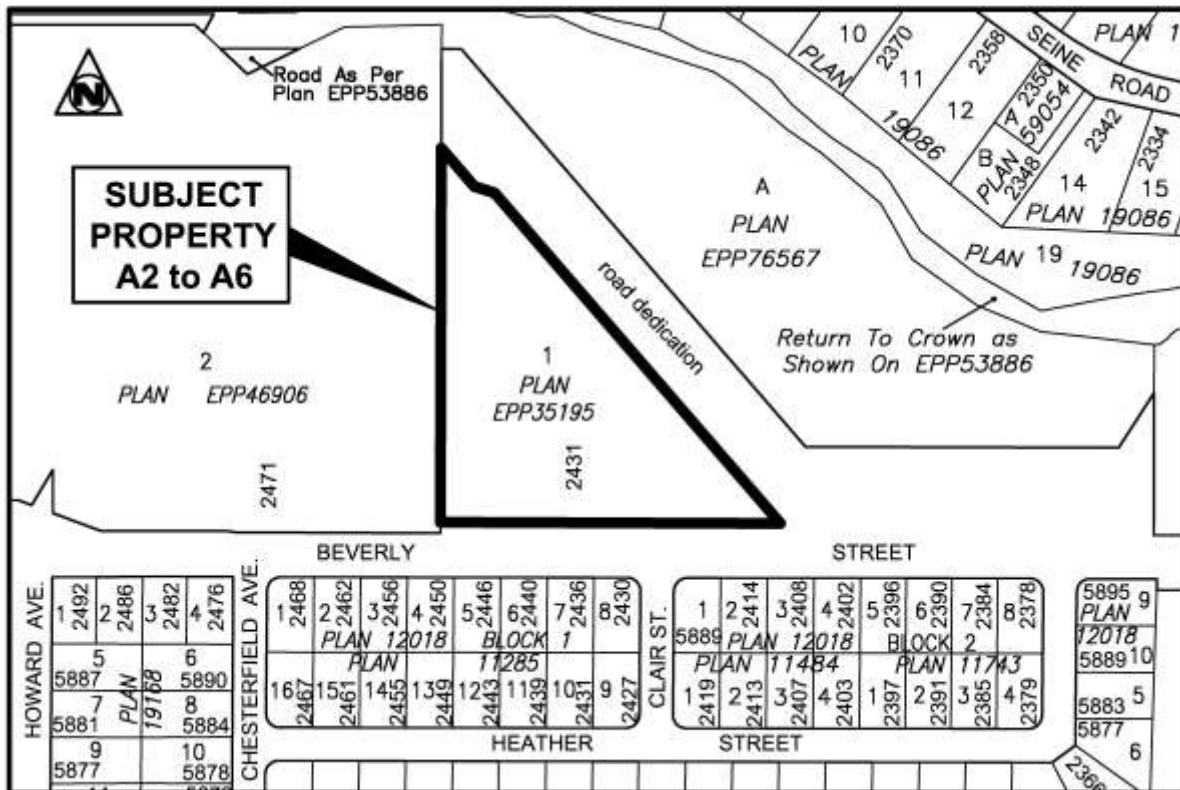
detailed design and refinement of a development proposal.”

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

CORPORATE OFFICER

PRESIDING MEMBER

Schedule A



Report

Date September 21, 2021

File:

To Council

From Michelle Martineau, Manager, Legislative Services

Endorsed:



Subject Revisions to Fire Protection Bylaw No. 3841, 2021

Purpose

To consider the amendments made to Fire Protection Bylaw No. 3841, 2021 regarding the use of fire pits, wood-burning appliances, gender-neutral language, and linkage to the *Fire Services Act* in relation to entry onto personal property.

Background

Council was presented with Fire Protection Bylaw No. 3841, 2021 (Attachment 4) at the September 1, 2021, regular meeting for first three readings. During the debate on the motion to give the bylaw first and second readings, Council decided to refer the bylaw back to staff to:

- include language regarding wood-burning appliances and fire pits;
- reference the *Fire Services Act* in relation to entry on private property under sections 5 to 7; and,
- use gender-neutral language.

8.2 Fire Protection Bylaw No. 3841, 2021 for first three readings

IT WAS MOVED AND SECONDED:

THAT Council give first and second readings to Fire Protection Bylaw No. 3841, 2021.

Council, through unanimous consent, postponed consideration of the above motion when moving the following motion:

IT WAS MOVED AND SECONDED:

THAT Council refer Fire Protection Services Bylaw No. 3841, 2021 back to staff to amend the bylaw based upon Council's discussions.

(Opposed: Marsh, Sawrie)

CARRIED

Discussion

Following the staff report presented (Attachment 3) and based upon the discussion that occurred during the September 1, 2021, regular Council meeting, staff has made the following changes to Fire Protection Bylaw No. 3841, 2021 (Attachment 2):

- (1) the definition for 'Fire Protection Technician' was amended by replacing "he or she has" with "they have" and "he or she is" with "they are";
- (2) sections 5, 6 and 7 were amended by replacing "his" with "their" and inserting "in accordance with section 21 of the *Fire Services Act*";
- (3) sections 27 and 30 were amended by replacing "he" with "they" and removing the "s" from "considers";

- (4) a new section [67] was added to include the language from the exiting Fire Protection Bylaw (Attachment 5) for “wood burning appliances”;
- (5) a new section [68] was added to include the language from the exiting Fire Protection Bylaw (Attachment 5) for “recreational fire pits”; and,
- (6) renumber the subsequent sections (67 to 82) to 69 to 84.

Because Council moved and seconded the motion to give Fire Protection Bylaw No. 3841, 2021 first and second readings before referring the bylaw back to staff, the original motion for first and second readings is back on the floor once the bylaw is returned to Council. Therefore, Council must either vote on the motion or withdraw it in order to proceed.

- If the question to give the bylaw first and second readings is called, and Council defeats that motion, the bylaw is finished and can only come back to Council for consideration if it is substantially changed.
- If the question to give the bylaw first and second readings is called and Council passes the motion, then each of the changes described above must be adopted by resolution before Council could consider third reading as amended for the bylaw.
- If the question to give the bylaw first and second readings is withdrawn, then Council can give the bylaw (Attachment 1) first three readings.

Options

- (1) **(Recommended Option)** Withdraw the September 1, 2021 motion giving Fire Protection Bylaw No. 3841, 2021 first two readings and then give the bylaw [as it has been revised] first three readings.
 - (i) THAT Council withdraws their September 1, 2021 motion “to give first and second readings to Fire Protection Bylaw No. 3841, 2021”.
 - (ii) THAT Council gives first, second and third readings to Fire Protection Bylaw No. 3841, 2021 as attached as Attachment 1 to the Manager of Legislative Services’ September 21, 2021 report.
- (2) Vote on the September 1, 2021, motion giving Fire Protection Bylaw No. 3841, 2021 first two readings and then identify which amendments Council wishes to proceed with prior to giving the bylaw third reading as amended.

Implications

Bylaw No. 3841 provides role clarity and alignment with the Aegis report's recommendations and is consistent with objective #28 under the Operational Strategic Plan.

28. Enhance the long-term sustainability of the Fire Services model

KEY ACTIONS
Limit District fire support services to the “interior” level
Implement Fire Services Review
Develop a Paid On Call Firefighter Recruitment and Retention Strategy
Establish a Fire Inspection Policy

Recommendation

- (1) THAT Council withdraws their September 1, 2021 motion "to give first and second readings to Fire Protection Bylaw No. 3841, 2021".
- (2) THAT Council gives first, second and third readings to Fire Protection Bylaw No. 3841, 2021 as attached as Attachment 1 to the Manager of Legislative Services' September 21, 2021 report.

Attachment(s):

- (1) Fire Protection Bylaw No. 3841, 2021 [as revised]
- (2) Fire Protection Bylaw No. 3841, 2021 [with revisions in redline]
- (3) 2021-09-01 Staff Report
- (4) Fire Protection Bylaw No. 3841, 2021 [as presented on Sep 1/21]
- (5) Fire Protection Bylaw No. 3340, 2008



The Corporation of the District of North Cowichan

Fire Protection Bylaw

Bylaw 3841

Contents

1	Citation
2	Definitions and Interpretation
4	Administration
16	General Rules and Prohibitions
22	Fire Incident Response and Operations
35	Prevention of Hazards
41	Fire Inspections
47	Life Safety and Equipment Standards
61	Open Burning
67	Private Fire Hydrants
74	Inspection and Permit Fees
76	Failure to Comply
78	Offence and Penalty
80	Repeal
81	Forms and Schedules

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

PART 1 – CITATION

1. This Bylaw may be cited as "Fire Protection Bylaw No. 3841, 2021".

PART 2 – DEFINITIONS

2. The terms that have been defined under Section 3 have been capitalized and italicized when used throughout this Bylaw.
3. In this Bylaw, the following words and terms have the following meanings:

AIR CURTAIN INCINERATOR means a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber, but does not include a trench burner;

APPARATUS means any vehicle provided with machinery, devices, *Equipment* or materials for firefighting as well as vehicles used to transport *Firefighters* or supplies;

ASSISTANT FIRE CHIEF means the rank immediately below the Fire Chief as identified under section 12;

BUILDING shall have the same meaning as defined in the Zoning Bylaw;

BUILDING CODE means the British Columbia Building Code adopted under the *Building Act, S.B.C. 2015, c.2*;

BYLAW COMPLIANCE OFFICER means a person appointed by the Chief Administrative Officer under the *Delegation of Authority Bylaw*;

CAPTAIN means a member of the *Fire Department* who supervises the activities of *Firefighters* and other duties as assigned by the *Fire Chief*;

CATEGORY 3 OPEN FIRE shall have the same meaning as defined in the *Wildfire Regulation B.C. Reg. 38/2005* under *Wildfire Act S.B.C. 2004, c.31*;

CEREMONIAL FIRES means a fire for First Nations' ceremonial or special purposes;

CONTACT PERSON means a person designated by the occupier or owner of a *Building* or *Structure* at which a *Fire Alarm System* is installed who is able to attend at the *Building* or *Structure* when the *Fire Alarm System* has been activated;

COUNCIL means the municipal council of The Corporation of the District of North Cowichan;

DELEGATION OF AUTHORITY BYLAW means Delegation of Authority Bylaw No. 3814, 2021;

EQUIPMENT means any tools, devices or materials used by the *Fire Department* at any *Incident* or other emergency;

EVACUATION ORDER means the Order issued by the *Fire Chief* or a *Fire Inspection Officer* under Section 57 in the form attached as Schedule D;

FEES AND CHARGES BYLAW means Fees and Charges Bylaw No. 3784, 2020;

FIRE ALARM SYSTEM means all equipment, including without limitation, batteries, alarm gongs, horns, buzzers, switches, wiring, relay equipment, sensors, and other accessories designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring service but does not include a fire alarm or smoke detector that is intended to alert only the occupants of a single dwelling unit;

FIRE AND LIFE SAFETY EQUIPMENT includes, but is not limited to, *Fire Alarm Systems*, automatic *Sprinkler Systems*, special extinguishing systems, portable extinguishers, emergency lighting, water supply systems for fire protection, standpipe and hose systems, smoke control measures, emergency power installations, voice communication systems and fire fighter elevators;

FIRE AND LIFE SAFETY EQUIPMENT ORDER means the Order issued by a *Fire Officer* under Section 54 in the form attached as Schedule C;

FIRE CHIEF means a person appointed by the Chief Administrative Officer under the *Delegation of Authority Bylaw* to be in charge of the *Fire Department* and includes any other person authorized by the *Fire Chief* to exercise the powers of a *Local Assistant*;

FIRE CODE means the *British Columbia Fire Code Regulation 263/2012* under *Fire Services Act, R.S.B.C. 1996, c.144*;

FIRE COMMISSIONER means the person appointed by the Lieutenant Governor in Council to the Office of the Fire Commissioner of British Columbia pursuant to the *Fire Services Act*;

FIRE DEPARTMENT means the District of North Cowichan Fire Department;

FIRE HYDRANT SERVICE REPORT means a report in the form attached as Schedule F that is required to be submitted to the *Fire Department* under Section 70;

FIRE INSPECTION OFFICER means the *Fire Department* member appointed by the *Fire Chief* to perform inspections under Section 42;

FIRE OFFICER means any member of the *Fire Department* holding the rank of:

- (a) *Fire Chief*;
- (b) *Assistant Fire Chief*;
- (c) *Station Chief*;
- (d) Station Deputy Chief; or
- (e) *Captain*;

FIRE PROTECTION TECHNICIAN means a person who has provided the *Fire Department* with acceptable documentation from a manufacturer of *Fire and Life Safety Equipment* certifying that they have been trained to install and service their equipment or from the agency known as the Applied Science Technologist and Technicians of British Columbia certifying that they are able to perform inspections and testing on *Fire and Life Safety Equipment* or a person approved by the *Fire Chief*;

FIRE SAFETY PLAN is a set of emergency procedures and guidelines to be followed by the occupants of a *Building* in the event of a fire or an emergency in a *Building* or *Structure*; and may include the locations of utilities and emergency shutoffs for gas and water, and operational information of *Fire and Life Safety Equipment*;

FIRE SERVICES ACT means the *Fire Services Act*, R.S.B.C. 1996, c.144;

FIREFIGHTER means every active member of the *Fire Department* other than a *Fire Officer*, whose duties include fire prevention, fire suppression, or rescue and emergency response, as authorized under this Bylaw;

FOREST AND RANGE PRACTICES ACT means the *Forest and Range Practices Act* S.B.C. 2002, c.69;

INCIDENT means any situation, wherein the attendance of the *Fire Department* is requested, required, dispatched, or warranted to prevent injury, loss of life, damage or loss to property, or damage to the natural environment;

INTERIOR OPERATIONS LEVEL shall have the same meaning as defined under the *Playbook*;

LOCAL ASSISTANT shall have the same meaning as defined in the *Fire Services Act*;

VENTILATION INDEX means the Ventilation Index released by Meteorological Service of Environment Canada which contains daily smoke control forecast predictions;

MOTOR VEHICLE ACT means the *Motor Vehicle Act*, R.S.B.C. 1996, c.318;

MUNICIPALITY means the Corporation of the District of North Cowichan;

OCCUPANCY shall have the same meaning as defined in the *Zoning Bylaw*;

OFFICER IN COMMAND means the highest-ranking *Fire Officer* in attendance at an *Incident*;

OFFICIAL COMMUNITY PLAN means Official Community Plan Bylaw, 2011, No. 3450;

OPEN BURNING means a fire in the open air but does not include a recreational fire or a fire where the products of combustion from the fire are conveyed to and disposed of by means of a chimney in a *Building* or *Structure* constructed and maintained in accordance with the *Building Code*;

OPEN BURNING PERMIT means the Permit issued under Section 62 in the form attached as Schedule E;

OTHER EMERGENCY SERVICE PROVIDERS includes the Royal Canadian Mounted Police, the BC Ambulance Service, Search and Rescue and the Canadian Coast Guard;

PLAYBOOK means the Structure Firefighters Competency and Training Playbook which identifies the minimum training competencies required of all firefighters at each service level, as established by the Office of the *Fire Commissioner* pursuant to the *Fire Services Act*;

PREMISES means a *Building* or *Structure* together with its grounds and appurtenances;

PRE-INCIDENT PLAN means a series of documents containing plans, drawings and written descriptions identifying the type and location of *Buildings*, firefighting hazards, *Fire and Life Safety Equipment* and utilities;

PRIVATE HYDRANT means a fire hydrant on private property or common property within a strata property;

PRIVATE MANAGED FOREST LAND ACT means the *Private Managed Forest Land Act*, S.B.C. 2003, c.80;

REMEDIATION ORDER means the Order issued under Section 36 in the form attached as Schedule B;

SINGLE FAMILY DWELLING shall have the same meaning as defined in the *Zoning Bylaw*;

SPRINKLER SYSTEM includes all equipment forming part of or used in connection with a fire sprinkler system, including without limitation, all heads, valves, piping, switches, sensors, relay equipment, and other accessories;

STATION CHIEF means the member of the *Fire Department* appointed by the *Fire Chief* to manage and control the activities of *Firefighters* assigned to each individual fire station located within North Cowichan;

STRUCTURE shall have the same meaning as defined in the *Zoning Bylaw*;

URBAN CONTAINMENT BOUNDARY means the urban containment boundary established in the *Official Community Plan*;

VEHICLE shall have the same meaning as defined in the *Motor Vehicle Act*;

WORKERS COMPENSATION ACT means the *Workers Compensation Act*, R.S.B.C. 2019, c.1; and

ZONING BYLAW means Zoning Bylaw, 1997, No. 2950.

PART 3 – ADMINISTRATION

Continuation of Fire Department

4. The *Fire Department* is hereby continued for the purposes of providing fire suppression, fire inspections, fire investigations, public education, fire training, emergency management, rescue and public services under this Bylaw.

Authorization to Enter Property

5. The *Fire Chief* and their designates are authorized to enter onto property and inspect *Premises*, in accordance with section 21 of the *Fire Services Act*, with or without *Apparatus* and *Equipment*, for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire.
6. The *Fire Chief* and their designates are authorized to enter onto property and into *Buildings* or *Structures*, in accordance with section 21 of the *Fire Services Act*, to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter contained in this Bylaw, the *Fire Services Act* and its regulations and the *Fire Code*.
7. The *Fire Chief* and their designates are authorized to enter onto property and into *Buildings* or *Structures*, in accordance with section 21 of the *Fire Services Act*, including those adjacent to an *Incident*, with or without *Apparatus* and *Equipment*, to take measures to prevent and suppress fires or deal with another form of *Incident*.

Responsibilities and Duties of Fire Chief

8. The *Fire Chief* is responsible for:
 - (a) the overall management, control and supervision of the *Fire Department* and personnel assigned to each fire station, and the discipline thereof;
 - (b) the appointment of a *Fire Officer* or *Firefighter* to exercise one or more of the powers of a *Local Assistant* within the *Municipality*;
 - (c) developing all necessary training programs, establishing any necessary proficiency requirements for the *Fire Department* which meets all statutory and regulatory requirements, including those required by the *Playbook* and the *Workers Compensation Act* and regulations made thereunder;
 - (d) developing fire safety education programs and campaigns to help citizens learn how to prevent fires, what to do if a fire starts, how to avoid injuries and how to stay safe;
 - (e) the efficient management of all members, *Apparatus*, equipment, responses to incidents and the provision of fire prevention and protection services to the *Municipality*.
9. The *Fire Chief* shall establish rules, regulations, operational guidelines and policies necessary for the proper organization, administration and operation of the *Fire Department* including but not limited to:
 - (a) the use, care and protection of *Fire Department* property;
 - (b) the conduct and discipline of members of the *Fire Department*;
 - (c) the safe and efficient operation of the *Fire Department*; and
 - (d) the duties and responsibilities of members of the *Fire Department*.

10. The *Fire Chief* shall take responsibility for all fire protection matters and other *Incidents* including the enforcement of applicable sections of the *Fire Services Act* and its regulations, and the *Fire Code* and shall assume the responsibilities of a *Local Assistant* to the *Fire Commissioner*.
11. The *Assistant Fire Chief* shall be responsible for performing the duties of the *Fire Chief* listed under Section 8 when the *Fire Chief* is unable to perform those duties.

Rank Structure

12. The rank structure of the *Fire Department*, in descending order of authority shall be as follows:
 - (a) *Fire Chief*
 - (b) *Assistant Fire Chief*
 - (c) *Station Chief*
 - (d) *Station Deputy Chief*
 - (e) *Captain*
 - (f) *Firefighter*

Fire Department Jurisdiction

13. The jurisdiction of *Fire Officers* and *Firefighters* will extend to the area and boundaries of the *Municipality*.
14. The *Fire Department* may respond to an *Incident* and provide firefighting services outside of the *Municipality's* boundaries in the following circumstances:
 - (a) in accordance with the terms of a signed mutual aid agreement(s) between the *Council* and the other surrounding local governments or First Nations;
 - (b) if authorized to respond by Emergency Management BC or in accordance with an agreement with or standard operating procedures established by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development or the BC Wildfire Service; or
15. The *Fire Department* may assist another fire department at an *Incident* response outside the *Municipality's* boundaries, if authorized by the Mayor or Acting Mayor, or if the Mayor or Acting Mayor is absent or unavailable, by the Chief Administrative Officer.

PART 4 – GENERAL RULES AND PROHIBITIONS

False Representation

16. No person shall make false representation as to being a member of the *Fire Department*, or wear or display any *Fire Department* badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

No Interference

17. No person shall drive, push or pull a vehicle of any kind over a fire hose or other equipment of the *Fire Department* unless directed by a *Fire Officer*.
18. No person shall obstruct, impede or hinder a *Fire Officer* or a *Firefighter* in the execution of their duties under this Bylaw.
19. No person shall remove, alter, or deface any order posted pursuant to this Bylaw.

Prohibition against Entry

20. No person shall enter within any area designated by ropes, guards or tapes, which are erected by or under the direction of the *Fire Department*, without the permission of the *Fire Chief*.
21. No person shall refuse to move from an area designated by ropes, guards or tapes, which are erected by or under the direction of a *Fire Officer*, without the permission of the *Fire Chief*.

PART 5 – FIRE INCIDENT RESPONSE AND OPERATIONS

Authorized Services

22. The *Fire Department* is authorized to provide the following services:
 - (a) firefighting and fire suppression;
 - (b) fire prevention and inspection;
 - (c) assistance to *Other Emergency Service Providers*, such as the British Columbia Ambulance Service;
 - (d) rope rescues;
 - (e) evacuation from areas within the *Municipality*;
 - (f) vehicle extrications and road rescue services;
 - (g) lake and river water rescue services; and
 - (h) responding to incidents involving dangerous goods as defined under the *Transport of Dangerous Goods Act*, R.S.B.C. 1996, c. 458.

Service Level

23. The *Fire Department* shall operate as an *Interior Operations Level* as defined in the *Playbook* both within the Fire Department Jurisdiction defined under Section 13 The Department shall operate in accordance with the requirements of the *Playbook*, including with respect to the training of the *Fire Department* and keeping of records related to such training.
24. Notwithstanding the list of authorized services described under Section 22 or any service level authorized in accordance with the *Playbook*, in relation to any particular *Incident* response, the *Fire Department* shall undertake only those emergency response activities for which it is properly trained and equipped. The *Fire Chief* and/or the *Officer in Command* may, in their sole discretion, restrict or terminate emergency response activities in any circumstance where the *Incident* is considered to exceed the training or capabilities of the responding *Firefighters* or *Apparatus* available to them or because of competing demand for authorized services at other locations.

Control Direction and Management

25. The *Fire Chief* or *Officer in Command* at an *Incident*, shall have control, direction and management of all *Fire Department Apparatus, Equipment*, and *Firefighters* assigned to an *Incident* and, where an *Officer in Command* is in charge, he shall continue to act in that capacity until relieved by a more senior qualified *Fire Officer*.
26. In the event that the *Fire Chief* is not in attendance at an *Incident*, the most senior qualified *Fire Officer* or *Firefighter* in attendance at that *Incident*, as per Section 13, will assume command.

Regulations and Prohibitions at an Incident

27. The *Fire Chief* or *Officer in Command* at any *Incident* is hereby empowered to commandeer privately owned equipment, which they consider necessary to deal with such *Incident*.
28. The *Officer in Command* is authorized to require a person to assist in the fighting of any fire or in the preserving of any property threatened by fire, or to assist in the salvaging and safeguarding of property threatened by fire.
29. The *Fire Chief* or *Officer In Command* is authorized to order the tactical evacuation of any *Building* or area where there is an emergency arising from a fire hazard, risk of explosion or a panic. In such a case no person, other than the *Fire Chief*, the *Officer in Command*, a *Firefighter*, or other person authorized by the *Fire Chief* or *Officer in Command* shall remain in or shall enter those *Buildings* or areas.
30. The *Fire Chief* or *Officer in Command* at any *Incident* is authorized to prevent and suppress a fire by causing to be pulled down or demolished a *Building* or *Structure* when they consider it necessary to prevent or suppress any fire.
31. No person shall drive over, or be within nine (9) metres of a *Fire Department* hose that is in use or filled with water, without the permission of the *Officer in Command* at an *Incident*.
32. No person shall fail to comply with a direction of the *Officer in Command*, or any *Firefighter* made in accordance with this Bylaw at an *Incident*.
33. No person shall interfere with or impede the use of *Equipment* by the *Fire Chief* or a *Firefighter* at an *Incident*.
34. A person at or near an *Incident* shall obey all traffic control directions given by a *Fire Officer*.

PART 6 – PREVENTION OF HAZARDS

Prevention of Fire Hazards

35. No person, being an owner or occupier of any *Premises* shall:
 - (a) maintain the *Premises* in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - (b) use or occupy the *Premises* in such a manner that fire would endanger life or property or increase the danger of fire;
 - (c) keep combustible or explosive material on the *Premises*, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the *Premises* so as to endanger life or property; or
 - (d) Allow a fire hazard to exist on the *Premises*.

Remediation Order

36. Where a *Fire Inspection Officer* determines that one or more conditions described in Section 35(a), (b), (c), or (d) exists or as otherwise authorized by this Bylaw, the *Fire Inspection Officer* may issue to an owner or occupier of a *Premises* a *Remediation Order* requiring the owner or occupier of the *Premises* to do one or more of the following:
 - (a) repair the *Building* or *Structure* on the *Premises*;

- (b) remove or destroy the *Building* or *Structure* on the *Premises*;
- (c) alter the use or occupancy of the *Premises*;
- (d) remove combustible or explosive material from the *Premises* or remedy a flammable condition at the *Premises*; or
- (e) take any other actions or precautions that the *Fire Inspection Officer* considers appropriate to mitigate the fire hazard present at the *Premises*.

37. A *Remediation Order* may be in the form attached as Schedule B and must:

- (a) be in writing;
- (b) identify the person who must fulfill the requirement;
- (c) be posted in a conspicuous location on the *Premises*;
- (d) be sent by regular mail to the owner's address;
- (e) provide the owner or occupier of the *Premises* with no less than seven days to fulfill the requirement after the *Remediation Order* was posted on the *Premises* and sent by mail;
- (f) advise that a person may request the *Fire Chief* reconsider the *Remediation Order* in accordance with this Bylaw; and
- (g) advise that upon default, the *Municipality* may fulfill the requirement set out in the *Remediation Order* and seek recovery of the cost under Section 17 of the *Community Charter*.

38. If a *Remediation Order* is issued under Section 36, the owner or occupier of a *Premises* may appeal to the *Fire Chief* in writing, within seven (7) days after receipt of the *Remediation Order*, and the *Fire Chief* will promptly investigate the appeal and, in writing, either affirm, modify or revoke the *Remediation Order* issued under Section 36.

Vacant and Fire Damaged Buildings, Structures and Premises

39. If the *Fire Chief* or a *Fire Officer* determines that a vacant *Building*, *Structure* or *Premises* is unsecure and consequently a fire hazard or that a *Building*, *Structure* or *Premises* damaged by fire is unsafe, the *Fire Chief* or *Fire Officer* may issue a *Remediation Order* under Section 36 that includes, but is not limited to, one or more of the following:

- (a) boarding up the *Building* or *Structure*;
- (b) fencing; or
- (c) supplying twenty-four (24) hour security services by a licensed security company.

Forest Remediation

40. If the safety of forest, woodland, timber, or other *Premises* is endangered by debris caused by logging, land clearing, or industrial activity, the *Local Assistant* may require a *Remediation Order* to be issued to a person carrying on or who has carried on the activity, or the owner or occupier of the land on which the debris exists, to:

- (a) dispose of the debris by burning or in another way, cut down all dead standing trees and stubs in the endangered area; or
- (b) provide the labour and take the precautions, to prevent fire from escaping or damage to *Premises* from occurring.

PART 7 – FIRE INSPECTIONS

Frequency of Inspections

41. The *Fire Chief* shall establish a system of regular inspections of buildings, as defined under Section 36 (1) of the *Fire Services Act*, which system will provide different frequencies of inspection depending on a *Building's Building Code* building classification, its use, age and fire risk assessment.
42. The *Fire Inspection Officer*, or their designate, shall carry out the inspections established under Section 41.
43. The *Fire Chief* or *Fire Inspection Officer* must report to *Council* as and when requested by *Council* on the inspection system created and implemented under Section 41 of this Bylaw.

Provision of Information to Fire Inspection Officer

44. No person shall fail to provide information or render assistance required by a *Fire Inspection Officer* in connection with an inspection.
45. No person shall willfully withhold or falsify any information required by a *Fire Inspection Officer*, nor refuse to assist in the carrying out of an inspection.

No Interference during Inspection

46. No person shall obstruct or interfere with a *Fire Inspection Officer* while any inspection is being carried out.

PART 8 - LIFE SAFETY EQUIPMENT AND STANDARDS

Fire Drills

47. The owner or operator of a hotel, hospital, community care facility or other *Building* with sleeping accommodation and used for the care of persons, shall provide the *Fire Inspection Officer* a record of fire drills when requested.
48. The owner or operator of a school, child care facility, children's home or other institution for children's education or care, shall provide the *Fire Inspection Officer* a record of fire drills when requested.

Fire Safety Plans

49. The owner or occupier of a *Building* or *Structure* that has a *Fire Alarm System* shall submit and initial the *Fire Safety Plan* in a form acceptable to the *Fire Chief*.
50. The owner or occupier of a *Building* or *Structure* who has submitted a *Fire Safety Plan* to the *Fire Chief* shall, when changes occur to the *Fire Safety Plan*, without delay revise it and resubmit it to the *Fire Chief* if any changes are necessary as a consequence of changes to the *Building*, utilities or *Fire and Life Safety Equipment*.
51. The owner or operator of a *Building* or *Structure* who has submitted a *Fire Safety Plan* to the *Fire Chief* must post a notice visible to all occupants of the *Building* or *Structure* of the location where a copy of the current *Fire Safety Plan* may be reviewed by the occupants.

Pre Incident Plan

52. An owner or operator of a *Building* without a *Fire Alarm System*, other than a *Single Family Dwelling*, duplex or triplex, shall submit an initial *Pre-Incident Plan* in a form acceptable to the *Fire Chief* a current *Pre-Incident Plan*.
53. The owner or operator of a *Building* or *Structure* who has submitted a *Pre-Incident Plan* to the *Fire Chief* shall, when changes occur, without delay revise it and resubmit it to the *Fire Chief* if any changes are necessary as a consequence of changes to the *Building*, utilities or *Fire And Life Safety Equipment*.

Fire and Life Safety Equipment Order

54. If the owner or operator of a hotel or public *Building* fails to provide, keep in good repair, alter or improve a means of exit, or fire and life safety equipment required by this Bylaw, a *Fire Inspection Officer* may issue to the owner or operator of the hotel or public *Building* a written *Fire and Life Safety Equipment Order* requiring that the owner or occupier of the hotel or public *Building* take action to meet the requirements of this Bylaw within a specified period of time.
55. A *Fire and Life Safety Equipment Order* must:
- (a) be in writing;
 - (b) identify the person who must fulfill the requirement;
 - (c) be posted in a conspicuous location on the *Building*;
 - (d) be sent by regular mail to the owner's address;
 - (e) provide the owner or operator of the *Building* with no less than seven days to fulfill the requirement after the *Fire and Life Safety Equipment Order* was posted on the *Building* and sent by mail;
 - (f) advise that a person may request the *Fire Chief* reconsider the *Fire and Life Safety Equipment Order* in accordance with this Bylaw; and
 - (g) advise that upon default, the *Municipality* may fulfill the requirement set out in the *Fire and Life Safety Equipment Order* and seek recovery of the cost under Section 17 of the *Community Charter*.
56. If a *Fire and Life Safety Equipment Order* is issued under Section 54, the owner or operator of a *Building* may appeal to the *Fire Chief* in writing, within seven (7) days after receipt of the *Fire and Life Safety Equipment Order*, and the *Fire Chief* will promptly investigate the appeal and, in writing, either affirm, modify or revoke the *Fire and Life Safety Equipment Order* issued under Section 54.

Evacuation or No Occupancy Order

57. The *Fire Chief* or *Fire Officer* may issue an *Evacuation Order* to an owner or occupier of a *Building*, *Structure* or area to evacuate the *Building*, *Structure* or area immediately, if the *Fire Chief* or *Fire Officer* believes there is an imminent and serious danger to life or property of the occupants or of a panic arising from a fire hazard or risk of explosion.
58. The *Fire Chief* or *Fire Inspection Officer* may post an *Evacuation Order* on any *Building* or *Structure* or area warning that *Occupancy* of the *Building*, *Structure* or area may be hazardous or that there is "**No Occupancy**" of the *Building*, *Structure* or area due to a fire hazard.

59. An *Evacuation Order* issued under Section 57 must:
- (a) be in writing;
 - (b) identify the civic address and legal description of the *Building*;
 - (c) be posted in a conspicuous location on the *Building*;
 - (d) be sent by regular mail to the owner's address;
 - (e) provide the owner or operator of the *Building* with no less than 24 hours to fulfill the requirement after the *Evacuation Order* was posted on the *Building* and sent by mail.
60. No person shall remain in a *Building* or *Structure* that has been ordered evacuated or not to be occupied in accordance with the *Evacuation Order* without prior approval and permission by the *Fire Chief* or *Fire Inspection Officer*.

PART 9 - OPEN BURNING

Open Burning

61. No Person shall cause or allowing *Open Burning* except as permitted under this Bylaw.
62. The *Fire Chief*, or their delegate, may issue an *Open Burning Permit* subject to the conditions of this Bylaw.
63. *Open Burning* is permitted only when the *Ventilation Index* is rated as 'good':
- (a) on property located
 - (i) outside of the *Urban Containment Boundary*, as defined in the *Official Community Plan*, or
 - (ii) inside the *Urban Containment Boundary*, where the property is larger than 2 acres in size, and an *Open Burning Permit* has been obtained under Section 62.
 - (b) between March 15 through April 15, and September 15 through November 30.
64. A person is permitted to ignite an *Open Burning* fire, if they have first obtained an *Open Burning Permit* issued in accordance with Section 62 and subject to the following conditions:
- (a) the person must agree to pay the Municipality's costs of extinguishing a fire that arises from the *Open Burning*, but is in contravention of the conditions of the permit or this Bylaw, or is otherwise uncontrolled, with the costs being calculated using the rates and amounts set out in the Fees and Charges Bylaw, Schedule H [Nuisance Abatement Fees];
 - (b) fires must be located at least
 - (i) 4 metres from all *Buildings*, *Structures*, and combustible and flammable materials, and
 - (ii) 10 metres from all property lines;
 - (c) fires must be during daylight hours only;
 - (d) fires are restricted to only one hand-piled fire per property at a time;
 - (e) fires must be smaller than 2 metres high by 2 metres wide;
 - (f) proper fire-fighting equipment, including at least a shovel, rake and garden hose connected to a water source must be on hand and readily available in case of fire escape;
 - (g) all material burned must
 - (i) originate from the property where it is being burned, and
 - (ii) consist only of untreated natural wood and brush.

65. Despite Sections 63 and 64, a *Category 3 Open Fire* is permitted on a property outside of the Urban Containment Boundary provided:
- (a) an *Air Curtain Incinerator* is used,
 - (b) the operator of the *Air Curtain Incinerator* is trained in the safe and efficient maintenance and operation of *Air Curtain Incinerators*, and
 - (c) all applicable provincial and federal regulations are followed.
66. This Bylaw does not apply to persons carrying out
- (a) *Ceremonial Fires*;
 - (b) "normal farm practices" as defined in the *Farm Practices Protection Act*;
 - (c) "forest practices" as defined in the *Forest and Range Practices Act*; or
 - (d) forest practices on land managed under the *Private Managed Forest Land Act*, Crown Forest Lands, Municipal Forest Reserve, and other public land used for forestry purposes.

Wood Burning Appliances

67. During an air quality advisory issued by Vancouver Island Health Authority, no wood burning appliances may be used unless the wood burning appliance is the primary source of heat for the dwelling.

Recreational Fire Pits

68. A recreational fire pit must
- (a) be made of a noncombustible material,
 - (b) be equipped with a tight-fitting lid of perforated metal or wire screen having openings not more than 1 centimetre squared in area,
 - (c) not exceed 0.5 cubic metres in volume,
 - (d) be located not less than 2 metres from a property line and not less than 5 metres from a building or flammable or combustible material, and
 - (e) rest on a noncombustible foundation.

PART 10 – PRIVATE FIRE HYDRANTS

Private Hydrants

69. All *Private Hydrants* in the *Municipality* must be painted yellow with red top and caps.
70. The owner or occupier of a property on which a *Private Hydrant* is located must:
- (a) maintain, clear and keep unobstructed an area having a radius of one (1) metre around every hydrant;
 - (b) keep hydrants clear of ice, snow, shrubs, trees, *Structures* and other obstructions; and,
 - (c) clearly identify their locations.
71. No person shall obstruct or otherwise interfere with a fire hydrant or *Private Hydrant*.

Private Hydrant Maintenance and Inspections

72. The owner of every *Private Hydrant* shall have all components of the hydrant inspected, serviced and tested by a qualified *Fire Protection Technician* not less than once a year and the *Fire Hydrant Service Report* must be submitted to the *Fire Department* upon request.

Private Hydrant Service after Use

73. The owner of a *Private Hydrant* must conduct or have conducted an inspection after each use of the *Private Hydrant*, which inspections shall include the following minimum requirements:

- (a) an examination of the exterior for broken, cracked or missing parts;
- (b) a check to ensure that the hydrant hose ports are at the proper elevation and facing a direction for the most efficient use;
- (c) a check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other obstacles;
- (d) a check for worn, rusted or obstructed threads, which may hamper efficient use of the hydrant; and,
- (e) an examination of hydrant barrels to determine if water has accumulated as a result of a leaking main valve, or plugged or damaged drain valve.

Annual Servicing of Private Hydrants

74. The owner of a *Private Hydrant* is responsible for conducting or having conducted annual inspections, which includes the following minimum requirements:

- (a) hydrants shall be flushed with main valve and outlet valves fully open until the water runs clear of any visible debris; and,
- (b) prevent the discharged water from carrying sediment in to the storm system or eroding a natural drainage course; and,
- (c) check the operation of the main line valve by closing the isolating valve.

Three Year Servicing of Private Hydrants

75. The owner of a *Private Hydrant* must ensure the following servicing of the *Private Hydrant* is conducted every three (3) years:

- (a) disassemble the hydrant and check for worn or broken parts and leaks;
- (b) lubricate all external and internal working parts during reassembly;
- (c) check water pressure; and,
- (d) re-open main line valve and check to see if hydrant operates and close hydrant valve.

PART 11 – INSPECTION AND PERMIT FEES

76. A person must pay the fees prescribed under the *Fees and Charges Bylaw*, Schedule A, Section 2 [Miscellaneous Fees] and Schedule G, Section 1 [Fire Equipment Fees] for each of the following:

- (a) an Open Burning Permit;
- (b) review of a new, existing or amended Fire Safety Plan;
- (c) a review of a Fire Hydrant Service Report;
- (d) special request services approved in writing by the Fire Chief;

- (e) an inspection of a Building, Structure or site conducted at the request of the owner, owner's representative or occupier (and where not otherwise provided for under this Bylaw) to determine compliance with this Bylaw or the Fire Code; and
- (f) re-inspection of *Premises* after a fire inspection report has been issued under this Bylaw where deficiencies remain.

77. The costs that may be imposed under Section 76 are to be calculated in accordance with the rates and amounts set out in the *Fees and Charges Bylaw*, Schedule H [Nuisance Abatement Fees].

PART 12 – FAILURE TO COMPLY

78. If an owner, occupier or operator of a *Premises* fails to comply with a *Remediation Order* or a *Fire and Life Safety Equipment Order* the *Municipality* may enter on the *Premises* and take such action as may be required to correct the default, including to remediate the *Premises* or to have the *Premises* attain a standard specified in the order or any safety enactment, at the expense of the owner, occupier or operator who has failed to comply, and may recover the costs incurred as a debt.
79. If the owner has failed to pay the cost to the *Municipality* incurred under Section 76 before the 31st day in December in the year that the corrective action was invoiced, the service costs must be added to and form part of the property taxes payable on the property as taxes in arrears.

PART 13 – OFFENCE AND PENALTY

80. Any person who:
- (a) contravenes or violates any provision of this Bylaw;
 - (b) allows any act or thing to be done in contravention or violation of this Bylaw; or
 - (c) fails or neglects to do anything required to be done by this Bylaw;
 - (d) commits an offence, and where the offence is a continuing one, each day the offence is continued constitutes a separate offence.
81. Upon being convicted of an offence under this Bylaw, a person shall be liable to pay a fine not exceeding \$50,000.00.

PART 14 – REPEAL

82. Fire Protection Bylaw, 2008, No. 3340 and all amendments thereto are hereby repealed.

PART 15 – FORMS AND SCHEDULES

83. The *Fire Chief* may prescribe the form of permits, orders and reports issued or required under this bylaw and may use the forms attached as Schedules to this Bylaw.
84. The following Schedules are attached to and form part of this Bylaw:
- (a) Schedule "A" Emergency Contact Person Form
 - (b) Schedule "B" Remediation Order
 - (c) Schedule "C" Fire and Life Safety Equipment Order
 - (d) Schedule "D" Evacuation Order
 - (e) Schedule "E" Open Burning Permit
 - (f) Schedule "F" Private Fire Hydrant Service Report

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

CORPORATE OFFICER

PRESIDING MEMBER

SCHEDULE A



EMERGENCY CONTACT PERSON FORM

Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Owner / Occupier Information

Owner Name: _____

Occupier Name (if any): _____

Address of Premises with Fire Alarm System: _____

Owner Telephone Number: _____

Occupier Telephone Number (if any): _____

Emergency Contact Information

First Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Second Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Third Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Please print clearly the above information.

Signature

Date



Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

REMEDIATION ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3840, 2021, Section 39, which authorizes the Fire Officer to issue a Remediation Order as the Fire Officer has determined that one or more of the following conditions:

- ☐ The *Premises* in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
- ☐ The use or occupy the *Premises* in such a manner that fire would endanger life or property or increase the danger of fire;
- ☐ Keep combustible or explosive material on the *Premises*, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the *Premises* so as to endanger life or property; or
- ☐ Allow a fire hazard to exist on the *Premises*.

exists at _____ [civic address] and requires the property owner/lessee to take the following immediate action:

The deadline for compliance with this Order is _____ [date]

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Failure to comply with this Order may result in a fine or the District taking the necessary steps to bring your property into compliance. Each day that this offence continues to exist past the deadline for compliance constitutes a separate and distinct offence.

The costs for any works completed by the Municipality, can be recovered, if unpaid, with the same remedies as property taxes under Section 258(2), as authorized by Section 17(2) and 258(1)(c) of the *Community Charter*. The fees to determine this cost are set out in Schedule H "Nuisance Abatement Fees" of Fees and Charges Bylaw No. 3784.

You may request that Fire Chief reconsider this Order by delivering your request in writing to the Fire Chief, at least seven days prior to the expiration of the time for compliance set out in this Order:

- **In-person:** Municipal Office located at 7030 Trans-Canada Highway between regular business hours
- **By email to:** fire@northcowichan.ca

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), Jason deJong, at 250.746.3276 or jason.dejong@northcowichan.ca.

Date

Fire Inspection Officer



Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

FIRE AND LIFE SAFETY EQUIPMENT ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3840, 2021, Section 57, which authorizes the Fire Officer to issue a Fire and Life Safety Equipment Order as the Fire Officer has determined that the property owner has failed to keep in good repair a means of exit or fire and life safety equipment at

_____ [civic address]
and require the property owner to take immediate action.

The deadline for compliance with this Order is _____ [date]

The property owner is ordered to complete the following works on or before the expiration of the above date:

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Failure to comply with this Order may result in a fine or the District taking the necessary steps to bring your property into compliance. Each day that this offence continues to exist past the deadline for compliance constitutes a separate and distinct offence.

The costs for any works completed by the Municipality, can be recovered, if unpaid, with the same remedies as property taxes under Section 258(2), as authorized by Section 17(2) and 258(1)(c) of the *Community Charter*. The fees to determine this cost are set out in Schedule H "Nuisance Abatement Fees" of Fees and Charges Bylaw No. 3784.

You may request that Fire Chief reconsider this Order by delivering your request in writing to the Fire Chief, at least seven days prior to the expiration of the time for compliance set out in this Order:

- **In-person:** Municipal Office located at 7030 Trans-Canada Highway between regular business hours
- **By email to:** fire@northcowichan.ca

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), Jason deJong, at 250.746.3276 or jason.dejong@northcowichan.ca.

Date

Fire Inspection Officer or Fire Chief



Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

EVACUATION ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3840, 2021, Section 61, which authorizes the Fire Chief or Fire Inspection Officer to issue and Evacuation Order if the Fire Chief or Fire Inspection Officer believes there is an imminent and serious danger to life or property of the occupants or of a panic arising from a fire hazard or risk of explosion.

By Order of the District of North Cowichan Fire Department, the building located at _____
_____ [civic address]

and legally described as _____, (the "*Premises*")
is order to be evacuated in accordance with Section 61 of Fire Protection Bylaw No. 3840, 2021 for the
following reasons:

NO PERSON shall enter this building without the authorization of the *Fire Chief*.

Date Order was posted on the Premises: _____

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), Jason deJong, at 250.746.3276 or
jason.dejong@northcowichan.ca.

Date

Fire Inspection Officer or Fire Chief

SCHEDULE E



OPEN BURNING PERMIT

Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Applicant

Name: _____

Civic Address: _____

Home: _____ Cell: _____

Email: _____

- ☐ I am the property owner
☐ I am not the property owner (written permission of owner required)

Personal information you provide on this form is collected pursuant to Section 26 of the *Freedom of Information and Protection of Privacy Act* and will only be used for the purpose of processing this Open Burning Permit application. Your personal information will not be released except in accordance with the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of your personal information may be referred to the Information Management Officer (foi@northcowichan.ca or 250.746.3116).

General Terms and Conditions

This Open Air Burning Permits are valid for the following dates:

- ☐ March 15 through April 15, 20____
☐ September 15 through November 30, 20____

and is subject to the following requirements:

- (1) fires must be located at least
 - (i) 4 metres from all *Buildings, Structures*, and combustible and flammable materials, and
 - (ii) 10 metres from all property lines;
- (2) fires must be during daylight hours only;
- (3) fires are restricted to only one hand-piled fire per property at a time;
- (4) fires must be smaller than 2 metres high by 2 metres wide;
- (5) proper fire-fighting equipment, including at least a shovel, rake and garden hose connected to a water source must be on hand and readily available in case of fire escape;
- (6) all material burned must
 - (i) originate from the property where it is being burned, and
 - (ii) consist only of untreated natural wood and brush.

Permit Holder Acknowledgement

I CERTIFY that I understand and will be guided by the provisions under Part 9 of the Fire Protection Bylaw No. 3840, 2021 and all applicable Provincial regulations and any conditions or restrictions imposed in the permit by the Fire Chief.

I UNDERSTAND that I must check the Ventilation Index and confirm that it is rated as 'good' the day prior and the day of burning and the *Open Burning and Smoke Control Regulation* for further restrictions. I further understand that if the Ventilation Index is not rated as good, I am NOT permitted to burn.

I AGREE that I am responsible for the fires authorized by this permit and any damage or damages to a person or property caused by an uncontrolled fire and I AGREE to pay all costs of the North Cowichan Fire Department to extinguish a fire if the permit conditions or the Fire Protection Bylaw No. 3840, 2021 are violated or the fire is uncontrolled.

Signature

Date

Permit Authorization

Signature

Date

SCHEDULE F

PRIVATE FIRE HYDRANT SERVICE REPORT



Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Fire Protection Technician's Name: _____

Owner's Name: _____

Hydrant No.: _____ Test Date: _____

Location: _____

Main Size: _____ Flow Rate: _____ Ports: _____

Out of Service: ☐ Yes ☐ No

Comments: _____

Pressure: _____ Make: _____ Distance to isolation valve: _____

Branch valve operated: ☐ Yes ☐ No

Service top end: ☐ Yes ☐ No

Service bottom end: ☐ Yes ☐ No

Service threads: ☐ Yes ☐ No

Flushed out: ☐ Yes ☐ No

Pressure tested: ☐ Yes ☐ No

Greased: ☐ Yes ☐ No

Drains properly: ☐ Yes ☐ No

Painted: ☐ Yes ☐ No

Weed eaten: ☐ Yes ☐ No

Comments: _____

Further work recommendation: _____

Signature

Date



The Corporation of the District of North Cowichan

Fire Protection Bylaw

Bylaw 3841

Contents

1	Citation
2	Definitions and Interpretation
4	Administration
16	General Rules and Prohibitions
22	Fire Incident Response and Operations
35	Prevention of Hazards
41	Fire Inspections
47	Life Safety and Equipment Standards
61	Open Burning
67	Private Fire Hydrants
74	Inspection and Permit Fees
76	Failure to Comply
78	Offence and Penalty
80	Repeal
81	Forms and Schedules

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

PART 1 – CITATION

1. This Bylaw may be cited as “Fire Protection Bylaw No. 3841, 2021”.

PART 2 – DEFINITIONS

2. The terms that have been defined under Section 3 have been capitalized and italicized when used throughout this Bylaw.
3. In this Bylaw, the following words and terms have the following meanings:

AIR CURTAIN INCINERATOR means a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber, but does not include a trench burner;

APPARATUS means any vehicle provided with machinery, devices, *Equipment* or materials for firefighting as well as vehicles used to transport *Firefighters* or supplies;

ASSISTANT FIRE CHIEF means the rank immediately below the Fire Chief as identified under section 12;

BUILDING shall have the same meaning as defined in the Zoning Bylaw;

BUILDING CODE means the British Columbia Building Code adopted under the *Building Act, S.B.C. 2015, c.2*;

BYLAW COMPLIANCE OFFICER means a person appointed by the Chief Administrative Officer under the *Delegation of Authority Bylaw*;

CAPTAIN means a member of the *Fire Department* who supervises the activities of *Firefighters* and other duties as assigned by the *Fire Chief*;

CATEGORY 3 OPEN FIRE shall have the same meaning as defined in the *Wildfire Regulation B.C. Reg. 38/2005* under *Wildfire Act S.B.C. 2004, c.31*;

CEREMONIAL FIRES means a fire for First Nations' ceremonial or special purposes;

CONTACT PERSON means a person designated by the occupier or owner of a *Building* or *Structure* at which a *Fire Alarm System* is installed who is able to attend at the *Building* or *Structure* when the *Fire Alarm System* has been activated;

COUNCIL means the municipal council of The Corporation of the District of North Cowichan;

DELEGATION OF AUTHORITY BYLAW means Delegation of Authority Bylaw No. 3814, 2021;

EQUIPMENT means any tools, devices or materials used by the *Fire Department* at any *Incident* or other emergency;

EVACUATION ORDER means the Order issued by the *Fire Chief* or a *Fire Inspection Officer* under Section 57 in the form attached as Schedule D;

FEES AND CHARGES BYLAW means Fees and Charges Bylaw No. 3784, 2020;

FIRE ALARM SYSTEM means all equipment, including without limitation, batteries, alarm gongs, horns, buzzers, switches, wiring, relay equipment, sensors, and other accessories designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring service but does not include a fire alarm or smoke detector that is intended to alert only the occupants of a single dwelling unit;

FIRE AND LIFE SAFETY EQUIPMENT includes, but is not limited to, *Fire Alarm Systems*, automatic *Sprinkler Systems*, special extinguishing systems, portable extinguishers, emergency lighting, water supply systems for fire protection, standpipe and hose systems, smoke control measures, emergency power installations, voice communication systems and fire fighter elevators;

FIRE AND LIFE SAFETY EQUIPMENT ORDER means the Order issued by a *Fire Officer* under Section 54 in the form attached as Schedule C;

FIRE CHIEF means a person appointed by the Chief Administrative Officer under the *Delegation of Authority Bylaw* to be in charge of the *Fire Department* and includes any other person authorized by the *Fire Chief* to exercise the powers of a *Local Assistant*;

FIRE CODE means the *British Columbia Fire Code Regulation 263/2012* under *Fire Services Act, R.S.B.C. 1996, c.144*;

FIRE COMMISSIONER means the person appointed by the Lieutenant Governor in Council to the Office of the Fire Commissioner of British Columbia pursuant to the *Fire Services Act*;

FIRE DEPARTMENT means the District of North Cowichan Fire Department;

FIRE HYDRANT SERVICE REPORT means a report in the form attached as Schedule F that is required to be submitted to the *Fire Department* under Section 70;

FIRE INSPECTION OFFICER means the *Fire Department* member appointed by the *Fire Chief* to perform inspections under Section 42;

FIRE OFFICER means any member of the *Fire Department* holding the rank of:

- (a) *Fire Chief*;
- (b) *Assistant Fire Chief*;
- (c) *Station Chief*;
- (d) Station Deputy Chief; or
- (e) *Captain*;

FIRE PROTECTION TECHNICIAN means a person who has provided the *Fire Department* with acceptable documentation from a manufacturer of *Fire and Life Safety Equipment* certifying that ~~he or she has~~they have been trained to install and service their equipment or from the agency known as the Applied Science Technologist and Technicians of British Columbia certifying that ~~he or she is~~they are able to perform inspections and testing on *Fire and Life Safety Equipment* or a person approved by the *Fire Chief*;

FIRE SAFETY PLAN is a set of emergency procedures and guidelines to be followed by the occupants of a *Building* in the event of a fire or an emergency in a *Building* or *Structure*; and may include the locations of utilities and emergency shutoffs for gas and water, and operational information of *Fire and Life Safety Equipment*;

FIRE SERVICES ACT means the *Fire Services Act*, R.S.B.C. 1996, c.144;

FIREFIGHTER means every active member of the *Fire Department* other than a *Fire Officer*, whose duties include fire prevention, fire suppression, or rescue and emergency response, as authorized under this Bylaw;

FOREST AND RANGE PRACTICES ACT means the *Forest and Range Practices Act* S.B.C. 2002, c.69;

INCIDENT means any situation, wherein the attendance of the *Fire Department* is requested, required, dispatched, or warranted to prevent injury, loss of life, damage or loss to property, or damage to the natural environment;

INTERIOR OPERATIONS LEVEL shall have the same meaning as defined under the *Playbook*;

LOCAL ASSISTANT shall have the same meaning as defined in the *Fire Services Act*;

VENTILATION INDEX means the Ventilation Index released by Meteorological Service of Environment Canada which contains daily smoke control forecast predictions;

MOTOR VEHICLE ACT means the *Motor Vehicle Act*, R.S.B.C. 1996, c.318;

MUNICIPALITY means the Corporation of the District of North Cowichan;

OCCUPANCY shall have the same meaning as defined in the *Zoning Bylaw*;

OFFICER IN COMMAND means the highest-ranking *Fire Officer* in attendance at an *Incident*;

OFFICIAL COMMUNITY PLAN means Official Community Plan Bylaw, 2011, No. 3450;

OPEN BURNING means a fire in the open air but does not include a recreational fire or a fire where the products of combustion from the fire are conveyed to and disposed of by means of a chimney in a *Building* or *Structure* constructed and maintained in accordance with the *Building Code*;

OPEN BURNING PERMIT means the Permit issued under Section 62 in the form attached as Schedule E;

OTHER EMERGENCY SERVICE PROVIDERS includes the Royal Canadian Mounted Police, the BC Ambulance Service, Search and Rescue and the Canadian Coast Guard;

PLAYBOOK means the Structure Firefighters Competency and Training Playbook which identifies the minimum training competencies required of all firefighters at each service level, as established by the Office of the *Fire Commissioner* pursuant to the *Fire Services Act*;

PREMISES means a *Building* or *Structure* together with its grounds and appurtenances;

PRE-INCIDENT PLAN means a series of documents containing plans, drawings and written descriptions identifying the type and location of *Buildings*, firefighting hazards, *Fire and Life Safety Equipment* and utilities;

PRIVATE HYDRANT means a fire hydrant on private property or common property within a strata property;

PRIVATE MANAGED FOREST LAND ACT means the *Private Managed Forest Land Act*, S.B.C. 2003, c.80;

REMEDIATION ORDER means the Order issued under Section 36 in the form attached as Schedule B;

SINGLE FAMILY DWELLING shall have the same meaning as defined in the *Zoning Bylaw*;

SPRINKLER SYSTEM includes all equipment forming part of or used in connection with a fire sprinkler system, including without limitation, all heads, valves, piping, switches, sensors, relay equipment, and other accessories;

STATION CHIEF means the member of the *Fire Department* appointed by the *Fire Chief* to manage and control the activities of *Firefighters* assigned to each individual fire station located within North Cowichan;

STRUCTURE shall have the same meaning as defined in the *Zoning Bylaw*;

URBAN CONTAINMENT BOUNDARY means the urban containment boundary established in the *Official Community Plan*;

VEHICLE shall have the same meaning as defined in the *Motor Vehicle Act*;

WORKERS COMPENSATION ACT means the *Workers Compensation Act*, R.S.B.C. 2019, c.1; and

ZONING BYLAW means Zoning Bylaw, 1997, No. 2950.

PART 3 – ADMINISTRATION

Continuation of Fire Department

4. The *Fire Department* is hereby continued for the purposes of providing fire suppression, fire inspections, fire investigations, public education, fire training, emergency management, rescue and public services under this Bylaw.

Authorization to Enter Property

5. The *Fire Chief* and ~~his~~their designates are authorized to enter onto property and inspect *Premises*, in accordance with section 21 of the *Fire Services Act*, with or without *Apparatus* and *Equipment*, for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire.
6. The *Fire Chief* and ~~his~~their designates are authorized to enter onto property and into *Buildings* or *Structures*, in accordance with section 21 of the *Fire Services Act*, to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter contained in this Bylaw, the *Fire Services Act* and its regulations and the *Fire Code*.
7. The *Fire Chief* and ~~his~~their designates are authorized to enter onto property and into *Buildings* or *Structures*, in accordance with section 21 of the *Fire Services Act*, including those adjacent to an *Incident*, with or without *Apparatus* and *Equipment*, to take measures to prevent and suppress fires or deal with another form of *Incident*.

Responsibilities and Duties of Fire Chief

8. The *Fire Chief* is responsible for:
 - (a) the overall management, control and supervision of the *Fire Department* and personnel assigned to each fire station, and the discipline thereof;
 - (b) the appointment of a *Fire Officer* or *Firefighter* to exercise one or more of the powers of a *Local Assistant* within the *Municipality*;
 - (c) developing all necessary training programs, establishing any necessary proficiency requirements for the *Fire Department* which meets all statutory and regulatory requirements, including those required by the *Playbook* and the *Workers Compensation Act* and regulations made thereunder;
 - (d) developing fire safety education programs and campaigns to help citizens learn how to prevent fires, what to do if a fire starts, how to avoid injuries and how to stay safe;
 - (e) the efficient management of all members, *Apparatus*, equipment, responses to incidents and the provision of fire prevention and protection services to the *Municipality*.
9. The *Fire Chief* shall establish rules, regulations, operational guidelines and policies necessary for the proper organization, administration and operation of the *Fire Department* including but not limited to:
 - (a) the use, care and protection of *Fire Department* property;
 - (b) the conduct and discipline of members of the *Fire Department*;
 - (c) the safe and efficient operation of the *Fire Department*; and
 - (d) the duties and responsibilities of members of the *Fire Department*.

10. The *Fire Chief* shall take responsibility for all fire protection matters and other *Incidents* including the enforcement of applicable sections of the *Fire Services Act* and its regulations, and the *Fire Code* and shall assume the responsibilities of a *Local Assistant* to the *Fire Commissioner*.
11. The *Assistant Fire Chief* shall be responsible for performing the duties of the *Fire Chief* listed under Section 8 when the *Fire Chief* is unable to perform those duties.

Rank Structure

12. The rank structure of the *Fire Department*, in descending order of authority shall be as follows:
 - (a) *Fire Chief*
 - (b) *Assistant Fire Chief*
 - (c) *Station Chief*
 - (d) *Station Deputy Chief*
 - (e) *Captain*
 - (f) *Firefighter*

Fire Department Jurisdiction

13. The jurisdiction of *Fire Officers* and *Firefighters* will extend to the area and boundaries of the *Municipality*.
14. The *Fire Department* may respond to an *Incident* and provide firefighting services outside of the *Municipality's* boundaries in the following circumstances:
 - (a) in accordance with the terms of a signed mutual aid agreement(s) between the *Council* and the other surrounding local governments or First Nations;
 - (b) if authorized to respond by Emergency Management BC or in accordance with an agreement with or standard operating procedures established by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development or the BC Wildfire Service; or
15. The *Fire Department* may assist another fire department at an *Incident* response outside the *Municipality's* boundaries, if authorized by the Mayor or Acting Mayor, or if the Mayor or Acting Mayor is absent or unavailable, by the Chief Administrative Officer.

PART 4 – GENERAL RULES AND PROHIBITIONS

False Representation

16. No person shall make false representation as to being a member of the *Fire Department*, or wear or display any *Fire Department* badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

No Interference

17. No person shall drive, push or pull a vehicle of any kind over a fire hose or other equipment of the *Fire Department* unless directed by a *Fire Officer*.
18. No person shall obstruct, impede or hinder a *Fire Officer* or a *Firefighter* in the execution of their duties under this Bylaw.
19. No person shall remove, alter, or deface any order posted pursuant to this Bylaw.

Prohibition against Entry

20. No person shall enter within any area designated by ropes, guards or tapes, which are erected by or under the direction of the *Fire Department*, without the permission of the *Fire Chief*.
21. No person shall refuse to move from an area designated by ropes, guards or tapes, which are erected by or under the direction of a *Fire Officer*, without the permission of the *Fire Chief*.

PART 5 – FIRE INCIDENT RESPONSE AND OPERATIONS

Authorized Services

22. The *Fire Department* is authorized to provide the following services:
 - (a) firefighting and fire suppression;
 - (b) fire prevention and inspection;
 - (c) assistance to *Other Emergency Service Providers*, such as the British Columbia Ambulance Service;
 - (d) rope rescues;
 - (e) evacuation from areas within the *Municipality*;
 - (f) vehicle extrications and road rescue services;
 - (g) lake and river water rescue services; and
 - (h) responding to incidents involving dangerous goods as defined under the *Transport of Dangerous Goods Act*, R.S.B.C. 1996, c. 458.

Service Level

23. The *Fire Department* shall operate as an *Interior Operations Level* as defined in the *Playbook* both within the Fire Department Jurisdiction defined under Section 13 The Department shall operate in accordance with the requirements of the *Playbook*, including with respect to the training of the *Fire Department* and keeping of records related to such training.
24. Notwithstanding the list of authorized services described under Section 22 or any service level authorized in accordance with the *Playbook*, in relation to any particular *Incident* response, the *Fire Department* shall undertake only those emergency response activities for which it is properly trained and equipped. The *Fire Chief* and/or the *Officer in Command* may, in their sole discretion, restrict or terminate emergency response activities in any circumstance where the *Incident* is considered to exceed the training or capabilities of the responding *Firefighters* or *Apparatus* available to them or because of competing demand for authorized services at other locations.

Control Direction and Management

25. The *Fire Chief* or *Officer in Command* at an *Incident*, shall have control, direction and management of all *Fire Department Apparatus, Equipment*, and *Firefighters* assigned to an *Incident* and, where an *Officer in Command* is in charge, he shall continue to act in that capacity until relieved by a more senior qualified *Fire Officer*.
26. In the event that the *Fire Chief* is not in attendance at an *Incident*, the most senior qualified *Fire Officer* or *Firefighter* in attendance at that *Incident*, as per Section 13, will assume command.

Regulations and Prohibitions at an Incident

27. The *Fire Chief* or *Officer in Command* at any *Incident* is hereby empowered to commandeer privately owned equipment, which ~~he~~they considers necessary to deal with such *Incident*.
28. The *Officer in Command* is authorized to require a person to assist in the fighting of any fire or in the preserving of any property threatened by fire, or to assist in the salvaging and safeguarding of property threatened by fire.
29. The *Fire Chief* or *Officer In Command* is authorized to order the tactical evacuation of any *Building* or area where there is an emergency arising from a fire hazard, risk of explosion or a panic. In such a case no person, other than the *Fire Chief*, the *Officer in Command*, a *Firefighter*, or other person authorized by the *Fire Chief* or *Officer in Command* shall remain in or shall enter those *Buildings* or areas.
30. The *Fire Chief* or *Officer in Command* at any *Incident* is authorized to prevent and suppress a fire by causing to be pulled down or demolished a *Building* or *Structure* when ~~he~~they considers it necessary to prevent or suppress any fire.
31. No person shall drive over, or be within nine (9) metres of a *Fire Department* hose that is in use or filled with water, without the permission of the *Officer in Command* at an *Incident*.
32. No person shall fail to comply with a direction of the *Officer in Command*, or any *Firefighter* made in accordance with this Bylaw at an *Incident*.
33. No person shall interfere with or impede the use of *Equipment* by the *Fire Chief* or a *Firefighter* at an *Incident*.
34. A person at or near an *Incident* shall obey all traffic control directions given by a *Fire Officer*.

PART 6 – PREVENTION OF HAZARDS

Prevention of Fire Hazards

35. No person, being an owner or occupier of any *Premises* shall:
 - (a) maintain the *Premises* in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - (b) use or occupy the *Premises* in such a manner that fire would endanger life or property or increase the danger of fire;
 - (c) keep combustible or explosive material on the *Premises*, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the *Premises* so as to endanger life or property; or
 - (d) Allow a fire hazard to exist on the *Premises*.

Remediation Order

36. Where a *Fire Inspection Officer* determines that one or more conditions described in Section 35(a), (b), (c), or (d) exists or as otherwise authorized by this Bylaw, the *Fire Inspection Officer* may issue to an owner or occupier of a *Premises* a *Remediation Order* requiring the owner or occupier of the *Premises* to do one or more of the following:
 - (a) repair the *Building* or *Structure* on the *Premises*;

- (b) remove or destroy the *Building* or *Structure* on the *Premises*;
- (c) alter the use or occupancy of the *Premises*;
- (d) remove combustible or explosive material from the *Premises* or remedy a flammable condition at the *Premises*; or
- (e) take any other actions or precautions that the *Fire Inspection Officer* considers appropriate to mitigate the fire hazard present at the *Premises*.

37. A *Remediation Order* may be in the form attached as Schedule B and must:

- (a) be in writing;
- (b) identify the person who must fulfill the requirement;
- (c) be posted in a conspicuous location on the *Premises*;
- (d) be sent by regular mail to the owner's address;
- (e) provide the owner or occupier of the *Premises* with no less than seven days to fulfill the requirement after the *Remediation Order* was posted on the *Premises* and sent by mail;
- (f) advise that a person may request the *Fire Chief* reconsider the *Remediation Order* in accordance with this Bylaw; and
- (g) advise that upon default, the *Municipality* may fulfill the requirement set out in the *Remediation Order* and seek recovery of the cost under Section 17 of the *Community Charter*.

38. If a *Remediation Order* is issued under Section 36, the owner or occupier of a *Premises* may appeal to the *Fire Chief* in writing, within seven (7) days after receipt of the *Remediation Order*, and the *Fire Chief* will promptly investigate the appeal and, in writing, either affirm, modify or revoke the *Remediation Order* issued under Section 36.

Vacant and Fire Damaged Buildings, Structures and Premises

39. If the *Fire Chief* or a *Fire Officer* determines that a vacant *Building*, *Structure* or *Premises* is unsecure and consequently a fire hazard or that a *Building*, *Structure* or *Premises* damaged by fire is unsafe, the *Fire Chief* or *Fire Officer* may issue a *Remediation Order* under Section 36 that includes, but is not limited to, one or more of the following:

- (a) boarding up the *Building* or *Structure*;
- (b) fencing; or
- (c) supplying twenty-four (24) hour security services by a licensed security company.

Forest Remediation

40. If the safety of forest, woodland, timber, or other *Premises* is endangered by debris caused by logging, land clearing, or industrial activity, the *Local Assistant* may require a *Remediation Order* to be issued to a person carrying on or who has carried on the activity, or the owner or occupier of the land on which the debris exists, to:

- (a) dispose of the debris by burning or in another way, cut down all dead standing trees and stubs in the endangered area; or
- (b) provide the labour and take the precautions, to prevent fire from escaping or damage to *Premises* from occurring.

PART 7 – FIRE INSPECTIONS

Frequency of Inspections

41. The *Fire Chief* shall establish a system of regular inspections of buildings, as defined under Section 36 (1) of the *Fire Services Act*, which system will provide different frequencies of inspection depending on a *Building's Building Code* building classification, its use, age and fire risk assessment.
42. The *Fire Inspection Officer*, or their designate, shall carry out the inspections established under Section 41.
43. The *Fire Chief* or *Fire Inspection Officer* must report to *Council* as and when requested by *Council* on the inspection system created and implemented under Section 41 of this Bylaw.

Provision of Information to Fire Inspection Officer

44. No person shall fail to provide information or render assistance required by a *Fire Inspection Officer* in connection with an inspection.
45. No person shall willfully withhold or falsify any information required by a *Fire Inspection Officer*, nor refuse to assist in the carrying out of an inspection.

No Interference during Inspection

46. No person shall obstruct or interfere with a *Fire Inspection Officer* while any inspection is being carried out.

PART 8 - LIFE SAFETY EQUIPMENT AND STANDARDS

Fire Drills

47. The owner or operator of a hotel, hospital, community care facility or other *Building* with sleeping accommodation and used for the care of persons, shall provide the *Fire Inspection Officer* a record of fire drills when requested.
48. The owner or operator of a school, child care facility, children's home or other institution for children's education or care, shall provide the *Fire Inspection Officer* a record of fire drills when requested.

Fire Safety Plans

49. The owner or occupier of a *Building* or *Structure* that has a *Fire Alarm System* shall submit and initial the *Fire Safety Plan* in a form acceptable to the *Fire Chief*.
50. The owner or occupier of a *Building* or *Structure* who has submitted a *Fire Safety Plan* to the *Fire Chief* shall, when changes occur to the *Fire Safety Plan*, without delay revise it and resubmit it to the *Fire Chief* if any changes are necessary as a consequence of changes to the *Building*, utilities or *Fire and Life Safety Equipment*.
51. The owner or operator of a *Building* or *Structure* who has submitted a *Fire Safety Plan* to the *Fire Chief* must post a notice visible to all occupants of the *Building* or *Structure* of the location where a copy of the current *Fire Safety Plan* may be reviewed by the occupants.

Pre Incident Plan

52. An owner or operator of a *Building* without a *Fire Alarm System*, other than a *Single Family Dwelling*, duplex or triplex, shall submit an initial *Pre-Incident Plan* in a form acceptable to the *Fire Chief* a current *Pre-Incident Plan*.
53. The owner or operator of a *Building* or *Structure* who has submitted a *Pre-Incident Plan* to the *Fire Chief* shall, when changes occur, without delay revise it and resubmit it to the *Fire Chief* if any changes are necessary as a consequence of changes to the *Building*, utilities or *Fire And Life Safety Equipment*.

Fire and Life Safety Equipment Order

54. If the owner or operator of a hotel or public *Building* fails to provide, keep in good repair, alter or improve a means of exit, or fire and life safety equipment required by this Bylaw, a *Fire Inspection Officer* may issue to the owner or operator of the hotel or public *Building* a written *Fire and Life Safety Equipment Order* requiring that the owner or occupier of the hotel or public *Building* take action to meet the requirements of this Bylaw within a specified period of time.
55. A *Fire and Life Safety Equipment Order* must:
- (a) be in writing;
 - (b) identify the person who must fulfill the requirement;
 - (c) be posted in a conspicuous location on the *Building*;
 - (d) be sent by regular mail to the owner's address;
 - (e) provide the owner or operator of the *Building* with no less than seven days to fulfill the requirement after the *Fire and Life Safety Equipment Order* was posted on the *Building* and sent by mail;
 - (f) advise that a person may request the *Fire Chief* reconsider the *Fire and Life Safety Equipment Order* in accordance with this Bylaw; and
 - (g) advise that upon default, the *Municipality* may fulfill the requirement set out in the *Fire and Life Safety Equipment Order* and seek recovery of the cost under Section 17 of the *Community Charter*.
56. If a *Fire and Life Safety Equipment Order* is issued under Section 54, the owner or operator of a *Building* may appeal to the *Fire Chief* in writing, within seven (7) days after receipt of the *Fire and Life Safety Equipment Order*, and the *Fire Chief* will promptly investigate the appeal and, in writing, either affirm, modify or revoke the *Fire and Life Safety Equipment Order* issued under Section 54.

Evacuation or No Occupancy Order

57. The *Fire Chief* or *Fire Officer* may issue an *Evacuation Order* to an owner or occupier of a *Building*, *Structure* or area to evacuate the *Building*, *Structure* or area immediately, if the *Fire Chief* or *Fire Officer* believes there is an imminent and serious danger to life or property of the occupants or of a panic arising from a fire hazard or risk of explosion.
58. The *Fire Chief* or *Fire Inspection Officer* may post an *Evacuation Order* on any *Building* or *Structure* or area warning that *Occupancy* of the *Building*, *Structure* or area may be hazardous or that there is "**No Occupancy**" of the *Building*, *Structure* or area due to a fire hazard.

59. An *Evacuation Order* issued under Section 57 must:
- (a) be in writing;
 - (b) identify the civic address and legal description of the *Building*;
 - (c) be posted in a conspicuous location on the *Building*;
 - (d) be sent by regular mail to the owner's address;
 - (e) provide the owner or operator of the *Building* with no less than 24 hours to fulfill the requirement after the *Evacuation Order* was posted on the *Building* and sent by mail.
60. No person shall remain in a *Building* or *Structure* that has been ordered evacuated or not to be occupied in accordance with the *Evacuation Order* without prior approval and permission by the *Fire Chief* or *Fire Inspection Officer*.

PART 9 - OPEN BURNING

Open Burning

61. No Person shall cause or allowing *Open Burning* except as permitted under this Bylaw.
62. The *Fire Chief*, or their delegate, may issue an *Open Burning Permit* subject to the conditions of this Bylaw.
63. *Open Burning* is permitted only when the *Ventilation Index* is rated as 'good':
- (a) on property located
 - (i) outside of the *Urban Containment Boundary*, as defined in the *Official Community Plan*, or
 - (ii) inside the *Urban Containment Boundary*, where the property is larger than 2 acres in size, and an *Open Burning Permit* has been obtained under Section 62.
 - (b) between March 15 through April 15, and September 15 through November 30.
64. A person is permitted to ignite an *Open Burning* fire, if they have first obtained an *Open Burning Permit* issued in accordance with Section 62 and subject to the following conditions:
- (a) the person must agree to pay the Municipality's costs of extinguishing a fire that arises from the *Open Burning*, but is in contravention of the conditions of the permit or this Bylaw, or is otherwise uncontrolled, with the costs being calculated using the rates and amounts set out in the Fees and Charges Bylaw, Schedule H [Nuisance Abatement Fees];
 - (b) fires must be located at least
 - (i) 4 metres from all *Buildings*, *Structures*, and combustible and flammable materials, and
 - (ii) 10 metres from all property lines;
 - (c) fires must be during daylight hours only;
 - (d) fires are restricted to only one hand-piled fire per property at a time;
 - (e) fires must be smaller than 2 metres high by 2 metres wide;
 - (f) proper fire-fighting equipment, including at least a shovel, rake and garden hose connected to a water source must be on hand and readily available in case of fire escape;
 - (g) all material burned must
 - (i) originate from the property where it is being burned, and
 - (ii) consist only of untreated natural wood and brush.

65. Despite Sections 63 and 64, a *Category 3 Open Fire* is permitted on a property outside of the Urban Containment Boundary provided:
- (a) an *Air Curtain Incinerator* is used,
 - (b) the operator of the *Air Curtain Incinerator* is trained in the safe and efficient maintenance and operation of *Air Curtain Incinerators*, and
 - (c) all applicable provincial and federal regulations are followed.
66. This Bylaw does not apply to persons carrying out
- (a) *Ceremonial Fires*;
 - (b) "normal farm practices" as defined in the *Farm Practices Protection Act*;
 - (c) "forest practices" as defined in the *Forest and Range Practices Act*; or
 - (d) forest practices on land managed under the *Private Managed Forest Land Act*, Crown Forest Lands, Municipal Forest Reserve, and other public land used for forestry purposes.

Wood Burning Appliances

67. During an air quality advisory issued by Vancouver Island Health Authority, no wood burning appliances may be used unless the wood burning appliance is the primary source of heat for the dwelling.

Recreational Fire Pits

68. A recreational fire pit must

- (a) be made of a noncombustible material,
- (b) be equipped with a tight-fitting lid of perforated metal or wire screen having openings not more than 1 centimetre squared in area,
- (c) not exceed 0.5 cubic metres in volume,
- (d) be located not less than 2 metres from a property line and not less than 5 metres from a building or flammable or combustible material, and
- (e) rest on a noncombustible foundation.

PART 10 – PRIVATE FIRE HYDRANTS

Private Hydrants

67.69. All *Private Hydrants* in the *Municipality* must be painted yellow with red top and caps.

68.70. The owner or occupier of a property on which a *Private Hydrant* is located must:

- (a) maintain, clear and keep unobstructed an area having a radius of one (1) metre around every hydrant;
- (b) keep hydrants clear of ice, snow, shrubs, trees, *Structures* and other obstructions; and,
- (c) clearly identify their locations.

69.71. No person shall obstruct or otherwise interfere with a fire hydrant or *Private Hydrant*.

Private Hydrant Maintenance and Inspections

~~70.~~72. The owner of every *Private Hydrant* shall have all components of the hydrant inspected, serviced and tested by a qualified *Fire Protection Technician* not less than once a year and the *Fire Hydrant Service Report* must be submitted to the *Fire Department* upon request.

Private Hydrant Service after Use

~~71.~~73. The owner of a *Private Hydrant* must conduct or have conducted an inspection after each use of the *Private Hydrant*, which inspections shall include the following minimum requirements:

- (a) an examination of the exterior for broken, cracked or missing parts;
- (b) a check to ensure that the hydrant hose ports are at the proper elevation and facing a direction for the most efficient use;
- (c) a check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other obstacles;
- (d) a check for worn, rusted or obstructed threads, which may hamper efficient use of the hydrant; and,
- (e) an examination of hydrant barrels to determine if water has accumulated as a result of a leaking main valve, or plugged or damaged drain valve.

Annual Servicing of Private Hydrants

~~72.~~74. The owner of a *Private Hydrant* is responsible for conducting or having conducted annual inspections, which includes the following minimum requirements:

- (a) hydrants shall be flushed with main valve and outlet valves fully open until the water runs clear of any visible debris; and,
- (b) prevent the discharged water from carrying sediment in to the storm system or eroding a natural drainage course; and,
- (c) check the operation of the main line valve by closing the isolating valve.

Three Year Servicing of Private Hydrants

~~73.~~75. The owner of a *Private Hydrant* must ensure the following servicing of the *Private Hydrant* is conducted every three (3) years:

- (a) disassemble the hydrant and check for worn or broken parts and leaks;
- (b) lubricate all external and internal working parts during reassembly;
- (c) check water pressure; and,
- (d) re-open main line valve and check to see if hydrant operates and close hydrant valve.

PART 11 – INSPECTION AND PERMIT FEES

~~74.~~76. A person must pay the fees prescribed under the *Fees and Charges Bylaw*, Schedule A, Section 2 [Miscellaneous Fees] and Schedule G, Section 1 [Fire Equipment Fees] for each of the following:

- (a) an Open Burning Permit;
- (b) review of a new, existing or amended Fire Safety Plan;
- (c) a review of a Fire Hydrant Service Report;
- (d) special request services approved in writing by the Fire Chief;

- (e) an inspection of a Building, Structure or site conducted at the request of the owner, owner's representative or occupier (and where not otherwise provided for under this Bylaw) to determine compliance with this Bylaw or the Fire Code; and
- (f) re-inspection of *Premises* after a fire inspection report has been issued under this Bylaw where deficiencies remain.

~~75.77.~~ The costs that may be imposed under Section 76 are to be calculated in accordance with the rates and amounts set out in the *Fees and Charges Bylaw*, Schedule H [Nuisance Abatement Fees].

PART 12 – FAILURE TO COMPLY

~~76.78.~~ If an owner, occupier or operator of a *Premises* fails to comply with a *Remediation Order* or a *Fire and Life Safety Equipment Order* the *Municipality* may enter on the *Premises* and take such action as may be required to correct the default, including to remediate the *Premises* or to have the *Premises* attain a standard specified in the order or any safety enactment, at the expense of the owner, occupier or operator who has failed to comply, and may recover the costs incurred as a debt.

~~77.79.~~ If the owner has failed to pay the cost to the *Municipality* incurred under Section 76 before the 31st day in December in the year that the corrective action was invoiced, the service costs must be added to and form part of the property taxes payable on the property as taxes in arrears.

PART 13 – OFFENCE AND PENALTY

~~78.80.~~ Any person who:

- (a) contravenes or violates any provision of this Bylaw;
- (b) allows any act or thing to be done in contravention or violation of this Bylaw; or
- (c) fails or neglects to do anything required to be done by this Bylaw;
- (d) commits an offence, and where the offence is a continuing one, each day the offence is continued constitutes a separate offence.

~~79.81.~~ Upon being convicted of an offence under this Bylaw, a person shall be liable to pay a fine not exceeding \$50,000.00.

PART 14 – REPEAL

~~80.82.~~ Fire Protection Bylaw, 2008, No. 3340 and all amendments thereto are hereby repealed.

PART 15 – FORMS AND SCHEDULES

~~81.83.~~ The *Fire Chief* may prescribe the form of permits, orders and reports issued or required under this bylaw and may use the forms attached as Schedules to this Bylaw.

~~82.84.~~ The following Schedules are attached to and form part of this Bylaw:

- (a) Schedule "A" Emergency Contact Person Form
- (b) Schedule "B" Remediation Order
- (c) Schedule "C" Fire and Life Safety Equipment Order
- (d) Schedule "D" Evacuation Order
- (e) Schedule "E" Open Burning Permit
- (f) Schedule "F" Private Fire Hydrant Service Report

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

CORPORATE OFFICER

PRESIDING MEMBER

SCHEDULE A



EMERGENCY CONTACT PERSON FORM

Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Owner / Occupier Information

Owner Name: _____

Occupier Name (if any): _____

Address of Premises with Fire Alarm System: _____

Owner Telephone Number: _____

Occupier Telephone Number (if any): _____

Emergency Contact Information

First Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Second Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Third Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Please print clearly the above information.

Signature

Date



Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

REMEDIATION ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3840, 2021, Section 39, which authorizes the Fire Officer to issue a Remediation Order as the Fire Officer has determined that one or more of the following conditions:

- ☐ The *Premises* in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
- ☐ The use or occupy the *Premises* in such a manner that fire would endanger life or property or increase the danger of fire;
- ☐ Keep combustible or explosive material on the *Premises*, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the *Premises* so as to endanger life or property; or
- ☐ Allow a fire hazard to exist on the *Premises*.

exists at _____ [civic address] and requires the property owner/lessee to take the following immediate action:

The deadline for compliance with this Order is _____ [date]

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Failure to comply with this Order may result in a fine or the District taking the necessary steps to bring your property into compliance. Each day that this offence continues to exist past the deadline for compliance constitutes a separate and distinct offence.

The costs for any works completed by the Municipality, can be recovered, if unpaid, with the same remedies as property taxes under Section 258(2), as authorized by Section 17(2) and 258(1)(c) of the *Community Charter*. The fees to determine this cost are set out in Schedule H "Nuisance Abatement Fees" of Fees and Charges Bylaw No. 3784.

You may request that Fire Chief reconsider this Order by delivering your request in writing to the Fire Chief, at least seven days prior to the expiration of the time for compliance set out in this Order:

- **In-person:** Municipal Office located at 7030 Trans-Canada Highway between regular business hours
- **By email to:** fire@northcowichan.ca

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), Jason deJong, at 250.746.3276 or jason.dejong@northcowichan.ca.

Date

Fire Inspection Officer



Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

FIRE AND LIFE SAFETY EQUIPMENT ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3840, 2021, Section 57, which authorizes the Fire Officer to issue a Fire and Life Safety Equipment Order as the Fire Officer has determined that the property owner has failed to keep in good repair a means of exit or fire and life safety equipment at

_____ [civic address]
and require the property owner to take immediate action.

The deadline for compliance with this Order is _____ [date]

The property owner is ordered to complete the following works on or before the expiration of the above date:

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Failure to comply with this Order may result in a fine or the District taking the necessary steps to bring your property into compliance. Each day that this offence continues to exist past the deadline for compliance constitutes a separate and distinct offence.

The costs for any works completed by the Municipality, can be recovered, if unpaid, with the same remedies as property taxes under Section 258(2), as authorized by Section 17(2) and 258(1)(c) of the *Community Charter*. The fees to determine this cost are set out in Schedule H "Nuisance Abatement Fees" of Fees and Charges Bylaw No. 3784.

You may request that Fire Chief reconsider this Order by delivering your request in writing to the Fire Chief, at least seven days prior to the expiration of the time for compliance set out in this Order:

- **In-person:** Municipal Office located at 7030 Trans-Canada Highway between regular business hours
- **By email to:** fire@northcowichan.ca

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), Jason deJong, at 250.746.3276 or jason.dejong@northcowichan.ca.

Date

Fire Inspection Officer or Fire Chief



Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

EVACUATION ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3840, 2021, Section 61, which authorizes the Fire Chief or Fire Inspection Officer to issue and Evacuation Order if the Fire Chief or Fire Inspection Officer believes there is an imminent and serious danger to life or property of the occupants or of a panic arising from a fire hazard or risk of explosion.

By Order of the District of North Cowichan Fire Department, the building located at _____
_____ [civic address]

and legally described as _____, (the "*Premises*")
is order to be evacuated in accordance with Section 61 of Fire Protection Bylaw No. 3840, 2021 for the
following reasons:

NO PERSON shall enter this building without the authorization of the *Fire Chief*.

Date Order was posted on the Premises: _____

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), Jason deJong, at 250.746.3276 or
jason.dejong@northcowichan.ca.

Date

Fire Inspection Officer or Fire Chief

SCHEDULE E



OPEN BURNING PERMIT

Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Applicant

Name: _____

Civic Address: _____

Home: _____ Cell: _____

Email: _____

- ☐ I am the property owner
☐ I am not the property owner (written permission of owner required)

Personal information you provide on this form is collected pursuant to Section 26 of the *Freedom of Information and Protection of Privacy Act* and will only be used for the purpose of processing this Open Burning Permit application. Your personal information will not be released except in accordance with the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of your personal information may be referred to the Information Management Officer (foi@northcowichan.ca or 250.746.3116).

General Terms and Conditions

This Open Air Burning Permits are valid for the following dates:

- ☐ March 15 through April 15, 20____
☐ September 15 through November 30, 20____

and is subject to the following requirements:

- (1) fires must be located at least
 - (i) 4 metres from all *Buildings, Structures*, and combustible and flammable materials, and
 - (ii) 10 metres from all property lines;
- (2) fires must be during daylight hours only;
- (3) fires are restricted to only one hand-piled fire per property at a time;
- (4) fires must be smaller than 2 metres high by 2 metres wide;
- (5) proper fire-fighting equipment, including at least a shovel, rake and garden hose connected to a water source must be on hand and readily available in case of fire escape;
- (6) all material burned must
 - (i) originate from the property where it is being burned, and
 - (ii) consist only of untreated natural wood and brush.

Permit Holder Acknowledgement

I CERTIFY that I understand and will be guided by the provisions under Part 9 of the Fire Protection Bylaw No. 3840, 2021 and all applicable Provincial regulations and any conditions or restrictions imposed in the permit by the Fire Chief.

I AGREE that I am responsible for the fires authorized by this permit and any damage or damages to a person or property caused by an uncontrolled fire and I AGREE to pay all costs of the North Cowichan Fire Department to extinguish a fire if the permit conditions or the Fire Protection Bylaw No. 3840, 2021 are violated or the fire is uncontrolled.

Signature

Date

Permit Authorization

Signature

Date

SCHEDULE F

PRIVATE FIRE HYDRANT SERVICE REPORT



Fire Protection Bylaw No. 3840, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Fire Protection Technician's Name: _____

Owner's Name: _____

Hydrant No.: _____ Test Date: _____

Location: _____

Main Size: _____ Flow Rate: _____ Ports: _____

Out of Service: ☐ Yes ☐ No

Comments: _____

Pressure: _____ Make: _____ Distance to isolation valve: _____

Branch valve operated: ☐ Yes ☐ No Service top end: ☐ Yes ☐ No

Service bottom end: ☐ Yes ☐ No Service threads: ☐ Yes ☐ No

Flushed out: ☐ Yes ☐ No Pressure tested: ☐ Yes ☐ No

Greased: ☐ Yes ☐ No Drains properly: ☐ Yes ☐ No

Painted: ☐ Yes ☐ No Weed eaten: ☐ Yes ☐ No

Comments: _____

Further work recommendation: _____

Signature

Date

Report

Date September 1, 2021
 To Council
 From Martin Drakeley, Manager, Fire and Bylaw Services
 Subject Fire Protection Bylaw No. 3841, 2021 for first three readings

File:

Endorsed:



Purpose

To introduce Fire Protection Bylaw No. 3841, 2021 for first three readings. This bylaw, if adopted will incorporate recommendations from the 2018 Fire Services Review and replace the current bylaw (Fire Protection Bylaw, 2008, No. 3340) and all amendments thereto.

Background

Following the Fire Services review, completed by Aegis Risk Management Ltd. in July 2018 a number of recommendations were made to address issues related to service delivery, operations, facilities, equipment, training, staffing, governance and compensation of North Cowichan's Fire Departments. One of the fundamental changes necessary to modernize the Fire Department are amendments to the Fire Protection Bylaw No. 3340 (Attachment 2) that was adopted on June 4, 2008. These changes seek to align the Fire Bylaw with:

- (1) The modernization and vision for a singular North Cowichan Fire Department
- (2) Recommendations from the Aegis report which includes changes to the Fire Department organizational structure;
- (3) Updating to reflect the Office of the Fire Commissioner's (the "OFC") Structure Firefighters Competency and Training Playbook (the "[Playbook](#)"); and
- (4) To reflect the new Fire Code came into effect for British Columbia on October 16, 2018.

Discussion

The following are some of the important issues that form part of the proposed Fire Protection Bylaw No. 3841, 2021 (Attachment 1):

- Establishes Interior Operations Level as the provincially declared level of service for the Fire Department, authorized responses to certain incident types, and delegated authority to restrict or terminate response if activities exceed the training or capabilities of responding Firefighters. The existing Bylaw simply stated that the Fire Department was responsible for fire suppression and prevention, but does not identify the Service Level to be provided (see section 23).
- Require owners or occupiers of buildings to provide a fire safety plan and update on a regular basis during the inspection process so that the fire department can review and verify the plans and incorporate them in their pre-planning process. Fire Drills and Fire Safety Plans are new regulations that have been added under Part 8 – Life Safety Equipment and Standards where the existing bylaw is silent (see sections 47 to 51).

- Hired Fire Chief to centralize leadership, administration and budget; administer the Fire Services Act and other legislation; build focus for “North Cowichan Fire Department”; and provide Monday to Friday daytime command response coverage. Under the existing bylaw, Council appointed a separate Fire Chief for each Fire Hall who reported to the CAO. The new bylaw establishes a single Fire Chief (see sections 8 to 10), to centralize the leadership of all four Fire Halls (Chemainus, Crofton, Maple Bay and South End) and creates Station Chiefs and Station Deputies for each Fire Hall, who report to the Fire Chief.
- Hired Assistant Chief (management) with responsibilities to include fire prevention, public education, pre-incident planning, fire investigations, administrative duties supporting the fire chief, and daytime command response coverage. The new bylaw establishes the Assistant Fire Chief as the Fire Inspection Officer, section 42, and will be responsible for acting as the Fire Chief when the Fire Chief is unable to perform his duties under the bylaw, (see section 11). Section 8(b) authorizes the Fire Chief to appoint Fire Officers, which includes the Assistant Fire Chief, and delegate any one or more powers of the Local Assistant.
- Hire one additional full-time Assistant Chief (future budget discussion) with responsibilities to include a primary focus on managing a departmental training program, with supporting functions of the Fire Chief and Assistant Chief, and daytime command response coverage. The new bylaw establishes the Assistant Fire Chief as a Fire Officer (see definitions).
- Shift away from electing volunteer station “Officer” positions and implement a formal selection hiring led by the Municipality. Although the existing bylaw was silent on appointing officer positions, the practice was that members would elect those positions. The proposed bylaw formalizes the process and makes the process more defensible based on technical and experience for these important positions. Under the new bylaw, the successful candidate, (i.e. Station Fire Officers) are appointed by the Fire Chief, section 8(b)

Service Level under the Playbook

The [Playbook](#) is applicable to all fire services personnel in British Columbia, as defined by the Office of the Fire Commissioner. It covers all fire departments and fire services, including municipal and regional district fire departments, fire brigades, volunteer fire departments, and fire departments established as a society under the [Society Act \(B.C.\)](#). The [Playbook](#) is intended to provide an industry recognized minimum standard of training that utilizes, and bridges to, the current National Fire Protection Association (NFPA) Firefighter qualifications. The training requirements are expressly tied to the Service Level provided by a fire department.

The [Playbook](#) addresses the principal, functional, or operational roles for each Service Level but does not encompass all roles or functions of the fire service. The [Playbook](#) is not intended to change or nullify any requirements or training related to other roles or functions in the fire service.

Other Changes Included in the New Bylaw

In addition to the changes noted above, Fire Protection Bylaw No. 3841 proposes to:

- Expand the Definitions section for greater clarity
- Establish a rank and reporting structure
- Include regulations regarding fire inspections
- Provides for the maintenance of private fire hydrants
- Require the provision of fire safety plans during the inspection process

- Require certain institutions (e.g., hospital or child care facility) to maintain fire drill records for review during the Fire Inspection process.
- Operational guidelines and departmental policy shifted from Council to the Fire Chief

Option

(Recommended) Give three readings to the bylaw as presented.

THAT Council give first, second and third readings to Fire Protection Bylaw No. 3841, 2021.

Implications

Bylaw No. 3841 provides role clarity, alignment with the recommendations from the Aegis report and is consistent with objective #28 under the Operational Strategic Plan.

28. Enhance the long-term sustainability of the Fire Services model

KEY ACTIONS
Limit District fire support services to the "interior" level
Implement Fire Services Review
Develop a Paid On Call Firefighter Recruitment and Retention Strategy
Establish a Fire Inspection Policy

Recommendation

THAT Council give first, second and third readings to Fire Protection Bylaw No. 3841, 2021.

Attachment(s):

- (1) Fire Protection Bylaw No. 3841, 2021
- (2) Fire Protection Bylaw No. 3340, 2008



The Corporation of the District of North Cowichan

Fire Protection Bylaw

Bylaw 3841

Contents

1	Citation
2	Definitions and Interpretation
4	Administration
16	General Rules and Prohibitions
22	Fire Incident Response and Operations
35	Prevention of Hazards
41	Fire Inspections
47	Life Safety and Equipment Standards
61	Open Burning
67	Private Fire Hydrants
74	Inspection and Permit Fees
76	Failure to Comply
78	Offence and Penalty
80	Repeal
81	Forms and Schedules

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

PART 1 – CITATION

1. This Bylaw may be cited as “Fire Protection Bylaw No. 3841, 2021”.

PART 2 – DEFINITIONS

2. The terms that have been defined under Section 3 have been capitalized and italicized when used throughout this Bylaw.
3. In this Bylaw, the following words and terms have the following meanings:

AIR CURTAIN INCINERATOR means a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber, but does not include a trench burner;

APPARATUS means any vehicle provided with machinery, devices, *Equipment* or materials for firefighting as well as vehicles used to transport *Firefighters* or supplies;

ASSISTANT FIRE CHIEF means the rank immediately below the Fire Chief as identified under

section 12;

BUILDING shall have the same meaning as defined in the Zoning Bylaw;

BUILDING CODE means the British Columbia Building Code adopted under the *Building Act, S.B.C. 2015, c.2*;

BYLAW COMPLIANCE OFFICER means a person appointed by the Chief Administrative Officer under the *Delegation of Authority Bylaw*;

CAPTAIN means a member of the *Fire Department* who supervises the activities of *Firefighters* and other duties as assigned by the *Fire Chief*;

CATEGORY 3 OPEN FIRE shall have the same meaning as defined in the *Wildfire Regulation B.C. Reg. 38/2005* under *Wildfire Act S.B.C. 2004, c.31*;

CEREMONIAL FIRES means a fire for First Nations' ceremonial or special purposes;

CONTACT PERSON means a person designated by the occupier or owner of a *Building* or *Structure* at which a *Fire Alarm System* is installed who is able to attend at the *Building* or *Structure* when the *Fire Alarm System* has been activated;

COUNCIL means the municipal council of The Corporation of the District of North Cowichan;

DEBRIS means solid waste resulting from land clearing operations, and includes, but is not limited to, stumps, wood, brush, leaves, soil, and road spoils;

DELEGATION OF AUTHORITY BYLAW means Delegation of Authority Bylaw No. 3814, 2021;

EQUIPMENT means any tools, devices or materials used by the *Fire Department* at any *Incident* or other emergency;

EVACUATION ORDER means the Order issued by the *Fire Chief* or a *Fire Inspection Officer* under Section 57 in the form attached as Schedule D;

FEES AND CHARGES BYLAW means Fees and Charges Bylaw No. 3784, 2020;

FIRE ALARM SYSTEM means all equipment, including without limitation, batteries, alarm gongs, horns, buzzers, switches, wiring, relay equipment, sensors, and other accessories designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring service but does not include a fire alarm or smoke detector that is intended to alert only the occupants of a single dwelling unit;

FIRE AND LIFE SAFETY EQUIPMENT includes, but is not limited to, *Fire Alarm Systems*, automatic *Sprinkler Systems*, special extinguishing systems, portable extinguishers, emergency lighting, water supply systems for fire protection, standpipe and hose systems, smoke control measures, emergency power installations, voice communication systems and fire fighter elevators;

FIRE AND LIFE SAFETY EQUIPMENT ORDER means the Order issued by a *Fire Officer* under Section 54 in the form attached as Schedule C;

FIRE CHIEF means a person appointed by the Chief Administrative Officer under the *Delegation of*

Authority Bylaw to be in charge of the *Fire Department* and includes any other person authorized by the *Fire Chief* to exercise the powers of a *Local Assistant*;

FIRE CODE means the *British Columbia Fire Code Regulation 263/2012* under *Fire Services Act*, R.S.B.C. 1996, c.144;

FIRE COMMISSIONER means the person appointed by the Lieutenant Governor in Council to the Office of the Fire Commissioner of British Columbia pursuant to the *Fire Services Act*;

FIRE DEPARTMENT means the District of North Cowichan Fire Department;

FIRE HYDRANT SERVICE REPORT means a report in the form attached as Schedule F that is required to be submitted to the *Fire Department* under Section 70;

FIRE INSPECTION OFFICER means the *Fire Department* member appointed by the *Fire Chief* to perform inspections under Section 42;

FIRE OFFICER means any member of the *Fire Department* holding the rank of:

- (a) *Fire Chief*;
- (b) *Assistant Fire Chief*;
- (c) *Station Chief*;
- (d) *Station Deputy Chief*; or
- (e) *Captain*;

FIRE PROTECTION TECHNICIAN means a person who has provided the *Fire Department* with acceptable documentation from a manufacturer of *Fire and Life Safety Equipment* certifying that he or she has been trained to install and service their equipment or from the agency known as the Applied Science Technologist and Technicians of British Columbia certifying that he or she is able to perform inspections and testing on *Fire and Life Safety Equipment* or a person approved by the *Fire Chief*;

FIRE SAFETY PLAN is a set of emergency procedures and guidelines to be followed by the occupants of a *Building* in the event of a fire or an emergency in a *Building* or *Structure*; and may include the locations of utilities and emergency shutoffs for gas and water, and operational information of *Fire and Life Safety Equipment*;

FIRE SERVICES ACT means the *Fire Services Act*, R.S.B.C. 1996, c.144;

FIREFIGHTER means every active member of the *Fire Department* other than a *Fire Officer*, whose duties include fire prevention, fire suppression, or rescue and emergency response, as authorized under this Bylaw;

FOREST AND RANGE PRACTICES ACT means the *Forest and Range Practices Act* S.B.C. 2002, c.69;

INCIDENT means any situation, wherein the attendance of the *Fire Department* is requested, required, dispatched, or warranted to prevent injury, loss of life, damage or loss to property, or damage to the natural environment;

INTERIOR OPERATIONS LEVEL shall have the same meaning as defined under the *Playbook*;

LOCAL ASSISTANT shall have the same meaning as defined in the *Fire Services Act*;

VENTILATION INDEX means the Ventilation Index released by Meteorological Service of Environment Canada which contains daily smoke control forecast predictions;

MOTOR VEHICLE ACT means the *Motor Vehicle Act*, R.S.B.C. 1996, c.318;

MUNICIPALITY means the Corporation of the District of North Cowichan;

OCCUPANCY shall have the same meaning as defined in the *Zoning Bylaw*;

OFFICER IN COMMAND means the highest-ranking *Fire Officer* in attendance at an *Incident*;

OFFICIAL COMMUNITY PLAN means Official Community Plan Bylaw, 2011, No. 3450;

OPEN BURNING means a fire in the open air but does not include a recreational fire or a fire where the products of combustion from the fire are conveyed to and disposed of by means of a chimney in a *Building* or *Structure* constructed and maintained in accordance with the *Building Code*;

OPEN BURNING PERMIT means the Permit issued under Section 62 in the form attached as Schedule E;

OTHER EMERGENCY SERVICE PROVIDERS includes the Royal Canadian Mounted Police, the BC Ambulance Service, Search and Rescue and the Canadian Coast Guard;

PLAYBOOK means the Structure Firefighters Competency and Training Playbook which identifies the minimum training competencies required of all firefighters at each service level, as established by the Office of the *Fire Commissioner* pursuant to the *Fire Services Act*;

PREMISES means a *Building* or *Structure* together with its grounds and appurtenances;

PRE-INCIDENT PLAN means a series of documents containing plans, drawings and written descriptions identifying the type and location of *Buildings*, firefighting hazards, *Fire and Life Safety Equipment* and utilities;

PRIVATE HYDRANT means a fire hydrant on private property or common property within a strata property;

PRIVATE MANAGED FOREST LAND ACT means the *Private Managed Forest Land Act*, S.B.C. 2003, c.80;

REMEDIATION ORDER means the Order issued under Section 36 in the form attached as Schedule B;

SINGLE FAMILY DWELLING shall have the same meaning as defined in the *Zoning Bylaw*;

SPRINKLER SYSTEM includes all equipment forming part of or used in connection with a fire sprinkler system, including without limitation, all heads, valves, piping, switches, sensors, relay equipment, and other accessories;

STATION CHIEF means the member of the *Fire Department* appointed by the *Fire Chief* to manage and control the activities of *Firefighters* assigned to each individual fire station located within North Cowichan;

STRUCTURE shall have the same meaning as defined in the *Zoning Bylaw*;

URBAN CONTAINMENT BOUNDARY means the urban containment boundary established in the *Official Community Plan*;

VEHICLE shall have the same meaning as defined in the *Motor Vehicle Act*;

WORKERS COMPENSATION ACT means the *Workers Compensation Act*, R.S.B.C. 2019, c.1; and

ZONING BYLAW means Zoning Bylaw, 1997, No. 2950.

PART 3 – ADMINISTRATION

Continuation of Fire Department

4. The *Fire Department* is hereby continued for the purposes of providing fire suppression, fire inspections, fire investigations, public education, fire training, emergency management, rescue and public services under this Bylaw.

Authorization to Enter Property

5. The *Fire Chief* and his designates are authorized to enter onto property and inspect *Premises*, with or without *Apparatus* and *Equipment*, for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire.
6. The *Fire Chief* and his designates are authorized to enter onto property and into *Buildings* or *Structures* to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter contained in this Bylaw, the *Fire Services Act* and its regulations and the *Fire Code*.
7. The *Fire Chief* and his designates are authorized to enter onto property and into *Buildings* or *Structures*, including those adjacent to an *Incident*, with or without *Apparatus* and *Equipment*, to take measures to prevent and suppress fires or deal with another form of *Incident*.

Responsibilities and Duties of Fire Chief

8. The *Fire Chief* is responsible for:
 - (a) the overall management, control and supervision of the *Fire Department* and personnel assigned to each fire station, and the discipline thereof;
 - (b) the appointment of a *Fire Officer* or *Firefighter* to exercise one or more of the powers of a *Local Assistant* within the *Municipality*;
 - (c) developing all necessary training programs, establishing any necessary proficiency requirements for the *Fire Department* which meets all statutory and regulatory requirements, including those required by the *Playbook* and the *Workers Compensation Act* and regulations made thereunder;
 - (d) developing fire safety education programs and campaigns to help citizens learn how to prevent fires, what to do if a fire starts, how to avoid injuries and how to stay safe;
 - (e) the efficient management of all members, *Apparatus*, equipment, responses to incidents and the provision of fire prevention and protection services to the *Municipality*.
9. The *Fire Chief* shall establish rules, regulations, operational guidelines and policies necessary for

the proper organization, administration and operation of the *Fire Department* including but not limited to:

- (a) the use, care and protection of *Fire Department* property;
 - (b) the conduct and discipline of members of the *Fire Department*;
 - (c) the safe and efficient operation of the *Fire Department*; and
 - (d) the duties and responsibilities of members of the *Fire Department*.
10. The *Fire Chief* shall take responsibility for all fire protection matters and other *Incidents* including the enforcement of applicable sections of the *Fire Services Act* and its regulations, and the *Fire Code* and shall assume the responsibilities of a *Local Assistant* to the *Fire Commissioner*.
11. The *Assistant Fire Chief* shall be responsible for performing the duties of the *Fire Chief* listed under Section 8 when the *Fire Chief* is unable to perform those duties.

Rank Structure

12. The rank structure of the *Fire Department*, in descending order of authority shall be as follows:
- (a) *Fire Chief*
 - (b) *Assistant Fire Chief*
 - (c) *Station Chief*
 - (d) *Station Deputy Chief*
 - (e) *Captain*
 - (f) *Firefighter*

Fire Department Jurisdiction

13. The jurisdiction of *Fire Officers* and *Firefighters* will extend to the area and boundaries of the *Municipality*.
14. The *Fire Department* may respond to an *Incident* and provide firefighting services outside of the *Municipality's* boundaries in the following circumstances:
- (a) in accordance with the terms of a signed mutual aid agreement(s) between the *Council* and the other surrounding local governments or First Nations;
 - (b) if authorized to respond by Emergency Management BC or in accordance with an agreement with or standard operating procedures established by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development or the BC Wildfire Service; or
15. The *Fire Department* may assist another fire department at an *Incident* response outside the *Municipality's* boundaries, if authorized by the Mayor or Acting Mayor, or if the Mayor or Acting Mayor is absent or unavailable, by the Chief Administrative Officer.

PART 4 – GENERAL RULES AND PROHIBITIONS

False Representation

16. No person shall make false representation as to being a member of the *Fire Department*, or wear or display any *Fire Department* badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

No Interference

17. No person shall drive, push or pull a vehicle of any kind over a fire hose or other equipment of the *Fire Department* unless directed by a *Fire Officer*.
18. No person shall obstruct, impede or hinder a *Fire Officer* or a *Firefighter* in the execution of their duties under this Bylaw.
19. No person shall remove, alter, or deface any order posted pursuant to this Bylaw.

Prohibition against Entry

20. No person shall enter within any area designated by ropes, guards or tapes, which are erected by or under the direction of the *Fire Department*, without the permission of the *Fire Chief*.
21. No person shall refuse to move from an area designated by ropes, guards or tapes, which are erected by or under the direction of a *Fire Officer*, without the permission of the *Fire Chief*.

PART 5 – FIRE INCIDENT RESPONSE AND OPERATIONS

Authorized Services

22. The *Fire Department* is authorized to provide the following services:
 - (a) firefighting and fire suppression;
 - (b) fire prevention and inspection;
 - (c) assistance to *Other Emergency Service Providers*, such as the British Columbia Ambulance Service;
 - (d) rope rescues;
 - (e) evacuation from areas within the *Municipality*;
 - (f) vehicle extrications and road rescue services;
 - (g) lake and river water rescue services; and
 - (h) responding to incidents involving dangerous goods as defined under the *Transport of Dangerous Goods Act*, R.S.B.C. 1996, c. 458.

Service Level

23. The *Fire Department* shall operate as an *Interior Operations Level* as defined in the *Playbook* both within the Fire Department Jurisdiction defined under Section 13. The Department shall operate in accordance with the requirements of the *Playbook*, including with respect to the training of the *Fire Department* and keeping of records related to such training.
24. Notwithstanding the list of authorized services described under Section 22 or any service level authorized in accordance with the *Playbook*, in relation to any particular *Incident* response, the *Fire Department* shall undertake only those emergency response activities for which it is properly trained and equipped. The *Fire Chief* and/or the *Officer in Command* may, in their sole discretion, restrict or terminate emergency response activities in any circumstance where the *Incident* is considered to exceed the training or capabilities of the responding *Firefighters* or *Apparatus*.

available to them or because of competing demand for authorized services at other locations.

Control Direction and Management

25. The *Fire Chief* or *Officer in Command* at an *Incident*, shall have control, direction and management of all *Fire Department Apparatus, Equipment, and Firefighters* assigned to an *Incident* and, where an *Officer in Command* is in charge, he shall continue to act in that capacity until relieved by a more senior qualified *Fire Officer*.
26. In the event that the *Fire Chief* is not in attendance at an *Incident*, the most senior qualified *Fire Officer* or *Firefighter* in attendance at that *Incident*, as per Section 13, will assume command.

Regulations and Prohibitions at an Incident

27. The *Fire Chief* or *Officer in Command* at any *Incident* is hereby empowered to commandeer privately owned equipment, which he considers necessary to deal with such *Incident*.
28. The *Officer in Command* is authorized to require a person to assist in the fighting of any fire or in the preserving of any property threatened by fire, or to assist in the salvaging and safeguarding of property threatened by fire.
29. The *Fire Chief* or *Officer in Command* is authorized to order the tactical evacuation of any *Building* or area where there is an emergency arising from a fire hazard, risk of explosion or a panic. In such a case no person, other than the *Fire Chief*, the *Officer in Command*, a *Firefighter*, or other person authorized by the *Fire Chief* or *Officer in Command* shall remain in or shall enter those *Buildings* or areas.
30. The *Fire Chief* or *Officer in Command* at any *Incident* is authorized to prevent and suppress a fire by causing to be pulled down or demolished a *Building* or *Structure* when he considers it necessary to prevent or suppress any fire.
31. No person shall drive over, or be within nine (9) metres of a *Fire Department* hose that is in use or filled with water, without the permission of the *Officer in Command* at an *Incident*.
32. No person shall fail to comply with a direction of the *Officer in Command*, or any *Firefighter* made in accordance with this Bylaw at an *Incident*.
33. No person shall interfere with or impede the use of *Equipment* by the *Fire Chief* or a *Firefighter* at an *Incident*.
34. A person at or near an *Incident* shall obey all traffic control directions given by a *Fire Officer*.

PART 6 – PREVENTION OF HAZARDS

Prevention of Fire Hazards

35. No person, being an owner or occupier of any *Premises* shall:
 - (a) maintain the *Premises* in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - (b) use or occupy the *Premises* in such a manner that fire would endanger life or property or increase the danger of fire;

- (c) keep combustible or explosive material on the *Premises*, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the *Premises* so as to endanger life or property; or
- (d) Allow a fire hazard to exist on the *Premises*.

Remediation Order

36. Where a *Fire Inspection Officer* determines that one or more conditions described in Section 35(a), (b), (c), or (d) exists or as otherwise authorized by this Bylaw, the *Fire Inspection Officer* may issue to an owner or occupier of a *Premises* a *Remediation Order* requiring the owner or occupier of the *Premises* to do one or more of the following:
- (a) repair the *Building* or *Structure* on the *Premises*;
 - (b) remove or destroy the *Building* or *Structure* on the *Premises*;
 - (c) alter the use or occupancy of the *Premises*;
 - (d) remove combustible or explosive material from the *Premises* or remedy a flammable condition at the *Premises*; or
 - (e) take any other actions or precautions that the *Fire Inspection Officer* considers appropriate to mitigate the fire hazard present at the *Premises*.
37. A *Remediation Order* may be in the form attached as Schedule B and must:
- (a) be in writing;
 - (b) identify the person who must fulfill the requirement;
 - (c) be posted in a conspicuous location on the *Premises*;
 - (d) be sent by regular mail to the owner's address;
 - (e) provide the owner or occupier of the *Premises* with no less than seven days to fulfill the requirement after the *Remediation Order* was posted on the *Premises* and sent by mail;
 - (f) advise that a person may request the *Fire Chief* reconsider the *Remediation Order* in accordance with this Bylaw; and
 - (g) advise that upon default, the *Municipality* may fulfill the requirement set out in the *Remediation Order* and seek recovery of the cost under Section 17 of the *Community Charter*.
38. If a *Remediation Order* is issued under Section 36, the owner or occupier of a *Premises* may appeal to the *Fire Chief* in writing, within seven (7) days after receipt of the *Remediation Order*, and the *Fire Chief* will promptly investigate the appeal and, in writing, either affirm, modify or revoke the *Remediation Order* issued under Section 36.

Vacant and Fire Damaged Buildings, Structures and Premises

39. If the *Fire Chief* or a *Fire Officer* determines that a vacant *Building*, *Structure* or *Premises* is unsecure and consequently a fire hazard or that a *Building*, *Structure* or *Premises* damaged by fire is unsafe, the *Fire Chief* or *Fire Officer* may issue a *Remediation Order* under Section 36 that includes, but is not limited to, one or more of the following:
- (a) boarding up the *Building* or *Structure*;

- (b) fencing; or
- (c) supplying twenty-four (24) hour security services by a licensed security company.

Forest Remediation

- 40. If the safety of forest, woodland, timber, or other *Premises* is endangered by *Debris* caused by logging, land clearing, or industrial activity, the *Local Assistant* may require a *Remediation Order* to be issued to a person carrying on or who has carried on the activity, or the owner or occupier of the land on which the *Debris* exists, to:
 - (a) dispose of the *Debris* by burning or in another way, cut down all dead standing trees and stubs in the endangered area; or
 - (b) provide the labour and take the precautions, to prevent fire from escaping or damage to *Premises* from occurring.

PART 7 – FIRE INSPECTIONS

Frequency of Inspections

- 41. The *Fire Chief* shall establish a system of regular inspections of buildings, as defined under Section 36 (1) of the *Fire Services Act*, which system will provide different frequencies of inspection depending on a *Building's Building Code* building classification, its use, age and fire risk assessment.
- 42. The *Fire Inspection Officer*, or their designate, shall carry out the inspections established under Section 41.
- 43. The *Fire Chief* or *Fire Inspection Officer* must report to *Council* as and when requested by *Council* on the inspection system created and implemented under Section 41 of this Bylaw.

Provision of Information to Fire Inspection Officer

- 44. No person shall fail to provide information or render assistance required by a *Fire Inspection Officer* in connection with an inspection.
- 45. No person shall willfully withhold or falsify any information required by a *Fire Inspection Officer*, nor refuse to assist in the carrying out of an inspection.

No Interference during Inspection

- 46. No person shall obstruct or interfere with a *Fire Inspection Officer* while any inspection is being carried out.

PART 8 - LIFE SAFETY EQUIPMENT AND STANDARDS

Fire Drills

- 47. The owner or operator of a hotel, hospital, community care facility or other *Building* with sleeping accommodation and used for the care of persons, shall provide the *Fire Inspection Officer* a record of fire drills when requested.
- 48. The owner or operator of a school, child care facility, children's home or other institution for

children's education or care, shall provide the *Fire Inspection Officer* a record of fire drills when requested.

Fire Safety Plans

49. The owner or occupier of a *Building* or *Structure* that has a *Fire Alarm System* shall submit and initial the *Fire Safety Plan* in a form acceptable to the *Fire Chief*.
50. The owner or occupier of a *Building* or *Structure* who has submitted a *Fire Safety Plan* to the *Fire Chief* shall, when changes occur to the *Fire Safety Plan*, without delay revise it and resubmit it to the *Fire Chief* if any changes are necessary as a consequence of changes to the *Building*, utilities or *Fire and Life Safety Equipment*.
51. The owner or operator of a *Building* or *Structure* who has submitted a *Fire Safety Plan* to the *Fire Chief* must post a notice visible to all occupants of the *Building* or *Structure* of the location where a copy of the current *Fire Safety Plan* may be reviewed by the occupants.

Pre Incident Plan

52. An owner or operator of a *Building* without a *Fire Alarm System*, other than a *Single Family Dwelling*, duplex or triplex, shall submit an initial *Pre-Incident Plan* in a form acceptable to the *Fire Chief* a current *Pre-Incident Plan*.
53. The owner or operator of a *Building* or *Structure* who has submitted a *Pre-Incident Plan* to the *Fire Chief* shall, when changes occur, without delay revise it and resubmit it to the *Fire Chief* if any changes are necessary as a consequence of changes to the *Building*, utilities or *Fire And Life Safety Equipment*.

Fire and Life Safety Equipment Order

54. If the owner or operator of a hotel or public *Building* fails to provide, keep in good repair, alter or improve a means of exit, or fire and life safety equipment required by this Bylaw, a *Fire Inspection Officer* may issue to the owner or operator of the hotel or public *Building* a written *Fire and Life Safety Equipment Order* requiring that the owner or occupier of the hotel or public *Building* take action to meet the requirements of this Bylaw within a specified period of time.
55. A *Fire and Life Safety Equipment Order* must:
 - (a) be in writing;
 - (b) identify the person who must fulfill the requirement;
 - (c) be posted in a conspicuous location on the *Building*;
 - (d) be sent by regular mail to the owner's address;
 - (e) provide the owner or operator of the *Building* with no less than seven days to fulfill the requirement after the *Fire and Life Safety Equipment Order* was posted on the *Building* and sent by mail;
 - (f) advise that a person may request the *Fire Chief* reconsider the *Fire and Life Safety Equipment Order* in accordance with this Bylaw; and
 - (g) advise that upon default, the *Municipality* may fulfill the requirement set out in the *Fire and Life Safety Equipment Order* and seek recovery of the cost under Section 17 of the *Community*

Charter.

56. If a *Fire and Life Safety Equipment Order* is issued under Section 54, the owner or operator of a *Building* may appeal to the *Fire Chief* in writing, within seven (7) days after receipt of the *Fire and Life Safety Equipment Order*, and the *Fire Chief* will promptly investigate the appeal and, in writing, either affirm, modify or revoke the *Fire and Life Safety Equipment Order* issued under Section 54.

Evacuation or No Occupancy Order

57. The *Fire Chief* or *Fire Officer* may issue an *Evacuation Order* to an owner or occupier of a *Building, Structure* or area to evacuate the *Building, Structure* or area immediately, if the *Fire Chief* or *Fire Officer* believes there is an imminent and serious danger to life or property of the occupants or of a panic arising from a fire hazard or risk of explosion.
58. The *Fire Chief* or *Fire Inspection Officer* may post an *Evacuation Order* on any *Building* or *Structure* or area warning that *Occupancy* of the *Building, Structure* or area may be hazardous or that there is "**No Occupancy**" of the *Building, Structure* or area due to a fire hazard.
59. An *Evacuation Order* issued under Section 57 must:
- (a) be in writing;
 - (b) identify the civic address and legal description of the *Building*;
 - (c) be posted in a conspicuous location on the *Building*;
 - (d) be sent by regular mail to the owner's address;
 - (e) provide the owner or operator of the *Building* with no less than 24 hours to fulfill the requirement after the *Evacuation Order* was posted on the *Building* and sent by mail.
60. No person shall remain in a *Building* or *Structure* that has been ordered evacuated or not to be occupied in accordance with the *Evacuation Order* without prior approval and permission by the *Fire Chief* or *Fire Inspection Officer*.

PART 9 - OPEN BURNING

Open Burning

61. No Person shall cause or allowing *Open Burning* except as permitted under this Bylaw.
62. The *Fire Chief*, or their delegate, may issue an *Open Burning Permit* subject to the conditions of this Bylaw.
63. *Open Burning* is permitted only when the *Ventilation Index* is rated as 'good':
- (a) on property located
 - (i) outside of the *Urban Containment Boundary*, as defined in the *Official Community Plan*, or
 - (ii) inside the *Urban Containment Boundary*, where the property is larger than 2 acres in size, and an *Open Burning Permit* has been obtained under Section 62.
 - (b) between March 15 through April 15, and September 15 through November 30.
64. A person is permitted to ignite an *Open Burning* fire, if they have first obtained an *Open Burning Permit* issued in accordance with Section 62 and subject to the following conditions:

- (a) the person must agree to pay the Municipality's costs of extinguishing a fire that arises from the *Open Burning*, but is in contravention of the conditions of the permit or this Bylaw, or is otherwise uncontrolled, with the costs being calculated using the rates and amounts set out in the Fees and Charges Bylaw, Schedule H [Nuisance Abatement Fees];
 - (b) fires must be located at least
 - (i) 4 metres from all *Buildings, Structures*, and combustible and flammable materials, and
 - (ii) 10 metres from all property lines;
 - (c) fires must be during daylight hours only;
 - (d) fires are restricted to only one hand-piled fire per property at a time;
 - (e) fires must be smaller than 2 metres high by 2 metres wide;
 - (f) proper fire-fighting equipment, including at least a shovel, rake and garden hose connected to a water source must be on hand and readily available in case of fire escape;
 - (g) all material burned must
 - (i) originate from the property where it is being burned, and
 - (ii) consist only of untreated natural wood and brush.
65. Despite Sections 63 and 64, a *Category 3 Open Fire* is permitted on a property outside of the Urban Containment Boundary provided:
- (a) an *Air Curtain Incinerator* is used,
 - (b) the operator of the *Air Curtain Incinerator* is trained in the safe and efficient maintenance and operation of *Air Curtain Incinerators*, and
 - (c) all applicable provincial and federal regulations are followed.
66. This Bylaw does not apply to persons carrying out
- (a) *Ceremonial Fires*;
 - (b) "normal farm practices" as defined in the *Farm Practices Protection Act*;
 - (c) "forest practices" as defined in the *Forest and Range Practices Act*; or
 - (d) forest practices on land managed under the *Private Managed Forest Land Act*, Crown Forest Lands, Municipal Forest Reserve, and other public land used for forestry purposes.

PART 10 – PRIVATE FIRE HYDRANTS

Private Hydrants

67. All *Private Hydrants* in the *Municipality* must be painted yellow with red top and caps.
68. The owner or occupier of a property on which a *Private Hydrant* is located must:
- (a) maintain, clear and keep unobstructed an area having a radius of one (1) metre around every hydrant;
 - (b) keep hydrants clear of ice, snow, shrubs, trees, *Structures* and other obstructions; and,
 - (c) clearly identify their locations.
69. No person shall obstruct or otherwise interfere with a fire hydrant or *Private Hydrant*.

Private Hydrant Maintenance and Inspections

70. The owner of every *Private Hydrant* shall have all components of the hydrant inspected, serviced and tested by a qualified *Fire Protection Technician* not less than once a year and the *Fire Hydrant Service Report* must be submitted to the *Fire Department* upon request.

Private Hydrant Service after Use

71. The owner of a *Private Hydrant* must conduct or have conducted an inspection after each use of the *Private Hydrant*, which inspections shall include the following minimum requirements:

- (a) an examination of the exterior for broken, cracked or missing parts;
- (b) a check to ensure that the hydrant hose ports are at the proper elevation and facing a direction for the most efficient use;
- (c) a check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other obstacles;
- (d) a check for worn, rusted or obstructed threads, which may hamper efficient use of the hydrant; and,
- (e) an examination of hydrant barrels to determine if water has accumulated as a result of a leaking main valve, or plugged or damaged drain valve.

Annual Servicing of Private Hydrants

72. The owner of a *Private Hydrant* is responsible for conducting or having conducted annual inspections, which includes the following minimum requirements:

- (a) hydrants shall be flushed with main valve and outlet valves fully open until the water runs clear of any visible *Debris*; and,
- (b) prevent the discharged water from carrying sediment in to the storm system or eroding a natural drainage course; and,
- (c) check the operation of the main line valve by closing the isolating valve.

Three Year Servicing of Private Hydrants

73. The owner of a *Private Hydrant* must ensure the following servicing of the *Private Hydrant* is conducted every three (3) years:

- (a) disassemble the hydrant and check for worn or broken parts and leaks;
- (b) lubricate all external and internal working parts during reassembly;
- (c) check water pressure; and,
- (d) re-open main line valve and check to see if hydrant operates and close hydrant valve.

PART 11 – INSPECTION AND PERMIT FEES

74. A person must pay the fees prescribed under the *Fees and Charges Bylaw*, Schedule A, Section 1 [General Administration Fees] and Schedule G, Section 1 [Fire Equipment Fees] for each of the following:

- (a) an Open Burning Permit;
- (b) review of a new, existing or amended Fire Safety Plan;

- (c) a review of a Fire Hydrant Service Report;
- (d) special request services approved in writing by the Fire Chief;
- (e) an inspection of a Building, Structure or site conducted at the request of the owner, owner's representative or occupier (and where not otherwise provided for under this Bylaw) to determine compliance with this Bylaw or the Fire Code; and
- (f) re-inspection of *Premises* after a fire inspection report has been issued under this Bylaw where deficiencies remain.

75. The costs that may be imposed under Section 76 are to be calculated in accordance with the rates and amounts set out in the *Fees and Charges Bylaw*, Schedule H [Nuisance Abatement Fees].

PART 12 – FAILURE TO COMPLY

76. If an owner, occupier or operator of a *Premises* fails to comply with a *Remediation Order* or a *Fire and Life Safety Equipment Order* the *Municipality* may enter on the *Premises* and take such action as may be required to correct the default, including to remediate the *Premises* or to have the *Premises* attain a standard specified in the order or any safety enactment, at the expense of the owner, occupier or operator who has failed to comply, and may recover the costs incurred as a debt.

77. If the owner has failed to pay the cost to the *Municipality* incurred under Section 76 before the 31st day in December in the year that the corrective action was invoiced, the service costs must be added to and form part of the property taxes payable on the property as taxes in arrears.

PART 13 – OFFENCE AND PENALTY

78. Any person who:

- (a) contravenes or violates any provision of this Bylaw;
- (b) allows any act or thing to be done in contravention or violation of this Bylaw; or
- (c) fails or neglects to do anything required to be done by this Bylaw;
- (d) commits an offence, and where the offence is a continuing one, each day the offence is continued constitutes a separate offence.

79. Upon being convicted of an offence under this Bylaw, a person shall be liable to pay a fine not exceeding \$50,000.00.

PART 14 – REPEAL

80. Fire Protection Bylaw, 2008, No. 3340 and all amendments thereto are hereby repealed.

PART 15 – FORMS AND SCHEDULES

81. The *Fire Chief* may prescribe the form of permits, orders and reports issued or required under this bylaw and may use the forms attached as Schedules to this Bylaw.

82. The following Schedules are attached to and form part of this Bylaw:

- (a) Schedule "A" Emergency Contact Person Form
- (b) Schedule "B" Remediation Order
- (c) Schedule "C" Fire and Life Safety Equipment Order
- (d) Schedule "D" Evacuation Order
- (e) Schedule "E" Open Burning Permit
- (f) Schedule "F" Private Fire Hydrant Service Report

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

CORPORATE OFFICER

PRESIDING MEMBER

SCHEDULE A



EMERGENCY CONTACT PERSON FORM

Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Owner / Occupier Information

Owner Name: _____

Occupier Name (if any): _____

Address of Premises with Fire Alarm System: _____

Owner Telephone Number: _____

Occupier Telephone Number (if any): _____

Emergency Contact Information

First Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Second Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Third Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Please print clearly the above information.

Signature

Date

Schedule B



Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

REMEDIATION ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3841, 2021, Section 39, which authorizes the Fire Officer to issue a Remediation Order as the Fire Officer has determined that one or more of the following conditions:

- ☐ The *Premises* in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
- ☐ The use or occupy the *Premises* in such a manner that fire would endanger life or property or increase the danger of fire;
- ☐ Keep combustible or explosive material on the *Premises*, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the *Premises* so as to endanger life or property; or
- ☐ Allow a fire hazard to exist on the *Premises*.

exists at _____ [civic address] and requires the property owner/lessee to take the following immediate action:

The deadline for compliance with this Order is _____ [date]

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Failure to comply with this Order may result in a fine or the District taking the necessary steps to bring your property into compliance. Each day that this offence continues to exist past the deadline for compliance constitutes a separate and distinct offence.

The costs for any works completed by the Municipality, can be recovered, if unpaid, with the same remedies as property taxes under Section 258(2), as authorized by Section 17(2) and 258(1)(c) of the *Community Charter*. The fees to determine this cost are set out in Schedule H "Nuisance Abatement Fees" of Fees and Charges Bylaw No. 3784.

You may request that Fire Chief reconsider this Order by delivering your request in writing to the Fire Chief, at least seven days prior to the expiration of the time for compliance set out in this Order:

- **In-person:** Municipal Office located at 7030 Trans-Canada Highway between regular business hours
- **By email to:** fire@northcowichan.ca

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), at 250.746.3108 or fire@northcowichan.ca.

Date

Fire Inspection Officer

SCHEDULE C



Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

FIRE AND LIFE SAFETY EQUIPMENT ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3841, 2021, Section 54, which authorizes the Fire Officer to issue a Fire and Life Safety Equipment Order as the Fire Officer has determined that the property owner has failed to keep in good repair a means of exit or fire and life safety equipment at

_____ [civic address]
and require the property owner to take immediate action.

The deadline for compliance with this Order is _____ [date]

The property owner is ordered to complete the following works on or before the expiration of the above date:

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Failure to comply with this Order may result in a fine or the District taking the necessary steps to bring your property into compliance. Each day that this offence continues to exist past the deadline for compliance constitutes a separate and distinct offence.

The costs for any works completed by the Municipality, can be recovered, if unpaid, with the same remedies as property taxes under Section 258(2), as authorized by Section 17(2) and 258(1)(c) of the *Community Charter*. The fees to determine this cost are set out in Schedule H "Nuisance Abatement Fees" of Fees and Charges Bylaw No. 3784.

You may request that Fire Chief reconsider this Order by delivering your request in writing to the Fire Chief, at least seven days prior to the expiration of the time for compliance set out in this Order:

- **In-person:** Municipal Office located at 7030 Trans-Canada Highway between regular business hours
- **By email to:** fire@northcowichan.ca

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), at 250.746.3108 or fire@northcowichan.ca.

Date

Fire Inspection Officer or Fire Chief

SCHEDULE D



Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

EVACUATION ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3841, 2021, Section 57, which authorizes the Fire Chief or Fire Inspection Officer to issue and Evacuation Order if the Fire Chief or Fire Inspection Officer believes there is an imminent and serious danger to life or property of the occupants or of a panic arising from a fire hazard or risk of explosion.

By Order of the District of North Cowichan Fire Department, the building located at _____
_____ [civic address]

and legally described as _____, (the "Premises")
is order to be evacuated in accordance with Section 57 of Fire Protection Bylaw No. 3841, 2021 for the following reasons:

NO PERSON shall enter this building without the authorization of the *Fire Chief*.

Date Order was posted on the Premises: _____

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), at 250.746.3108 or fire@northcowichan.ca.

Date

Fire Inspection Officer or Fire Chief

SCHEDULE E



OPEN BURNING PERMIT

Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Applicant

Name: _____

Civic Address: _____

Home: _____ Cell: _____

Email: _____

- ☐ I am the property owner
☐ I am not the property owner (written permission of owner required)

Personal information you provide on this form is collected pursuant to Section 26 of the *Freedom of Information and Protection of Privacy Act* and will only be used for the purpose of processing this Open Burning Permit application. Your personal information will not be released except in accordance with the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of your personal information may be referred to the Information Management Officer (foi@northcowichan.ca or 250.746.3116).

General Terms and Conditions

This Open Air Burning Permits are valid for the following dates:

- ☐ March 15 through April 15, 20__
☐ September 15 through November 30, 20__

and is subject to the following requirements:

- (1) fires must be located at least
 - (i) 4 metres from all *Buildings, Structures*, and combustible and flammable materials, and
 - (ii) 10 metres from all property lines;
- (2) fires must be during daylight hours only;
- (3) fires are restricted to only one hand-piled fire per property at a time;
- (4) fires must be smaller than 2 metres high by 2 metres wide;
- (5) proper fire-fighting equipment, including at least a shovel, rake and garden hose connected to a water source must be on hand and readily available in case of fire escape;
- (6) all material burned must
 - (i) originate from the property where it is being burned, and
 - (ii) consist only of untreated natural wood and brush.

Permit Holder Acknowledgement

I CERTIFY that I understand and will be guided by the provisions under Part 9 of the Fire Protection Bylaw No. 3841, 2021 and all applicable Provincial regulations and any conditions or restrictions imposed in the permit by the Fire Chief.

I AGREE that I am responsible for the fires authorized by this permit and any damage or damages to a person or property caused by an uncontrolled fire and I AGREE to pay all costs of the North Cowichan Fire Department to extinguish a fire if the permit conditions or the Fire Protection Bylaw No. 3841, 2021 are violated or the fire is uncontrolled.

Signature

Date

Permit Authorization

Signature

Date

SCHEDULE F



PRIVATE FIRE HYDRANT SERVICE REPORT

Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Fire Protection Technician's Name: _____

Owner's Name: _____

Hydrant No.: _____ Test Date: _____

Location: _____

Main Size: _____ Flow Rate: _____ Ports: _____

Out of Service: ☐ Yes ☐ No

Comments: _____

Pressure: _____ Make: _____ Distance to isolation valve: _____

Branch valve operated: ☐ Yes ☐ No

Service top end: ☐ Yes ☐ No

Service bottom end: ☐ Yes ☐ No

Service threads: ☐ Yes ☐ No

Flushed out: ☐ Yes ☐ No

Pressure tested: ☐ Yes ☐ No

Greased: ☐ Yes ☐ No

Drains properly: ☐ Yes ☐ No

Painted: ☐ Yes ☐ No

Weed eaten: ☐ Yes ☐ No

Comments: _____

Further work recommendation: _____

Signature _____

Date _____



ATTACHMENT 5

The Corporation of the District of North Cowichan

Fire Protection Bylaw

Bylaw 3340

[Consolidated and printed by authority of the Corporate Officer under Section 139 of the Community Charter. Current to February 28, 2018. Last amended February 21, 2018. Amendments: 3416, 3438, 3470, 3548, 3624, 3654, 3676.]

Contents

- 1 Definitions
- 2 Fire Prevention
- 3 Firefighting
- 4 Fire Department
- 5 Fire Chief
- 6 Local Assistant to the Fire Commissioner
- 7 Incineration of Structures on Private Property
- 8 Equipment Charges
- 9 Fire Supervision
- 10 Exceptions
- 11 Restrictions on Open Burning
- 12 Recreational Fire Pits
- 13 Repeal

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

Definitions

1 In this Bylaw:

“air curtain burner” means a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber, but does not include a trench burner;

“bylaw compliance officer” means a person appointed by the Chief Administrative Officer;

“category 3 fire” means

- (a) a fire larger than 2 m high by 3 m wide,
- (b) 3 or more concurrently burning piles no larger than 2 m high by 3 m wide, or
- (c) 1 or more burning windrows;

“Fire Chief” means

- (a) the person appointed by Council as the Fire Chief for each fire protection area (i.e. area of North Cowichan served by a hall of the Fire Department), or
- (b) a person authorized in writing by the Fire Chief to carry out a function under this Bylaw;

“fire services personnel” means full-time, part-time, or paid on-call firefighters employed by North Cowichan, and includes a local assistant;

“incident” means a fire, building collapse, or situation where a fire or explosion is imminent or hazard to persons or property exists, and includes a rescue, threat to life, and call for assistance;

“local assistant” has the same meaning as in the *Fire Services Act*;

“officer in command” means the senior Fire Department member present;

“open burning” means the combustion of materials with or without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere. [BL3654]

Fire prevention

- 2**
- (1) No owner or occupier of real property in North Cowichan may keep, store, or allow to remain, on the real property, any matter or thing that in the opinion of the local assistant is a fire hazard or increases the danger of fire.
 - (2) The local assistant may require an owner or occupier of real property to clean chimneys, flues, or other apparatuses or things, that unless cleaned might, in the local assistant’s opinion, cause a fire or increase the danger of fire.
 - (3) No person may allow combustible waste of any kind to accumulate.
 - (4) No person may stand, loiter, or sit, in an aisle, passage, or stairway, of a church, theatre, hall, skating rink, or other place of amusement or public resort.
 - (5) The owner of a vacant building must
 - (a) at all times ensure that the premises are free from debris and flammable substances, and
 - (b) keep all openings to the building securely closed and fastened to prevent unauthorized persons from entering.
 - (6) The owner of a building that has been damaged by fire must prevent unauthorized persons from entering the building by ensuring that
 - (a) the premises are guarded, or
 - (b) all openings to the building are kept securely closed and fastened.
 - (7) If the safety of forest, woodland, timber, or other property is endangered by debris caused by logging, land clearing, or industrial activity, the local assistant may require the person carrying on or who has carried on the activity, or the owner or occupier of the land on which the debris exists, to
 - (a) dispose of the debris by burning or in another way,

- (b) cut down all dead standing trees and stubs in the endangered area, or
 - (c) provide the labour and take the precautions, to prevent fire from escaping or damage to property from occurring, as North Cowichan directs.
- (8) The Fire Chief or local assistant may, at any reasonable time, inspect premises for a condition that might cause a fire, increase the danger of fire, or increase the danger to persons.
- (9) If this Bylaw is violated or a condition exists in or on a building or real property that in the opinion of the Fire Chief or local assistant constitutes a fire hazard or increases the danger of fire, the Fire Chief or local assistant may make an order that a person comply with this Bylaw and eliminate the fire hazard or increased danger of fire.
- (10) If an owner or occupier of real property fails to comply with an order under subsection (9), North Cowichan may, following notice in writing, enter the real property and take whatever action as required to remedy the situation and may recover the costs incurred as debt against the owner or occupier.
- (11) If the owner of property fails to pay the costs referred to in subsection (10) before the 31st day of December in the year the costs were incurred, the costs may be added to and form part of the taxes on the property as taxes in arrears.

Firefighting

- 3**
 - (1) The Fire Chief or officer in command at an incident must control, direct, and manage all Fire Department apparatus, equipment, and personnel present at the incident.
 - (2) The Fire Chief or officer in command may require any person present at the scene of an incident to help fight a fire or preserve property threatened by the incident.
 - (3) Fire services personnel may, with or without a property owner or occupier's permission,
 - (a) enter land or premises
 - (i) from which an alarm of an incident is received, or
 - (ii) in or on which they have reasonable grounds to believe an incident exists, and
 - (b) take whatever actions or measures they consider necessary to combat, control, or suppress the incident. [BL3624]
 - (4) If they consider it necessary to access an incident or protect persons or property, fire services personnel may enter or pass through or over lands or premises next to the incident, with or without Fire Department apparatus and equipment.
 - (5) Fire services personnel may commandeer any privately-owned equipment that they consider necessary to deal with an incident.
 - (6) If there is, in the opinion of the Fire Chief or officer in command, an imminent and serious danger to life or property, the Fire Chief or officer in command may order the evacuation of any building, structure, or area.

- (7) After the Fire Chief or officer in command orders an evacuation under the previous subsection, no person other than the Fire Chief, officer in command, or other person authorized by the Fire Chief or officer in command, may stay in or enter any building, structure, or area ordered evacuated.
- (8) No person may enter a burning building, fire scene, or other restricted area, without the permission of the Fire Chief or officer in command.
- (9) If the Fire Chief or officer in command considers it necessary to
 - (a) prevent an incident from spreading, or
 - (b) protect a person,
 the Fire Chief or officer in command may cause a building, structure, or thing to be demolished, pulled down, or otherwise removed.
- (10) No person may obstruct, impede, or otherwise interfere with fire services personnel or other persons under the direction of the Fire Chief or officer in command.
- (11) Other than the following, no person may open or use any fire hydrant for any purpose:
 - (a) fire services personnel in the course of their duties;
 - (b) North Cowichan employees in the course of their duties;
 - (c) other persons authorized by the
 - (i) Fire Chief or officer in command, or
 - (ii) Director of Engineering and Operations. [BL3548]
- (12) No person may obstruct or otherwise impede access to a fire hydrant.
- (13) If a person obstructs access to a fire hydrant, the obstruction may be removed at the person's expense.
- (14) The Fire Chief or officer in command may exercise some or all the powers of the fire commissioner under section 25 *[Emergencies]* of the *Fire Services Act*.

Fire Department

- 4** (1) The Fire Department is responsible for fire suppression and prevention.
- (2) The Fire Department may also provide assistance in response to the following circumstances:
 - (a) first response medical emergencies;
 - (b) emergency medical service;
 - (c) high angle rescue;
 - (d) water rescue;
 - (e) vehicle extrication;
 - (f) confined space rescue;
 - (g) hazardous material incidents;
 - (h) heavy rescue;
 - (i) property inspection;
 - (j) emergency planning;
 - (k) public education;

- (l) mutual aid to other agencies.

Fire Chief

- 5** Each Fire Chief is responsible to the Chief Administrative Officer for the following:
- (a) providing fire protection and control services to the fire protection area served by the fire hall;
 - (b) managing and operating the fire hall in a safe and efficient manner;
 - (c) the care and custody of all buildings, apparatus, and equipment under the control of the Fire Chief.

Local Assistant to the Fire Commissioner

- 6** A local assistant is responsible for exercising the powers and duties imposed by the *Fire Services Act*, including investigating fires and enforcing all North Cowichan bylaws respecting fire prevention.

Incineration of structures on private property

- 7**
- (1) A person must apply to North Cowichan to have the Fire Department incinerate a structure on the person's property.
 - (2) A fee as prescribed in the Fees Bylaw is payable if the person's application is approved before the Fire Department incinerates the structure. [BL3470]
 - (3) If a person applying to have the Fire Department incinerate a structure on the person's property provides North Cowichan with enough notice to enable the Fire Department to use the structure for firefighting practice, no fee is required. [BL3416]

Equipment Charges

- 8** Fees to use Fire Department equipment and manpower for fire fighting and rescue are as prescribed in the Fees Bylaw. [BL3470]

Fire Supervision

- 9** Every person who starts or maintains a fire must ensure that
- (a) the fire is constantly supervised by a competent person until it is completely extinguished, and
 - (b) enough equipment and labour are available where the fire is located to effectively control it from spreading, causing damage, or becoming dangerous to life or real property.

Exceptions

- 10**
- (1) Nothing in this Bylaw restricts or prohibits;
 - (a) a fire contained in a barbecue or hibachi to cook food;
 - (b) burning done or fires set by North Cowichan employees or fire services personnel in the course of their duties. [BL3438, BL3676]
 - (2) If, in the opinion of the local assistant, a fire hazard endangers the safety of life or property within the Municipality, the local assistant may, by an order in writing, declare an open burning ban in part or all of North Cowichan.

Restrictions on open burning

- 11** (1) Open burning is permitted only
- (a) when the ventilation index is rated as 'good', as reported by the Meteorological Service of Environment Canada's Ventilation Index,
 - (b) on property located
 - (i) outside of the Urban Containment Boundary, as defined in the Municipality's Official Community Plan, or
 - (ii) inside the Urban Containment Boundary, where the property is larger than 2 ac in size, and a permit has been obtained from the bylaw compliance officer,
 - (c) between March 15 through April 15, and September 15 through November 30.
- (2) Open burning permitted under subsection (1) is subject to the following requirements:
- (a) fires must be located at least
 - (i) 4 m from all buildings, structures, and combustible and flammable materials, and
 - (ii) 10 m from all property lines;
 - (b) fires must be during daylight hours only;
 - (c) only one hand-piled fire per property at a time is permitted;
 - (d) fires must be smaller than 2 m high by 2 m wide;
 - (e) proper fire-fighting equipment, including at least a shovel, rake and garden hose connected to a water source must be on hand and readily available in case of fire escape;
 - (f) all material burned must
 - (i) originate from the property where it is being burned, and
 - (ii) consist only of untreated natural wood and brush.
- (3) Despite subsections (1) and (2), a category 3 fire is permitted on property outside of the Urban Containment Boundary provided
- (a) an air curtain burner is used,
 - (b) the operator of the air curtain burner is trained in the safe and efficient maintenance and operation of air curtain burners, and
 - (c) all applicable provincial and federal regulations are followed.
- (4) This bylaw does not apply to persons carrying out
- (a) "normal farm practices" as defined in the British Columbia *Farm Practices Protection Act*,
 - (b) "forest practices" as defined in the British Columbia *Forest and Range Practices Act*, or

- (c) forest practices on land managed under the *Private Managed Forest Land Act*, Crown Forest Lands, Municipal Forest Reserve, and other Municipal land used for forestry purposes. [BL3654]

Restrictions on wood burning appliances

- 11.1** During an air quality advisory issued by Vancouver Island Health Authority, no wood burning appliances may be used unless the wood burning appliance is the primary source of heat for the dwelling. [BL3654]

Recreational fire pits


- 12** A recreational fire pit must
- (a) be made of a noncombustible material,
 - (b) be equipped with a tight-fitting lid of perforated metal or wire screen having openings not more than 1 cm² in area,
 - (c) not exceed 0.5 m³ in volume,
 - (d) be located not less than 2 m from a property line and not less than 5 m from a building or flammable or combustible material, and
 - (e) rest on a noncombustible foundation.

Liability

- 13** Both the owner and occupier of a property may be liable and required to pay a fine for a fire set in contravention of this Bylaw. [BL3654]

Read a first, second and third time on May 21, 2008
Adopted on June 4, 2008

Report

Date	September 1, 2021	File:
To	Council	
From	Tricia Mayea, Deputy Corporate Officer	Endorsed: 
Subject	Consequential Amendment Bylaws for first three readings	

Purpose

To introduce bylaw amendments to the Delegation of Authority, Fees and Charges, Bylaw Offence Notice Enforcement (BON), and Municipal Ticket Information System (MTI) Bylaws that are consequential to Fireworks Regulation Bylaw No. 3810 and Fire Protection Bylaw No. 3841 for first three readings.

Background

On August 18, 2021, Council adopted Fireworks Regulation Bylaw No. 3810, 2021 to establish new regulations in relation to the sale, possession and discharge of fireworks within North Cowichan. Bylaw Compliance Officers are not able to enforce any violations under the new bylaw through issuance of a municipal ticket or bylaw notice until amendments to the Bylaw Offence Notice Enforcement, and Municipal Ticket Information System Bylaws are adopted.

In 2014, the Office of the Fire Commissioner (the "OFC") began working on the Structure Firefighters Competency and Training Playbook (the "[Playbook](#)") and subsequently implemented the minimum training standards for each level of service in 2016. The implementation of that Playbook triggered a review and update to Fire Protection Bylaw No. 3340, 2008. That new bylaw, Fire Protection Services Bylaw No. 3841, 2021, is being presented to Council on September 1, 2021 for first three readings. To avoid any delays in enforcing violations under the new Bylaw, staff is presenting amendments to the Delegation of Authority, Fees and Charges, Bylaw Offence Notice Enforcement, and Municipal Ticket Information System Bylaws to address building inspections, inspection and permit fees, and fines for violations.

Discussion

Amendments to the Delegation of Authority Bylaw

[Section 36\(3\)](#) [inspection of buildings] of the *Fire Services Act* requires that Council provide for a regular system of inspection by an officer of buildings in the municipality. Delegation of Authority Amendment Bylaw No. 3842, 2021 (Attachment 1) proposes to delegate that authority to the Fire Chief. Fire Protection Services Bylaw No. 3841, 2021 provides some direction on the frequency on inspections, however, the establishment and administration of that system would fall to the Fire Chief, providing the Chief with some flexibility when needed.

Amendments to the Fees and Charges Bylaw

[Section 194](#) of the *Community Charter* authorizes Council to impose fees, by bylaw, when exercising its authority to regulate, prohibit or impose requirements and [section 258](#) enables Council to collect those fees, if unpaid after December 31, as taxes in arrears.

Fees and Charges Amendment Bylaw No. 3843, 2021 (Attachment 2) proposes to:

- Make minor text amendments to schedules names
- Add a new clause that would enable fees to still be valid when a regulatory bylaw is replaced without having to amend the Fees and Charges Bylaw immediately
- Include Fireworks Regulation Bylaw No. 3810, 2021 and Fire Protection Services Bylaw No. 3841, 2021 under Schedule A – Administration Fees for any costs incurred by North Cowichan
- establish fees in relations to Fire Protection Services Bylaw No. 3841, 2021 for:
 - open burning permit at no charge
 - fire safety plan review at \$200
 - fire services special request at actual costs
 - special fire inspection at \$50
 - fire inspection report inspection (initial) at \$200
 - fire inspection report re-inspection at \$400
- establish fees in relations to Fireworks Regulation Bylaw No. 3810, 2021 for:
 - family fireworks permit application at \$10
 - display fireworks permit application at \$100
 - pyrotechnics permits application at \$200
 - fire safety plan review for fireworks at \$200
 - fire protection cost recovery fee for fireworks at \$550 per hour
 - clean up litter and debris left on municipal property at actual costs

Amendments to the Bylaw Offence Notice Enforcement Bylaw

[Section 4](#) of the *Local Government Bylaw Enforcement Notice Act* authorizes Council to impose penalties for contravention of municipal bylaws by a bylaw notice. [Section 6](#) limits the maximum penalty for a bylaw notice at \$500.

Bylaw Offence Notice Enforcement Amendment Bylaw No. 3844, 2021 (Attachment 3) proposes to:

- Delete the descriptions and penalties for Fire Protection Bylaw No. 3340, 2008 from Schedule “A” and insert new descriptions and penalties in its place. The offences and penalties were reviewed by the Manager, Fire and Bylaw Services and the Manager, Bylaw and Business Licensing, and penalties are based on the severity of the offence - \$500 for more severe offences, where public safety and the safety of fire fighters is paramount - \$250 for less severe offences, where public safety and the safety of fire fighters is minimal.

- Delete the descriptions and penalties for Fireworks Bylaw No. 1579, 1974 from Schedule "A" and insert new descriptions and penalties in its place. The offences and penalties were reviewed by the Manager, Bylaw and Business Licensing Services, and penalties are based on the severity of the offence (keeping public safety in mind) – ranging from \$100 for the use of fireworks without a permit to \$500 for discharge of pyrotechnics contrary to a fire safety plan.

Amendments to the Municipal Ticket Information System Bylaw

[Section 265](#) of the *Community Charter* authorizes Council to impose penalties for contravention of municipal bylaws by laying an information by means of a ticket. [Section 2](#) of the *Bylaw Enforcement Ticket Regulation* limits the maximum penalty for a bylaw notice at \$1,000.

Municipal Ticket Information System Amendment Bylaw No. 3845, 2021 (Attachment 4) proposes to:

- Delete the offences and fines for Section 5 - Fire Protection Bylaw 2008 from Schedule 2, and insert new offences and fines in its place. The offences and fine amounts were reviewed by the Manager, Fire and Bylaw Services and the Manager, Bylaw and Business Licensing, and fines are based on the severity of the offence - \$1,000 for more severe offences, where public safety and the safety of fire fighters is paramount - \$500 for less severe offences, where public safety and the safety of fire fighters is minimal.
- Delete the offences and fines for Section 6 - Fireworks Bylaw 1974 from Schedule 2, and insert new offences and fines in its place. The offences and fine amounts were reviewed by the Manager, Fire and Bylaw Services, and penalties are based on the severity of the offence (keeping public safety in mind) – ranging from \$100 for the use of fireworks without a permit to \$500 for discharge of pyrotechnics contrary to a fire safety plan.

Options

- (1) (Recommended) Give three readings to all bylaw amendments as presented.

THAT Council gives first, second and third readings to:

- (1) Delegation of Authority Amendment Bylaw No. 3842, 2021;
- (2) Fees and Charges Amendment Bylaw No. 3843, 2021;
- (3) Bylaw Offence Notice Enforcement Amendment Bylaw No. 3844, 2021; and
- (4) Municipal Ticket Information System Amendment Bylaw No. 3845, 2021.

- (2) Refer the bylaw amendments to Committee of the Whole for further direction.

THAT Council refer the amendments to the Delegation of Authority, Fees and Charges, Bylaw Offence Notice Enforcement, and the Municipal Ticket Information System Bylaws to the next Committee of the Whole meeting to provide direction to staff prior to Council's consideration of first reading.

Implications

Amending the Delegation of Authority, Fees and Charges, BON and the MTI Bylaws in conjunction with the Fire Protection Bylaw will avoid delays in the ability to enforce violations under the new Bylaw.

Amending the Fees and Charges, BON and the MTI Bylaws to include the new Fireworks Regulation Bylaw at this time coincides with the fall season when the amount of fireworks displays are the highest in the District of North Cowichan, and provides Bylaw Compliance Officers with the tools to educate the community on the new regulations and fines for non-compliance.

Recommendation

THAT Council gives first, second and third readings to:

- (1) Delegation of Authority Amendment Bylaw No. 3842, 2021;
- (2) Fees and Charges Amendment Bylaw No. 3843, 2021;
- (3) Bylaw Offence Notice Enforcement Amendment Bylaw No. 3844, 2021; and
- (4) Municipal Ticket Information System Amendment Bylaw No. 3845, 2021.

Attachment(s):

- (1) Delegation of Authority Amendment Bylaw No. 3842, 2021
- (2) Fees and Charges Amendment Bylaw No. 3843, 2021
- (3) Bylaw Offence Notice Enforcement Amendment Bylaw No. 3844, 2021
- (4) Municipal Ticket Information System Amendment Bylaw No. 3845, 2021



The Corporation of the District of North Cowichan

Delegation of Authority Amendment Bylaw

Bylaw 3842

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 "Delegation of Authority Amendment Bylaw No. 3842, 2021".

Amendment

2. That Delegation of Authority Bylaw No. 3814, 2020 is hereby amended by adding the following new subsection (9) under Section 9 [Personnel administration and appointments]:

"(9) Council authorizes the Fire Chief to exercise all the powers of the Fire Commissioner under Section 25 of the *Fire Services Act* for the purpose of responding to an emergency or disaster."

3. That Delegation of Authority Bylaw No. 3814, 2020 is hereby amended by adding the following as section 29 and renumbering sections 29 to 31 accordingly:

"Inspection of Buildings

29. Council delegates its powers, duties and functions under section 36(3) [*inspection of buildings*] of the *Fire Services Act* to establish, revise and implement a regular system of inspections of hotels, public buildings, churches theatres, halls, or other buildings used as a place of public resort to the Fire Chief."

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

CORPORATE OFFICER

PRESIDING MEMBER

The Corporation of the District of North Cowichan

Fees and Charges Amendment Bylaw

Bylaw No. 3843

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

Title

1. This bylaw may be cited as "Fees and Charges Amendment Bylaw No. 3843, 2021".

Amendment

2. That Section 3 of Fees and Charges Bylaw No. 3784, 2020 is amended by striking out "Schedules A to G" and inserting in its place "Schedules A to H".
3. That Section 11 of Fees and Charges Bylaw No. 3784, 2020 is amended by adding
"(h) Schedule H - Nuisance Abatement Fees".
4. That Section 4.1 be added to Fees and Charges Bylaw No. 3784, 2020 as follows:
"4.1 Any bylaw referred to herein is a reference to a bylaw of the District of North Cowichan, as amended, revised, consolidated, or replaced from time to time."
5. That Schedule A – Administration Fees, Section 1, (General Administration Fees) of Fees and Charges Bylaw No. 3784, 2020 is amended by inserting the following review, inspection and permit fees required under Fire Protection Bylaw No. 3841, 2021:

(Section 1 – General Administration Fees)

Item	Column 1 Description	Column 2 Hourly Rate
31	Open Burning Permit	No charge
32	Fire Safety Plan Review	\$200
33	Fire Services Special Request	Actual costs
34	Special Fire Inspection	\$50
35	Fire Inspection Report (initial)	\$200
36	Fire Inspection Report (re-inspection)	\$400

6. That Schedule A – Administration Fees (Section 1, General Administration Fees) of Fees and Charges Bylaw No. 3784, 2020 is hereby amended by inserting the following fees for Fireworks required under the Fireworks Regulation Bylaw No. 3810, 2021:

(Section 1 – General Administration Fees)

Item	Column 1 Description	Column 2 Hourly Rate
37	Family Fireworks Permit Application	\$10
38	Display Fireworks Permit Application	\$100
39	Pyrotechnics Permits Application	\$200
40	Fire Safety Plan Review for Fireworks	\$200
41	Fire Protection Cost Recovery Fee for Fireworks	\$550/hr
42	Clean up litter and debris left on municipal property	Actual costs

7. That Fees and Charges Bylaw No. 3784, 2020 is hereby amended as follows:

- a. by removing Schedule H – Nuisance Abatement Fees and inserting in its place Schedule H – Nuisance Abatement Fees as attached to this bylaw.

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

CORPORATE OFFICER

PRESIDING MEMBER

SCHEDULE H – NUISANCE ABATEMENT FEES

1. The costs referred to in:
 - (a) Section 5.11 of Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020; or
 - (b) Section 12.1 of Controlled Substances Bylaw No. 3803, 2020; or
 - (c) Sections 64 or 75 of Fire Protection Bylaw No. 3841, 2021; or
 - (d) Sections 23 or 24 of Fireworks Regulation Bylaw No. 3810, 2021are to be determined in part by multiplying hourly rates for the following individuals, vehicles or equipment involved in the abatement of a nuisance by the time spent by those individuals, and the time those vehicles and equipment are used in the abatement of the nuisance. These costs apply when the District, by its employees, contractors and agents, enters onto the property to complete the work to abate the nuisance.
2. Costs do not apply when entering the property in accordance with:
 - (a) Section 5.14 of Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 or when determining to issue a Clean Up Order; or
 - (b) Sections 5.1(a) or (c) of Controlled Substances Bylaw No. 3803, 2020 when conducting inspections related to compliance with bylaw or water service inspection or discontinuance; or
 - (c) Section 22 of Fire Protection Bylaw No. 3841, 2021 when providing fire suppression, prevention, inspection services, evacuations, or when assisting other emergency response providers; or
 - (d) Section 15 of Fireworks Regulation Bylaw No. 3810, 2021 when inspecting the site as part of the permit approval process.

Staff and Personnel Cost Recovery

3. The following hourly rates, which include the cost of overhead and benefits, apply for every hour or part thereof which any of the following District employees use to carry out the abatement of a nuisance where authorized under Section 1 of this Schedule. Depending upon the day of the week, the time of day, or the holiday status of when such services are required, the hourly rate may be increased by one and a half or two times.

Section 1 – District Employees

Item	Column 1 Description	Column 2 Hourly Rate
1	Manager of Fire and Bylaw Services	\$ 90.00
2	Senior Bylaw Compliance Officer	\$ 65.00
3	Bylaw Compliance Officer	\$ 55.00
4	Animal Control Officer	\$ 55.00
5	Chief Building Inspector	\$ 75.00
6	Building Inspector	\$ 60.00
7	Operations or Parks and Recreation Manager	\$ 70.00
8	Operations or Parks and Recreation Foreman	\$ 60.00

Item	Column 1 Description	Column 2 Hourly Rate
9	Operations or Parks and Recreation Employee	\$ 45.00
10	Student	\$ 30.00

Section 2 – Fire Department Employees

Item	Column 1 Description	Column 2 Hourly Rate
1	Station Chief, or their delegate	\$ 35.00
2	Captain	\$ 35.00
3	Firefighter	\$ 30.00

RCMP Personnel and Equipment Cost Recovery

4. The costs referred to in Section 1 of this Schedule for RCMP members are determined in part by a flat fee for each separate attendance and time spent by RCMP members involved in the abatement of a nuisance and the amounts per attendance shall be as follows:

Item	Column 1 Description	Column 2 Flat Rate
1	RCMP Member	\$250.00

Vehicle and Equipment Cost Recovery

5. The following hourly rates apply for every hour or portion thereof where any of the following equipment and vehicles are used by District employees or Fire Department personnel to carry out the abatement of a nuisance where authorized under Section 1 of this Schedule. Depending upon the day of the week, the time of day or the holiday status of when such services are required, the hourly rate may be increased by one and a half or two times. Costs imposed to carry out the required work will be subject to a 15% administrative cost recovery fee.

Item	Column 1 Description	Column 2 Hourly Rate
1	District Truck	\$ 60.65
2	Fire Support Vehicles	\$ 99.25
3	Single Axle Dump Truck	\$ 91.25
4	Backhoe	\$ 69.85
5	Loader	\$ 86.15
6	Sweeper	\$142.60

Contractor Cost Recovery

6. For any work carried out by a contractor of the District to carry out the work authorized under Section 1 of this Schedule, on behalf of the District, the costs imposed will be the actual cost of the work plus 15% of the contract value.



The Corporation of the District of North Cowichan

Bylaw Offence Notice Enforcement Amendment Bylaw

Bylaw No. 3844

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. 3844, 2021".

Amendment

2. That Bylaw Offence Notice Enforcement Bylaw No. 3677 is hereby amended as follows:
 - a. By deleting the penalties for Fire Protection Bylaw No. 3340, 2008 from Schedule "A" and inserting the following in its place:

Fire Protection Bylaw No. 3841, 2021					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
16	False representation	\$500	\$250	\$500	No
17	Interfere with fire hose	\$500	\$250	\$500	No
18	Obstruct firefighter	\$500	\$250	\$500	No
19	Remove or alter a notice or order	\$500	\$250	\$500	No
20	Illegally enter designated area	\$500	\$250	\$500	No
21	Fail to leave designated area	\$500	\$250	\$500	No
29	Unlawful entry	\$500	\$250	\$500	No
30	Fail to secure building or structure	\$500	\$250	\$500	No
32	Fail to comply with direction at incident	\$500	\$250	\$500	No
33	Impede or interfere with fire equipment	\$500	\$250	\$500	No
34	Fail to obey traffic control	\$250	\$125	\$270	No

Fire Protection Bylaw No. 3841, 2021					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
35 (a)	Property disrepair causing risk of fire hazard	\$500	\$250	\$500	Yes
35 (b)	Allow dangerous conditions on property	\$500	\$250	\$500	Yes
35 (c)	Cause flammable conditions to exist	\$500	\$250	\$500	Yes
35 (d)	Allow fire hazard to exist	\$500	\$250	\$500	Yes
39 (a)	Fail to secure vacant building or structure	\$250	\$125	\$270	Yes
39 (b)	Fail to secure fence on vacant property	\$250	\$125	\$270	Yes
39 (c)	Fail to provide security on vacant property	\$250	\$125	\$270	Yes
40 (a)	Fail to dispose of debris	\$250	\$125	\$270	Yes
40 (b)	Fail to provide labour to prevent fire damage	\$250	\$125	\$270	Yes
44	Withhold information	\$250	\$125	\$270	No
45	Falsify information	\$250	\$125	\$270	No
46	Obstruct Fire Inspection Officer	\$500	\$250	\$500	No
47	Fail to produce fire drill records	\$250	\$125	\$270	Yes
48	Fail to produce fire drill records	\$250	\$125	\$270	Yes
49	Fail to submit Fire Safety Plan	\$250	\$125	\$270	Yes
50	Fail to submit changes to Fire Safety Plan	\$250	\$125	\$270	Yes
51	Fail to post location of Fire Safety Plan	\$250	\$125	\$270	Yes
52	Fail to submit Pre-Incident Plan	\$250	\$125	\$270	Yes
53	Fail to submit changes to Pre-Incident Plan	\$250	\$125	\$270	Yes
60	Fail to obtain permission to enter evacuation building	\$500	\$250	\$500	No
61	Unpermitted open burning on property	\$250	\$125	\$270	No
62	Open burning without a permit	\$250	\$125	\$270	No
63 (a)	Unpermitted open burning on property	\$250	\$125	\$270	No
63 (b)	Open burning outside of permitted days	\$250	\$125	\$270	No
64 (b) (i)	Fire within 4 metres of building	\$250	\$125	\$270	No
64 (b) (ii)	Fire within 10 metres of property line	\$250	\$125	\$270	No
64 (c)	Fire outside of permitted daylight hours	\$250	\$125	\$270	No
64 (d)	More than one (1) fire	\$250	\$125	\$270	No

Fire Protection Bylaw No. 3841, 2021					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
64 (e)	Fire exceed size limitations	\$250	\$125	\$270	No
64 (f)	No fire-fighting equipment	\$250	\$125	\$270	No
64 (g) (i)	Burning materials not originating from property	\$250	\$125	\$270	No
64 (g) (ii)	Unlawful burning materials	\$250	\$125	\$270	No
68 (a)	Fire pit made of combustible material	\$250	\$125	\$270	Yes
68 (b)	Fire pit with no lid	\$250	\$125	\$270	Yes
68 (c)	Fire pit over 0.5 cubic metres in volume	\$250	\$125	\$270	No
68 (d)	Fire pit outside of permitted location	\$250	\$125	\$270	Yes
68 (e)	Fire pit on a combustible foundation	\$250	\$125	\$270	Yes
70 (a)	Fail to maintain 1 metre around private hydrant	\$250	\$125	\$270	Yes
70 (b)	Fail to keep private hydrant free of obstructions	\$250	\$125	\$270	Yes
70 (c)	Fail to identify location of private hydrant	\$250	\$125	\$270	Yes
71	Obstruct private hydrant	\$250	\$125	\$270	No
72	Fail to submit Fire Hydrant Service Report	\$250	\$125	\$270	Yes
73	Fail to produce private hydrant records	\$250	\$125	\$270	Yes
73	Fail to inspect private hydrant after use	\$250	\$125	\$270	Yes
74	Fail to conduct annual inspection of private hydrant	\$250	\$125	\$270	Yes
75	Fail to conduct 3-year servicing of private hydrant	\$250	\$125	\$270	Yes

- b. By deleting the penalties for Fireworks Bylaw No. 1579, 1974 from Schedule "A" and inserting the following in its place:

Fireworks Regulation Bylaw No. 3810, 2021					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
4	Sale of fireworks, pyrotechnics or firecrackers	\$100	\$50	\$120	YES
5	Use of fireworks without a permit	\$100	\$50	\$120	YES
6	Use of fireworks contrary to permit	\$100	\$50	\$120	YES
7	Use of pyrotechnics without a permit	\$250	\$125	\$270	YES

Fireworks Regulation Bylaw No. 3810, 2021					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
8	Use of pyrotechnics contrary to permit	\$250	\$125	\$270	YES
9	Unsafe use of fireworks or pyrotechnics	\$100	\$50	\$120	YES
10	Use of firecrackers	\$100	\$50	\$120	YES
11	Use of fireworks within 500 m of livestock property	\$250	\$125	\$270	YES
13	Fail to apply for fireworks permit	\$100	\$50	\$120	YES
15	Fail to apply for Pyrotechnics Permit	\$250	\$125	\$270	YES
19 (a)	Discharge unpermitted pyrotechnics	\$250	\$125	\$270	YES
19 (b)	Discharge pyrotechnics contrary to permit conditions	\$250	\$125	\$270	YES
19 (c)	Discharge of pyrotechnics contrary to fire safety plan	\$500	\$250	\$500	NO
19 (d)	Discharge of fireworks or pyrotechnics without supervision	\$250	\$125	\$270	YES
19 (e)	Fail to comply with <i>Explosives Act</i>	\$250	\$125	\$270	YES
24	Fail to remove fireworks and/or pyrotechnics debris	\$250	\$125	\$270	YES
25	Obstruction of Enforcement Officer	\$250	\$125	\$270	YES

READ a first time on

READ a second time on

READ a third time on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



The Corporation of the District of North Cowichan

Municipal Ticket Information System Amendment Bylaw

Bylaw No. 3845

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. 3845, 2021".

Amendment

2. That Municipal Ticket Information System Bylaw No. 3464 is hereby amended by:
 - a. Updating the designated bylaw under Schedule 1, Items 6 and 7 as follows:

SCHEDULE 1

Item	Column 1 Designated Bylaw	Column 2 Designated Bylaw Enforcement Officers
6	Fire Protection Bylaw No. 3841, 2021	Bylaw Compliance Officer Fire Chief Local Assistant to the Fire Commissioner Manager of Fire and Bylaw Services Municipal Forester RCMP Officer
7	Fireworks Regulations Bylaw No. 3810, 2021	Assistant Fire Chief Bylaw Compliance Officer Fire Chief Local Assistant to the Fire Commissioner Manager, Bylaw and Business Licensing Services Manager, Fire and Bylaw Services Municipal Forester RCMP Officer

- b. By deleting Section 5 – Fire Protection Bylaw 2008 from Schedule 2 and inserting the following in its place:

Section 5 – Fire Protection Bylaw No. 3841, 2021

Item	Column 1 Offence	Column 2 Section	Column 3 Fine
1	False representation	16	\$1,000
2	Interfere with fire hose	17	\$1,000
3	Obstruct firefighter	18	\$1,000
4	Remove or alter a notice or order	19	\$1,000
5	Illegally enter designated area	20	\$1,000
6	Fail to leave designated area	21	\$1,000
7	Unlawful entry	29	\$1,000
8	Fail to secure building or structure	30	\$1,000
9	Fail to comply with direction at incident	32	\$1,000
10	Impede or interfere with fire equipment	33	\$1,000
11	Fail to obey traffic control	34	\$500
12	Property disrepair causing risk of fire hazard	35 (a)	\$1,000
13	Allow dangerous conditions on property	35 (b)	\$1,000
14	Cause flammable conditions to exist	35 (c)	\$1,000
15	Allow fire hazard to remain	35 (d)	\$1,000
16	Fail to secure vacant building or structure	39 (a)	\$500
17	Fail to secure fence on vacant property	39 (b)	\$500
18	Fail to provide security on vacant property	39 (c)	\$500
19	Fail to dispose of debris	40 (a)	\$500
20	Fail to provide labour to prevent fire damage	40 (b)	\$500
21	Withhold information	44	\$500
22	Falsify information	45	\$500
23	Obstruct Fire Inspection Officer	46	\$1,000
24	Fail to produce fire drill records	47	\$500
25	Fail to produce fire drill records	48	\$500
26	Fail to submit Fire Safety Plan	49	\$500

Item	Column 1 Offence	Column 2 Section	Column 3 Fine
27	Fail to submit changes to Fire Safety Plan	50	\$500
28	Fail to post location of Fire Safety Plan	51	\$500
29	Fail to submit Pre-Incident Plan	52	\$500
30	Fail to submit changes to Pre-Incident Plan	53	\$500
31	Fail to obtain permission to enter evacuation building	60	\$1,000
32	Unpermitted open burning on property	61	\$500
33	Open burning without a permit	62	\$500
34	Unpermitted open burning on property	63 (a)	\$500
35	Open burning outside of permitted days	63 (b)	\$500
36	Fire within 4 metres of building	64 (b) (i)	\$500
37	Fire within 10 metres of property line	64 (b) (ii)	\$500
38	Fire outside of permitted daylight hours	64 (c)	\$500
39	More than one (1) fire	64 (d)	\$500
40	Fire exceed size limitations	64 (e)	\$500
41	No fire-fighting equipment	64 (f)	\$500
42	Burning materials not originating from property	64 (g) (i)	\$500
43	Unlawful burning materials	64 (g) (ii)	\$500
44	Unpermitted recreational fire pit (first offence)	68	\$250
45	Unpermitted recreational fire pit (second offence)	68	\$500
46	Unpermitted recreational fire pit (third offence)	68	\$1,000
47	Fail to maintain 1 metre around private hydrant	70 (a)	\$500
48	Fail to keep private hydrant free of obstructions	70 (b)	\$500
49	Fail to identify location of private hydrant	70 (c)	\$500
50	Obstruct private hydrant	71	\$500
51	Fail to submit Fire Hydrant Service Report	72	\$500
52	Fail to produce private hydrant records	73	\$500
53	Fail to inspect private hydrant after use	73	\$500
54	Fail to conduct annual inspection of private hydrant	74	\$500
55	Fail to conduct 3-year servicing of private hydrant	75	\$500

- c. By deleting Section 6 – Fireworks Bylaw 1974 from Schedule 2 and inserting the following in its place:

Section 6 – Fireworks Regulation Bylaw No. 3810, 2021

Item	Column 1 Offence	Column 2 Section	Column 3 Fine
1	Sale of fireworks, pyrotechnics or firecrackers	4	\$200
2	Use of fireworks without a permit	5	\$100
3	Use of fireworks contrary to permit	6	\$100
4	Use of pyrotechnics without a permit	7	\$300
5	Use of pyrotechnics contrary to permit	8	\$300
6	Unsafe use of fireworks or pyrotechnics	9	\$300
7	Use of firecrackers	10	\$100
8	Use of fireworks within 500 m of livestock property	11	\$300
9	Fail to apply for fireworks permit	13	\$100
10	Fail to apply for pyrotechnics permit	15	\$300
11	Discharge unpermitted pyrotechnics	19 (a)	\$300
12	Discharge pyrotechnics contrary to permit conditions	19 (b)	\$300
13	Discharge of pyrotechnics contrary to fire safety plan	19 (c)	\$500
14	Discharge of fireworks or pyrotechnics without supervision	19 (d)	\$300
15	Fail to comply with <i>Explosives Act</i>	19 (e)	\$300
16	Fail to remove fireworks and/or pyrotechnics debris	24	\$300
17	Obstruction of Enforcement Officer	25	\$300

READ a first time on

READ a second time on

READ a third time on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Report

Date	September 21, 2021	File:
To	Council	
From	Thorogood, Gaylene, Admin Supervisor, RCMP Support Services	Endorsed:
Subject	Fees for Name Change Applications for Reclaiming Indigenous Names	

Purpose

To consider whether to waive the administrative costs associated with name changes by Indigenous peoples when reclaiming their names changed by the residential school system.

Background

The Truth and Reconciliation Commission of Canada released the [Truth and Reconciliation Commission of Canada: Calls to Action report](#) in December 2015. This report recommended 94 'Calls to Action', to redress the legacy of residential schools and advance the process of reconciliation.

Call to Action #17 calls upon "all levels of government to enable residential school survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licences, health cards, status cards and social insurance numbers."

Discussion

The federal government recently announced that it will be launching a process for Indigenous peoples, residential school survivors and their families to reclaim their Indigenous names on replacement passports, travel documents, citizenship certificates and resident cards free of charge until May 30, 2026. The current charge for these types of federal name changes is \$25.

Administrative staff process a handful of name change applications on an annual basis and collects \$125 from each applicant to review and process their application. The \$25 fee that is collected on behalf of the federal government is set by the Treasury Board and is transferred directly to the federal government. While the \$100 municipal fees are set by Council under the Fees and Charges Bylaw. The municipality collects two fees when processing these types of applications, the first (\$50) fee is for reviewing the application, which includes fingerprinting, and the second (\$50) fee is for performing a police information check as Vital Statistics BC requires the completion of a criminal records check with all name change requests.

The average administrative time spent processing one application is approximately 30 minutes. However, with over 4,900 registered Indigenous peoples in the Cowichan Valley, staff anticipate that they will be processing numerous applications.

In keeping with Call to Action #17 and the federal government's plan to waive their fees for the next five years, staff are recommending that Council amend their Fees and Charges Bylaw No. 3784, 2020 to

waive all associated fees for these types of name change applications (see 'Criminal Records Check – General Public' fee, item 1 and 'Name Change Application' fee, item 26, in Schedule G – Protective Services Fees included in Attachment 2).

Fees and Charges Amendment Bylaw No. 3849, 2021 (Attachment 1), proposes to waive the two \$50 fees for the application and performing the police information check submitted by Indigenous peoples when reclaiming their names changed by the residential school system for a period of five years. The new section 4.1 would come into effect upon adoption of the bylaw and would cease on June 1, 2026.

Options

Option 1 (Recommended): Waive the Name Change Application Review fee for a period of five years.

THAT Council give first, second and third readings to Fees and Charges Amendment Bylaw No. 3849, 2021.

Option 2: Waive the Name Change Application Review fee permanently. This would require Council to adopt three separate motions (1. To introduce the bylaw so that it may be edited, 2. To make the changes desired by Council, and 3. To give the bylaw third reading as amended so that it may proceed to the October 6, 2021 regular meeting for adoption).

- (1) THAT Council give first and second readings to Fees and Charges Amendment Bylaw No. 3849, 2021.
- (2) THAT Council amend Fees and Charges Amendment Bylaw No. 3849, 2021 by striking out sections 3, 4 and 5 from this bylaw.
- (3) THAT Council give third reading as amended to Fees and Charges Amendment Bylaw No. 3849, 2021.

Option 3: That Council provide alternate direction or maintain the status quo.

Implications

Social implications: This recommendation would be inline with Council's Strategic Plan, with Engagement, Community and Service and Council's commitment and support of moving towards meaningful recognition and reconciliation and the Truth and Reconciliation Commission of Canada's Call to Action #17 to waive administrative costs to enable residential school Survivors and their families to reclaim names changed by the residential school system.

Financial implications: Potential loss of future revenue of up to \$490,000 (\$100 x 4,900) over the next five years.

Recommendation

THAT Council give first, second and third readings to Fees and Charges Amendment Bylaw No. 3849, 2021.

Attachment(s):

- 1) Fees and Charges Amendment Bylaw No. 3849, 2021
- 2) Fees and Charges Bylaw No. 3784, 2020 Schedule G - Protective Services Fees, Section 2, Police Fees



The Corporation of the District of North Cowichan

Fees and Charges Amendment Bylaw (UNDRIP)

Bylaw No. 3849

WHEREAS the Truth and Reconciliation Commission's Call to Action #17 has called upon all levels of government to enable residential school survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers;

AND WHEREAS the federal government of Canada has announced that the service for Indigenous peoples to reclaim their Indigenous names, as written, on passports and other immigration documents will be provided free of charge for five years;

AND WHEREAS the Council of The District of North Cowichan has identified developing strong relationships with Indigenous peoples a priority;

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

Title

1. This bylaw may be cited as "Fees and Charges Amendment Bylaw No. 3849, 2021".

Amendment

2. Fees and Charges Bylaw No. 3784, 2020 is amended by adding the following new Section 4.1:

"4.1 The service for reviewing name change applications for Indigenous peoples where they are reclaiming their Indigenous names as written on official identity documents, such birth certificates, driver's licenses, health cards, status cards, and social insurance numbers shall be provided free of charge, despite items 1 and 26 in Schedule G – Protective Services Fees (Section 2, Police Fees)."

3. Fees and Charges Bylaw No. 3784, 2020 is amended by deleting Section 4.1, as added by this bylaw.

Effective Dates

4. Section 2 of this bylaw shall come into force and effect upon adoption of this bylaw.
5. Section 3 of this bylaw shall come into force and effect on June 1, 2026.

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

CORPORATE OFFICER

PRESIDING MEMBER

ATTACHMENT 2

SCHEDULE G - PROTECTIVE SERVICES FEES

(Section 2, Police Fees)

Item	Column 1 Description	Column 2 Amount
1	Criminal Records Check – General Public	\$50
2	Criminal Records Check – Volunteers	\$0
3	Criminal Records Check – Youth Employment Programs	\$0
4	Document – Collision Analyst Report	\$150
5	Document – Court-ordered File Disclosure (up to 100 pages)	\$75
6	Document – Court-ordered File Disclosure (each additional page)	\$0.50
7	Document – Crash Data Retrieval	\$200 plus \$30 per hour
8	Document – Field Drawing Reproduction	\$35
9	Document – Fingerprints (2 sets) Note: No charge for fingerprinting triggered by federal policy when a criminal records check is requested.	\$50
10	Document – Fingerprints (each additional set)	\$10
11	Document – General Crime Report	\$50
12	Document – Insurance Claim Letter	\$50
13	Document – Mechanical Inspection Report	\$175
14	Document – Vehicle Accident (MV6020) Report	\$50
15	Document – Police Certificate (including Criminal Record)	\$50
16	Document – Police Inspection Report	\$50
17	Document – Passport Report	\$50
18	Document – Preliminary Collision of Traffic Analyst Report	\$75
19	Document – Property Information Request	Actual Cost
20	Document – Scale Drawing	\$129
21	Document – Statement – (copies up to 10 pages)	\$20
22	Document – Statement – (each additional page)	\$0.50
23	Document – Traffic Analyst Report	\$100
24	File Research	\$40 per hour
25	Measurements	\$35
26	Name Change Application Review	\$50
27	Pardon Application or Records Clearance Review	\$50
28	Photographs – 10.16 cm x 15.24 cm	\$1.50
29	Photographs – CD Rom	\$50
30	Policing at approved private events	Actual Cost + 10%
31	Reproduce Audio or Video Tape – first hour	\$50
32	Reproduce Audio or Video Tape – each additional hour	\$30
33	Taxi Permit	\$50
34	Taxi Permit – Replacement of lost or stolen	\$25

Report

Date	September 21, 2021	File:
To	Council	
From	Mark Frame, Project Manager	Endorsed:
Subject	North Cowichan Civic Building – Tender Package 3	

Purpose

To award construction tenders from Tender Package 3 of the new RCMP Building.

Background

The third construction tender package for the new RCMP Building closed on September 14, 2021. This tender was for doors, frames and hardware, and interior steel stud and gypsum board.

Discussion

Tender package # 3 included two separate tenders. It was advertised, in accordance with the Municipality's Procurement Policy and the provincial and federal trade agreement obligations, on BC Bid and the Municipality's website on August 9, 2021. An invitation to tender under the Procurement Policy is a price-based competitive process used for higher-value contracts, such as this one, where there is a clear set of specifications and the Municipality wants to find the lowest price. The Policy also requires Council approval for individual expenditures over \$500,000 that have been included in the Financial Plan.

Below is a summary of results for each of the two tenders, including the lowest bid:

C-017 Doors, Frames, Hardware - Building A – Budget \$400,000

- Four bids received
- Low compliant tender: CP Distributors Ltd - \$466,754 plus GST

C-018 Interior Steel Stud/Gypsum Board – Budget \$2,000,000

- Four bids received ranging from \$1,143,000 plus GST to \$1,950,000 plus GST
- Low tender: Dryco Systems Inc. - \$1,143,000 plus GST

Implications

Of the two low tenders received, one was within staff's spending authority and approved as per the Procurement Policy and is provided for Council's information only. The other tender is over \$500,000 and requires Council approval. Overall, tenders approved or recommended are within the construction budget.

Approved or Recommended	Low Tender	Budget
C-017 Doors, Frames, Hardware – Approved	\$466,754	\$400,000
C-018 Interior Steel Stud/Gypsum Board - Recommended	\$1,143,000	\$2,000,000

Recommendation

THAT Council award the contract for the C-018 Interior Steel Stud/Gypsum Board to Dryco Systems Inc. for \$1,143,000 plus GST.

Report

Date	February 25, 2021	File:
To	Council	
From	Martin Drakeley, Manager, Fire and Bylaw Services	Endorsed:
Subject	Self-contained Breathing Apparatus Contract Award	

Purpose

To award the contract for the provision of self-contained breathing apparatus for the North Cowichan Fire Department and seek Council approval to accelerate the purchase.

Background

In October 2020, Council was provided with a report on the state of North Cowichan Fire Department's self-contained breathing apparatus (SCBA) and a request for replacement. SCBA are the vital piece of equipment that allows firefighters to enter buildings, extinguish fire, and perform rescues from life-threatening atmospheres.

While the industry standard for replacement of SCBA equipment is 15 years, North Cowichan has been maintaining some for 35 years.

Worksafe regulation 31.18 (2) requires adherence to the NFPA 1982 standard for SCBA Pass alarms. Currently 75% of our inventory of SCBA does not meet this requirement. The oldest of the current SCBA stock has dwindling availability or no parts available from the manufacturer and the oldest of the SCBA will no longer be serviced by the manufacturer.

As part of Fire and Bylaw Services Department Plan, at the December 12, Committee of the Whole meeting, Council approved the replacement purchase over a four-year term that would see 18 SCBA purchased each year with an allocated budget of \$180,000 per year available for this purchase. A Request For Quotations (RFQ) was issued on June 30, 2021, and due to its total dollar value, must be awarded by Council.

Discussion

Two quotes were received in response to the RFQ. Station Chiefs representing each hall tested and evaluated the two different styles of SCBA and recommended that the contract be awarded to Guillevin International. While it is not the least expensive quote, it is within the budget of \$180,000 per year and did fully comply with the RFQ requirements, achieving more total points than the second quote.

Quote submitted by:	Total Cost
Guillevin International	\$696,672 plus GST
Rocky Mountain Pheonix	\$660,417.97 plus GST

Additionally, the quote is for the brand currently in use by the fire department, achieving cost savings by not having to replace current infrastructure (filling of cylinders, minor maintenance and repairs of inventory), and retraining firefighters in the use of a different brand of breathing apparatus.

While the RFQ specifically discussed replacing the apparatus over four years, additional cost savings and efficiencies can also be achieved by replacing everything in one year and borrowing on a short – term basis through the Municipal Finance Authority. This one-year purchase was offered as an option by one bidder and then requested from the second bidder for equal comparison purposes.

The table below shows the annual cost of purchasing the equipment over four years versus buying all of the equipment in 2021 and borrowing for the same period. It demonstrates a total cost savings of \$45,641. The benefits to receiving all the equipment at one time not only relate to dollar savings, it ensures the fire halls have up-to-date equipment and provides for equal protection to all of North Cowichans paid-on-call firefighters in one purchase.

	Contract Purchase	Short-Term Borrowing
Year 1	174,168	180,000
Year 2	182,875	175,014
Year 3	192,020	175,014
Year 4	201,621	175,015
Total	750,684	705,043

(includes interest)

Options

Option 1 (Recommended) – THAT Council:

- (1) award the contract for the provision of self-contained breathing apparatus (SCBA) to Guillevin International for a total cost of \$696,672 plus GST (\$705,043 including interest), and
- (2) approve short term borrowing of up to \$516,700 for the purchase of SCBA to be paid back over three years under the Liabilities Under Agreements in Section 175 of the *Community Charter*.

Option 2 - THAT Council award a four-year contract for the provision of self-contained breathing apparatus to Guillevin International for a total cost of \$750,684 plus GST.

Implications

Awarding the contract to Guillevin International achieves efficiencies as it is the same brand of apparatus currently in use. The firefighters are knowledgeable on its use, and it is compatible with apparatus used throughout the region should an emergency arise. By replacing all of the equipment simultaneously, certainty of pricing can be achieved, and savings are realized due to the low interest rates currently available through the Municipal Finance Authority.

Recommendation

THAT Council:

- (1) award the contract for the provision of self-contained breathing apparatus (SCBA) to Guillevin International for a total cost of \$696,672 plus GST (\$705,043 including interest), and
- (2) approve short term borrowing of up to \$516,700 for the purchase of SCBA to be paid back over three years under the Liabilities Under Agreements in Section 175 of the *Community Charter*.

Report

Date September 21, 2021
To Council
From Talitha Soldera, Director, Financial Services
Subject 2022 Permissive Tax Exemption Applications

File: 1970-30

Endorsed:



Purpose

To consider permissive tax exemption applications received for the 2022 assessment roll.

Background

Section 224 of the *Community Charter* provides Council with the authority to exempt, by bylaw, certain lands, improvements, or both, from municipal property taxes. North Cowichan has a Permissive Tax Exemption Policy (Attachment 1) that provides guidance to Council to determine which properties should be granted permissive tax exemptions.

The current Permissive Tax Exemption Bylaw, which expires in 2023, provides exemptions to 143 properties with a total value of \$498,444 in tax revenue foregone. To be granted an exemption for 2022, a property must be included in the Permissive Tax Exemption Bylaw, which must be provided to BC Assessment before October 31, 2021.

Discussion

North Cowichan has received four applications that are eligible for consideration of new permissive tax exemptions for 2022 and one from the Cowichan Valley Capitals for their leased space at the Cowichan Community Centre that does not meet the eligibility criteria.

The four eligible applications are:

- **Vancouver Island Vipassana Association for 2359 Calais Road and Wicks Road**
The Society purchased these properties in 2018 and applied for a permissive tax exemption for 2020 and an additional exemption for 2021. Council granted a permissive tax exemption for the improvements only on the two properties for 2020 and 2021, considering that the properties were not statutorily exempt as places of public worship.

BC Assessment recently reviewed the classification of the Calais Road property and has determined that it meets the definition of a place of public worship. This property has been reclassified to property class 8 and will receive a statutory exemption for the main public worship building and the land directly underneath the building for 2022. The Wicks Road property was not reassessed as the legislation specifies that a statutory exemption applies to the public worship building only.

With this reclassification, the Vipassana Association is requesting that the other buildings and lands on the Calais Road property be provided with a full tax exemption consistent with other places of public worship in the Municipality and that a full exemption be provided for the lands and improvements on the Wicks Road property as it is used for accommodation, exercise, meditation and quiet reflection in conjunction with the Calais Road property. This would also be similar to the exemption provided to other places of public worship in the Municipality.

The value of the exemption would be approximately \$1,461 for the Calais Road property and \$4,275 for Wicks Road for a total of \$5,736.

- **The Nature Trust of British Columbia for 3776 Gibbins Road**

This property was donated to the organization in 2020. The property is currently in Class 1 (Residential) and has a derelict house on it which will likely be removed before the end of the year. The Nature Trust currently receives a full permissive tax exemption for their lands on six other properties within the Municipality.

The 2021 property assessment includes both land and improvements valued at a total of \$1,125,700. The value of the tax exemption on this assessment would be \$3,780. As the house will be demolished before the end of the year, the 2022 taxes forgone would be less than this amount.

- **Duncan Dynamics Gymnastics Club for their leased property at the Cowichan Community Centre**

A recent review of Cowichan Valley Regional District (CVRD) leases by BC Assessment has triggered property taxation for these organizations who are not statutorily exempt.

The portion of the property leased by Duncan Dynamics is classified as Class 8 – Recreation/Non-profit. For non-profit organizations, Council has provided both full and partial exemptions.

Partial exemptions are meant to balance the benefit to the community provided by the organization. The Permissive Tax Exemption Bylaw provides a 50% exemption to both the Maple Bay Yacht Club and Mount Brenton Golf Course, which are non-profit organizations operating for the benefit of their members. Council felt that both organizations provided a benefit to the community by providing subsidized opportunities for youth programs. However, the Bylaw provides a full exemption to some sporting groups, such as the Cowichan Rugby Club and the Chemainus Rod & Gun Club.

A 50% exemption for 2022 would total \$1,713 and a full exemption would total \$3,426.

- **Cowichan Valley Arts Council (CVAC) for their leased space at the Cowichan Community Centre**

As with Duncan Dynamics, the CVAC has a lease with the CVRD which is being reviewed by BC Assessment.

The CVAC helps promote local artists, offers programs for youth and education for the general public on art appreciation. Art shows are free, and speaker events are by donation. Fees are charged for workshops, summer camps, and courses.

Based on initial estimates of assessed value, a 50% exemption for 2022 would equal approximately \$2,225 and a full exemption would equal approximately \$4,450.

Options

Option 1 (*Recommended*)

THAT Council instruct staff to prepare an amendment to Permissive Tax Exemption Bylaw No. 3519, 2013 to include:

1. A full tax exemption for all land and improvements at 2359 Calais Road and Wicks Road owned by the Vancouver Island Vipassana Association;
2. A full tax exemption for all land and improvements at 3776 Gibbins Road owned by the Nature Trust of BC;
3. A (insert amount here) exemption for improvements leased by Duncan Dynamics Gymnastics Club and located within the Cowichan Community Centre;
4. A (insert amount here) exemption for improvements leased by the Cowichan Valley Arts Council and located within the Cowichan Community Centre.

Option 2

THAT Council advise staff on which applications to include in an amendment to Permissive Tax Exemption Bylaw No. 3519, 2013.

Implications

Should a full exemption be provided to all four applicants, municipal tax revenue forgone would be approximately \$17,400.

Recommendation

THAT Council instruct staff to prepare an amendment to Permissive Tax Exemption Bylaw No. 3519, 2013 to include:

- (1) A full tax exemption for all land and improvements at 2359 Calais Road and Wicks Road owned by the Vancouver Island Vipassana Association;
- (2) A full tax exemption for all land and improvements at 3776 Gibbins Road owned by the Nature Trust of BC;
- (3) A (insert amount here) exemption for improvements leased by Duncan Dynamics Gymnastics Club and located within the Cowichan Community Centre;
- (4) A (insert amount here) exemption for improvements leased by the Cowichan Valley Arts Council and located within the Cowichan Community Centre.

Attachments:

- (1) Permissive Tax Exemption Policy
- (2) Vancouver Island Vipassana Association PTE Application
- (3) The Nature Trust of BC PTE Application
- (4) Duncan Dynamics Gymnastics Club PTE Application
- (5) Cowichan Valley Arts Council PTE Application

COUNCIL POLICY:

PERMISSIVE TAX EXEMPTION POLICY

Council Approval Date: July 3, 2013

Department: Finance

Amended:

1. PURPOSE

The purpose of this policy is to provide guidance to Council to determine which properties to grant permissive tax exemptions to.

2. SCOPE

Council uses its authority to grant permissive tax exemptions as a way to fulfill its municipal purposes according to section 7 of the Community Charter:

"The purposes of a municipality include:

- a) providing for good government of its community,
- b) providing for services, laws and other matters for community benefit,
- c) providing for stewardship of the public assets of its community, and
- d) fostering the economic, social and environmental well-being of its community."

Council's primary consideration of whether to grant a permissive tax exemption will be the benefit that the organization offers to the community. The organization must fulfill some basic need or otherwise improve the quality of life for North Cowichan residents.

3. PROCESS

Council will consider applications for permissive tax exemptions annually. Each year, staff will contact all organizations with expiring exemptions to invite them to reapply. Completed application forms must be received by North Cowichan before August 1. Staff will review the applications for completeness and eligibility and present Council with a summary report of the applications for its review in September. To comply with the requirements of procedural fairness, Council will provide applicants with an adequate opportunity to be heard in respect of their applications for exemptions, and will provide reasons to an applicant if it refuses to grant an exemption, or decides to discontinue an exemption. After Council considers the applicants and their input, Council will direct staff which properties to include in the bylaw. Staff will then draft the bylaw for Council consideration. After 3rd reading, but before adoption, staff will publish notice of Council's intention to adopt the bylaw. Following adoption, staff will send the bylaw to BC Assessment.

4. ELIGIBILITY CRITERIA

Eligibility criteria for permissive tax exemptions are set out in the Community Charter. Priority will be given to:

- a) lands surrounding exempt churches, hospitals, and private schools,

- b) church halls and surrounding lands considered necessary to statutorily exempt churches,
- c) properties providing athletic or recreational programs or facilities for public use,
- d) properties that provide services to youths, seniors, and special needs groups,
- e) heritage properties that build community character,
- f) properties used publicly for arts and culture programs or facilities,
- g) properties used to provide public services under a formal partnership with the Municipality,
- h) ecologically sensitive areas designated within the Official Community Plan,
- i) other properties available for public use that benefit the general public.

5. DURATION OF EXEMPTION

Council will consider exemptions for periods up to 10 years, after which time Council must reconsider whether to continue to offer the exemptions. Council may at any time reconsider and amend its permissive tax exemption bylaw. Any changes will take effect for the following tax year.

6. EXTENT AND CONDITIONS

Council may exempt only a portion of the land or improvements in the following circumstances:

- a) a portion of the land or improvement is used by the private sector and does not meet Council's eligibility criteria;
- b) the applicant already receives a grant-in-aid or other benefit from the Municipality;
- c) Council wishes to limit the total of all permissive tax exemptions granted.

Council may consider whether to impose conditions on the exempted land or improvements such as:

- a) Registration of a covenant restricting use of the property; or
- b) Execution of an agreement committing the applicant to
 - continue a specific service or program,
 - provide lands or facilities for public use during certain times,
 - provide use of lands or facilities to certain groups free of charge or at reduced rates,
 - disclose any material increases in the organization's revenue.

Council may impose penalties on an exempted organization for knowingly breaching the conditions of exemption. The penalties may include: revoking an exemption with notice, disqualifying any future application for exemption for a specific time period, or requiring repayment of monies equal to the foregone tax revenue.



7030 Trans Canada Highway
Duncan BC V9L 6A1, Canada
www.northcowichan.ca
T 250.746.3100
F.250.746.3133

PERMISSIVE TAX EXEMPTION APPLICATION

SECTION 1 – APPLICANT INFORMATION

Organization Name: VANCOUVER ISLAND VIPASSANA ASSOCIATION	
Are you registered under the BC Societies Act?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are you a registered charity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address: 2359 CALAIS ROAD, DUNCAN, V9L 5V5, BC	
Contact Person: STEVE ARMSTRONG	
Email Address: FIPPA s. 22(1)	Phone Number: FIPPA s. 22(1)
Name and Phone number of two other officials in the organization	
Name: PATRICIA WILLIAMS	Name: ARNIS DAMBERGS
Title PRESIDENT	Title TREASURER
Phone Home: FIPPA s. 22(1)	Phone Home: FIPPA s. 22(1)
Phone Work:	Phone Work:

SECTION 2 – ORGANIZATION INFORMATION

Please provide a brief description of the goals and objectives of the organization:
Please see attached notes section 2a)
What charitable, philanthropic, athletic or recreational service does your organization provide to the community?
Please see attached notes section 2b)

SECTION 3 – PROPERTY INFORMATION (REGISTRATION, PRINCIPAL USE)

The lands are registered in the name of:
Please see attached notes section 3 a)
What is the principal use of the property (including all buildings and/or land)
Please see attached notes section 3 b)
Note: BC assessment authority found VIVA's house of Worship is statutorily exempt as of November, 2020.

Please provide details of all other activities on your property including: 1) who uses your facilities or services; 2) whether fees are charged to users; and 3) the percent of time your property is used for each type of use.

Please see attached notes section 3 c)

Is any part of the building or of the property used or rented by commercial or private individuals or by any group other than your organization? If so, please specify the occupant and use.

NO

To what extent are the buildings or property accessible to the public?

Please see attached notes section 3 d)

SECTION 4 – OTHER INFORMATION

Other information which may be pertinent to your application

Please see other information and cover letter attached


SECTION 5 SUPPORTING DOCUMENTATION CHECK LIST (ATTACHE COPIES TO APPLICATION)

Please attach the following:

✓	most recent annual financial statement	✓	copy of property title
✓	constitution	✓	site sketch plan showing buildings & uses

SECTION 6 – DECLARATION

I hereby certify that I have read the Municipality of North Cowichan's Permissive Tax Exemption Policy (available at on our website <http://www.northcowichan.ca/EN/main/departments/finance.html>), that the application complies with its requirements, and hat the information contained in the application is complete and correct. **If there is a change in the status of your organization the Municipality of North Cowichan must be notified.**

Signature:	Date:
	July 23/2021
	Date:

FIPPA s. 22(1)

Print Form

NOTE: In accordance with Municipal Council's July 3, 2013, policy, application forms must be received by North Cowichan before August 1st.

Note: Personal information is collected by the Municipality of North Cowichan under the authority of section 26 (a) & (c) of the Freedom of Information and Protection of Privacy Act for the purpose of processing and administering property tax exemption requests. Should you have any questions about the collection of this personal information, please contact the Deputy Director of Corporate Services, (250) 746-3100; 7030 Trans Canada Highway, Duncan, BC V9L 6A1.

Permissive Tax application

Section 2. Organization Information

- a) Vancouver Island Vipassana Association (VIVA) is a non-profit association incorporated in 2006, which has had taxable charity status since 2008.
- b) Under VIVA'S constitution it serves both educational and religious purposes, including by establishing, maintaining and supporting a house of worship, with services conducted in accordance with the Theravadan Buddhist faith, as well as through educating the public in the teachings of Buddha, as taught by Mr. S.N. Goenka in the tradition of Sayagyi U Ba Khin. VIVA currently offers 'Vipassana meditation' courses at the centre Lands, which generally range from one to ten days in length, with beginner courses usually being ten days.
- c) The Centre is part of a worldwide network of meditation centres teaching the same technique. Each is a separate legal entity but all teach in the identical manner.

VIVA's mission is to offer this technique to as many people as possible.

The Centre's facilities and surrounding lands provide a unique and special place of worship for these teachings to be given. The centre is one of only 5 such centres in Canada, and the only one on Vancouver Island.

Section 3.

Property Information

- a) Lands are registered in the name of Vancouver Island Vipassana Association.

Principle Use

- b) VIVA purchased the Lands from the Sisters of Poor Clare's Monastery in September 2018. The Lands consist of two [lots](#):
 - [2359 Calais Rd \(Lot 1, Plan VIP27012: Folio 04-315-06474000\)](#)
 - [Wicks Rd \(Lot A, Plan VIP25835: Folio 04-315-06355000\)](#).

The first lot is three and a half acres, which houses the main building, including the meditation hall, residences, kitchen, storage buildings, administrative office, and caretaker's cabin. The second lot is a ten acre parcel of forest and ravine land adjacent to Richard's creek and Somenos Marsh. This area is also essential to VIVA's use of the Lands, as it includes, among other things, two cabins used for accommodation and walking trails used for exercise, meditation and quiet reflection.

c) VIVA offers, to the general public by way of an application process, a unique and vital educational and religious program at the Lands. VIVA is a non-profit organization and does not charge students for its courses, nor does it pay any of its teachers or other staff. VIVA relies exclusively on donations from its students and other benefactors, as well as volunteer staff. Although VIVA was able to purchase the Lands, in part, based on generous donations, it continues to carry considerable debt. These financial concerns have been recently exacerbated by the ongoing public health crisis.

d) VIVA aims to serve the Municipality and the community broadly, and its courses are available and open to the public regardless of one's religious affiliation, or any other distinction. Applicants are admitted by way of an application process. Almost 450 students attended VIVA's courses at the centre last year, with demand in the Municipality far outpacing availability. In short, VIVA serves an important, unique, and in-demand religious and educational community function in the Municipality.

Section 4.

Quote from Joshua Craig, CPA, CGA, Financial Analyst, Local Government Support, Ministry of Municipal Affairs

"I'm very happy that BC Assessment has recognized the statutory exemption of the main building and has changed the classification of the property on Calais Road.

Now that the building and land underneath are statutorily exempt from taxation under *Community Charter* Section 220 (1) (h), I recommend that you return to Council and request a permissive exemption for the remainder of the land at 2359 Calais Road under section 224 (2)(f):

However, the change in classification should significantly reduce the tax levy, even without the permissive exemption.

You may also want to request a permissive exemption for the Wicks Road property under section 224 (2)(a) of the *Community Charter*."

Council meeting notes Sept 23/2020

The following comments were made by Mark Frame during the meeting to decide whether VIVA could be granted a further PTE exemption.

Mark Frame says "We are not saying they are not entitled to a statutory exemption for a place of worship, we are just noting they don't have that statutory exemption. And that exemption is a pre requisite for council to top up with the rest of the exemption (PTE). "If they did have that exemption we could give them, as we do other churches, the additional PTE to cover the rest of their land if we thought it was all used as part of them being a church".

"If they actually had an assessment that didn't portray them as a business but portrayed them as a place of worship, we would be having a different discussion."

He explains that council can and could give VIVA a full exemption and that would be entirely appropriate. It's just that staff has done it's report and is following the guidelines of the Community Charter.

Mark outlines very important criteria for giving a PTE (that in fact VIVA represents) providing public services, community benefit, providing stewardship of public assets, public wellbeing, recreation (meditation is considered as recreation by BCA) and public use.

"So the recommendation is to do nothing and get the partial exemption, and the option is we do a bylaw and give them the exemption they are requesting."

The following information was given to VIVA by Shari L. Jablonski AACI, P.App, B.Comm. regarding our PTE application for the properties located at

- 2359 Calais Rd (Lot 1, Plan VIP27012: Folio 04-315-06474000), and
- Wicks Rd (Lot A, Plan VIP25835: Folio 04-315-06355000).

As the properties are located within the District of North Cowichan municipality, I considered the Community Charter Section 220 (1) (h) and if a statutory exemption is applicable. Excerpt below.

Community Charter

General statutory exemptions

220 (1) Unless otherwise provided in this Act or the *Local Government Act*, the following property is exempt from taxation to the extent indicated:

(h) A building set apart for public worship, and the land on which the building stands, if title to the land is registered in the name of

(i) The religious organization using the building,

(ii) Trustees for the use of that organization, or

(iii) A religious organization granting a lease of the building and land to be used solely for public worship;

Shari Jablonski says;

"I find that a statutory exemption under this Section is applicable for the property located at 2359 Calais Rd. Therefore, the main building & the footprint of land under the main building is statutorily exempt for the 2021 Roll. The statutory exemption does not apply to any other buildings or improvements (including paving) on the property or any land surrounding the main building.

For the Wicks Rd property, the statutory exemption does not apply as the legislation is clear that the exemption applies only to the public worship building.

I reread the Permissive Exemption bylaw 3762, 2019 which is applicable for these 2 properties until 2023. The Bylaw exempts only the improvements from property taxes. Therefore, the permissive exemptions for remainder of the improvements at 2359 Calais Rd, as well as the improvements on Wicks Rd remain permissively exempt. In addition to the statutory exemption applicable to a portion of 2359 Calais Rd, the entire property will change from Property Class 6 Business/Other to Property Class 8 Recreation/Non-Profit. It meets the Property Class 8 definition as outlined in the Prescribed Classes of Property Regulation, BC Reg 438/81. This results in a lower property tax rate applied to this property."

VANCOUVER ISLAND VIPASSANA ASSOCIATION
FINANCIAL STATEMENTS
DECEMBER 31, 2020

Notice to Reader

Balance Sheet


Statement of Operations and Surplus

Notes to Financial Statements

NOTICE TO READER

We have compiled the balance sheet of VANCOUVER ISLAND VIPASSANA ASSOCIATION as at DECEMBER 31, 2020 and the statement of operations and surplus for the year then ended from information provided by the society. We have not audited, reviewed or otherwise attempted to verify the accuracy or completeness of such information. Readers are cautioned that these statements may not be appropriate for their purposes.

Accutax Professional Accountants

Per:  I.C.I.A.

Sooke, B.C.

June 25, 2021

VANCOUVER ISLAND VIPASSANA ASSOCIATION

BALANCE SHEET - DECEMBER 31, 2020

ASSETS

	<u>2020</u>	<u>2019</u>	<u>2018</u>
	\$	\$	\$
Current			
Cash	339,809	493,098	1,578,492
Accounts receivable	2,567	2,300	17,137
Prepaid expenses	6,148	17,126	4,460
	<u>348,524</u>	<u>512,524</u>	<u>1,600,089</u>
Capital (Note 2)			
Duncan property	1,510,985	1,501,085	1,501,085
Equipment	33,594	31,753	3,759
	<u>1,544,579</u>	<u>1,532,838</u>	<u>1,504,844</u>
Less accumulated amortization	12,580	4,145	743
	<u>1,531,999</u>	<u>1,528,693</u>	<u>1,504,101</u>
	<u>1,880,523</u>	<u>2,041,217</u>	<u>3,104,190</u>

LIABILITIES AND SURPLUS

Current			
Accounts payable and accruals	4,490	-	-
Notes payable	738,681	898,630	2,008,368
	<u>743,171</u>	<u>898,630</u>	<u>2,008,368</u>
Surplus	<u>1,137,352</u>	<u>1,142,587</u>	<u>1,095,822</u>
	<u>1,880,523</u>	<u>2,041,217</u>	<u>3,104,190</u>

VANCOUVER ISLAND VIPASSANA ASSOCIATION

STATEMENT OF OPERATIONS AND SURPLUS

YEAR ENDED DECEMBER 31, 2020

	2020	2019	2018
	\$	\$	\$
Revenue			
Donations	118,252	199,424	178,679
Interest and other	7,809	10,265	4,292
	<u>126,061</u>	<u>209,689</u>	<u>182,971</u>
Expenses			
Administration	17,335	19,383	14,991
Amortization	8,435	3,402	743
Insurance	18,276	20,382	4,227
Interest	12,607	17,269	-
Loss on sale of property	-	-	335,069
Meditation centre	22,700	32,466	32,857
Meditation program	23,373	56,367	13,853
Property taxes	24,839	11,372	6,441
Vehicle	3,732	2,283	2,474
	<u>131,296</u>	<u>162,924</u>	<u>410,655</u>
Increase (Decrease) in Revenue over Expenses	(5,235)	46,765	(227,684)
Surplus at Beginning of Year	<u>1,142,587</u>	<u>1,095,822</u>	<u>1,323,506</u>
Surplus at End of Year	<u><u>1,137,352</u></u>	<u><u>1,142,587</u></u>	<u><u>1,095,822</u></u>

UNAUDITED - SEE NOTICE TO READER

VANCOUVER ISLAND VIPASSANA ASSOCIATION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2020

1. ORGANIZATION

The Vancouver Island Vipassana Association was incorporated without share capital under the B.C. Society Act on July 25, 2006 and has approved registered charity status under the Income Tax Act (Canada).

The Society operates programs in meditation, not only for its members, but also for the general public in the tradition of U BA KHIN.

2. CAPITAL ASSETS

(a) Capital assets are recorded at cost.

(b) Amortization has been provided for in the accounts on the declining balance method at the following rates:

Vehicle	-	30%
Equipment	-	20%
Buildings	-	0% (under construction)

One-half rates are applied in the acquisition year.

UNAUDITED - SEE NOTICE TO READER

INFORMATION FOR THE PTE APPLICATION

VIVA was granted by BCAA a Statutory Exemption for its House of Worship, 2359 Calais Rd. That makes possible providing a PTE for our combined Lands that make up Dhamma Modana Vipassana Meditation Center.

This document provides the following information:

Page

- | | |
|---|--|
| 2 | Description of our two lands and relevant community charter statutes |
| 2 | Map of walking trails and their boundaries |
| 4 | Exemption statement from BC Community Charter |
| 5 | Statutory exemption granted by BC Assessment Authority |
| 7 | Children's courses provided at Dhamma Modana |

THE LANDS FOR WHICH WE REQUEST PERMISSIVE TAX EXEMPTIONS

VIVA was granted by BCAA a Statutory Exemption for its House of Worship, 2359 Calais Rd. That makes possible providing a PTE for our combined Lands that make up Dhamma Modana Vipassana Meditation Center.

BC Community Charter advises VIVA can apply for PTE under these Sec of law:

Now that the building and land underneath are statutorily exempt from taxation under *Community Charter* Section 220 (1) (h), I recommend that you return to Council and request a permissive exemption for the remainder of the land at 2359 Calais Road under section 224 (2)(f):

You may also want to request a permissive exemption for the Wicks Road property under section 224 (2)(a) of



the *Community Charter* .[Community Charter \(gov.bc.ca\)](http://gov.bc.ca)

these Lands, 3.5 acre and 10acre are together for the purpose of religious education and practice and the ways in which we use them will grow and change as the Center grows

The property consists of 2 lots; 2359 Calais Rd is on a 3.5 acre lot. The main building consists of two places of worship, residences, kitchen and dining, an administrative office, handicap bathroom and access to areas within the building. Also on this property there is a fully serviced cabin for the Center Manager and some additional structures, providing necessary storage and provisions for the operation of the Centre, a workshop and parking for cars. It's a compact area between some higher land and deep, steep hillsides.

Adjacent to the 3.5 acre lot is **the 2nd lot, Wicks Rd. Without this land we could not have run retreats here, and in truth we would not have bought the Monastery. It is an intregal part of our religious retreats.** It is a 10 acre piece of gentle forested hilly and ravine land and then some low marsh land of Richard's Creek. **This land is an essential part of the functioning of the Center.** Most importantly, for now it gives the Center separate outside areas providing walking trails for students and volunteers, and other. During sitting retreats, daily walking and exercise throughout the day are absolutely necessary. It is a forest of peaceful, natural beauty with a variety of flora, animals and creatures. The daily schedule provides many opportunities during the day to take a break. It's ideal for exercise and relaxing the body, for moments of rest and relaxation, being one's self as part of this natural setting. Also, on this land are 2 serviced cabins, each with complete utilities, used by students and volunteers on regular public courses, and frequently they provide solitude for individuals meditating self course. We use it in the ways we now need it. We have spent much of this covid year cleaning debris and windfalls.

During the early weeks of 2021 we planted 100 new trees, some to fill in the canopy and replace windfalls since buying the property. Others were planted to create privacy for us and our neighbours. This past year we've been clearing the grounds of fire hazard debris.

VIVA became a Cowichan Community Land Trust member as stewards of our lands and forest, and to formalize a solidarity with others caring for our place in nature.

these Lands, 3.5 acre and 10acre are together for the purpose of religious education and practice and the ways in which we use them will grow and change as the Center grows

Craig, Joshua MAH:EX <joshua.craig@gov.bc.ca> To: Carl Wolford

Fri., Dec. 18, 2020 at 10:04 a.m.

Hi Carl,

That is wonderful news. The report you prepared is fantastic. I'm very happy that BC Assessment has recognized the statutory exemption of the main building and has changed the classification of the property on Calais Road.

Now that the building and land underneath are statutorily exempt from taxation under *Community Charter* Section 220 (1) (h), I recommend that you return to Council and request a permissive exemption for the remainder of the land at 2359 Calais Road under section 224 (2)(f):

2359 Calais Road Section 224 ([Community Charter](#))

Section 224 (2) Tax exemptions may be provided under this section for the following:(2)(f) in relation to property that is exempt under section 220 (1) (h) [*buildings for public worship*],

- (i) an area of land surrounding the exempt building,
- (ii) a hall that the council considers is necessary to the exempt building and the land on which the hall stands, and
- (iii) an area of land surrounding a hall that is exempt under subparagraph (ii);

However, the change in classification should significantly reduce the tax levy, even without the permissive exemption.

You may also want to request a permissive exemption for the Wicks Road property under section 224 (2)(a) of the *Community Charter*.

Wicks Road Section 224

Section 224(2)(a) land or improvements that

- (i) are owned or held by a charitable, philanthropic or other not for profit corporation, and
- (ii) the council considers are used for a purpose that is directly related to the purposes of the corporation;

Please contact me if you have questions or require more information.

Regards,

Joshua Craig, CPA, CGA
Financial Analyst
Local Government Support
Ministry of Municipal Affairs

Ph: 778-698-3231 Fax 250-387-7972

Joshua.Craig@gov.bc.ca

I respectfully acknowledge that I live & work in the traditional territory of the Lekwungen people.

This includes the Songhees & Esquimalt First Nations whose historical relationship with the land continues to this day.

Mark Frame regarding VIVA having a BC Assessment Authority Statutory exemption for a House of Worship:

From the video taken of the Sept 23, 3030 MNC Council Meeting, Mark Frame replies to a question:

<https://www.northcowichan.ca/EN/mainMNC/municipal-hall/video-player.html?video=20200916#!195778>

mark frame 34:00 : "If they did have that exemption we could give them, as we do other churches, the additional PTE to cover the rest of their land if we thought it was all used as part of them being a church".

Statutory Exemption Granted by BC Assessment

From: Jablonski, Shari BCA:EX <shari.jablonski@bcassessment.ca>

To: 'Carl Wolford' <cbwolford@yahoo.com>

Sent: Monday, November 9, 2020, 10:56:35 a.m. PST

Subject: RE: Vipassana exemption, 2359 Calais Rd & Wicks Rd, Duncan

Thank you for application which is attached to this email. It was very informative & no other information was required for a review.

I reviewed your application for a property tax exemption for the properties located at

- 2359 Calais Rd (Lot 1, Plan VIP27012: Folio 04-315-06474000), and
- Wicks Rd (Lot A, Plan VIP25835: Folio 04-315-06355000).

As the properties are located within the District of North Cowichan municipality, I considered the Community Charter Section 220 (1) (h) and if a statutory exemption is applicable. Excerpt below.

Community Charter

General statutory exemptions

220 (1) Unless otherwise provided in this Act or the *Local Government Act*, the following property is exempt from taxation to the extent indicated:

- (h) a building set apart for public worship, and the land on which the building stands, if title to the land is registered in the name of
 - (i) the religious organization using the building,
 - (ii) trustees for the use of that organization, or
 - (iii) a religious organization granting a lease of the building and land to be used solely for public worship;

I find that a statutory exemption under this Section is applicable for the property located at 2359 Calais Rd. Therefore, the main building & the footprint of land under the main building is statutorily exempt for the 2021

Roll. The statutory exemption does not apply to any other buildings or improvements (including paving) on the property or any land surrounding the main building.

For the Wicks Rd property, the statutory exemption does not apply as the legislation is clear that the exemption applies only to the public worship building.

I reread the Permissive Exemption bylaw 3762, 2019 which is applicable for these 2 properties until 2023. The Bylaw exempts only the improvements from property taxes. Therefore, the permissive exemptions for remainder of the improvements at 2359 Calais Rd, as well as the improvements on Wicks Rd remain permissively exempt.

Carl,

I forgot to mention that in addition to the statutory exemption applicable to a portion of 2359 Calais Rd, the entire property will change from Property Class 6 Business/Other to Property Class 8 Recreation/Non-Profit. It meets the Property Class 8 definition as outlined in the Prescribed Classes of Property Regulation, BC Reg 438/81.

This results in a lower property tax rate applied to this property.

Best wishes in your future endeavours.

Regards,

Shari L. Jablonski AACI, P.App, B.Comm.

Senior Appraiser

Vancouver Island Region - Nanaimo

Shari.Jablonski@bcassessment.ca

T 1-866-valueBC (825-8322) x 04217 | F 855.995.6209

300 - 125 Wallace St | Nanaimo BC V9R 5B2 www.bcasessment.ca

☐☐☐☐

Property Taxes paid (2018 -2021)

July 2019 = \$22,697.71

August 2020 = \$13,512.73

June 2021 = \$11,912.82

Anapana Meditation Courses for Children and Teens at Dhamma Modana

While the majority of courses offered at Dhamma Modana are for adults, children and teen courses are a small but important part of the annual course schedule. These courses are usually held over the spring and summer breaks from school, making it easier for children and parents to participate.

One day courses are offered to children who range in age from eight to seventeen years and the curriculum is a modified version of what's taught and practiced during the adult courses, with a focus on moral behaviour/action and developing awareness of one's own natural breath (Anapana meditation)

Short periods of instruction and seated meditation practice are interspersed with activities suitable for children, such as stories, outdoor games, forest walks, meals and other creative activities.

An important part of the course is the time spent out of doors, learning about and developing a sense of care and responsibility for our natural surroundings. The 10 acres of land with its many trails, varieties of trees, plants, birds and animals is both an ideal and necessary setting for the program.

These children and teen courses are popular and much appreciated by parents who've participated in courses themselves or who have friends who've attended courses. We feel very lucky that the property is so well situated and set up for these younger student retreats.

For more information, please click this link – [Anapana Meditation for Children & Teens](#).



May 5, 2021

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

RE: Property Tax Exemption for Nature Trust of BC property at Gibbins Road

Please accept the attached application from The Nature Trust of British Columbia (NTBC) for permissive tax exemption on a parcel of land acquired in 2020 at Gibbins Road.

This property was donated to NTBC and managed as part of our conservation land complex at the Cowichan River, for wildlife habitat. This year we are working to restore the property, including the removal of a derelict house, to ensure that the property is safe and ecologically intact.

Please let me know if you require any further information.

Sincerely,

Carl MacNaughton
Conservation Land Manager

Enclosures: Permissive Tax Exemption Application
Map of Property with site details
Financial Statements
Title for Property
NTBC Certificate of Incorporation

Board Chair: Sarah Otto *PhD* **Board:** Peter Armstrong, Trisha Beaty, Brian Clark *RPBio*, Rob Doyle, Emily Griffiths-Hamilton *CPA CA*, Doug Janz, Andrea MacLeod *PhD*, Justin Roach, Brooke Wade, Richard Wood, Jack Woods *RPF*, Jim Wyse **Director Emeritus:** Carmen Purdy **Advisory Board:** Peter Arcese *PhD*, Ross Beaty, Doug Christopher, Don Krogseth, Daniel Nocente, George Reifel, Dick Richards, Peter Speer, John West, Kip Woodward **CEO:** J. Jasper Lament *PhD*

500 - 888 Dunsmuir Street Vancouver BC V6C 3K4 Tel: 604.924.9771 | 1.866.288.7878 info@naturetrust.bc.ca naturetrust.bc.ca
Charitable Organization Number 10808 9863 RR0001

PERMISSIVE TAX EXEMPTION APPLICATION

SECTION 1 – APPLICANT INFORMATION

Organization Name:	
Are you registered under the BC Societies Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you a registered charity?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address:	
Contact Person:	
Email Address:	Phone Number:
Name and Phone number of two other officials in the organization	
Name:	Name:
Title	Title
Phone Home:	Phone Home:
Phone Work:	Phone Work:

SECTION 2 – ORGANIZATION INFORMATION

Please provide a brief description of the goals and objectives of the organization:
What charitable, philanthropic, athletic or recreational service does your organization provide to the community?

SECTION 3 – PROPERTY INFORMATION (REGISTRATION, PRINCIPAL USE)

The lands are registered in the name of:
What is the principal use of the property (including all buildings and/or land)

Please provide details of all other activities on your property including: 1) who uses your facilities or services; 2) whether fees are charged to users; and 3) the percent of time your property is used for each type of use.

Is any part of the building or of the property used or rented by commercial or private individuals or by any group other than your organization? If so, please specify the occupant and use.

To what extent are the buildings or property accessible to the public?

SECTION 4 – OTHER INFORMATION

Other information which may be pertinent to your application

SECTION 5 SUPPORTING DOCUMENTATION CHECK LIST (ATTACHE COPIES TO APPLICATION

Please attach the following:

	most recent annual financial statement		copy of property title
	constitution		site sketch plan showing buildings & uses

SECTION 6 – DECLARATION

I hereby certify that I have read the Municipality of North Cowichan's Permissive Tax Exemption Policy (available at on our website <http://www.northcowichan.ca/EN/main/departments/finance.html>), that the application complies with its requirements, and hat the information contained in the application is complete and correct. **If there is a change in the status of your organization the Municipality of North Cowichan must be notified.**

Signature:

Date:

Name (please print):

Date:

NOTE: In accordance with Municipal Council's July 3, 2013, policy, application forms must be received by North Cowichan before August 1st.

Note: Personal information is collected by the Municipality of North Cowichan under the authority of section 26 (a) & (c) of the Freedom of Information and Protection of Privacy Act for the purpose of processing and administering property tax exemption requests. Should you have any questions about the collection of this personal information, please contact the Deputy Director of Corporate Services, (250) 746-3100; 7030 Trans Canada Highway, Duncan, BC V9L 6A1.

Municipality of North Cowichan Permissive Tax Exemption Application

Supplemental information

Property address: 3776 Gibbins Rd.

Legal description: Section 15 Range 2 Land District 45 Portion PT E 40 ACS W/I MNC

PID: 009-648-402

Site Map:



The property boundary is marked in red. The location of the derelict house, slated for demolition in 2021, is marked by the yellow rectangle. The remainder of the property is natural wildlife habitat along the Cowichan River.

TITLE SEARCH PRINT

2021-01-05, 13:32:37

File Reference:

Requestor: Danielle Morrison

Declared Value \$1400000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN******Land Title District**

Land Title Office

VICTORIA

VICTORIA

Title Number

From Title Number

CA8656605

EW61843

Application Received

2020-12-17

Application Entered

2020-12-21

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

THE NATURE TRUST OF BRITISH COLUMBIA, INC.NO. XS0009934
500 - 888 DUNSMUIR STREET
VANCOUVER, BC
V6C 3K4

Taxation Authority

Nanaimo/Cowichan Assessment Area

Description of Land

Parcel Identifier:

009-648-402

Legal Description:

THAT PART OF THE EAST 40 ACRES OF SECTION 15, RANGE 2, QUAMICHAN DISTRICT,
LYING WITHIN THE BOUNDARIES OF THE CORPORATION OF THE DISTRICT OF NORTH
COWICHAN AS SAID BOUNDARIES ARE DEFINED IN THE B. C. GAZETTE 30.09.1926,
PAGE 3331

Legal Notations

HERETO IS ANNEXED EASEMENT 227725G OVER PART OF SECTION 16,
RANGE 2, QUAMICHAN DISTRICT
DOMINANT TENEMENT 227725G MODIFIED BY EJ44829

HERETO IS ANNEXED EASEMENT 259978G OVER PART OF LOT 1, PLAN 13692
SERVIENT TENEMENT IN RESPECT OF EASEMENT 259978G CANCELLED AS TO
THAT PART OF LOT 1, PLAN 13692 IN PLAN 718 BL - R168207 03.08.1969
DOMINANT TENEMENT 259978G MODIFIED BY EJ44825

HERETO IS ANNEXED EASEMENT 305729G OVER PART OF LOT 1, PLAN 14399
DOMINANT TENEMENT 305729G MODIFIED BY EK21862

TITLE SEARCH PRINT

2021-01-05, 13:32:37

File Reference:

Requestor: Danielle Morrison

Declared Value \$1400000

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. 2, DEPOSITED 27.05.1974

HERETO IS ANNEXED EASEMENT J57547 OVER PART OF LOT C, PLAN 2895 EXCEPT PARTS INCLUDED WITHIN THE BOUNDARIES OF PLAN 3207 AND 14399; THAT PART COLOURED GREEN ON PLAN 165 B.L.; THAT PART COLOURED RED ON PLAN 380 BL AND PARCEL "A" (DD 100244I) THEREOF
DOMINANT TENEMENT J57547 MODIFIED BY EJ44827

Charges, Liens and Interests

Nature:

EXCEPTIONS AND RESERVATIONS

Registration Number:

M76300

Registered Owner:

ESQUIMALT AND NANAIMO RAILWAY COMPANY

Remarks:

INTER ALIA

A.F.B. 9.693.7434A

62799G

SECTION 172(3)

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANYFOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY**Duplicate Indefeasible Title**

NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE



JUNE '91

C A N A D A

SUPPLEMENTARY LETTERS PATENT

issued to

NATIONAL SECOND CENTURY FUND OF BRITISH COLUMBIA

The Minister of Consumer and Corporate Affairs by virtue of the powers vested in her by the Canada Corporations Act, does hereby change the name of the Corporation from NATIONAL SECOND CENTURY FUND OF BRITISH COLUMBIA to THE NATURE TRUST OF BRITISH COLUMBIA as provided in a Special Resolution of the said Corporation, a copy of which is annexed hereto to form part of these presents.

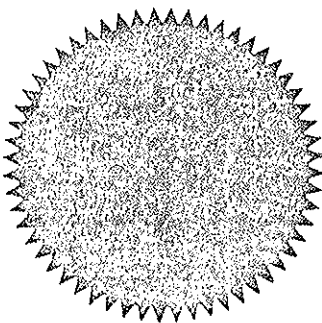
Date of Supplementary Letters Patent
February 15, 1984.

GIVEN under the seal of office of the Minister of
Consumer and Corporate Affairs.

for the Minister of Consumer
and Corporate Affairs.

RECORDED March 5, 1984

Film 514 Document 18



David D. Kirchmayer
Deputy Registrar General of Canada

Letters Patent
Incorporating

NATIONAL SECOND CENTURY FUND OF BRITISH COLUMBIA

DATED 1st October, 1971.

RECORDED 3rd November, 1971.

Film 287 Document 187

S. McLean
for Deputy Registrar General of Canada.

JUNE '91



Canada

By the Minister of Consumer and Corporate Affairs.

To all to whom these presents shall come, or whom the same may in anywise concern,

Greeting:

The Minister of Consumer and Corporate Affairs under the authority of Part III of the Canada Corporations Act, does, by these letters patent, constitute BERTRAM HERYL HOFFMEISTER, EDWARD DAVID HOOPER WILKINSON and PETER HARRY STAFFORD and all others who may become members in the Corporation a body corporate and politic without share capital under the name of NATIONAL SECOND CENTURY FUND OF BRITISH COLUMBIA with all the rights and powers conferred by the said Act, and for the following objects, namely:—

- (a) to promote and support the acquisition, preservation and/or development of sites, areas, species and/or objects of ecological interest in the Province of British Columbia for the use, enjoyment and benefit of the people of British Columbia;

(b) ...

- 2 -

(b) for the due carrying out of the foregoing objects:

- (i) to acquire by purchase, lease, exchange, concession or otherwise any description of real estate and real property, or any interest and rights therein, legal or equitable or otherwise howsoever;
- (ii) to solicit, acquire, accept or receive donations, bequests or subscriptions of money or other real or personal property, whether they be unconditional or subject to special conditions, provided any special conditions are not inconsistent with the objects of the Corporation;
- (iii) to hold, manage, improve, develop, exchange, lease, sell, turn to account or otherwise deal with the real or personal property from time to time held by the Corporation and to retain any real or personal property in the form in which it may be received by the Corporation for such length of time as the Corporation may determine;
- (iv) to enter into any arrangements with any authorities, public or academic or otherwise, or with any corporations, that may seem conducive to the Corporation's objects or any of them and to obtain from any such authority or corporation any rights, privileges and concessions which the Corporation may think it desirable to obtain and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;

(v) ...

JUNE '91

- 3 -

- (v) to donate or subscribe money or other real or personal property to any authorities, public or academic or otherwise, or to any corporations on condition that such money or other property is used entirely and solely for the objects of the Corporation;
- (vi) to invest moneys not immediately needed for the carrying out of the Corporation's objects in such manner as the Corporation may determine, provided that such moneys may only be invested in such investments as are from time to time legally eligible for investment by Canadian life insurance companies;
- (vii) to make such representations as the Corporation deems necessary for the furtherance of its objects;
- (viii) to do all such other things as are incidental or conducive to the attainment of the above objects.

The operations of the Corporation may be carried on throughout Canada and elsewhere.

The head office of the Corporation will be situate in the Municipality of North Vancouver, in the Province of British Columbia.

The said BERTRAM MERYL HOFFMEISTER, EDWARD DAVID HOOPER WILKINSON and PETER HARRY STAFFORD are to be the first directors of the Corporation.

And, in accordance with the provisions of section

65 ...

JUNE '91

- 4 -

65 of the said Act, it is hereby ordained and declared that, when authorized by by-law, duly passed by the directors and sanctioned by at least two-thirds (2/3) of the votes cast at a special general meeting of the members duly called for considering the by-law, the directors of the Corporation may from time to time

- (a) borrow money upon the credit of the Corporation;
- (b) limit or increase the amount to be borrowed;
- (c) issue debentures or other securities of the Corporation;
- (d) pledge or sell such debentures or other securities for such sums and at such prices as may be deemed expedient; and
- (e) secure any such debentures, or other securities, or any other present or future borrowing or liability of the Corporation, by mortgage, hypothec, charge or pledge of all or any currently owned or subsequently acquired real and personal, movable and immovable, property of the Corporation, and the undertaking and rights of the Corporation.

Any such by-law may provide for the delegation of such powers by the directors to such officers or directors of the Corporation to such extent and in such manner as may be set out in such by-law.

Nothing in this section limits or restricts the borrowing of money by the Corporation on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Corporation.

And it is further ordained and declared that the business of the Corporation shall be carried on

without ...

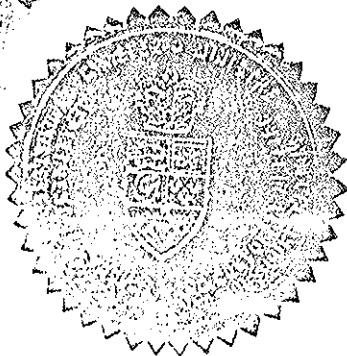
JUNE '91

- 5 -

without pecuniary gain to its members and that any profits or other accretions to the Corporation shall be used in promoting its objects.

GIVEN under the seal of office of the Minister of Consumer and Corporate Affairs at Ottawa this first day of October, one thousand nine hundred and seventy-one.

S. J. Viat
for the Minister of Consumer
and Corporate Affairs.



CANADA
PROVINCE OF BRITISH COLUMBIA

NUMBER

X S-9934



Province of British Columbia
Ministry of Consumer and Corporate Affairs
REGISTRAR OF COMPANIES

SOCIETY ACT

Certificate

I HEREBY CERTIFY THAT

NATIONAL SECOND CENTURY FUND OF BRITISH COLUMBIA

WHICH WAS INCORPORATED UNDER THE LAWS OF CANADA AND IS REGISTERED
UNDER THE SOCIETIES ACT AS AN EXTRA PROVINCIAL SOCIETY UNDER
CERTIFICATE NO. S-9934, HAS CHANGED ITS NAME TO THE NAME THE
NATURE TRUST OF BRITISH COLUMBIA.

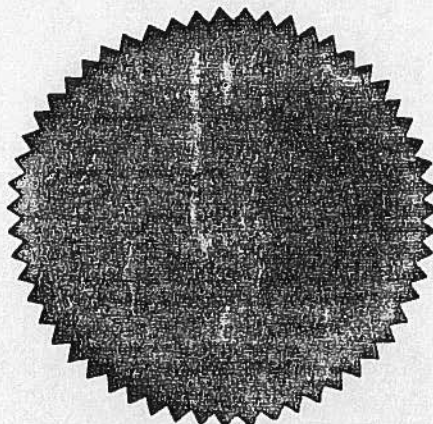
GIVEN UNDER MY HAND AND SEAL OF OFFICE

AT VICTORIA, BRITISH COLUMBIA,

THIS 12TH DAY OF MARCH, 1984

A handwritten signature in ink, appearing to be "L.G. Huck", written over the date.

L.G. HUCK
DEPUTY REGISTRAR OF COMPANIES



THE NATURE TRUST OF BRITISH COLUMBIA

CONSOLIDATED FINANCIAL STATEMENTS

Year Ended December 31, 2019



DALE MATHESON CARR-HILTON LABONTE LLP
CHARTERED PROFESSIONAL ACCOUNTANTS

1500 - 1140 W. Pender Street
Vancouver, BC V6E 4G1
TEL 604.687.4747 | FAX 604.689.2778

INDEPENDENT AUDITOR'S REPORT

To the Directors of The Nature Trust of British Columbia

Report on the Financial Statements

Opinion

We have audited the consolidated financial statements of The Nature Trust of British Columbia, which comprise the consolidated statement of financial position as at December 31, 2019, the consolidated statements of operations and net assets and cash flow for the year then ended, and notes to the financial statements including a summary of significant accounting policies.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of The Nature Trust of British Columbia as at December 31, 2019, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of The Nature Trust of British Columbia in accordance with the ethical requirements that are relevant to our audit of the consolidated financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with those requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is responsible for assessing The Nature Trust of British Columbia's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless management either intends to liquidate The Nature Trust of British Columbia or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing The Nature Trust of British Columbia's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these consolidated financial statements. As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

Independent Auditor's Report to the Directors of The Nature Trust of British Columbia (*continued*)

- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of The Nature Trust of British Columbia's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on The Nature Trust of British Columbia's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause The Nature Trust of British Columbia to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Vancouver, Canada
June 17, 2020

DALE MATHESON CARR-HILTON LABONTE LLP
CHARTERED PROFESSIONAL ACCOUNTANTS

THE NATURE TRUST OF BRITISH COLUMBIA

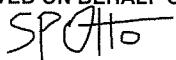
Consolidated Statements of Financial Position

December 31, 2019

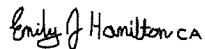
	General Fund \$	Endowment Fund \$	Property Fund \$	Land Management Fund \$	Total 2019 \$	Total 2018 \$
ASSETS						
CURRENT ASSETS						
Cash	916,403	-	-	-	916,403	917,276
Accounts receivable	1,029,975	-	-	-	1,029,975	327,206
Prepaid expenses and deposits	177,588	-	-	-	177,588	126,462
	2,123,966	-	-	-	2,123,966	1,370,944
INVESTMENTS (Note 2 (b), 2 (i), 3 and 15)	21,679,375	4,644,087	-	6,055,030	32,378,492	27,044,360
CAPITAL ASSETS (Note 4)	122,977	-	-	-	122,977	105,800
CONSERVATION LANDS (Note 6)	-	-	88,071,104	-	88,071,104	83,730,529
CONSERVATION LANDS UNDER LONG TERM LEASE (Note 5 and 6)	-	-	895,948	-	895,948	895,948
PACIFIC ESTUARY CONSERVATION PROGRAM PROPERTIES (Note 2(e) and 6)	-	-	17,168,789	-	17,168,789	17,168,789
	23,926,318	4,644,087	106,135,841	6,055,030	140,761,276	130,316,370
LIABILITIES						
CURRENT LIABILITIES						
Accounts payable and accrued liabilities	114,724	-	-	-	114,724	139,713
Deferred contributions (Note 8)	5,379,834	-	-	-	5,379,834	3,699,180
	5,494,558	-	-	-	5,494,558	3,838,893
NET ASSETS	18,431,760	4,644,087	106,135,841	6,055,030	135,266,718	126,477,477
	23,926,318	4,644,087	106,135,841	6,055,030	140,761,276	130,316,370

APPROVED ON BEHALF OF THE BOARD:

Commitments (see Note 11)



Director



Director

THE NATURE TRUST OF BRITISH COLUMBIA

Consolidated Statements of Operations and Net Assets

Year ended December 31, 2019

	General Fund		Endowment Fund		Property Fund		Land Management Fund		Total	
	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
REVENUE										
Donations and grants (Note 6, 7)	2,337,202	1,953,478	11,615	7,895	3,985,963	4,833,332	861,865	547,659	7,196,645	7,342,364
Investment income (Note 9)	1,395,280	1,218,829	-	-	-	-	-	-	1,395,280	1,218,829
Rental and other income	451,016	464,735	-	-	-	-	-	-	451,016	464,735
	<u>4,183,498</u>	<u>3,637,042</u>	<u>11,615</u>	<u>7,895</u>	<u>3,985,963</u>	<u>4,833,332</u>	<u>861,865</u>	<u>547,659</u>	<u>9,042,941</u>	<u>9,025,928</u>
OPERATING EXPENSES										
Salaries and benefits	739,146	702,165	-	-	-	-	-	-	739,146	702,165
Administration expenses	833,071	767,655	-	-	-	-	-	-	833,071	767,655
	<u>1,572,217</u>	<u>1,469,820</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,572,217</u>	<u>1,469,820</u>
PROGRAM EXPENSES										
Land management										
Salaries and benefits	624,905	496,160	-	-	-	-	-	-	624,905	496,160
General program costs	58,486	56,081	-	-	-	-	-	-	58,486	56,081
Province-wide	100,288	125,110	-	-	-	-	-	-	100,288	125,110
Okanagan	254,300	220,219	-	-	-	-	-	-	254,300	220,219
Vancouver Island	103,301	156,136	-	-	-	-	-	-	103,301	156,136
North and Central	87,895	40,921	-	-	-	-	-	-	87,895	40,921
Kootenay	232,360	378,694	-	-	-	-	-	-	232,360	378,694
Lower Mainland	103,998	69,308	-	-	-	-	-	-	103,998	69,308
	<u>1,565,533</u>	<u>1,542,629</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,565,533</u>	<u>1,542,629</u>
EXCESS FROM OPERATIONS	1,045,748	624,593	11,615	7,895	3,985,963	4,833,332	861,865	547,659	5,905,191	6,013,479
Changes in fair value of Investments	2,884,050	(1,713,929)	-	-	-	-	-	-	2,884,050	(1,713,929)
Gain on sale of capital assets	-	986,286	-	-	-	-	-	-	-	986,286
EXCESS OF REVENUE OVER EXPENSES	3,929,798	(103,050)	11,615	7,895	3,985,963	4,833,332	861,865	547,659	8,789,241	5,285,836
NET ASSETS, beginning of year	15,058,009	15,159,901	4,537,502	4,529,607	101,795,266	96,963,092	5,086,700	4,539,041	126,477,477	121,191,641
INTERFUND TRANSFER										
Other transfers	(354,612)	1,158	-	-	354,612	(1,158)	-	-	-	-
Inflation protection (Note 2 (g))	(201,435)	-	94,970	-	-	-	106,465	-	-	-
NET ASSETS, end of year	<u>18,431,760</u>	<u>15,058,009</u>	<u>4,644,087</u>	<u>4,537,502</u>	<u>106,135,841</u>	<u>101,795,266</u>	<u>6,055,030</u>	<u>5,086,700</u>	<u>135,266,718</u>	<u>126,477,477</u>

THE NATURE TRUST OF BRITISH COLUMBIA

Consolidated Statements of Cash Flow

December 31, 2019

	2019	2018
	\$	\$
CASH PROVIDED BY (USED IN)		
OPERATIONS		
Excess of revenue over expenses	8,789,241	5,285,836
Items not involving cash:		
Amortization	30,586	24,663
Changes in fair value of investments	(2,884,050)	1,713,929
Contributed conservation lands (Note 6)	(1,850,000)	-
Gain on disposal of capital assets	-	(986,286)
	4,085,777	6,038,142
Changes in non-cash working capital items	(778,887)	39,820
Increase (decrease) in deferred contributions	1,680,654	931,858
	4,987,544	7,009,820
INVESTING ACTIVITIES		
Investment withdrawals	2,717,786	-
Investment purchases	(3,642,190)	(1,980,326)
Reinvestment of investment income	(1,525,675)	(1,180,244)
Purchase of conservation lands (Note 6)	(2,490,575)	(4,832,174)
Proceeds on disposal of capital assets	-	1,486,430
Purchase of capital assets	(47,763)	(82,381)
	(4,988,417)	(6,588,695)
INCREASE (DECREASE) IN CASH	(873)	421,125
CASH, beginning of year	917,276	496,151
CASH, end of year	916,403	917,276

THE NATURE TRUST OF BRITISH COLUMBIA

Notes to Consolidated Financial Statements

December 31, 2019

1. OPERATIONS

The Government of Canada created The Nature Trust of British Columbia (the "Trust") effective July 1, 1971. The Trust is incorporated under Part II of the Canada Business Corporations Act.

The Trust's objective is the conservation of British Columbia's natural habitat and biodiversity through land securement and management activities. The Trust holds its properties, capital, and accumulated income in a trustee capacity. The majority of the properties owned by the Trust have been leased or are in the process of being leased to federal, provincial or municipal authorities, and to non-government organizations under long-term leases for conservation purposes.

Under the provisions of Section 149.1(1) (b) of the Income Tax Act the Trust is classified as a "Charitable Organization" and is accordingly exempt from income and capital taxes.

2. SIGNIFICANT ACCOUNTING POLICIES

These consolidated financial statements are prepared in accordance with Canadian accounting standards for not-for-profit organizations (ASNFPO).

The accounting policies of the Trust are as follows:

(a) Basis of accounting

These consolidated financial statements include the accounts of the Trust and the assets, liabilities, net assets, revenues, expenses and other transactions of White Lake Basin Holdings Ltd. and 0772995 B.C. Ltd., which are wholly owned subsidiaries of the Trust.

(b) Investments

The Trust's investment activities are governed by an endowment fund investment policy as approved by the Board of Directors. This policy has guidelines as to asset categories and mix in accordance with the investment and risk philosophy of the fund. Investment managers of the fund are selected by the Trust's Audit, Finance and Investment committee and continually monitored for performance.

(c) Capital assets

Capital assets are stated at cost less accumulated amortization. Amortization is provided on a declining-balance basis using the following annual rates:

<u>Asset</u>	<u>Rate</u>
Furniture and equipment	20%
Vehicles	30%

(d) Trust property acquisitions

Trust property purchased is recorded at cost. Property donated is recorded at the fair market value on the acquisition date.

THE NATURE TRUST OF BRITISH COLUMBIA

Notes to Consolidated Financial Statements

December 31, 2019

2. SIGNIFICANT ACCOUNTING POLICIES – Cont'd

(e) Pacific Estuary Conservation Program property acquisitions

The Trust holds title on behalf of all participants to properties acquired through the Pacific Estuary Conservation Program. Properties are recorded at cost.

(f) Fund accounting

For financial reporting purposes, the accounts of the Trust have been classified into funds. Under this method of accounting resources for designated purposes are reported under their appropriate fund. The accounts have been classified into the following funds:

(i) General Fund

The general fund accounts for the Trust's unrestricted resources and administrative functions. The balance at year end represents the original capital contributed by the Government of Canada on July 1, 1971 in the amount of \$4.5 million, the Trust's investment in capital assets, changes in fair value on financial instruments, and accumulated operating surpluses and deficits.

(ii) Endowment Fund

The endowment fund was established in 2008 to ensure that the Trust maintains a sufficient capital base for its long term operating and property acquisition needs. The capital in this fund is to be held in perpetuity. Commencing with the 2019 fiscal year the Endowment Fund will receive an annual transfer from the General Fund equal to the Canadian Annual Inflation rate applied to the Fund's opening capital balance, provided the Trust's overall rate of return on its investment portfolio is in excess of this inflation rate.

(iii) Property Fund

The property fund accounts for the accumulated cost of land acquisitions. It includes deferred contributions for land acquisitions, land acquired for cash, land donated, land acquired pursuant to long term leases, and certain properties acquired through the Pacific Estuary Conservation Program.

(iv) Land Management Fund

The land management fund was established to support the management and maintenance of properties the Trust has acquired to ensure that the long-term ecological and habitat values for which they were acquired are achieved. Contributions to the fund are designated by donors. Also included are funds contributed from the Forest Renewal BC program, which originated under an agreement signed in 1998 with the Trust to ensure the on-going management of properties secured under the agreement. The capital in this fund is to be held in perpetuity. Commencing with the 2019 fiscal year the Land Management Fund will receive an annual transfer from the General Fund equal to the Canadian Annual Inflation rate applied to the Fund's opening capital balance, provided the Trust's overall rate of return on its investment portfolio is in excess of this inflation rate.

(g) Revenue recognition

The Trust follows the deferral method of accounting for contributions. Contributions for designated purposes are deferred and then recognized as revenue in the year in which the related expense or property acquisition cost is incurred. Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Investment income is recorded on the accrual basis which includes dividend and interest income, reinvested distributions from pooled mutual fund investments and realized gains and losses on sale of investments.

Unrealized appreciation and depreciation in the fair value of investments is recognized as changes in fair value of investments.

THE NATURE TRUST OF BRITISH COLUMBIA

Notes to Consolidated Financial Statements

December 31, 2019

2. SIGNIFICANT ACCOUNTING POLICIES – Cont'd

(h) Use of estimates

The preparation of the consolidated financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the dates of the financial statements and the reported amounts of revenues and expenses during the reporting periods. Actual results could differ from those estimates.

(i) Financial instruments

The Trust initially measures its financial assets and liabilities at fair value with transaction costs expensed when incurred. The Trust subsequently measures its financial assets and liabilities at amortized cost, except for investments in quoted active markets, which are measured at fair value. Changes in fair value are recognized in the consolidated statement of operations and net assets.

Financial assets of the Trust include cash, investments and accounts receivable.

Financial liabilities of the Trust include accounts payable and accrued liabilities.

The Trust performs an annual test for impairment on its financial assets not subsequently measured at fair value. Impairment is recognized by a direct reduction to the carrying value of the asset with the loss recognized in the consolidated statement of operations and net assets. When the event that caused the impairment reverses or improves in the future, the loss will be reversed to the extent of the improvement. The amount of the reversal is recognized in the consolidated statement of operations and net assets.

(j) Contributed assets

The Trust receives shares and land donated from contributors. These contributions are recorded at fair market value when received.

THE NATURE TRUST OF BRITISH COLUMBIA

Notes to Consolidated Financial Statements

December 31, 2019

3. INVESTMENTS

All investments are measured at fair value which is readily available from published price quotations in the active market.

	2019 \$		2018 \$	
	<u>Cost</u>	<u>Fair Value</u>	<u>Cost</u>	<u>Fair Value</u>
Cash	660,811	660,811	2,005,326	2,005,326
Bond Fund	8,570,401	8,562,034	7,379,473	7,245,302
Canadian Equities	7,292,294	9,306,670	6,104,882	6,844,018
US Equities	2,468,490	3,877,721	2,323,957	3,280,898
Global Equities	7,950,232	8,593,800	7,354,826	6,858,974
Alternative investments	1,163,719	1,267,228	652,310	699,674
Term Deposits	110,228	110,228	110,168	110,168
	<u>28,216,175</u>	<u>32,378,492</u>	<u>25,930,942</u>	<u>27,044,360</u>

4. CAPITAL ASSETS

	2019 \$		2018 \$	
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Net</u>	<u>Net</u>
Furniture and equipment	323,571	274,978	48,593	49,776
Vehicles	160,752	86,368	74,384	56,024
	<u>484,323</u>	<u>361,346</u>	<u>122,977</u>	<u>105,800</u>

5. CONSERVATION LANDS UNDER LONG-TERM LEASE

The Trust has acquired lease interests in two Crown properties. Under certain conditions, the Crown leases extend into perpetuity. The acquisition cost of these properties has been recorded as Conservation Lands under long-term lease.

THE NATURE TRUST OF BRITISH COLUMBIA

Notes to Consolidated Financial Statements

December 31, 2019

6. PROPERTY FUND

2019	Acquisition Cost \$	External Funding \$	Net Cost (Surplus) \$
Property Fund assets at December 31, 2018	101,795,266		
Additions			
Cowichan River Estuary – Parcel D	14,881	14,881	-
Columbia River Wetlands - Edgewater	1,041,481	1,041,481	-
Princeton Grasslands – MapleCross Meadow	2,419,683	2,065,418	354,265
Nicomen Slough	863,204	863,204	-
Other	1,326	979	347
	4,340,575	3,985,963	354,612
Net cost (surplus)			354,612
Property Fund net assets at December 31, 2019	106,135,841		
2018	Acquisition Cost \$	External Funding \$	Net Cost (Surplus) \$
Property Fund assets at December 31, 2017	96,963,092		
Additions			
Savary Island	3,538,331	3,538,331	-
Kennedy Siding	322,456	322,456	-
White Lake Basin Biodiversity Ranch – Park Rill Creek Infill East	971,379	971,379	-
Other	8	1,166	(1,158)
	4,832,174	4,833,332	(1,158)
Net cost (surplus)			(1,158)
Property Fund net assets at December 31, 2018	101,795,266		

THE NATURE TRUST OF BRITISH COLUMBIA

Notes to Consolidated Financial Statements

December 31, 2019

7. DONATIONS AND GRANTS – GENERAL FUND

Donations and Grants	2019 \$	2018 \$
Donations received from		
Individuals	2,723,787	2,801,396
Bequests	971,127	285,025
Corporations and other organizations	1,493,888	2,611,652
Transferred to deferred contributions	(3,570,120)	(4,653,677)
	<u>1,618,682</u>	<u>1,044,396</u>
Program grants		
Grants received	522,355	618,755
Transferred to deferred contributions	(404,155)	(527,750)
Transferred from deferred contributions	600,320	818,077
	<u>718,520</u>	<u>909,082</u>
Total donations and program grants – General Fund	2,337,202	1,953,478

8. DEFERRED CONTRIBUTIONS

Deferred contributions includes donations, grants and other funding received that must be used as designated by the contributor. These amounts will be recognized as revenue in the year the related expenditure is incurred.

	2019 \$	2018 \$
Conservation land acquisitions	4,321,521	2,613,193
Program expenditures	812,685	787,168
Pacific Estuary Conservation Program (PECP)	198,077	189,532
Other	47,551	109,287
	<u>5,379,834</u>	<u>3,699,180</u>

THE NATURE TRUST OF BRITISH COLUMBIA

Notes to Consolidated Financial Statements

December 31, 2019

9. INVESTMENT AND OTHER INCOME

a) Vancouver Foundation

The Trust is the beneficiary of the income from The Nature Trust of British Columbia Fund held by the Vancouver Foundation. The capital and income funds held by the Vancouver Foundation on behalf of the Trust, which are not reflected in these financial statements, amount to \$279,241 and \$4,339 respectively at December 31, 2019 (2018 - \$278,791 and \$4,176). Included in investment income is \$17,186 (2018 - \$16,474) received from this fund. The fair market value of the fund on December 31, 2019 was \$457,330 (2018 - \$426,148).

b) British Columbia Government Endowment Fund

In April of 2008 the British Columbia government announced the creation of a \$6 million Conservation Land Operating Account on behalf of The Trust. The account is administered by the Habitat Conservation Trust Foundation and investment income generated from the account is used to fund conservation land management projects. The income received in 2019 was \$176,396 (2018 - \$176,141) and is included in donations and grants in the Statement of Operations and Net Assets.

10. FUNDS HELD IN TRUST

The Trust was appointed as administrator for the West Coast Conservation Land Management Program, the Kootenay Conservation Program and the Conservation Lands Partner Program. The Trust holds funds in trust for these programs in the amount of \$251,419, \$50,714 and \$59,146 respectively, (2018 - \$109,832; \$119,344; \$40,954), which are excluded from the Trust's statement of financial position.

THE NATURE TRUST OF BRITISH COLUMBIA

Notes to Consolidated Financial Statements

December 31, 2019

11. COMMITMENTS

The Trust has outstanding long-term operating leases with respect to four vehicles it operates. The lease payments due over the next four years are as follows:

2020	\$ 20,014
2021	20,014
2022	19,806
2023	6,497
	<u>\$ 66,331</u>

The Trust leases office space in Vancouver, BC for its operating premises. The term of the lease is from November 1, 2018 to October 31, 2028. The annual lease payment for the first five years of the lease is \$106,250, plus operating costs estimated at \$84,150. The annual lease payment for the next five years is \$121,125. The landlord has granted two months free rent in each of the five year terms. The minimum annual lease payments are as follows:

2020	\$ 106,250
2021	106,250
2022	106,250
2023	88,542
2024	121,125
Thereafter	464,315
	<u>\$ 992,732</u>

12. BANK LINE OF CREDIT

The Trust has established a line of credit with a total borrowing facility of \$500,000, bearing interest at the bank's prime lending rate payable monthly and secured by certain investments held by the Trust. The line of credit was established to meet short term funding obligations for conservation land acquisitions. The line of credit was not drawn upon in the years 2019 and 2018.

13. LIFE INSURANCE POLICIES

The Trust is the owner and beneficiary of several life insurance policies with an insured value of approximately \$2,252,005 (2018 - \$2,251,900). The Trust owns one policy in respect of which it makes the annual premium payment of \$22,857 (2018 - \$22,857), which is included in administration expenses. For the remaining policies the policy donors pay the annual premiums. The total cash surrender values associated with these policies is nominal and have not been included in the Trust's statement of financial position.

THE NATURE TRUST OF BRITISH COLUMBIA

Notes to Consolidated Financial Statements

December 31, 2019

14. FINANCIAL INSTRUMENTS AND RISK EXPOSURE

The Trust is exposed to various risks through its financial instruments and has a comprehensive risk management framework to monitor, evaluate and manage these risks. There were no significant changes in risk exposures in the current year as compared to 2017.

(a) Foreign currency risk

The Trust is exposed to foreign currency risk with respect to its investments denominated in foreign currencies, including the underlying investments of funds denominated in foreign currencies, because of fluctuations in the relative value of foreign currencies against the Canadian dollar.

(b) Interest rate risk

The Trust is exposed to interest rate risk with respect to its investments in fixed income investments, and other funds that hold fixed income securities because the fair value will fluctuate due to changes in market interest rates.

(c) Credit risk

The Trust is exposed to credit risk in connection with its accounts receivable and its short-term and fixed income investments because of the risk that one party to the financial instrument will cause a financial loss for the other party by failing to discharge an obligation.

(d) Liquidity risk

The Trust is exposed to liquidity risk to the extent that it will encounter difficulty in meeting obligations associated with financial liabilities. To manage liquidity risk, the Trust keeps sufficient cash resources readily available to meet its obligations. The Trust has investments in publicly traded liquid assets that are easily sold and converted to cash.

(e) Other price risk

The Trust is exposed to other price risk through changes in market prices (other than changes arising from interest rate risk or currency risk) in connection with its investment portfolio.

15. SUBSEQUENT EVENTS

The recent outbreak of the coronavirus, also known as "COVID-19", is impacting worldwide economic activity. The extent to which these events may impact the Trust's activities will depend on future developments, such as the duration of the outbreak, and the effectiveness of actions taken worldwide to contain and treat the disease.

Subsequent to year end, at March 31, 2020 the Trust's combined investment portfolio declined by 12.78% before recovering 6.02% as of April 30, 2020. The Trust has a long-term investment horizon and these short-term variations are not anticipated to impact operations. These subsequent changes in the fair value of the Trust's investments are not reflected in the financial statements as at December 31, 2019.



7030 Trans Canada Highway
Duncan BC V9L 6A1, Canada
www.northcowichan.ca
T 250.746.3100
F 250.746.3133

PERMISSIVE TAX EXEMPTION APPLICATION

SECTION 1 – APPLICANT INFORMATION

Organization Name: Duncan Dynamics Gymnastics Club	
Are you registered under the BC Societies Act?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are you a registered charity?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mailing Address: 2687 James Street, Duncan BC	
Contact Person: Chad Rutherford	
Email Address: FIPPA s. 22(1)	Phone Number: FIPPA s. 22(1)
Name and Phone number of two other officials in the organization	
Name: Sara Phillips	Name: Amanda Flynn
Title Vice President	Title Treasurer
Phone Home: FIPPA s. 22(1)	Phone Home: FIPPA s. 22(1)
Phone Work:	Phone Work:

SECTION 2 – ORGANIZATION INFORMATION

Please provide a brief description of the goals and objectives of the organization:
Mission Statement: Building community through gymnastics by promoting fun, fitness, fundamentals and friendships.
What charitable, philanthropic, athletic or recreational service does your organization provide to the community?
Gymnastics and gymnastics related activities; including organized gymnastics, such as competitive and recreational classes and unorganized gymnastics activities such as birthday parties and drop-in

SECTION 3 – PROPERTY INFORMATION (REGISTRATION, PRINCIPAL USE)

The lands are registered in the name of:
Island Savings Centre (CVRD)
What is the principal use of the property (including all buildings and/or land)
Gymnastics

Please provide details of all other activities on your property including: 1) who uses your facilities or services; 2) whether fees are charged to users; and 3) the percent of time your property is used for each type of use.

Primary use is gymnastics. All users (youth from ages 4 to 19) pay a membership fee that covers insurance and a pay per use. The facility is exclusively used for gymnastics.

Is any part of the building or of the property used or rented by commercial or private individuals or by any group other than your organization? If so, please specify the occupant and use.

No

To what extent are the buildings or property accessible to the public?

100% accessible to the public

SECTION 4 – OTHER INFORMATION

Other information which may be pertinent to your application

Duncan Dynamics Gymnastics Club is a not for profit organization that is run by an elected volunteer Board of Directors. The money the club makes is put back into the club by paying for coaches and equipment. We offer a valuable service to the community as a safe place for youth to learn, make friends and enjoy sport. Many of our athletes have had success at the Provincial and National level. Former athletes often return as coaches and give back to the sport that gave them structure and confidence.

SECTION 5 SUPPORTING DOCUMENTATION CHECK LIST (ATTACHE COPIES TO APPLICATION)

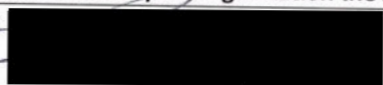
Please attach the following:

<input checked="" type="checkbox"/>	most recent annual financial statement	<input type="checkbox"/>	copy of property title
<input checked="" type="checkbox"/>	constitution	<input type="checkbox"/>	site sketch plan showing buildings & uses

SECTION 6 – DECLARATION

I hereby certify that I have read the Municipality of North Cowichan's Permissive Tax Exemption Policy (available at our website <http://www.northcowichan.ca/EN/main/departments/finance.html>), that the application complies with its requirements, and that the information contained in the application is complete and correct. **If there is a change in the status of your organization the Municipality of North Cowichan must be notified.**

Signature:



Date:

July 14/2021

Name (please print): **FIPPA s. 22(1)**

Chad Rutherford

Date:

Jul 14, 2021

Print Form

NOTE: In accordance with Municipal Council's July 3, 2013, policy, application forms must be received by North Cowichan before August 1st.

Note: Personal information is collected by the Municipality of North Cowichan under the authority of section 26 (a) & (c) of the Freedom of Information and Protection of Privacy Act for the purpose of processing and administering property tax exemption requests. Should you have any questions about the collection of this personal information, please contact the Deputy Director of Corporate Services, (250) 746-3100; 7030 Trans Canada Highway, Duncan, BC V9L 6A1.

Duncan Dynamics Gymnastics Club
Financial Statements

August 31, 2020
(Unaudited - see Notice to Reader)

Notice To Reader

On the basis of information provided by management, we have compiled the statement of financial position of Duncan Dynamics Gymnastics Club as at August 31, 2020 and the statements of operations, changes in net assets for the year then ended. We have not performed an audit or a review engagement in respect of these financial statements and, accordingly, we express no assurance thereon. Readers are cautioned that these statements may not be appropriate for their purposes.

Duncan, British Columbia

Chartered Professional Accountants

Duncan Dynamics Gymnastics Club

Statement of Financial Position

As at August 31, 2020
(Unaudited - see Notice to Reader)

	2020	2019
Assets		
Current		
Cash	123,997	79,402
Accounts receivable	34,926	61,094
Prepaid expenses	-	3,802
Inventory	335	920
	159,258	145,218
Capital assets	31,777	32,807
	191,035	178,025
Liabilities		
Current		
Accounts payable and accruals	6,558	9,625
Canada Emergency Business Account	40,000	-
Deferred revenue	19,550	-
	59,550	-
Net Assets		
Net assets, end of year	124,927	168,400
	191,035	178,025

Duncan Dynamics Gymnastics Club

Statement of Operations and Changes in Net Assets

*For the year ended August 31, 2020
(Unaudited - see Notice to Reader)*

	2020	2019
Revenue		
Memberships and fees	257,829	481,949
Grant revenue	23,000	3,033
Other revenue	4,769	2,503
	285,598	487,485
Expenses		
Salaries and benefits	211,131	328,459
Supplies	18,986	19,784
Rent	16,086	29,637
Professional fees	14,251	11,519
Office expense	9,263	7,163
Janitorial	8,859	18,244
Amortization	7,176	6,952
Utilities	7,137	8,369
Bank charges and interest	5,891	6,956
Advertising	3,883	4,625
Training and education	2,914	4,388
Bad debts	2,220	3,590
Insurance	1,045	1,000
Administrative	504	2,580
	327,257	479,393
Excess (deficiency) of revenue over expenses before other items	(41,659)	8,092
Other (revenue) expenses		
Canada Emergency Wage Subsidy (CEWS)	(24,000)	-
Employee Settlement	22,186	-
	(1,814)	-
Excess of revenue over expenses	(43,473)	8,092
Net assets, beginning of year	168,400	160,308
Net assets, end of year	124,927	168,400

SOCIETIES ACT

BYLAWS OF THE Duncan Dynamics Gymnastic Club

TABLE OF CONTENTS

1.	INTERPRETATION	1
1.1	Definitions	1
1.2	<i>Societies Act</i> Definitions.....	4
1.3	Plural and Singular Forms.....	4
2.	GYMNASTICS BC.....	4
2.1	Membership	4
2.2	Society Duties	4
2.3	Gymnastics BC Representative	4
3.	MEMBERSHIP	4
3.1	Admission to Membership.....	4
3.2	Classes of Membership.....	4
3.3	Admission to Ordinary Membership	4
3.4	Admission to Youth Membership	5
3.5	Transition of Membership.....	5
3.6	Registration of Membership	5
3.7	Re-designation of Membership Class	5
3.8	Membership not Transferable	5
3.9	Term of Membership	5
3.10	Renewal and Re-Registration of Membership	5
3.11	Cessation of Membership	6
4.	MEMBERSHIP RIGHTS AND OBLIGATIONS	6
4.1	Rights of Membership	6
4.2	Member not in Good Standing	6
4.3	Dues.....	7
4.4	Standing of Members	7
4.5	Compliance with Constitution, Bylaws and Policies	7
4.6	Expulsion of Member	7
4.7	No Distribution of Income to Members.....	7
5.	MEETINGS OF MEMBERS.....	8
5.1	Time and Place of General Meetings.....	8
5.2	Annual General Meetings.....	8
5.3	Extraordinary General Meeting	8
5.4	Calling of Extraordinary General Meeting	8
5.5	Requisition of General Meeting.....	8
5.6	Notice of General Meeting	8
5.7	Contents of Notice.....	9
5.8	Omission of Notice	9
6.	PROCEEDINGS AT GENERAL MEETINGS	9
6.1	Business Required at Annual General Meeting	9

6.2	Attendance at General Meetings.....	9
6.3	Electronic Participation in General Meetings	9
6.4	Requirement of Quorum.....	10
6.5	Quorum	10
6.6	Lack of Quorum.....	10
6.7	Loss of Quorum.....	10
6.8	Chair.....	10
6.9	Alternate Chair	10
6.10	Chair to Determine Procedure	11
6.11	Adjournment.....	11
6.12	Notice of Adjournment.....	11
6.13	Minutes of General Meetings	11
7.	VOTING BY MEMBERS.....	11
7.1	Ordinary Resolution Sufficient.....	11
7.2	Entitlement to Vote.....	11
7.3	Voting Other than at General Meeting	11
7.4	Voting Methods	12
7.5	Voting by Chair.....	12
7.6	Voting by Proxy	12
8.	DIRECTORS.....	12
8.1	Management of Property and Affairs	12
8.2	Duties of Directors.....	12
8.3	Qualifications of Directors	13
8.4	Composition of Board.....	13
8.5	Invalidation of Acts	13
8.6	Transition of Directors' Terms	13
8.7	Term of Directors	14
8.8	Consecutive Terms and Term Limits	14
8.9	Extension of Term to Maintain Minimum Number of Directors.....	14
8.10	Appointment to fill Vacancy.....	14
8.11	Removal of Director	14
8.12	Ceasing to be a Director	15
9.	NOMINATION AND ELECTION OF DIRECTORS	15
9.1	Nomination of Directors.....	15
9.2	Elections Generally	15
9.3	Election at Annual General Meeting.....	16
9.4	Election by Acclamation	16
9.5	Election by Secret Ballot	16
9.6	Nomination and Election Policies.....	16
10.	POWERS AND RESPONSIBILITIES OF THE BOARD	17
10.1	Powers of Directors.....	17
10.2	Policies and Procedures	17
10.3	Remuneration of Directors and Officers and Reimbursement of Expenses.....	17
10.4	Investment of Property and Standard of Care.....	17
10.5	Investment Advice	17
10.6	Delegation of Investment Authority to Agent.....	18
11.	PROCEEDINGS OF THE BOARD.....	18
11.1	Board Meetings	18
11.2	Regular Meetings	18
11.3	Ad Hoc Meetings.....	18
11.4	Notice of Board Meetings.....	18

11.5	Attendance at Board Meetings.....	19
11.6	Participation by Electronic Means	19
11.7	Quorum	19
11.8	Director Conflict of Interest.....	19
11.9	Chair of Meetings	20
11.10	Alternate Chair	20
11.11	Chair to Determine Procedure	20
11.12	Minutes of Board Meetings	20
12.	DECISION MAKING AT BOARD MEETINGS	20
12.1	Passing Resolutions and Motions	20
12.2	Resolution in Writing	20
12.3	Entitlement to Vote	20
12.4	Procedure for Voting	21
13.	OFFICERS.....	21
13.1	Officers	21
13.2	Election of Officers	21
13.3	Term of Officer	21
13.4	Removal of Officers.....	21
13.5	Replacement	21
13.6	Duties of Chair	22
13.7	Duties of Vice-Chair	22
13.8	Duties of Secretary.....	22
13.9	Duties of Treasurer	22
13.10	Absence of Secretary at Meeting	22
13.11	Combination of Offices of Secretary and Treasurer	22
14.	INDEMNIFICATION.....	22
14.1	Indemnification of an Eligible Party	22
14.2	Indemnification of an Eligible Party in a Subsidiary	23
14.3	Advancement of Expenses	23
14.4	Indemnification Prohibited	23
14.5	Indemnification not Invalidated by Non-Compliance	23
14.6	Approval of Court	23
14.7	Indemnification Deemed Term	24
14.8	Purchase of Insurance	24
15.	COMMITTEES.....	24
15.1	Creation and Delegation to Committees	24
15.2	Standing and Special Committees	24
15.3	Terms of Reference	24
15.4	Meetings.....	24
16.	EXECUTION OF INSTRUMENTS.....	25
16.1	No Seal	25
16.2	Execution of Instruments.....	25
17.	FINANCIAL MATTERS AND REPORTING	25
17.1	Fiscal Year	25
17.2	Accounting Records	25
17.3	Borrowing Powers	25
17.4	Restrictions on Borrowing Powers	25
17.5	When Audit Required	26
17.6	Appointment of Auditor at Annual General Meeting	26
17.7	Vacancy in Auditor	26
17.8	Removal of Auditor.....	26

17.9	Notice of Appointment.....	26
17.10	Restrictions on Appointment	26
17.11	Auditor's Report	26
17.12	Participation in General Meetings	26
18.	NOTICE GENERALLY	27
18.1	Method of Giving Notice.....	27
18.2	When Notice Deemed to have been Received	27
18.3	Days to be Counted in Notice	27
19.	MISCELLANEOUS.....	27
19.1	Dissolution.....	27
19.2	Inspection of Documents and Records	28
19.3	Right to become Member of other Society	28
20.	BYLAWS	29
20.1	Entitlement of Members to copy of Constitution and Bylaws	29
20.2	Special Resolution required to Alter Bylaws	29
20.3	Effective Date of Alteration.....	29

**BYLAWS
OF THE
Duncan Dynamics Gymnastic Club (the “Society”)**

1. INTERPRETATION

1.1 Definitions

In these Bylaws and the Constitution of the Society, unless the context otherwise requires:

- (a) **“Act”** means the *Societies Act*, S.B.C. 2015, c. 18, as amended from time to time, and includes any successor legislation thereto;
- (b) **“Address of the Society”** means the registered office address of the Society as on record from time to time with the Registrar;
- (c) **“Board”** means the Directors acting as authorized by the Act, the Constitution and these Bylaws in managing or supervising the management of the affairs of the Society and exercising the powers of the Society;
- (d) **“Board Resolution”** means:
 - (1) a resolution passed by a simple majority of the votes cast in respect of the resolution by the Directors entitled to vote on such matter:
 - (A) in person at a duly constituted meeting of the Board,
 - (B) by Electronic Means in accordance with these Bylaws, or
 - (C) by combined total of the votes cast in person and by Electronic Means; or
 - (2) a resolution that has been submitted to all Directors and consented to in writing by two-thirds (2/3) of the Directors who would have been entitled to vote on the resolution at a meeting of the Board,and a Board Resolution approved by any of these methods is effective as though passed at a meeting of the Board;
- (e) **“Bylaws”** means the bylaws of the Society as filed with the Registrar;
- (f) **“Chair”** means the Person elected to the office of chairperson of the Society in accordance with these Bylaws;
- (g) **“Constitution”** means the constitution of the Society as filed with the Registrar;
- (h) **“Directors”** means those Persons who are, or who subsequently become, directors of the Society in accordance with these Bylaws and have not ceased to be directors;
- (i) **“Electronic Means”** means any system or combination of systems, including but not limited to mail, telephonic, electronic, radio, computer or web-based technology or communication facility, that:

- (1) in relation to a meeting or proceeding, permits all participants to communicate with each other or otherwise participate in the proceeding contemporaneously, in a manner comparable, but not necessarily identical, to a meeting where all were present in the same location, and
 - (2) in relation to a vote, permits all eligible voters to cast a vote on the matter for determination in a manner that adequately discloses the intentions of the voters;
- (j) **“Eligible Party”** means:
 - (1) a Person who is or was a Director, as determined in accordance with these Bylaws;
 - (2) such other Person described in the Act that is or was appointed or elected by the Directors to exercise authority to manage the activities or internal affairs of the Society as a whole or in respect of a principal unit of the Society;
 - (3) a Person who holds or held a position equivalent to what is described in either sub-paragraph (1) or (2) above in a subsidiary of the Society, if any; or
 - (4) the heir or personal or legal representative of a Person described in (1), (2) or (3) above;
- (k) **“General Meeting”** means a meeting of the Members, and includes any annual general meeting and any special or extraordinary general meetings of the Society;
- (l) **“Gymnastics BC”** means Gymnastics B.C., a society incorporated under the laws of British Columbia, and includes the legal successor thereto;
- (m) **“Income Tax Act”** means the *Income Tax Act*, R.S.C. 1985 (5th Supp.), c.1 as amended from time to time;
- (n) **“Members”** means those Persons who are, or who subsequently become, members in any class of membership in the Society, in accordance with these Bylaws and, in all cases, have not ceased to be members;
- (o) **“Membership Year”** means the period of approximately one (1) year which relates to the term of Members, which period shall be set by the Board from time to time;
- (p) **“mutatis mutandis”** means with the necessary changes having been made to ensure that the language makes sense in the context;
- (q) **“Ordinary Member”** means a Person who has been admitted as an Ordinary Member in accordance with these Bylaws and who has not ceased to be an Ordinary Member;
- (r) **“Ordinary Resolution”** means:

- (1) a resolution passed by a simple majority of the votes cast in respect of the resolution by those Members entitled to vote:
 - (A) in person at a duly constituted General Meeting, or
 - (B) by Electronic Means in accordance with these Bylaws, or
 - (C) by combined total of the votes cast in person at a General Meeting and the votes cast by Electronic Means; or
- (2) a resolution that has been submitted to the Members and consented to in writing by at least two-thirds (2/3) of the voting Members,
and an Ordinary Resolution approved by any one or more of these methods is effective as though passed at a General Meeting of the Society;
- (s) **"Parent"** means a Person who is a natural or adoptive parent, or legal guardian of one or more Youth Members;
- (t) **"Person"** means a natural person;
- (u) **"Registered Address"** of a Member or Director means the address of that Person as recorded in the register of Members or the register of Directors;
- (v) **"Registrar"** means the Registrar of Companies of the Province of British Columbia;
- (w) **"Secretary"** means a Person elected to the office of secretary of the Society in accordance with these Bylaws;
- (x) **"Society"** means the Duncan Dynamics Gymnastics Club
- (y) **"Special Resolution"** means:
 - (1) a resolution, of which the notice required by the Act and these Bylaws has been provided, passed by at least two-thirds (2/3) of the votes cast in respect of the resolution by those Members entitled to vote:
 - (A) in person at a duly constituted General Meeting,
 - (B) by Electronic Means in accordance with these Bylaws, or
 - (C) by combined total of the votes cast in person at a General Meeting and the votes cast by Electronic Means; or
 - (2) a resolution that has been submitted to the Members and consented to in writing by every Member who would have been entitled to vote on the resolution in person at a General Meeting,
and a Special Resolution approved by any one or more of these methods is effective as though passed at a General Meeting;
- (z) **"Treasurer"** means a Person elected to the office of treasurer of the Society in accordance with these Bylaws;

1.2 **Societies Act Definitions**

Except as otherwise provided, the definitions in the Act on the date these Bylaws become effective apply to these Bylaws and the Constitution.

1.3 **Plural and Singular Forms**

In these Bylaws, a word defined in the plural form includes the singular and vice-versa.

2. **GYMNASTICS BC**

2.1 **Membership**

The Society is a member of Gymnastics BC.

2.2 **Society Duties**

The Society will, at all times:

- (a) comply with the constitution and bylaws of Gymnastics BC;
- (b) support, and not hinder, the purposes, aims and programs of Gymnastics BC;
- (c) abide by all policies and procedures established by the directors of Gymnastics BC; and
- (d) comply with all instructions and requests from Gymnastics BC with regard to any programs it offers.

2.3 **Gymnastics BC Representative**

The Society must, in accordance with Gymnastics BC's bylaws or policies adopted from time to time, appoint a Person to be a representative of the Society in relation to Gymnastics BC and to be responsible for maintaining and providing to Gymnastics BC all relevant contact information of the Society's membership.

3. **MEMBERSHIP**

3.1 **Admission to Membership**

Membership in the Society will be restricted to:

- (a) those Persons who are Members in good standing on the date these Bylaws come into force; and
- (b) those Persons whose subsequent application for admission as a Member has been accepted in accordance with these Bylaws.

3.2 **Admission to Ordinary Membership**

A Person will be admitted as an Ordinary Member if he or she is either:

- (a) a Parent of a Child who participates in the Society's programs, with one Parent per family being eligible to become a Member; or
- (b) a Student who is aged 19 or older.

3.3 Transition of Membership

On the date these Bylaws come into force:

- (a) each Person who is a member of the Society in good standing and who is eligible to be a Member under these Bylaws will continue as a Member until the conclusion of the current term of membership, unless sooner ceasing; and
- (b) each Person who is a member of the Society not in good standing or who is ineligible for membership under these Bylaws will be deemed to have resigned from membership effective that date.

3.4 Registration of Membership

An eligible Person may apply to become a Member by submitting to the Board or its designate:

- (a) a completed written registration form, in such form as may be established by the Board from time to time, to enroll themselves or a youth in ongoing structured programming offered by the Society and paying the applicable registration fees.

A Person becomes a Member on the date their information is entered by the Society into the register of members. The Board may, by Board Resolution, postpone or refuse a Person's registration of membership.

3.5 Membership not Transferable

Membership is not transferable by a Member.

3.6 Term of Membership

Once accepted as a Member, a Person continues as a Member until:

- (a) the conclusion of the current Membership Year, unless membership is renewed in accordance with section 3.7; or
- (b) such Person's membership otherwise ceases in accordance with these Bylaws.

3.7 Renewal and Re-Registration of Membership

A Member who continues to be eligible may renew his or her membership prior to the conclusion of the Membership Year in such form and manner as may be determined by the Board from time to time.

A renewal of membership must be accompanied by payment for applicable membership dues, as well as fees owing by the Member, if any.

A Person whose membership has expired or otherwise ceased other than by expulsion and who remains eligible may re-register for membership after its expiry in accordance with section 3.4.

A Person who was expelled from membership may, unless prohibited by the terms of the expulsion, re-register for membership in accordance with the terms of the expulsion resolution, provided that if the expulsion resolution provided no restrictions related to re-registration, the Person may re-register for membership after one (1) year from the date of expulsion.

Re-registrations for membership are subject to acceptance by the Board.

3.8 Cessation of Membership

A Person will immediately cease to be a Member:

- (a) upon the date which is the later of:
 - (1) the date of delivering his or her resignation in writing to the Secretary or to the Address of the Society; and
 - (2) the effective date of the resignation stated thereon;
- (b) upon the date that is thirty-one (31) days from the conclusion of the current Membership Year, unless membership is renewed in accordance with section 3.7;
- (c) upon his or her expulsion; or
- (d) upon his or her death.

4. MEMBERSHIP RIGHTS AND OBLIGATIONS

4.1 Rights of Membership

An Ordinary Member in good standing has the following rights of membership:

- (a) to receive notice of, and to attend, all General Meetings;
- (b) to make or second motions at a General Meeting and to speak in debate on motions under consideration in accordance with such rules of order as may be adopted;
- (c) to exercise a vote on matters for determination at General Meetings;
- (d) to stand for election as a Director, in accordance with these Bylaws;
- (e) may serve on committees of the Society, as invited; and
- (f) may participate in the programs and initiatives of the Society, in accordance with such criteria as may be determined by the Board from time to time.

4.2 Member not in Good Standing

A Member who is not in good standing has the right to receive notice of, and to attend, all General Meetings, and the right to participate in programs or initiatives of the Society (subject to eligibility) but is suspended from all of the other rights set out in section 4.1 for so long as he or she remains not in good standing.

4.3 Dues

The Board will, by Board Resolution, determine the dues and fees payable by Members from time to time and in the absence of such determination by the Board, dues are deemed to be nil. The Board may determine:

- (a) that different dues and/or fees will apply to different classes of membership;
- (b) that dues and/or fees may be pro-rated in certain circumstances; and
- (c) that dues and/or fees may be waived in cases of demonstrated hardship.

4.4 Standing of Members

All Members are deemed to be in good standing except a Member who has failed to pay such membership dues and fees as are determined by the Board, if any, when due and owing and such Member is not in good standing so long as such amount remains unpaid.

4.5 Compliance with Constitution, Bylaws and Policies

Every Member will, at all times:

- (a) uphold the Constitution and comply with these Bylaws, the regulations and the policies of the Society in effect from time to time;
- (b) abide by such codes of conduct and ethics adopted by the Society; and
- (c) further and not hinder the purposes, aims and objects of the Society.

4.6 Expulsion of Member

Following an appropriate investigation or review of a Member's conduct or actions in accordance with the regulations and policies established by the Board, the Board may, by Board Resolution, expel a Member for conduct which, in the reasonable opinion of the Board:

- (a) is improper or unbecoming for a Member;
- (b) is contrary to section 4.5; or
- (c) is likely to endanger the reputation or hinder the interests of the Society.

The Board must provide notice of a proposed expulsion to the Member in question, accompanied by a brief statement of the reasons for the disciplinary action.

A Member who is the subject of the proposed expulsion will be provided a reasonable opportunity to respond to the proposed discipline at or before the Board Resolution is considered.

4.7 No Distribution of Income to Members

The activities of the Society will be carried on without purpose of gain for its members and any income, profits or other accretions to the Society will be used in promoting the purposes of the Society.

5. MEETINGS OF MEMBERS

5.1 Time and Place of General Meetings

The General Meetings of the Society will be held at such time and place, in accordance with the Act, as the Board decides.

5.2 Annual General Meetings

An annual general meeting will be held at least once in every calendar year and in accordance with the Act.

5.3 Extraordinary General Meeting

Every General Meeting other than an annual general meeting is an extraordinary general meeting.

5.4 Calling of Extraordinary General Meeting

The Society will convene an extraordinary general meeting by providing notice in accordance with the Act and these Bylaws in any of the following circumstances:

- (a) at the call of the Chair;
- (b) when resolved by Board Resolution; or
- (c) when such a meeting is requisitioned by the Members in accordance with the Act and section 5.5 of these Bylaws.

5.5 Requisition of General Meeting

In accordance with the Act and these Bylaws, the Members may requisition a General Meeting, provided that such a requisition must:

- (a) be made in writing and contain the names of, and be signed by, at least ten percent (10%) of the Members;
- (b) state in two-hundred (200) words or less, the business, including any Special Resolution, to be considered at the proposed General Meeting;
- (c) be delivered or sent by registered mail to the Address of the Society; and
- (d) be sent to the Registered Addresses of each Director.

5.6 Notice of General Meeting

The Society will, in accordance with section 18.1, send notice of every General Meeting to:

- (a) each Member shown on the register of Members on the date the notice is sent; and
- (b) the auditor, if any is appointed,

not less than fourteen (14) days and not more than sixty (60) days prior to the date of the General Meeting.

No other Person is entitled to be given notice of a General Meeting.

5.7 Contents of Notice

Notice of a General Meeting will specify the place, the day and the time of the meeting and will include the text of every Special Resolution to be proposed or considered at that meeting.

If the Board has determined to hold a General Meeting to include participation by Electronic Means, the notice of that meeting must inform Members that they may participate by Electronic Means and provide instructions on how this may be done.

5.8 Omission of Notice

The accidental omission to give notice of a General Meeting to a Member, or the non-receipt of notice by a Member, does not invalidate proceedings at that meeting.

6. PROCEEDINGS AT GENERAL MEETINGS

6.1 Business Required at Annual General Meeting

The following business is required to be conducted at each annual general meeting of the Society:

- (a) the adoption of an agenda;
- (b) the approval of the minutes of the previous annual general meeting and any extraordinary general meetings held since the previous annual general meeting;
- (c) consideration of the financial statements and the report of the auditor thereon, if any;
- (d) the consideration of any Members' proposals submitted in accordance with the Act;
- (e) the election of Directors; and
- (f) such other business, if any, required by the Act or at law to be considered at an annual general meeting.

The annual general meeting may include other business as determined by the Board in its discretion.

6.2 Attendance at General Meetings

In addition to Members, Directors and the Society's auditor, if any, the Board may also invite any other Person or Persons to attend a General Meeting as observers and guests. All observers and guests may only address the assembly at the invitation of the Person presiding as chair, or by Ordinary Resolution.

6.3 Electronic Participation in General Meetings

The Board may determine, in its discretion, to hold any General Meeting in whole or in part by Electronic Means, so as to allow some or all Members to participate in the meeting remotely.

Where a General Meeting is to be conducted using Electronic Means, the Board must take reasonable steps to ensure that all participants are able to communicate and participate in the meeting adequately and, in particular, that remote participants are able to participate in a manner comparable to participants present in person, if any.

Persons participating by permitted Electronic Means are deemed to be present at the General Meeting.

6.4 Requirement of Quorum

No business, other than the election of a Person to chair the meeting and the adjournment or termination of the meeting, will be conducted at a General Meeting at a time when a quorum is not present.

6.5 Quorum

A quorum at a General Meeting is fifteen (15) Members in good standing on the date of the General Meeting.

6.6 Lack of Quorum

If within thirty (30) minutes from the time appointed for a General Meeting a quorum is not present, the meeting, if convened on the requisition of Members, will be terminated, but in any other case it will stand adjourned to the same day the following week, at the same time and place, and if, at the adjourned meeting, a quorum is not present within thirty (30) minutes from the time appointed for the meeting, the Members present will constitute a quorum and the meeting may proceed.

6.7 Loss of Quorum

If at any time during a General Meeting there ceases to be a quorum present, business then in progress will be suspended until there is a quorum present or until the meeting is adjourned or terminated.

6.8 Chair

The Chair will, subject to a Board Resolution appointing another Person, preside as chair at all General Meetings.

If at any General Meeting the Chair and such alternate Person appointed by a Board Resolution, if any, are not present within fifteen (15) minutes after the time appointed for the meeting, the Directors present may choose one of their number to preside as chair at that meeting.

6.9 Alternate Chair

If a Person presiding as chair of a General Meeting wishes to step down as chair for all or part of that meeting, he or she may designate an alternate to chair such meeting or portion thereof, and upon such designated alternate receiving the consent of a majority of the Members present at such meeting, he or she may preside as chair.

6.10 Chair to Determine Procedure

In the event of any doubt, dispute or ambiguity in relation to procedural matters or parliamentary process at a General Meeting, the Person presiding as chair will have the authority to interpret and apply such rules of order as the meeting has adopted and determine matters in accordance with those rules, as well as the Act and these Bylaws.

6.11 Adjournment

A General Meeting may be adjourned from time to time and from place to place, but no business will be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

6.12 Notice of Adjournment

It is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting except where a meeting is adjourned for more than fourteen (14) days, in which case notice of the adjourned meeting will be given as in the case of the original meeting.

6.13 Minutes of General Meetings

The Secretary or such other Person designated by the Board will ensure that minutes are taken for all General Meetings.

7. VOTING BY MEMBERS

7.1 Ordinary Resolution Sufficient

Unless the Act, these Bylaws or adopted rules of order provide otherwise, every issue for determination by a vote of the Members will be decided by an Ordinary Resolution.

7.2 Entitlement to Vote

Each Member in good standing is entitled to one (1) vote on matters for determination by the Members. No other Person is entitled to vote on a matter for determination by the Members, whether at a General Meeting or otherwise.

7.3 Voting Other than at General Meeting

The Board may, in its sole discretion, conduct a vote of the Members other than at a General Meeting, whether by mail-in ballot or Electronic Means, provided in each case that the Society provides each Member in good standing with notice of:

- (a) the text of the resolutions to be voted on;
- (b) the open and closing dates for casting a vote; and
- (c) instructions on how a Member may cast a vote.

7.4 Voting Methods

Voting by Members may occur by any one or more of the following methods, in the discretion of the Board:

- (a) by show of hands or voting cards;
- (b) by written ballot; or
- (c) by vote conducted by Electronic Means.

Where a vote is to be conducted by show of hands or voting cards, and prior to the question being put to a vote, a number of Members equal to not less than ten percent (10%) of the votes present may request a secret ballot, and where so requested the vote in question will then be conducted by written ballot or other means whereby the tallied votes can be presented anonymously in such a way that it is impossible for the assembly to discern how a given Member voted.

7.5 Voting by Chair

If the Person presiding as chair of a General Meeting is a Member, then he or she may, in his or her sole discretion, cast a vote on any motion or resolution under consideration at the same time as voting occurs by all Members. A Person presiding as chair who is not a Member has no vote.

The Person presiding as chair of a General Meeting does not have a second or a casting vote in the event of a tie and a motion or resolution that is tied is defeated.

7.6 Voting by Proxy

A person entitled to vote at a General Meeting may appear in person or by proxy

A document appointing a proxy (a) must be in writing and signed by the person appointing a proxy, (b) may be either general or for a specific meeting or a specific resolution, and (c) may be revoked at any time.

Any Member may act as a proxy for another Member. A proxy stands in the place of the person appointing the proxy, and can do anything that person can do, including vote, propose and second motions and participate in the discussion, unless limited in the appointment document.

8. DIRECTORS

8.1 Management of Property and Affairs

The Board will have the authority and responsibility to manage, or supervise the management of, the property and the affairs of the Society.

8.2 Duties of Directors

Pursuant to the Act, every Director will:

- (a) act honestly and in good faith with a view to the best interests of the Society;
- (b) exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances;
- (c) act in accordance with the Act and the regulations thereunder; and
- (d) subject to Sections 8.2(a) to 8.2(c), act in accordance with these Bylaws.

Without limiting sections 8.2(a) to (d), a Director, when exercising the powers and performing the functions of a Director, must act with a view to the purposes of the Society.

8.3 Qualifications of Directors

Pursuant to the Act, a Person may not be nominated, elected or appointed to serve (or continue to serve) as a Director if he or she:

- (a) is less than nineteen (19) years of age;
- (b) has been found by any court, in Canada or elsewhere, to be incapable of managing his or her own affairs;
- (c) is an undischarged bankrupt;
- (d) has been convicted of a prescribed offence within the prescribed period, for which no pardon has been granted, all in accordance with the Act; or
- (e) is not a Member in good standing.

In addition to the foregoing, a Person may not be nominated, elected or appointed to serve (or continue to serve) as a Director if he or she is an employee, or a former employee of the Society, if that employee's former employment was terminated by the Society, with or without cause.

8.4 Composition of Board

The Board will be composed of a minimum of five (5) and a maximum of fifteen (15) Directors, which number may be set within that range by Board Resolution, each of whom will be elected or appointed in accordance with these Bylaws.

8.5 Invalidation of Acts

No act or proceeding of the Board is invalid by reason only of there being less than the required number of Directors in office.

8.6 Transition of Directors' Terms

Each Person who is a Director on the date these Bylaws come into force will continue as a Director for the remaining term to which he or she was elected, unless sooner ceasing in accordance with these Bylaws.

8.7 Term of Directors

The term of office of Directors will until the completion of the Annual General Meeting following the election or appointment of the Director.

8.8 Consecutive Terms and Term Limits

Directors may be elected for consecutive terms, without limit.

8.9 Extension of Term to Maintain Minimum Number of Directors

Every Director serving a term of office will retire from office at the close of the annual general meeting in the year in which his or her term expires, provided that if insufficient successors are elected and the result is that the number of Directors would fall below five (5), the Person or Persons previously elected as Directors may, if they consent, continue to hold office, and the term of such Director or Directors is deemed to be extended, until such time as successor Directors are elected.

8.10 Appointment to fill Vacancy

If a Director ceases to hold office before the expiry of his or her term, the Board, by Board Resolution, may appoint a Member qualified in accordance with section 8.3 to fill the resulting vacancy.

The position occupied by an appointed replacement Director will become available for election at the next annual general meeting and each such appointed replacement Director will continue in office until the conclusion of the next annual general meeting unless sooner ceasing to be a Director. The appointed replacement Director may run for the vacant position.

8.11 Removal of Director

The Members may remove a Director before the expiration of such Director's term of office by Special Resolution and may elect a replacement Director by Ordinary Resolution to serve for the balance of the removed Director's term.

A Director may be removed before the expiration of his or her term of office by either of the following methods:

- (a) by Special Resolution; or
- (b) by Board Resolution.

If by Special Resolution, the Members may elect a replacement Director by Ordinary Resolution to serve for the balance of the removed Director's term of office.

If by Board Resolution, the Director proposed for removal has a conflict of interest and may not vote on the Board Resolution, but is entitled to not less than seven (7) days' advance notice in writing of the proposed Board Resolution and to address the Board prior to the vote on the resolution.

8.12 Ceasing to be a Director

A Person will immediately and automatically cease to be a Director:

- (a) upon the date which is the later of:
 - (1) the date of delivering his or her resignation in writing to the Chair or to the Address of the Society; and
 - (2) the effective date of the resignation stated therein;
- (b) upon the expiry of his or her term, unless re-elected;
- (c) upon the date such Person is no longer qualified pursuant to section 8.3;
- (d) upon his or her removal; or
- (e) upon his or her death.

9. NOMINATION AND ELECTION OF DIRECTORS

9.1 Nomination of Directors

Nominations for election as a Director must be made in accordance with the applicable provisions of these Bylaws, including this section, and such policies and procedures as are established by the Board from time to time, provided that such policies or procedures do not conflict with these Bylaws.

All nominations are subject to the following rules:

- (a) a nomination may be made in writing or orally;
- (b) a Person must be qualified in accordance with section 8.3 in order to be nominated;
- (c) only Members may stand for election as a Director and must be in good standing to do so;
- (d) a Person may nominate him or herself. A Person who is nominated shall introduce him or herself to the Members at the General Meeting in which the election of Directors takes place; and
- (e) a Member may not nominate more nominees than the number of Director positions available for election.

9.2 Elections Generally

Directors will be elected by acclamation or by vote of the Members, in accordance with the applicable provisions of these Bylaws and such nomination and election policies and procedures as may be established by the Society from time to time.

To the extent possible, approximately half of Director positions will become vacant for election each year.

9.3 Election at Annual General Meeting

Election of Directors will normally take place at, or prior to, the annual general meeting and Directors so elected will take office commencing at the close of such meeting.

9.4 Election by Acclamation

In elections where the number of eligible nominees at the close of the nomination period is equal to or less than the number of positions for Directors that will become vacant at the close of the next annual general meeting, then the eligible nominees are deemed to be elected by acclamation and no vote will be required.

9.5 Election by Secret Ballot

In elections where there are more eligible nominees than vacant positions for Directors at the close of the nomination period, election will be by secret ballot and the following rules will apply:

- (a) the secret ballot may be conducted by written ballot or Electronic Means, either at or prior to the annual general meeting, all at the discretion of the Board;
- (b) ballots will be sent or otherwise made accessible to all Members in good standing, and only to those Persons;
- (c) each ballot will include the name of each eligible nominee and the number of vacancies to be filled;
- (d) no Member will vote for more Directors than the number of vacant positions. Any ballot will be deemed to be void if it records votes for more nominees than there are vacant positions;
- (e) ballots will be counted following the close of the election period by scrutineers appointed by the Board;
- (f) nominees will be deemed to be elected in order of those nominees receiving the most votes;
- (g) in the event of a tie between two (2) or more eligible nominees for the final vacant position, the scrutineers will place one (1) ballot marked for each tied nominee into a suitable container and the Chair will draw one (1) ballot from the container at random, which nominee selected will be elected to the final vacant position; and
- (h) the results of an election by secret ballot will be announced to all Members following the counting of the ballots.

9.6 Nomination and Election Policies

The Board may establish, by Board Resolution from time to time, such additional policies and procedures related to the nomination and election of Directors as it determines are necessary or prudent for the Society, provided that no such policy and procedure is valid to the extent that it is contrary to the Act or these Bylaws.

10. POWERS AND RESPONSIBILITIES OF THE BOARD

10.1 Powers of Directors

The Board may exercise all such powers and do all such acts and things as the Society may exercise and do, and which are not by these Bylaws or by statute or otherwise lawfully directed or required to be exercised or done by the Members in General Meeting, but nevertheless subject to the provisions of:

- (a) all laws affecting the Society; and
- (b) these Bylaws and the Constitution.

Without limiting the generality of the foregoing, the Board will have the power to make expenditures, including grants, gifts and loans, whether or not secured or interest-bearing, in furtherance of the purposes of the Society. The Board will also have the power to enter into trust arrangements or contracts on behalf of the Society in furtherance of the purposes of the Society.

10.2 Policies and Procedures

The Board may establish such rules, regulations, policies or procedures relating to the affairs of the Society as it deems expedient, provided that no rule, regulation, policy or procedure is valid to the extent that it is inconsistent with the Act, the Constitution or these Bylaws.

10.3 Remuneration of Directors and Officers and Reimbursement of Expenses

Directors must not receive remuneration from the Society for acting in their capacity as Directors. However, a Director may be reimbursed for all expenses necessarily and reasonably incurred by him or her while engaged in the affairs of the Society, provided that all claims for reimbursement are in accordance with established policies.

Directors may receive remuneration from the Society for providing services in another capacity, provided that a majority of the Board must not be so remunerated.

10.4 Investment of Property and Standard of Care

If the Board is required to invest funds on behalf of the Society, the Board may invest the property of the Society in any form of property or security in which a prudent investor might invest. The standard of care required of the Directors is that they will exercise the care, skill, diligence and judgment that a prudent investor would exercise in making investments in light of the purposes and distribution requirements of the Society. The Board may establish further policies related to the investment of the Society's funds and property, provided that such policies are not contrary to the Act or these Bylaws.

10.5 Investment Advice

The Directors may obtain advice with respect to the investment of the property of the Society and may rely on such advice if a prudent investor would rely upon the advice in comparable circumstances.

10.6 Delegation of Investment Authority to Agent

The Directors may delegate to a stockbroker, investment dealer, or investment counsel the degree of authority with respect to the investment of the Society's property that a prudent investor might delegate in accordance with ordinary business practice.

11. PROCEEDINGS OF THE BOARD

11.1 Board Meetings

Meetings of the Board may be held at any time and place determined by the Board.

Meetings may include regular meetings and ad hoc meetings, as determined by the Board.

11.2 Regular Meetings

The Board may decide to hold regularly scheduled meetings to take place at dates and times set in advance by the Board. Once the schedule for regular meetings is determined and notice given to all Directors, no further notice of those meetings is required to be provided to a Director unless:

- (a) that Director was not in office at the time notice of regular meetings was provided; or
- (b) the date, time or place of a regular meeting has been altered.

11.3 Ad Hoc Meetings

The Board may hold an ad hoc meeting in any of the following circumstances:

- (a) at the call of the Chair; or
- (b) by request of any two (2) or more Directors.

11.4 Notice of Board Meetings

At least two (2) days' notice will be sent to each Director of:

- (a) an ad hoc board meeting; or
- (b) a change to a regular board meeting for which notice was previously provided.

However, no formal notice will be necessary if all Directors were present at the preceding meeting when the time and place of the meeting was decided or are present at the meeting or waive notice thereof in writing or give a prior verbal waiver to the Secretary.

For the purposes of the first meeting of the Board held immediately following the election of a Director or Directors conducted at a General Meeting, or for the purposes of a meeting of the Board at which a Director is appointed to fill a vacancy in the Board, it is not necessary to give notice of the meeting to the newly elected or appointed Director or Directors for the meeting to be properly constituted.

If a meeting of the Board will permit participation by Electronic Means, the notice of that meeting must inform Directors and other participants (if any) that they may participate by Electronic Means and provide instructions on how to do so.

11.5 Attendance at Board Meetings

Every Director is entitled to attend each meeting of the Board.

No other Person is entitled to attend meetings of the Board, but the Board may invite any Person or Persons to attend one or more meetings of the Board as advisors, observers or guests.

11.6 Participation by Electronic Means

The Board may determine, in its discretion, to hold any meeting or meetings of the Board in whole or in part by Electronic Means, so as to allow some or all parties to participate in the meeting remotely.

Where a meeting of the Board is conducted by Electronic Means, the Society must take reasonable steps to ensure that all participants are able to communicate and participate in the meeting.

11.7 Quorum

Quorum for meetings of the Board will be a majority of the Directors currently in office.

11.8 Director Conflict of Interest

A Director who has a direct or indirect material interest in a contract or transaction (whether existing or proposed) with the Society, or a matter for consideration by the Directors:

- (a) will be counted in the quorum at a meeting of the Board at which the contract, transaction or matter is considered;
- (b) will disclose fully and promptly the nature and extent of his or her interest in the contract, transaction or matter;
- (c) is not entitled to vote on the contract, transaction or matter;
- (d) will absent him or herself from the meeting or portion thereof:
 - (1) at which the contract, transaction or matter is discussed, unless requested by the Board to remain to provide relevant information; and
 - (2) in any case, during the vote on the contract, transaction or matter; and
- (e) refrain from any action intended to influence the discussion or vote.

The Board may establish further policies governing conflicts of interest of Directors and others, provided that such policies must not contradict the Act or these Bylaws.

11.9 Chair of Meetings

The Chair will, subject to a Board Resolution appointing another Person, preside as chair at all meetings of the Board.

If at any meeting of the Board the Chair and such alternate Person appointed by a Board Resolution, if any, are not present within 15 minutes after the time appointed for the meeting or requests that he or she not chair that meeting, the Directors present may choose one of their number to chair that meeting.

11.10 Alternate Chair

If the Person presiding as chair of a meeting of the Board wishes to step down as chair for all or part of that meeting, he or she may designate an alternate to chair such meeting or portion thereof, and upon such designated alternate receiving the consent of a majority of the Directors present at such meeting, he or she may preside as chair.

11.11 Chair to Determine Procedure

In the event of any doubt, dispute or ambiguity in relation to procedural matters or parliamentary process at a meeting of the Board, the person presiding as chair will have the authority to interpret and apply such rules of order as the meeting has adopted and determine matters in accordance with those rules, as well as the Act and these Bylaws.

11.12 Minutes of Board Meetings

The Secretary or such other Person designated by the Board will ensure that minutes are taken for all meetings of the Board.

12. DECISION MAKING AT BOARD MEETINGS

12.1 Passing Resolutions and Motions

Any issue at a meeting of the Board which is not required by the Act, these Bylaws or such rules of order as may apply to be decided by a resolution requiring more than a simple majority will be decided by Board Resolution.

12.2 Resolution in Writing

A Board Resolution may be in two or more counterparts which together will be deemed to constitute one resolution in writing. Such resolution will be filed with minutes of the proceedings of the Board and will be deemed to be passed on the date stated therein or, in the absence of such a date being stated, on the latest date stated on any counterpart.

12.3 Entitlement to Vote

Subject to section 11.8, each Director is entitled to one (1) vote on all matters at a meeting of Board. No other Person is entitled to a vote at a meeting of the Board.

12.4 Procedure for Voting

Except where expressly provided for in these Bylaws, voting on matters at a meeting of the Board may occur by any one or more of the following mechanisms, in the discretion of the Chair:

- (a) by show of hands;
- (b) by written ballot;
- (c) by roll-call vote or poll; or
- (d) by Electronic Means.

On the request of any one (1) or more Directors, a vote will be conducted by written ballot or other means whereby the tallied votes can be presented anonymously, in such a way that it is impossible for the assembly to discern how a given Director voted.

13. OFFICERS

13.1 Officers

The officers of the Society are the Chair, Secretary and Treasurer, together with such other officers, if any, as the Board, in its discretion, may create. The above required officers must be Directors. The Officers of the Society will not have any independent authority to bind the Society, except through the passage of resolutions at duly held Board meetings.

The Board may, by Board Resolution, create and remove such other officers of the Society as it deems necessary and determine the duties and responsibilities of all officers.

13.2 Election of Officers

At each meeting of the Board immediately following an annual general meeting, the Board will elect the officers.

13.3 Term of Officer

The term of office for each officer will be one (1) year, commencing on the date the Director is elected as an officer in accordance with section 13.2 and continuing until the first meeting of the Board held after the next following annual general meeting. A Director may be elected as an officer for consecutive terms.

13.4 Removal of Officers

A Person may be removed as an officer by Board Resolution.

13.5 Replacement

Should the Chair or any other officer for any reason be unable to complete his or her term, the Board will remove such officer from his or her office and will elect a replacement without delay.

13.6 Duties of Chair

The Chair will supervise the other officers in the execution of their duties and will preside at all meetings of the Society and of the Board.

13.7 Duties of Secretary

The Secretary will be responsible for making the necessary arrangements for:

- (a) the issuance of notices of meetings of the Society and the Board;
- (b) the keeping of minutes of all meetings of the Society and the Board;
- (c) the custody of all records and documents of the Society, except those required to be kept by the Treasurer;
- (d) the maintenance of the register of Members; and
- (e) the conduct of the correspondence of the Society.

13.8 Duties of Treasurer

The Treasurer will be responsible for making the necessary arrangements for:

- (a) the keeping of such financial records, reports and returns, including books of account, as are necessary to comply with the Act and the *Income Tax Act*; and
- (b) the rendering of financial statements to the Directors, Members and others, when required.

13.9 Absence of Secretary at Meeting

If the Secretary is absent from any General Meeting or meeting of the Board, the Directors present will appoint another Person to act as secretary at that meeting.

13.10 Combination of Offices of Secretary and Treasurer

The offices of Secretary and Treasurer may be held by one (1) Person who will be known as the Secretary-Treasurer.

14. INDEMNIFICATION

14.1 Indemnification of an Eligible Party

Subject to section 14.4 and the provisions of the Act, an Eligible Party will be indemnified by the Society against all costs, charges and expenses, including legal and other fees, actually and reasonably incurred in connection with any legal proceeding or investigative action, whether current, threatened, pending or completed, to which that Eligible Party, by reason of his or her holding or having held authority within the Society:

- (a) is or may be joined as a party to such legal proceeding or investigative action; or

- (b) is or may be liable for or in respect of a judgment, penalty or fine awarded or imposed in, or an amount paid in settlement of, such legal proceeding or investigative action.

14.2 Indemnification of an Eligible Party in a Subsidiary

Notwithstanding section 14.1, the Society may, in its discretion, determine whether or not to indemnify an Eligible Party to the extent he or she is liable for or in respect of expenses by reason of holding or having held a position in a subsidiary, if any, of the Society, which position is equivalent to the position of an Eligible Party in the Society itself.

14.3 Advancement of Expenses

To the extent permitted by the Act and subject to section 14.4, all costs, charges and expenses incurred by an Eligible Party with respect to any legal proceeding or investigative action may be advanced by the Society prior to the final disposition thereof, in the discretion of the Board, and upon receipt of an undertaking satisfactory in form and amount to the Board by or on behalf of the Eligible Party to repay such amount unless it is ultimately determined that the Eligible Party is entitled to indemnification hereunder.

14.4 Indemnification Prohibited

Notwithstanding sections 14.1 and 14.2, the Society must not indemnify an Eligible Party against any costs, charges and expenses, including legal and other fees, incurred in connection with any legal proceeding or investigative action, if such Eligible Party:

- (a) has already been reimbursed for such expenses;
- (b) has been judged by a court, in Canada or elsewhere, or by another competent authority to have committed any fault or to have omitted to do anything that he or she ought to have done;
- (c) in relation to the subject matter of the legal proceeding or investigative action, did not act honestly and in good faith with a view to the best interests of the Society or any subsidiary of the Society; or
- (d) in the case of a legal proceeding other than a civil proceeding, did not have reasonable grounds for believing that his or her conduct, in respect of which the legal proceeding or investigative action was brought, was lawful.

14.5 Indemnification not Invalidated by Non-Compliance

The failure of an Eligible Party of the Society to comply with the provisions of the Act, or of the Constitution or these Bylaws, will not invalidate any indemnity to which he or she is entitled under this part.

14.6 Approval of Court

The Society may apply to the court for any approval of the court to the extent such approval is required by the Act or otherwise to ensure that the indemnities herein are effective and enforceable.

14.7 Indemnification Deemed Term

Each Eligible Party of the Society on being elected or appointed will be deemed to have contracted with the Society upon the terms of the foregoing indemnities.

14.8 Purchase of Insurance

The Society may purchase and maintain insurance for the benefit of any or all Directors, officers, employees or agents against personal liability incurred by any such Person as a Director, officer, employee or agent.

15. COMMITTEES

15.1 Creation and Delegation to Committees

The Board may create such standing and special committees, working groups or task forces as may from time to time be required. Any such committee will limit its activities to the purpose or purposes for which it is appointed and will have no powers except those specifically conferred by a Board Resolution.

The Board may delegate any, but not all, of its powers to committees which may be in whole or in part composed of Directors as it thinks fit. The normal function of a Committee will be to research issues and make recommendations to the Board on how to proceed.

15.2 Standing and Special Committees

Unless specifically designated as a standing committee, a committee is deemed to be a special committee and any special committee so created must be created for a specified time period only.

A special committee will automatically be dissolved upon the earlier of the following:

- (a) the completion of the specified time period; or
- (b) the completion of the task for which it was created.

15.3 Terms of Reference

In the event the Board decides to create a committee, it must establish terms of reference for such committee. A committee, in the exercise of the powers delegated to it, will conform to any rules that may from time to time be imposed by the Board in the terms of reference or otherwise, and will report every act or thing done in exercise of those powers at the next meeting of the Board held after it has been done, or at such other time or times as the Board may determine.

15.4 Meetings

The members of a committee may meet and adjourn as they think proper and meetings of the committees will be governed *mutatis mutandis* by the rules set out in these Bylaws governing proceedings of the Board.

16. EXECUTION OF INSTRUMENTS

16.1 No Seal

The Society will not have a corporate seal.

16.2 Execution of Instruments

Contracts, documents or instruments in writing requiring the signature of the Society may be signed as follows:

- (a) by the Chair, together with one (1) other Director, or
- (b) in the event that the Chair is unavailable to provide a signature, by any two (2) Directors,

and all contracts, documents and instruments in writing so signed will be binding upon the Society without any further authorization or formality.

The Board will have power from time to time by Board Resolution to appoint any officer or officers, or any Person or Persons, on behalf of the Society either to sign contracts, documents and instruments in writing generally or to sign specific contracts, documents or instruments in writing.

16.3 Signing Officers

The Board will, from time to time by Board Resolution, appoint signing officers who shall be authorized to sign cheques and all banking documents on behalf of the Society.

17. FINANCIAL MATTERS AND REPORTING

17.1 Fiscal Year

The fiscal year of the Society may be determined by the Board from time to time.

17.2 Accounting Records

The Society will maintain such financial and accounting records and books of account as are required by the Act and applicable laws.

17.3 Borrowing Powers

In order to carry out the purposes of the Society, the Board may, on behalf of and in the name of the Society, raise or secure the payment or repayment of money in any manner it decides, including the granting of guarantees, and in particular, but without limiting the foregoing, by the issue of debentures.

17.4 Restrictions on Borrowing Powers

The Members may by Ordinary Resolution restrict the borrowing powers of the Board.

17.5 When Audit Required

The Society is not required to be audited. However, the Society will conduct an audit or review of its annual financial statements if:

- (a) the Directors determine to conduct an audit or review engagement by Board Resolution; or
- (b) the Members require the appointment of an auditor by Ordinary Resolution,

in which case the Society will appoint an auditor qualified in accordance with, and will comply with all relevant provisions of, Part 9 of the Act and these Bylaws.

17.6 Appointment of Auditor at Annual General Meeting

If the Society determines to conduct an audit or review engagement, an auditor will be appointed at an annual general meeting, to hold office until such auditor is reappointed at a subsequent annual general meeting or a successor is appointed in accordance with the procedures set out in the Act or until the Society no longer wishes to appoint an auditor.

17.7 Vacancy in Auditor

Except as provided in section 17.8, the Board will fill any vacancy occurring in the office of auditor and an auditor so appointed will hold office until the next annual general meeting.

17.8 Removal of Auditor

An auditor may be removed and replaced by Ordinary Resolution in accordance with the procedures set out in the Act.

17.9 Notice of Appointment

An auditor will be promptly informed in writing of such appointment or removal.

17.10 Restrictions on Appointment

A Person who is not independent of the Society in accordance with section 113 of the Act must not be appointed or act as the auditor for the Society.

17.11 Auditor's Report

The auditor, if any, must prepare a report on the financial statements of the Society in accordance with the requirements of the Act and applicable law.

17.12 Participation in General Meetings

The auditor, if any, is entitled in respect of a General Meeting to:

- (a) receive every notice relating to the meeting to which a Member is entitled;
- (b) attend the meeting; and

- (c) to be heard at the meeting on any part of the business of the meeting that deals with the auditor's duties or function.

An auditor who is present at a General Meeting at which the financial statements are considered must answer questions concerning those financial statements, the auditor's report, if any, and any other matter relating to the auditor's duties or function.

18. NOTICE GENERALLY

18.1 Method of Giving Notice

Except as otherwise provided in these Bylaws, a notice may be given to a Member or a Director either personally, by delivery, courier or by mail posted to such Person's Registered Address, or, where the member has provided a fax number or electronic mail address, by fax or electronic mail, respectively.

18.2 When Notice Deemed to have been Received

A notice sent by mail will be deemed to have been given on the day following that on which the notice was posted. In proving that notice has been given, it is sufficient to prove the notice was properly addressed and put in a Canadian Government post office receptacle with adequate postage affixed, provided that if, between the time of posting and the deemed giving of the notice, a mail strike or other labour dispute which might reasonably be expected to delay the delivery of such notice by the mails occurs, then such notice will only be effective when actually received.

Any notice delivered personally, by delivery or courier, facsimile, or electronic mail will be deemed to have been given on the day it was so delivered or sent.

18.3 Days to be Counted in Notice

If a number of days' notice or a notice extending over any other period is required to be given, the day the notice is given or deemed to have been given and the day on which the event for which notice is given will not be counted in the number of days required.

19. MISCELLANEOUS

19.1 Dissolution

Upon winding-up or dissolution of the Society, the funds and property remaining after the payment of all costs, charges and expenses properly incurred in the winding-up or dissolution, including the remuneration of the liquidator, and after payment to employees of the Society of any arrears of salaries or wages, and after the payment of any debts of the Society, will be distributed to causes promoting education in the Cowichan Valley, with the recipients to be chosen by the Board of Directors by ordinary resolution.

19.2 Inspection of Documents and Records

The documents and records of the Society, including the financial and accounting records and the minutes of General Meetings, committee meetings and meetings of the Board, will be open to the inspection of any Director at reasonable times and on reasonable notice.

A Member in good standing is entitled, upon providing not less than fourteen (14) days' notice in writing to the Society, to inspect any of the following documents and records of the Society at the Address of the Society during the Society's normal business hours:

- (a) the Constitution and these Bylaws, and any amendments thereto;
- (b) the statement of directors and registered office of the Society;
- (c) minutes of any General Meeting, including the text of each resolution passed at the meeting;
- (d) resolutions of the Members in writing, if any;
- (e) annual financial statements relating to a past fiscal year that have been received by the Members in a General Meeting;
- (f) the register of Directors;
- (g) the register of Members;
- (h) the Society's certificate of incorporation, and any other certificates, confirmations or records furnished to the Society by the Registrar;
- (i) copies of orders made by a court, tribunal or government body in respect of the Society;
- (j) the written consents of Directors to act as such; and
- (k) the disclosure of a Director or of a senior manager regarding a conflict of interest.

Except as expressly provided by statute or at law, a Member will not be entitled or have the right to inspect any other document or record of the Society. However, subject to such policies as the Board may establish, a Member in good standing may request, in writing delivered to the Address of the Society, to inspect any other document or record of the Society and the Board may allow the Member to inspect the document or a copy thereof, in whole or in part and subject to such redaction as the Board deems necessary, all in the Board's sole discretion.

Copies of documents to which a Member is allowed to inspect may be provided on request by the Member for a fee to be determined by the Board, provided such fee does not exceed the limits prescribed by the Act.

19.3 Right to become Member of other Society

The Society will have the right to subscribe to, become a member of, and cooperate with any other society, corporation or association whose purposes or objectives are in whole or in part similar to the Society's purposes.

20. BYLAWS**20.1 Entitlement of Members to copy of Constitution and Bylaws**

On being admitted to membership, each Member is entitled to, and upon request the Society will provide him or her with, access to a copy of the Constitution and these Bylaws.

20.2 Special Resolution required to Alter Bylaws

These Bylaws will not be altered except by Special Resolution.

20.3 Effective Date of Alteration

Any alteration to the Bylaws or Constitution will take effect on the date the alteration application is filed with the Registrar in accordance with the Act.

THESE BYLAWS ADOPTED BY SPECIAL RESOLUTION DATED: _____, 2019



LICENCE OF USE

THIS AGREEMENT made the 3rd day of December, 2019

BETWEEN:

Cowichan Valley Regional District
175 Ingram Street
Duncan, B.C.
(the "Landlord")

OF THE FIRST PART

AND:

Duncan Dynamics Gymnastics Club
2685 James Street
Duncan, B.C.
("the Tenant")

OF THE SECOND PART

WHEREAS:

- A. The Landlord is the Landlord of the Land defined in section 1 of this Agreement;
- B. The tenant wishes to be granted this licence of use with respect to the licensed area, as defined in section 1 of this Agreement, and the Landlord has agreed.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the licence fee to be paid by the tenant to the landlord and in consideration of the premises and covenants and agreements contained in this agreement (the "**Agreement**"), the tenant and the landlord covenant and agree with each other as follows:

Definitions

- 1. In this Agreement,
 - (a) "Landlord" means the Cowichan Valley Regional District,
 - (b) "Tenant" means Duncan Dynamics Gymnastics Club, Tenant of 2685 James Street, Duncan, B.C., Attn: President
 - (c) "Land" means the lands situated at 2685 James Street, Duncan, B.C., legally described

as Lot 1, Section 18, Range 6, Quamichan District, Plan VIS741, owned by the Landlord,

- (d) "Licenced Area" means the part of the building situated on the Land outlined in Schedule "A,"
- (e) "Deposit" means the deposit previously paid by the tenant to the Municipality of North Cowichan, the Landlord's predecessor in title, which has been assigned to the Landlord and will continue to be held as a deposit under this agreement.
- (f) "Permit" means an approval, authorization, consent, license, or permit, issued under any statute or regulation, which is lawfully required for the Tenant's use and occupation of the Licenced Area, and
- (g) "Hazardous substance" means a contaminant, dangerous good, hazardous substance, pollutant, special waste, or toxic substance, or waste, as defined under the federal Canadian Environmental Protection Act or provincial Environmental Management Act, or other legislation pertaining to the environment (such legislation is hereafter referred to as "environmental laws").

Grant of Licence

- 2. The Landlord grants the Tenant a licence (the "licence") to occupy the Licenced Area, on the terms and conditions stated in this Agreement, from September 1, 2019 to August 31, 2021 (the "Term").

Fees and Deposit

- 3. In consideration for granting the license, the Tenant agrees to pay the Landlord:
 - (a) A licence fee of \$2,400.00 per month (the "Licence Fee"), plus applicable taxes, in advance on the start of every month of the Term until the licence ends, starting on September 1, 2019.
 - (b) The amount of the Licence Fee shall be increased every twelve months by an amount equal to the percentage increase in the Consumer Price Index (All Items – Greater Victoria, July) over the previous twelve month period. For certainty, if there is a decrease in the Consumer Price Index, the Licence Fee shall not be reduced.
 - (c) Any arrears in payment of the Licence Fee are to bear interest at 1.5 percent per month.

Use of Licenced Area

- 4. The Tenant may use the licenced area for the following purposes only:
 - a) Teaching gymnastics, gymnastics parties, special events and competitions;
 - b) Teaching dance, aerobics, martial arts;
 - c) Other athletic training classes for core, balance and strength training, from time to time, for athletes in other sports who may need such training.
 - d) Administrative offices for the tenant.

5. The Tenant has inspected the licenced area and acknowledges that it is suitable for the intended purposes described above and accepts the licenced area "as is where is".

Nature of Licence

6. The Tenant acknowledges that this Agreement grants a licence only, and does not give, and must not be deemed to give, any other interest in the licenced area.

Dealings with Licence

7. The Tenant may not assign the licence, or sub-licence all or part of the licenced area, without the Landlord's prior written consent. The Landlord may withhold consent without reason.
8. Assigning the licence does not release the Tenant from its obligations under the licence.
9. The Tenant may not encumber its interest in the licence.
10. The Tenant may not allow another person except (a) its agents, employees, members and guests, and (b) assignees and sub-licencees permitted by the Landlord, to occupy all or part of the licenced area.
11. The Tenant must ensure that its agents, employees, members, guests, and assignees and sub-licencees permitted by the Landlord, comply with the terms of the licence.
12. The Tenant and its agents, employees, members, guests, assignees, and sub-licencees are not, and must not be deemed to be, agents or employees of the Landlord.

Re-entry into Licenced Area

13. The Tenant must allow the Landlord, and persons whom the Landlord authorizes, to enter the licenced area at any time on reasonable notice and for any reason.

Maintenance of Licenced Area

14. The Tenant accepts full responsibility for the condition of the licenced area and agrees to keep the licenced area clean, tidy, and in good repair. The Landlord will conduct any repairs or maintenance within the licenced area to building envelope systems.

Repairs to Licensed Area

15. The Tenant must repair, at its expense, damage to the licenced area that results from the use of the licenced area by the Tenant or a person whom the Tenant allows to enter into the licenced area.

Enactments and Permits

16. The Tenant must, during the Term, comply with all applicable enactments and permits regulating the use and occupancy of the licenced area. Without limitation, the Tenant must comply, during the Term, with applicable enactments and permits relating to (a) building, (b) fire protection and control, and (c) environmental laws.
17. The Tenant must show the Landlord, on demand, that the Tenant holds all Permits necessary for the Tenant's use and occupation of the licenced area, and that the Permits are in good standing.

Taxes

18. The Tenant must pay, on time, all taxes imposed during the Term on the Tenant's activity, income, and property, including but not limited to all taxes imposed on the Tenant as a result of the Tenant's use and occupation of the licenced area, and Workers' Compensation Board assessments.

Liens

19. The Tenant must promptly remove liens against all or part of the licenced area or the Land that arise from work done for, materials supplied to, and obligations incurred by, the Tenant.

Utilities

20. The Tenant must pay, on time, charges that the Tenant incurs during the Term for utilities supplied to the licenced area.

Changes and Improvements to Licenced Area

21. If a provincial or federal enactment or a change to a provincial or federal enactment requires changing the licenced area or part of the licenced area, then the Tenant must (a) notify the Landlord, and (b) change the licenced area or part of the licenced area (as the case may be) at the Tenant's expense. Otherwise, the Tenant may not change or improve the licenced area, or part of the licenced area, without the Landlord's prior written consent.

Nuisances

22. The Tenant must not do or have or allow to be done anything in the licenced area that is, in the Landlord's opinion, a nuisance.
23. The Landlord may, at any time, in its sole discretion, revoke permission for any person to remain within the licenced area and may evict any person or persons who is or are or who may be causing a nuisance, creating a disturbance or otherwise behaving in an unacceptable manner.

Environmental Protection

24. The Tenant must not store or have stored, treat or have treated, or dispose or have disposed, hazardous substances in the licenced area, except with the consent of the Landlord, which may be withheld for any reason, and then only in accordance with applicable environmental laws.
25. The Tenant must notify the Landlord immediately if (a) a hazardous substance is released in the licenced area, (b) a government agency notifies the Tenant that the Tenant is not complying with an environmental law, (c) the Tenant is notified of a third-party claim relating to the environment, or (d) the Tenant learns that a hazardous substance is present in the licenced area.
26. The Tenant must investigate, and report to the Landlord, as the Landlord directs, if the Landlord reasonably suspects that the Tenant's occupation and use of the licenced area might be introducing, or increasing the presence of, hazardous substances in the licenced area.
27. If the Tenant's use and occupation of the licenced area introduces, or increases the presence of, hazardous substances in the licenced area, then the Tenant must undertake remediation (as defined In the Environmental Management Act of British Columbia) at its expense.

Indemnity

28. The Tenant agrees to indemnify and save harmless the Landlord against any and all claims, actions, causes of action, damages, costs (including legal costs on a solicitor client basis) arising from
- (a) the Tenant's occupation and use of the licenced area, or
 - (b) breach of a term or condition of the licence by the Tenant or an agent, employee, member, guest, assignee and sub-licencee of the Tenant;
 - (c) any injury, loss or damage sustained by any person while present on the licenced area.

Insurance

29. The Tenant must take out and maintain during the Term, comprehensive general liability insurance of at least \$5,000,000.00 on terms, and from an insurer, acceptable to the Landlord.
30. The Tenant's comprehensive general liability insurance policy must
- (a) Name the Landlord as an additional insured,
 - (b) State that the policy may not be cancelled, allowed to expire, or materially changed, unless the insurer notifies the Landlord in writing at least 30 days in advance, and
 - (c) State that the Landlord's insurance claims must be paid before any other.
31. The Tenant must supply the Landlord with proof of insurance (a) when this agreement is signed, (b) annually at the anniversary date, and (c) on any renewal of the licence.

Release

32. The Tenant releases and forever discharges the Landlord from claims arising from
- (a) the licence's grant, existence and end,
 - (b) the Tenant's occupation and use of the licenced area, and
 - (c) the Landlord exercising its rights under the licence.

Curtailment or Temporary Suspension of Use

33. If the Landlord determines that circumstances beyond the Landlord's control require curtailing or temporarily suspending the Tenant's use of the licenced area, then the Tenant must curtail or temporarily suspend (as the case may be) its use of the licenced area as the Landlord directs.

Default

34. If the Tenant does not fulfill an obligation under the licence, then the Landlord may fulfill the obligation for the Tenant. If the Landlord incurs costs to fulfill an obligation under the licence that the Tenant does not fulfill, then the Landlord may recover the Landlord's costs of fulfilling the obligation from the Tenant on demand.

Cancellation or Forfeiture of License

35. The Landlord or the Tenant may cancel the licence for just cause with, at minimum, sixty (60) days written notice. In the absence of just cause, either party may cancel the licence with, at minimum, six (6) months written notice.
36. If the Tenant does not fulfill an obligation under the licence, then the Landlord may, rather than fulfill the obligation for the Tenant, cancel the licence in writing, effective sixty (60) days after giving notice, unless the Tenant fulfills the obligation in that time.
37. If (a) a creditor of the Tenant tries to seize the licence, or take the licence in execution or attachment, or (b) the Tenant becomes bankrupt or insolvent, then the Tenant forfeits the licence, and improvements to the licenced area, to the Landlord.

End of License

38. The Tenant must give up possession of the licenced area when the licence ends.
39. When the license ends, the Tenant must
 - (a) remove, at its expense, its property from the licenced area,
 - (b) leave the licenced area clean, tidy, and in good repair, and
 - (c) remove, at its expense, improvements to the licenced area as the Landlord directs.
40. If the Tenant (a) does not change or improve the licenced area, or part of the licenced area, during the licence without the Landlord's prior written consent, (b) removes its property from the licenced area when the licence ends, (c) leaves the licenced area in good repair when the licence ends, and (d) removes improvements to the licenced area as the Landlord directs when the licence ends, then the Landlord must refund the Tenant the Deposit without interest. Otherwise, the Tenant forfeits the Deposit to the Landlord.

Continuation of Licence

41. The Landlord and the Tenant may begin negotiations to renew this licence by January 1, 2021 and complete negotiations by June 30, 2021. Any renewal of the licence is subject to the approval of the terms and conditions of the renewal licence by the Board of the Cowichan Valley Regional District, in its sole discretion.

Dispute Resolution

42. The Landlord and the Tenant agree to try to resolve disputes that arise from or in connection with this agreement as efficiently and cost effectively as possible.
43. The Landlord and the Tenant agree to try to resolve disputes by negotiation. To aid negotiation, the Landlord and the Tenant agree to fully and frankly disclose relevant information.

Freedom of Information

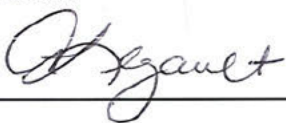
44. The Tenant acknowledges that the Freedom of Information and Protection of Privacy Act may require disclosing (a) this Agreement, and (b) records relating to this Agreement that are in the Landlord's custody or under its control.

IN WITNESS WHEREOF the parties have set their hands and seals as of the day and year first above written.

COWICHAN VALLEY REGIONAL DISTRICT, by
Its authorized signatory(ies):



Aaron Stone
Board Chair



Angie Legault
Corporate Officer

DUNCAN DYNAMICS GYMNASTICS CLUB, by
Its authorized signatory(ies):

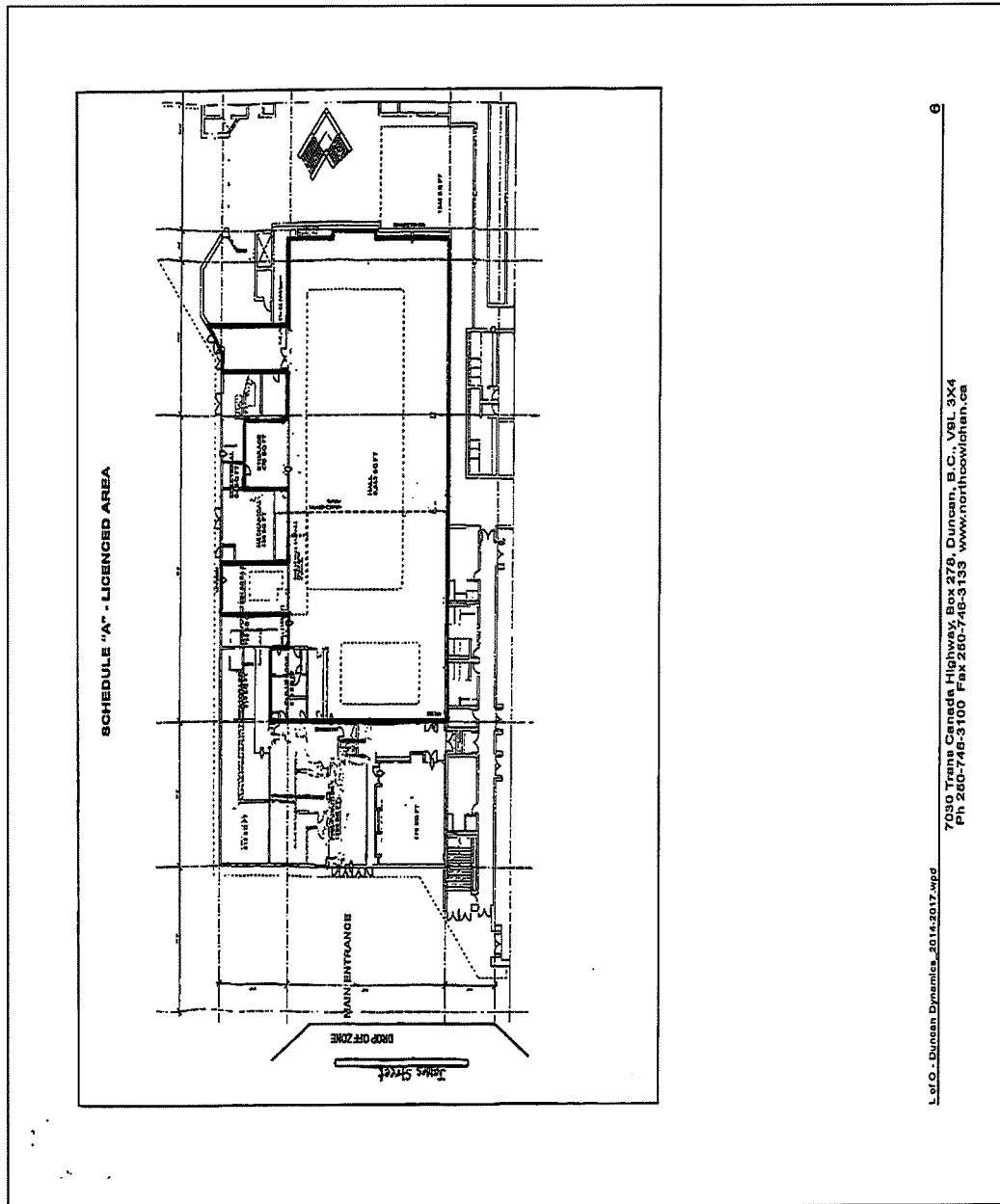
 FIPPA s. 22(1)

 Jinder Dhami
President

 FIPPA s. 22(1)

Sarah Byrne
Vice President

Appendix A





DDGC 2 YEAR STRATEGIC PLAN

STRATEGIC PLATFORM: MISSION, VISION & VALUES

A. Mission Statement: Building community through gymnastics by promoting fun, fitness, fundamentals and friendships.

B. Our Vision: To be an organization that provides a safe place for everyone to perform, excel, enjoy and explore gymnastics

C. Values:

- Safety
- Fiscal Responsibility
- Teamwork
- Goal Setting
- Healthy Mind and Body
- Building Self-Esteem
- Positive Environment

GOALS & ACTION PLANS

D. Our Goals:

1. Organizational excellence and sustainability

- Strong Board
- Fiscal Stability
- Effective policies
- Develop Board Training, Recruitment and Succession plan
- Update Staff Handbook
- Update Member Handbook
- Annual Staff Training
- Ongoing Staff training and team building

ACTION PLAN:

- ☐ Create strong policies to guide decision making
- ☐ An effective Governance structure
- ☐ An effective succession plan for board members, committees and key positions
- ☐ Annual staff retreat/professional development opportunities
- ☐ Develop a revenue generation plan to diversify income sources

2. Strong team of coaches and staff

- Recruit new coaches
- Invest in current coaches to upgrade their qualifications
- Invest in CIT program

ACTION PLAN:

- Review staff certification and develop individualized coaching pro-d programs to encourage ongoing development to elevate skills and coaching knowledge
- Create and promote mentorship programs for CITs and Rec coaches

3. Opportunities to participate and excel

- Increase membership in all programs
- Increase competitive team numbers
- Add new and varying programs to increase interest
- Always be looking for options to keep programs as affordable as possible for our community

ACTION PLAN:

- ☐ Explore and evolve program offerings in new and emerging areas
- ☐ Continue to develop MAG and WAG athletes
- ☐ Host one provincially recognized high profile annual event or activity
- ☐ Ensure we participate in any available grant programs and constantly refer back to financial statements to work towards maintaining revenue neutral.

4. Community engagement and partnership

- Recruit volunteers
- Explore partnerships with community groups

ACTION PLAN:

- ☐ Implement regular feedback opportunities to gain advice from members to improve program and service delivery
- ☐ Examine recruitment and retention strategies
- ☐ Actively communicate and seek partnership opportunities with local community organizations

DDGC Fees/Schedule for July 1st 2021-July 1st 2022

Recreational participation rates

Class	Duration	DDGC 2021/22 Recreational approved fees	17 weeks	18 weeks	19 weeks	20 weeks
Active Start 1 P&T	45 minutes	\$10.92/class \$14.56/hr	185.65	196.6	207.5	218.5
Active Start 2 & 3	45m-1 hour	\$14.00/class \$14.00/hr	238	252	266	280
CanGym 1 / Can Jump 1	1.5 hours	\$18.99/class \$12.66/hr	323	342	361	380
CanGym 2/ Can Jump 2	2 hours	\$24.00/class \$12/hr	408	432	456	480

Fees as of July 1, 2021

Group	Hrs/week	Approved \$/hr
Pre-school Plus	1.5 hrs	\$12.00
GfA Performance Team (Sept-July)	2 hrs	\$11.50
Interclub Jr.	3 hrs	\$11.00
Interclub 1	4 hrs	\$10.00
Dev 1	4 hrs	\$10.00
Interclub 2	6 hrs	\$8.00
Excel 1	6 hrs	\$8.00
Dev 2	6 hrs	\$8.00
Excel 2	9 hrs	\$7.20
Dev 3	10 hrs	\$7.20
Comp 1	12 hrs	\$7.02
Comp 2	16 hrs	\$6.88

*Uniform fees

130 -sleeveless body suit

250 -sleeveless body suit & jacket

300 -¾ sleeve body suit & jacket

GfA Performance Team - team jacket and t-shirt



7030 Trans Canada Highway
Duncan BC V9L 6A1, Canada
www.northcowichan.ca
T 250.746.3100
F.250.746.3133

PERMISSIVE TAX EXEMPTION APPLICATION

SECTION 1 – APPLICANT INFORMATION

Organization Name: Cowichan Valley Arts Council	
Are you registered under the BC Societies Act?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are you a registered charity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address: 2687 James St	
Contact Person: Susan Down, Managing Director	
Email Address: manager@cowichanvalleyartscouncil	Phone Number: [REDACTED] FIPPA s. 22(1)
Name and Phone number of two other officials in the organization	
Name: Janet Magdanz	Name: Diana Batcheler
Title: President	Title: Secretary
Phone Home: [REDACTED] FIPPA s. 22(1)	Phone Home: [REDACTED] FIPPA s. 22(1)
Phone Work:	Phone Work:

SECTION 2 – ORGANIZATION INFORMATION

Please provide a brief description of the goals and objectives of the organization:
CVAC's mission is to enrich the community through the lens of art by offering art exhibits, youth programs, workshops and speakers.
What charitable, philanthropic, athletic or recreational service does your organization provide to the community?
CVAC helps promote local artists, offer programs for youth and also educate the general public on art appreciation.

SECTION 3 – PROPERTY INFORMATION (REGISTRATION, PRINCIPAL USE)

The lands are registered in the name of:
CVAC is a tenant of CURD
What is the principal use of the property (including all buildings and/or land)
CVAC is a tenant in the Cowichan Community Centre

Please provide details of all other activities on your property including: 1) who uses your facilities or services; 2) whether fees are charged to users; and 3) the percent of time your property is used for each type of use.

- 1 Users include youth and families, seniors, artists, school groups and art groups of all kinds
- 2 Art shows are free, speaker events are by donation and fees are only levied on workshops, summer camps and courses.
- 3 About 95 per cent of the use is for a free gallery for #1 users. And about 5 per cent for workshops, camps and paid courses.

Is any part of the building or of the property used or rented by commercial or private individuals or by any group other than your organization? If so, please specify the occupant and use.

CVAC organizes many community shows and occasionally shares the spaces with other small arts groups that pay nominal rent to display art in the space for up to a month.

To what extent are the buildings or property accessible to the public?

CVAC galleries are open 6 days a week and admission is free

SECTION 4 – OTHER INFORMATION

Other information which may be pertinent to your application


SECTION 5 SUPPORTING DOCUMENTATION CHECK LIST (ATTACHE COPIES TO APPLICATION)

Please attach the following:

<input checked="" type="checkbox"/>	most recent annual financial statement	<input checked="" type="checkbox"/>	copy of property title
<input checked="" type="checkbox"/>	constitution		site sketch plan showing buildings & uses

SECTION 6 – DECLARATION

I hereby certify that I have read the Municipality of North Cowichan's Permissive Tax Exemption Policy (available at on our website <http://www.northcowichan.ca/EN/main/departments/finance.html>), that the application complies with its requirements, and that the information contained in the application is complete and correct. **If there is a change in the status of your organization the Municipality of North Cowichan must be notified.**

Signature:		Date:	Aug 9/21
Name (please print):	SUSAN DOWD	Date:	

FIPPA s. 22(1)

Print Form

NOTE: In accordance with Municipal Council's July 3, 2013, policy, application forms must be received by North Cowichan before August 1st.

Note: Personal information is collected by the Municipality of North Cowichan under the authority of section 26 (a) & (c) of the Freedom of Information and Protection of Privacy Act for the purpose of processing and administering property tax exemption requests. Should you have any questions about the collection of this personal information, please contact the Deputy Director of Corporate Services, (250) 746-3100; 7030 Trans Canada Highway, Duncan, BC V9L 6A1.

" SOCIETIES ACT "

CANADA:
Province of British Columbia. }



No. 9097

Certificate of Incorporation

I hereby certify that

" COWICHAN VALLEY REGIONAL
ARTS COUNCIL "

has this day been incorporated as a Society under the " Societies Act. "

The locality in which the operations of the Society will be chiefly carried on is

Cowichan area, Province of British Columbia.

GIVEN under my hand and Seal of Office at Victoria, Province of

British Columbia, this -second- day

of February, one thousand nine hundred

and seventy-one

A. H. HALL

Registrar of Companies.

Constitution of the Cowichan Valley Arts Council (CVAC)

Name: The Cowichan Valley Arts Council

Incorporated: Feb 2, 1971

Old CVAC Mission Statement: The purpose of the Cowichan Valley Arts Council is to encourage and foster appreciation of the broad spectrum of arts and culture in the Cowichan Valley Region (CVRD), by serving artists and residents through advocacy, by building connections and partnerships, and by enhancing both exposure to and participation in arts and culture.

New:

CVAC The purpose of the Cowichan Valley Arts Council is to enrich community through the lens of arts and culture.



LICENCE OF USE

THIS AGREEMENT made the 17th day of JUNE 2019

BETWEEN:

Cowichan Valley Regional District
175 Ingram Street
Duncan, B.C.
(the "Landlord")

OF THE FIRST PART

AND:

Cowichan Valley Arts Council
2687 James Street
Duncan, B.C.
("the Tenant")

OF THE SECOND PART

WHEREAS:

- A. The Landlord is the Landlord of the Land defined in section 1 of this Agreement;
- B. The tenant wishes to be granted this licence of use with respect to the licensed area, as defined in section 1 of this Agreement, and the Landlord has agreed.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the licence fee to be paid by the tenant to the landlord and in consideration of the premises and covenants and agreements contained in this agreement (the "**Agreement**"), the tenant and the landlord covenant and agree with each other as follows:

Definitions

- 1. In this Agreement,
 - (a) "Landlord" means the Cowichan Valley Regional District,
 - (b) "Tenant" means Cowichan Valley Arts Council, Tenant of 2687 James Street, Duncan, B.C., Attn: President,
 - (c) "Land" means the lands situated at 2687 James Street, Duncan, B.C., legally described

as Lot 1, Section 18, Range 6, Quamichan District, Plan VIS741, owned by the Landlord,

- (d) "Licenced Area" means the part of the building situated on the Land outlined in Schedule "A,"
- (e) "Deposit" means the sum of \$500, to be held by the Landlord pursuant to section 3(c) of this Agreement,
- (f) "Permit" means an approval, authorization, consent, license, or permit, issued under any statute or regulation, which is lawfully required for the Tenant's use and occupation of the Licenced Area, and
- (g) "Hazardous substance" means a contaminant, dangerous good, hazardous substance, pollutant, special waste, or toxic substance, or waste, as defined under the federal Canadian Environmental Protection Act or provincial Environmental Management Act, or other legislation pertaining to the environment (such legislation is hereafter referred to as "environmental laws").

Grant of Licence

- 2. The Landlord grants the Tenant a licence (the "licence") to occupy the Licenced Area, on the terms and conditions stated in this Agreement, from July 1, 2019 to June 30, 2022 (the "Term").

Fees and Deposit

- 3. In consideration for granting the license, the Tenant agrees to pay the Landlord:
 - (a) A licence fee of \$251.37 per month (the "Licence Fee"), plus applicable taxes, in advance on the start of every month of the Term until the licence ends, starting on July 1, 2019. The licence fee is based on a rate per square foot applied to the area known as "the Mesachie Room". The areas known as "Portals" and "the Arbutus Gallery" are included in the licenced area without fee on the understanding that the public will primarily have free access to the visual arts displayed in those two areas.
 - (b) The amount of the Licence Fee shall be increased every twelve months by an amount equal to the percentage increase in the Consumer Price Index (All Items – Greater Victoria) over the previous twelve month period. For certainty, if there is a decrease in the Consumer Price Index, the Licence Fee shall not be reduced.
 - (c) Any arrears in payment of the Licence Fee are to bear interest at 1.5 percent per month.

Use of Licenced Area

- 4. The Tenant may use the licenced area for the following purposes only:
 - a) The display and sale of art;
 - b) Delivery of arts education;
 - c) Offices for Cowichan Valley Arts Council
 - d) Other events and activities related to the arts including those exclusively available to the tenant's members.

5. The Tenant has inspected the licenced area and acknowledges that it is suitable for the intended purposes described above and accepts the licenced area "as is where is".

Nature of Licence

6. The Tenant acknowledges that this Agreement grants a licence only, and does not give, and must not be deemed to give, any other interest in the licenced area.

Dealings with Licence

7. The Tenant may not assign the licence, or sub-licence all or part of the licenced area, without the Landlord's prior written consent. The Landlord may withhold consent without reason.
8. Assigning the licence does not release the Tenant from its obligations under the licence.
9. The Tenant may not encumber its interest in the licence.
10. The Tenant may not allow another person except (a) its agents, employees, members and guests, and (b) assignees and sub-licencees permitted by the Landlord, to occupy all or part of the licenced area.
11. The Tenant must ensure that its agents, employees, members, guests, and assignees and sub-licencees permitted by the Landlord, comply with the terms of the licence.
12. The Tenant and its agents, employees, members, guests, assignees, and sub-licencees are not, and must not be deemed to be, agents or employees of the Landlord.

Re-entry into Licenced Area

13. The Tenant must allow the Landlord, and persons whom the Landlord authorizes, to enter the licenced area at any time on reasonable notice and for any reason.

Maintenance of Licenced Area

14. The Tenant accepts full responsibility for the condition of the licenced area and agrees to keep the licenced area clean, tidy, and in good repair. The Landlord will conduct any repairs or maintenance within the licenced area to building envelope systems.
15. The Landlord agrees to sweep floors in the licenced area so as to maintain the floors consistent with CVRD standards. Additional floor cleaning or polishing as may be periodically required or requested will be billed to the Tenant on a cost recovery basis.

Repairs to Licensed Area

16. The Tenant must repair, at its expense, damage to the licenced area that results from the use of the licenced area by the Tenant or a person whom the Tenant allows to enter into the licenced area.

Enactments and Permits

17. The Tenant must, during the Term, comply with all applicable enactments and permits regulating the use and occupancy of the licenced area. Without limitation, the Tenant must

comply, during the Term, with applicable enactments and permits relating to (a) building, (b) fire protection and control, and (c) environmental laws.

18. The Tenant must show the Landlord, on demand, that the Tenant holds all Permits necessary for the Tenant's use and occupation of the licenced area, and that the Permits are in good standing.

Taxes

19. The Tenant must pay, on time, all taxes imposed during the Term on the Tenant's activity, income, and property, including but not limited to all taxes imposed on the Tenant as a result of the Tenant's use and occupation of the licenced area, and Workers' Compensation Board assessments.

Liens

20. The Tenant must promptly remove liens against all or part of the licenced area or the Land that arise from work done for, materials supplied to, and obligations incurred by, the Tenant.

Changes and Improvements to Licenced Area

21. If a provincial or federal enactment or a change to a provincial or federal enactment requires changing the licenced area or part of the licenced area, then the Tenant must (a) notify the Landlord, and (b) change the licenced area or part of the licenced area (as the case may be) at the Tenant's expense. Otherwise, the Tenant may not change or improve the licenced area, or part of the licenced area, without the Landlord's prior written consent.

Nuisances

22. The Tenant must not do or have or allow to be done anything in the licenced area that is, in the Landlord's opinion, a nuisance.
23. The Landlord may, at any time, in its sole discretion, revoke permission for any person to remain within the licenced area and may evict any person or persons who is or are or who may be causing a nuisance, creating a disturbance or otherwise behaving in an unacceptable manner.

Environmental Protection

24. The Tenant must not store or have stored, treat or have treated, or dispose or have disposed, hazardous substances in the licenced area, except with the consent of the Landlord, which may be withheld for any reason, and then only in accordance with applicable environmental laws.
25. The Tenant must notify the Landlord immediately if (a) a hazardous substance is released in the licenced area, (b) a government agency notifies the Tenant that the Tenant is not complying with an environmental law, (c) the Tenant is notified of a third-party claim relating to the environment, or (d) the Tenant learns that a hazardous substance is present in the licenced area.
26. The Tenant must investigate, and report to the Landlord, as the Landlord directs, if the Landlord reasonably suspects that the Tenant's occupation and use of the licenced area might be introducing, or increasing the presence of, hazardous substances in the licenced area.

27. If the Tenant's use and occupation of the licenced area introduces, or increases the presence of, hazardous substances in the licenced area, then the Tenant must undertake remediation (as defined in the Environmental Management Act of British Columbia) at its expense.

Indemnity

28. The Tenant agrees to indemnify and save harmless the Landlord against any and all claims, actions, causes of action, damages, costs (including legal costs on a solicitor client basis) arising from
- (a) the Tenant's occupation and use of the licenced area, or
 - (b) breach of a term or condition of the licence by the Tenant or an agent, employee, member, guest, assignee and sub-licencee of the Tenant;
 - (c) any injury, loss or damage sustained by any person while present on the licenced area.

Insurance

29. The Tenant must take out and maintain during the Term, comprehensive general liability insurance of at least \$3,000,000.00 on terms, and from an insurer, acceptable to the Landlord.
30. The Tenant's comprehensive general liability insurance policy must
- (a) Name the Landlord as an additional insured,
 - (b) State that the policy may not be cancelled, allowed to expire, or materially changed, unless the insurer notifies the Landlord in writing at least 30 days in advance, and
 - (c) State that the Landlord's insurance claims must be paid before any other.
31. The Tenant must supply the Landlord with proof of insurance (a) when this agreement is signed, (b) annually at the anniversary date, and (c) on any renewal of the licence.

Release

32. The Tenant releases and forever discharges the Landlord from claims arising from
- (a) the licence's grant, existence and end,
 - (b) the Tenant's occupation and use of the licenced area, and
 - (c) the Landlord exercising its rights under the licence.

Curtailment or Temporary Suspension of Use

33. If the Landlord determines that circumstances beyond the Landlord's control require curtailing or temporarily suspending the Tenant's use of the licenced area, then the Tenant must curtail or temporarily suspend (as the case may be) its use of the licenced area as the Landlord directs.

Default

34. If the Tenant does not fulfill an obligation under the licence, then the Landlord may fulfill the obligation for the Tenant. If the Landlord incurs costs to fulfill an obligation under the licence that the Tenant does not fulfill, then the Landlord may recover the Landlord's costs of fulfilling the obligation from the Tenant on demand.

Cancellation or Forfeiture of License

35. The Landlord or the Tenant may cancel the licence for just cause with, at minimum, sixty (60) days written notice. In the absence of just cause, either party may cancel the licence with, at minimum, six (6) months written notice.
36. If the Tenant does not fulfill an obligation under the licence, then the Landlord may, rather than fulfill the obligation for the Tenant, cancel the licence in writing, effective sixty (60) days after giving notice, unless the Tenant fulfills the obligation in that time.
37. If (a) a creditor of the Tenant tries to seize the licence, or take the licence in execution or attachment, or (b) the Tenant becomes bankrupt or insolvent, then the Tenant forfeits the licence, and improvements to the licenced area, to the Landlord.

End of License

38. The Tenant must give up possession of the licenced area when the licence ends.
39. When the license ends, the Tenant must
 - (a) remove, at its expense, its property from the licenced area,
 - (b) leave the licenced area clean, tidy, and in good repair, and
40. If the Tenant (a) does not change or improve the licenced area, or part of the licenced area, during the licence without the Landlord's prior written consent, (b) removes its property from the licenced area when the licence ends, (c) leaves the licenced area in good repair when the licence ends, and (d) removes improvements to the licenced area as the Landlord directs when the licence ends, then the Landlord must refund the Tenant the Deposit without interest. Otherwise, the Tenant forfeits the Deposit to the Landlord.

Continuation of Licence

41. The Landlord and the Tenant may begin negotiations to renew this licence by January 15, 2022 and complete negotiations by April 1, 2022. Any renewal of the licence is subject to the approval of the terms and conditions of the renewal licence by the Board of the Cowichan Valley Regional District, in its sole discretion.

Dispute Resolution

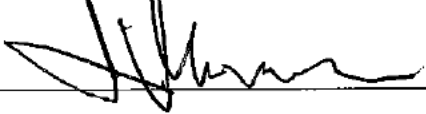
42. The Landlord and the Tenant agree to try to resolve disputes that arise from or in connection with this agreement as efficiently and cost effectively as possible.
43. The Landlord and the Tenant agree to try to resolve disputes by negotiation. To aid negotiation, the Landlord and the Tenant agree to fully and frankly disclose relevant information.

Freedom of Information

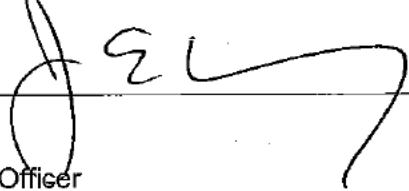
44. The Tenant acknowledges that the Freedom of Information and Protection of Privacy Act may require disclosing (a) this Agreement, and (b) records relating to this Agreement that are in the Landlord's custody or under its control.

IN WITNESS WHEREOF the parties have set their hands and seals as of the day and year first above written.

COWICHAN VALLEY REGIONAL DISTRICT, by
Its authorized signatory(ies):



Ian Morrison
Board Chair



Joe Barry
Corporate Officer

COWICHAN VALLEY ARTS COUNCIL, by
Its authorized signatory(ies):



FIPPA s. 22(1)

Susan Down
Past President



FIPPA s. 22(1)

Diana Batcheler
Secretary

COWICHAN VALLEY ARTS COUNCIL
FINANCIAL STATEMENTS
(UNAUDITED - SEE NOTICE TO READER)
MARCH 31, 2021

TABLE OF CONTENTS

	PAGE
NOTICE TO READER	1
FINANCIAL STATEMENTS	
Statement of Financial Position	2
Statement of Changes in Net Assets	3
Statement of Operations	4
Notes to Financial Statements	5 - 6

YOLANDE GORE INC.
Chartered Professional Accountant
211-80 Station Street, Duncan, B.C. V9L 1M4



Yolande Gore, CPA

Phone: (250) 748-0312
Fax: (250) 748-5626 Email:
yr gore@telus.net

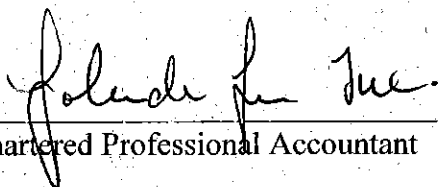
Page 1

NOTICE TO READER

On the basis of information provided by management, I have compiled the statements of financial position of COWICHAN VALLEY ARTS COUNCIL as at March 31, 2021 and the statements of changes in net assets and operations for the year then ended.

I have not performed an audit or a review engagement in respect of these financial statements and, accordingly, I express no assurance thereon.

Readers are cautioned that these statements may not be appropriate for their purposes.



Chartered Professional Accountant

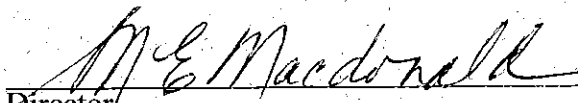
Duncan, BC
May 26, 2021

**COWICHAN VALLEY ARTS COUNCIL
STATEMENT OF FINANCIAL POSITION
(UNAUDITED - SEE NOTICE TO READER)
MARCH 31, 2021**

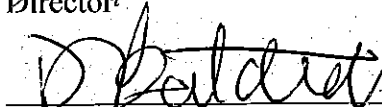
Page 2

	2021	2020
ASSETS		
CURRENT		
Cash and cash equivalents (Note 6)	\$ 99,661	\$ 52,807
Goods and services tax recoverable	415	463
Prepaid expenses	<u>1,756</u>	<u>2,774</u>
	\$ 101,832	\$ 56,044
LIABILITIES		
CURRENT		
Accounts payable and accrued liabilities	\$ 5,680	\$ 1,567
Payroll deductions payable	-	822
Unearned revenue (Note 4)	<u>12,195</u>	<u>10,225</u>
	<u>17,875</u>	<u>12,614</u>
NET ASSETS		
Externally restricted	-	1,000
Internally restricted (Note 6)	35,000	5,000
Unrestricted	<u>48,957</u>	<u>37,430</u>
	<u>83,957</u>	<u>43,430</u>
	\$ 101,832	\$ 56,044

APPROVED ON BEHALF OF THE BOARD



Director



Director

**COWICHAN VALLEY ARTS COUNCIL
STATEMENT OF CHANGES IN NET ASSETS
(UNAUDITED - SEE NOTICE TO READER)
YEAR ENDED MARCH 31, 2021**

Page 3

	Externally Restricted	Internally Restricted (Note 6)	Unrestricted	2021	2020
Balance, beginning of year	\$ 1,000	\$ 5,000	\$ 37,430	\$ 43,430	\$ 47,006
Excess (Deficiency) of revenues over expenses	<u>(1,000)</u>	<u>30,000</u>	<u>11,527</u>	<u>40,527</u>	<u>(3,576)</u>
Balance, end of year	\$ -	\$ 35,000	\$ 48,957	\$ 83,957	\$ 43,430

COWICHAN VALLEY ARTS COUNCIL
STATEMENT OF OPERATIONS
(UNAUDITED - SEE NOTICE TO READER)
YEAR ENDED MARCH 31, 2021

Page 4

	2021	2020
REVENUES		
British Columbia Arts Council	\$ 35,000	\$ 18,000
British Columbia Community Gaming Grant	19,000	15,000
Cowichan Valley Regional District	19,000	19,000
Service Canada Summer Jobs	5,032	8,455
Digital Innovation Group Grant	3,000	-
Artist and entrance fees	26,736	18,548
Fundraising	770	7,472
Memberships	6,799	6,903
Donations	8,597	3,027
Miscellaneous	145	4,593
Add: prior year deferred contributions (Note 5)	-	4,771
	<u>124,079</u>	<u>105,769</u>
EXPENSES		
Advertising	6,084	2,793
Bank charges	2,450	1,942
Contract labour	-	8,250
Equipment lease (Note 3)	1,077	1,077
Facility improvements (Note 6)	1,768	4,463
Facility rentals and refreshments	2,841	7,648
Furniture and equipment (Note 6)	665	-
Insurance	893	942
Licenses, dues and fees	639	908
Office and miscellaneous	3,230	3,048
Professional development	566	300
Professional fees	4,901	6,086
Program leaders	7,022	2,633
Scholarship awards	-	266
Show coordinators	3,000	3,676
Supplies	651	2,107
Telephone and internet	1,771	1,573
Wages and benefits	43,831	48,437
Website improvements (Note 6)	5,377	13,196
	<u>86,766</u>	<u>109,345</u>
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENSES BEFORE OTHER INCOME	\$ 37,313	\$ (3,576)
OTHER INCOME		
Government emergency wage subsidy	<u>3,214</u>	<u>-</u>
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENSES	\$ 40,527	\$ (3,576)

**COWICHAN VALLEY ARTS COUNCIL
NOTES TO FINANCIAL STATEMENTS
(UNAUDITED - SEE NOTICE TO READER)
YEAR ENDED MARCH 31, 2021**

NOTE 1 PURPOSE OF THE ORGANIZATION

The Cowichan Valley Arts Council's goal is to encourage and foster appreciation of the broad spectrum of arts and culture in the Cowichan Valley by serving artists and residents through advocacy, by building connections and partnerships and by enhancing exposure and participation in arts and culture. The Cowichan Valley Arts Council was incorporated under the Societies Act on February 2, 1971, and is a registered charity under the Income Tax Act.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

REVENUE RECOGNITION

The Society uses the deferral method of accounting for contributions. Restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

TANGIBLE CAPITAL ASSETS

The Society expenses all tangible capital assets when acquired. During the current fiscal year, the Cowichan Valley Arts Council expended \$ 665 on furniture and equipment, \$ 1,768 on facility improvements and \$ 5, 377 on website improvements.

CONTRIBUTED SERVICES

Volunteers contribute many hours per year to assist the Society in carrying out its service delivery activities. Because of the difficulty of determining their fair value, contributed services are not recognized in the financial statements.

NOTE 3 COMMITMENTS

The Society entered into an agreement to lease a photocopier. The lease commenced on September, 2018 for a sixty-six month period. Monthly lease payments are \$ 92 including taxes.

NOTE 4 UNEARNED REVENUE

	2021	2020
Memberships	\$ 2,770	\$ 2,820
Rental deposits	9,425	3,775
Workshop fees	<u>-</u>	<u>3,630</u>
	<u>\$ 12,195</u>	<u>\$ 10,225</u>

**COWICHAN VALLEY ARTS COUNCIL
NOTES TO FINANCIAL STATEMENTS
(UNAUDITED - SEE NOTICE TO READER)
YEAR ENDED MARCH 31, 2021**

NOTE 5 DEFERRED CONTRIBUTIONS

Prior year undisbursed gaming funds.

NOTE 6 INTERNALLY RESTRICTED NET ASSETS

The Board of Directors approved the following internally restricted cash and cash equivalents for the purchase of website and facility improvements:

Date of Approval	Amount	Remaining, Beg of year	Expended During year	Remaining, End of year
March 19, 2019	\$ 4,500	\$ 4,500	\$ 4,500	\$ -
March 24, 2020	5,000	5,000	5,000	-
March 23, 2021	35,000	-	-	35,000
	<u>\$ 44,500</u>	<u>\$ 9,500</u>	<u>\$ 9,500</u>	<u>\$ 35,000</u>

Report

Date	September 21, 2021	File:
To	Council	
From	Barb Floden, Manager, Communications and Public Engagement	Endorsed:
Subject	Resuming Public Engagement on the Municipal Forest Reserve Review	

Purpose

For Council to consider:

- revisions to Lees & Associates' Engagement Plan (the "Plan"),
- the scope change request with a revised budget, and
- whether to proceed with public engagement and the parallel UBC Partnership Group technical review, 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 collaborating with the University of British Columbia (UBC), 3GreenTree Consulting, and Coastal Douglas Fir Conservation Partnership (the "UBC Partnership Group"), 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 potential forest management scenarios for Council's consideration that will be informed from the public engagement process.

On January 29, 2020, Council approved Lees & Associates' (the "Consultants") draft engagement plan and directed staff to proceed with public engagement. However, on March 18, 2020, the emerging COVID-19 pandemic caused Council to put an initial 90-day pause on public engagement activities.

On May 6, 2020, Council directed staff to resume public engagement, approving revisions to Lees & Associates' Plan for public engagement, focusing on virtual engagement considering the ongoing pandemic. However, on July 15, 2020, Council enacted a 60-day pause on the public engagement process to accommodate government-to-government consultation with local First Nations to understand their interests in the MFR better. This pause was further extended on October 7, 2020 at the regular Council meeting until an agreed upon way of moving forward had been reached during the First Nations consultation process.

In August, the government-to-government consultation resulted in a signed Memorandum of Understanding (MOU) with the Quw'utsun Nation. The MOU outlines the roles and activities related to a First Nations Working Group whose role is to exchange information related to the stewardship and use of the MFR for the benefit of the community and to provide a report for review and discussion in quarterly government-to-government meetings.

At the August 19, 2021, regular Council meeting, staff provided Council with an update on the MOU with Quw'utsun Nation and recommended that LEES + Associates present an updated engagement plan.

Discussion

An updated (draft) Public Engagement Strategy and Communications Plan from Lees & Associates, including an updated schedule, is appended to this report. This is an update to the revised engagement plan approved by Council on May 6, 2020. Also appended is a Scope Change Form detailing the services anticipated by LEES & Associates to complete the project to the satisfaction of the public, stakeholders, and Council.

This restart plan was also an opportunity to reflect on the revised engagement plan from May 6, 2020, and fine-tune planned engagement activities, particularly in relation to the elapsed time, the signed MOU, and virtual engagement learnings over the past 18 months of COVID-19.

The Proposal for Scope Change outlines the work required to restart the project, update previous work/materials, reengage the Working Group volunteers, additional budget to expand digital engagement options, and a budget allowance to support communication needs.

UBC Partnership Group

The UBC Partnership Group has reviewed the updated engagement activities and proposed schedule. They have stated that the timeframes look reasonable, assuming there are no changes to the original UBC plan or other unforeseen changes in the process. Additional budget to restart the technical review is included in the table below.

When the public engagement process paused last year, the UBC Partnership Group was at a point in their project where the general draft spatial model was completed and waiting for the early engagement feedback. This feedback was intended to be used by the UBC Partnership Group to help inform the forestry management scenarios development for the interim plan for Council's consideration. With the interim plan no longer part of the work plan, the UBC Partnership Group will be using the early public engagement feedback to help them to provide an early framework on potential forest management scenarios during the "Restart Phase 3" stage where they will present potential scenarios to Council for further direction/input. The result from this will feed into "Restart Phase 4" where the engagement feedback will further inform the UBC Partnership Group on presenting final options/scenarios of future forestry management for Council's consideration as part of "Restart Phase 5". Please note that "Restart Phase 5" will be where UBC finalizes the potential forest management scenarios for Council's consideration based on the public engagement feedback and input from the ongoing First Nations consultation. This will not be the final forestry management plan, and a detailed forestry management implementation plan will be required following Council's adoption of a forestry scenario.

It is important to note that the outcomes and recommendations produced by the First Nation Working Group are unknowns in terms of timeframes, public engagement requirements and costs to complete. These details will require Council direction as part of the next steps when considering

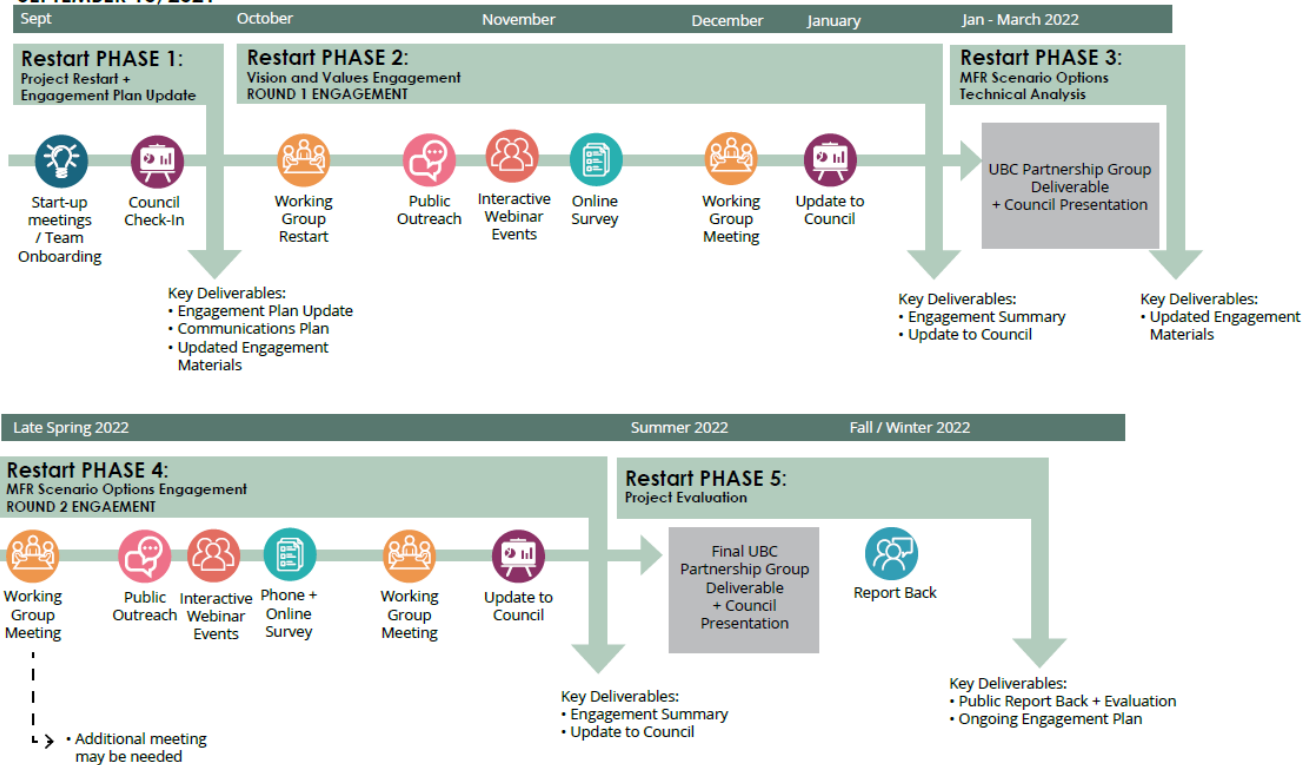
adopting a forest management scenario.

The UBC Partnership Group had also finished their preliminary Carbon Feasibility Assessment when further work was paused per Council direction. Following the restart of public engagement, the UBC Partnership Group will need to meet with staff, reacquaint themselves with the engagement process, review the previously formed data set, update the data as required, and continue work reviewing the Carbon Feasibility Assessment. This may result in further revisions to the Carbon Feasibility Assessment Report, given the potential that some information may have changed and/or requires updates since the report was published May 29, 2020.

The updated timeline recommends resuming Round 1 public engagement this fall and Round 2 (public feedback on the UBC Partnership Group draft scenarios) starting in late spring 2022.

SCHEDULE

SEPTEMBER 10, 2021



Budget Summary

	Lees & Associates	UBC Partnership Group	Totals
Original contract	\$95,800	\$104,828	\$200,628
Budget required to restart the project – October 2021	\$24,360	\$10,000	\$34,240
UPDATED TOTAL	\$120,160	\$114,828	\$234,868
Amount spent thus far	\$57,800	\$64,193	\$121,993
Remaining from original budget	\$38,000	\$40,635	\$78,635
Total outstanding cost (remaining budget + restart cost)	\$62,240	\$50,635	\$112,875

Options

Option 1 (Recommended): Approve the updated plan, schedule, and scope change request, including budget request, and direct staff to proceed with public engagement as per the engagement plan.

THAT Council:

- (1) Approve the amendments to the Municipal Forest Reserve Public Engagement and Communications Plan (the "Plan"), including the changes to the schedule and scope as presented in Attachment 1 of the Manager of Communications and Public Engagement's report dated September 21, 2021;
- (2) Approve the additional budget request of \$24,360 to restart and complete the Engagement Plan plus \$10,000 to restart and complete the UBC Partnership Group technical review, and;
- (3) Authorize staff to proceed with public engagement as per the Engagement Plan.

Option 2: Provide direction on changes to the updated plan, including schedule, scope change, budget request, and other direction to staff.

THAT Council:

- (1) Approve the amendments to the Municipal Forest Reserve Public Engagement and Communications Plan (the "Plan"), presented in Attachment 1 of the Manager of Communications and Public Engagement's report dated September 21, 2021, subject to the following changes;
 - *[Council to identify what changes are to be made]*
- (2) Approve a budget increase of \$_____ to restart and complete the Engagement Plan, and a budget increase of \$_____ for the UBC Partnership Group and
- (3) Authorize staff to proceed with public engagement as per the Engagement Plan as amended.

Option 3: Reject revisions to the engagement plan, schedule, and scope change request, including budget request and uphold the pause on public engagement on this project until directed otherwise by Council.

THAT Council refer the updated Municipal Forest Reserve Public Engagement and Communications Plan and budget requests to the Committee of the Whole for recommending a course of action for Council.

Implications

Financial – Resuming this project after a long pause involves an increase in budget for restart costs, both for Lees & Associates and the UBC Partnership Group. These costs will be incurred whether the project restarts now or at some other time in the future. Additional unknown budgetary resourcing will be required as part of the First Nations consultation process, which will require further Council direction once resourcing details are determined.

Time – There has already been a significant delay in engagement and a loss of momentum due to the pause in engagement, both in response to the pandemic, and the consultation with the Quw'utsun Nation. Resuming the project will involve substantial time to reacquaint staff, consultants, and the volunteer Working Group with planned one-on-one interviews to re-establish roles, expectations, and relationships.

Social – There are a number of other large municipal projects undergoing public engagement activities at this time. There is potential for public engagement fatigue if the forestry engagement is restarted too quickly and a risk the general public may miss engagement opportunities if the process is restarted too quickly.

Recommendation

THAT Council:

- (1) Approve the amendments to the Municipal Forest Reserve Public Engagement and Communications Plan (the "Plan"), including the changes to the schedule and scope as presented in Attachment 1 of the Manager of Communications and Public Engagement's report dated September 21, 2021;
- (2) Approve the additional budget request of \$24,360 to restart and complete the Engagement Plan, and
- (3) Authorize staff to proceed with public engagement as per the Engagement Plan.

Attachments: September 16, 2021 Draft Municipal Forest Reserve Public Engagement and Communications Plan with updated Schedule Scope Change Request from Lees & Associates

Municipality of North Cowichan

Municipal Forest Reserve

Public Engagement and Communications Plan

LEES
+
ASSOCIATES

Public Engagement and
Communications Plan

January 23, 2020

UPDATED Sept 16, 2021

Contact Information:

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

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

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

info@elac.ca | www.elac.ca

CONTENTS

1	Project Description	1
1.1	First Nations Engagement	2
1.2	Project Details.....	3
1.3	Engagement Statement.....	3
1.4	Project Management.....	3
1.5	Desired Engagement Outputs and Outcomes.....	4
1.6	Policy Context.....	5
1.7	Opportunity for Public Influence	5
2	Engagement Program	6
2.1	Target Audience.....	6
2.2	Summary of Engagement Approaches by Round.....	8
2.3	Engagement Techniques	10
2.4	Outreach Strategies.....	16
2.5	Evaluation	17
2.6	Issues, Challenges and Opportunities	18
3	Communications Plan	19
3.1	Communications Objectives.....	19
3.2	Internal Communications.....	20
3.3	Final Engagement Summary & Framework for Ongoing Engagement on MFR - External Communications Techniques	20
3.4	Communications Risks	24
3.5	Strategies for Managing Misinformation.....	25

1 PROJECT DESCRIPTION

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

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

Through this engagement process, residents and stakeholders can provide input on:

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

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

- Technical Analysis: The UBC Partnership Group will be responsible for the technical analysis and developing scenario options for forest management for consideration by Council;
- North Cowichan staff will be responsible for developing the Municipal Forest Management Plan, as directed by Council. This is expected to take place after the completion of the engagement process and technical analysis by UBC Partnership Group.

1.1 FIRST NATIONS ENGAGEMENT

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

First Nations interests within the project are included in discussions through their representation on the Forest Advisory Council and the Cowichan Watershed Board.

Separate from the public engagement process and starting in 2020, the Municipality of North Cowichan and the Quw'utsun Nation undertook government-to-government discussions. In August 2021, these discussions resulted in the signing of a Memorandum of Understanding (MOU) outlining the establishment of a Municipal Forest Reserve (MFR) Working Group to share information in relationship to the stewardship and use of the MFR for the benefit of the community.

The Quw'utsun Nation is comprised of Cowichan Tribes, Halalt First Nation, Stz'uminus First Nation, Penelakut Tribe, and Lyackson First Nation. The agreement signifies the commitment by both parties to continue meeting and discussing activities in the MFR.

1.2 PROJECT DETAILS

Project Name:	North Cowichan Municipal Forest Reserve Public Engagement
Description:	Public engagement process to inform the future management of the Municipality of North Cowichan's Municipal Forest Reserve
Hashtag:	
Website URL:	
Executive Sponsor:	Ted Swabey (MNC)
Spokesperson:	Barb Floden (MNC)
Project Manager:	Barb Floden and Shaun Mason (MNC); Megan Turnock (LEES)
Public Engagement:	Megan Turnock (LEES)
Communications:	Barb Floden (MNC)
Planning Timeline:	December 2019 – Fall 2022

1.3 ENGAGEMENT STATEMENT

The Municipality of North Cowichan is exploring options for the management of the Municipal Forest Reserve. During this process, stakeholders and the public will be able to share their vision for the forest and influence how the forest will be managed. The engagement process will provide a summary of what the public said and describe how it was reflected in the scenario options by UBC Partnership Group.

1.4 PROJECT MANAGEMENT

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

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

The Final Engagement Report will be presented to Municipality of North Cowichan Council. Decisions about the Municipal Forest Reserve will be the responsibility of Council.

1.5 DESIRED ENGAGEMENT OUTPUTS AND OUTCOMES

Public and Stakeholder Engagement is a crucial component to help us understand what people value about the Municipal Forest Reserve, what the priorities are for future forest management, and how those priorities can be achieved. Council will be provided with public and stakeholder feedback from the engagement process to inform decision-making, along with the technical considerations provided by the UBC Partnership Group.

OUTPUTS

The following engagement outputs will be provided to North Cowichan staff, the UBC Partnership Group, and submitted to Council:

- Round 1 Engagement Summary detailing the engagement process and feedback received;
- Round 2 Engagement Summary Report detailing the engagement process and feedback received;
- Recommendations for ongoing engagement and communications regarding the Municipal Forest Reserve.

OUTCOMES

- To provide clear information to Council regarding community support for the tradeoffs related to the management scenario options for the Municipal Forest Reserve.
- To increase community knowledge of the Municipal Forest Reserve.
- To facilitate the completion of the UBC Partnership Group's scenario options informed by community feedback.

PROJECT SCOPE LIMITATIONS

This engagement process will help inform the development of the UBC Partnership Group's scenario options. The items below are not within the scope of this project:

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

1.6 POLICY CONTEXT

The Municipal Forest Reserve relates to many existing and developing Municipality of North Cowichan policies, plans and initiatives. These include:

- 2020 Community Wildfire Protection Plan
- 2011 Official Community Plan (under review)
- 2013 Climate Action and Energy Plan
- 1981 Management of the Forest Reserves Report
- 1992 Maple Mountain Management Plan
- 2017 Parks and Trails Master Plan
- 2007 Community Wildfire Protection Plan (CWPP)

1.7 OPPORTUNITY FOR PUBLIC INFLUENCE

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

The Engagement Summary Report will include a summary of the public’s participation, concerns, aspirations, and feedback. The UBC Partnership Group’s deliverables will include a description of how the public’s input influenced the Plan.

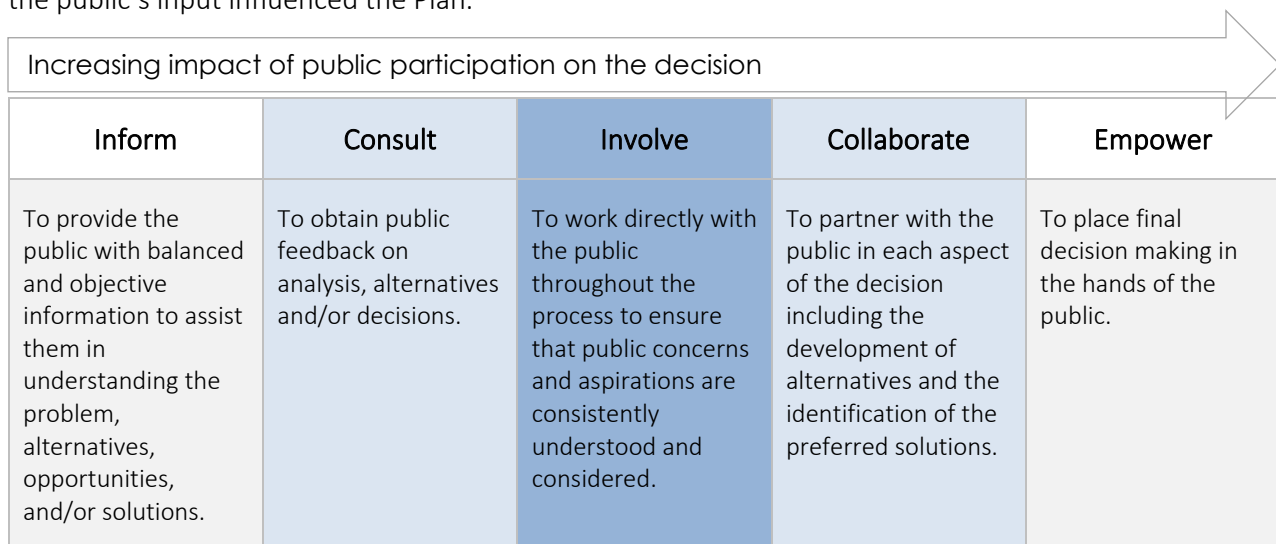


Figure 1. International Association of Public Participation Spectrum of Public Participation

2 ENGAGEMENT PROGRAM

2.1 TARGET AUDIENCE

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

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

Stakeholder group	Interests	How to involve
Residents of North Cowichan	<ul style="list-style-type: none"> • Economic implications of forest management options on taxes • Implications on the local economy • Sustainability, quality of life, and costs/benefits of forest management options 	Public online survey, statistically valid phone survey, pop-up outreach, mail-outs, MNC website and social media, Council updates
Hard to reach populations: <ul style="list-style-type: none"> • People with disabilities • Isolated seniors • Families with young children • Youth • Newcomers 	<ul style="list-style-type: none"> • A cross-section of the above stakeholder categories 	Mailouts, pop-up outreach, statistically valid phone survey, MNC website and social media.

2.2 SUMMARY OF ENGAGEMENT APPROACHES BY ROUND

	Round 1	Round 2	Project Conclusion
WHEN – we will be out in the public	Sept 2021 – Jan 2022	Late Spring 2022 (exact dates TBD)	Fall – Winter 2022 (exact dates TBD)
WHY – we are seeking feedback (objectives)	<ul style="list-style-type: none"> • Presentation and refinement of baseline data for the MFR • Increased awareness of the history and context of the MFR • Explore the full range of public values, concerns, and aspirations 	<ul style="list-style-type: none"> • Present Round 1 results and the work by the UBC Partnership Group to incorporate public values • Explore the results with the public and stakeholders • Identify preferred future management scenario options for the Municipal Forest Reserve 	<ul style="list-style-type: none"> • Present the summary of Round 1 and 2 engagement; • Develop a framework for ongoing public engagement
WHAT – inputs inform each round	<ul style="list-style-type: none"> • Recent inquiries, submissions from the public, and council meeting minutes regarding the MFR • UBC Partnership Group spatial data • Fact sheets, discussion guides and process diagrams explaining the engagement and technical review approach 	<ul style="list-style-type: none"> • Round 1 engagement feedback • UBC Partnership Group scenario options and supporting information 	<ul style="list-style-type: none"> • Round 1 and 2 engagement summary • UBC Partnership Group Final Report
WHO – we need to hear from	<ul style="list-style-type: none"> • Staff • Forest Advisory Committee • Current users of the MFR • Stakeholders and interest groups • General public/taxpayers • Seldom heard residents (Seniors, persons with disabilities, non-English speakers, youth) 	<ul style="list-style-type: none"> • Staff • Forest Advisory Committee • Participants from Round 1 • Current users of the MFR • Stakeholders and interest groups • General public/taxpayers • Seldom heard residents (Seniors, persons with disabilities, non-English speakers, youth) 	<ul style="list-style-type: none"> • Staff • Forest Advisory Committee • Council • Select stakeholders and public

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

2.3 ENGAGEMENT TECHNIQUES

2.3.1 ACCESSIBILITY PROVISIONS

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

2.3.2 TECHNIQUE DESCRIPTIONS

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

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

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

Engagement Working Group*	<p>Purpose:</p> <ul style="list-style-type: none"> • Create an opportunity for in-depth participation • Get input from stakeholders on <u>engagement materials and approaches</u> • Identify strategies for outreach through engagement working group member networks <p>Approach:</p> <ul style="list-style-type: none"> • Identify existing EWG members who are still interested in participating (16 total); • If not all can return, contact previous applicants to fill vacancies (LEES); • If gaps still remain, open for new applicants. • Engagement will continue to move forward while any vacancies are filled. 	<p>Round 1 and 2</p> <ul style="list-style-type: none"> • A wide range of community members representing diverse viewpoints and opinions • Environmental groups • Outdoor recreation groups • Forestry sector representatives • Other community organizations (TBD) 	<p>Collaborate</p>
Public Pop-Ups	<p>Purpose:</p> <ul style="list-style-type: none"> • Create awareness of the project, engagement opportunities, and timelines • Build an email list for project notifications • Connect with a wide variety of North Cowichan residents • Promote online surveys <p>Approach:</p> <ul style="list-style-type: none"> • North Cowichan staff to lead; • Locations: trailheads and key community locations; • One or two locations could have a comment wall for people to write thoughts and questions in-person. 	<p>Round 1 and 2</p> <ul style="list-style-type: none"> • A wide range of community members representing diverse viewpoints and opinions • Those who might otherwise not be aware of the project or who do not have the time to engage more deeply 	<p>Inform</p>

Online Survey #1	<p>Purpose:</p> <ul style="list-style-type: none">• Gauge public awareness of the MFR, forest practices and context• Develop an initial list of public values related to forests and natural areas• Build an email list for project notifications <p>Approach:</p> <ul style="list-style-type: none">• Develop a draft online survey• Test the survey with the project team and the Engagement Working Group• Post the online survey for 3 weeks• Undertake extensive outreach and promotion of the survey through multiple channels	<p>Round 1</p> <ul style="list-style-type: none">• A wide range of community members representing diverse viewpoints and opinions	Consult
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<p>Interactive Webinar Events (4) – Round 1</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • Present the history and context of the MFR along with the work of the UBC Partnership Group (i.e. current state) • Verification of important recreational amenities, environmental features, viewpoints, and other important locations within the MFR • Explore what the community currently values about the MFR (environmental, economic, social) • Explore what potential benefits could be provided by the MFR in the future • Explore how the benefits/values should be used (weighting or thresholds) as the UBC Partnership Group develops draft options <p>Approach:</p> <ul style="list-style-type: none"> • (4) Virtual Events • ~2 hours each • Initial presentation of workshop agenda followed by MFR history, context, and summary of the technical review process and work to date • Facilitated small group discussions on values using real-time digital collaboration tools • Engagement Working Group to collaborate on breakout groups and themes • Up to 10 benefits/values from each small group compiled by facilitators during a break • Presentation on multi-criteria analysis and the scenario development • Facilitated small group discussions and weighting exercise for criteria using real-time digital collaboration tools • Wrap-Up and next steps 	<p>Round 1</p> <ul style="list-style-type: none"> • A wide range of community members representing diverse viewpoints and opinions • Environmental groups • Outdoor recreation groups • Forestry sector representatives • Other community organizations (TBD) 	<p>Involve</p>
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Interactive Webinar Events (4) – Round 2	<p>Purpose:</p> <ul style="list-style-type: none"> • Present the results of Round 1 public engagement and the work of the UBC Partnership Group (i.e. options) • Explore the results of the options and multi-criteria evaluations • Explore the trade-offs highlighted by the different options • Identify the preferred scenario or identify further adjustments to the multi-criteria evaluation process <p>Approach:</p> <ul style="list-style-type: none"> • (4) 2-hour in-person events • Presentation of Round 1 engagement results and the technical review process and scenario results • Facilitated small group discussions (topics and organization TBD); using real-time digital collaboration tools • Small groups to present their key findings and recommendations back to the group • Wrap-Up and next steps 	<p>Round 2</p> <ul style="list-style-type: none"> • Participants from the Round 1 Public Forum • A wide range of community members representing diverse viewpoints and opinions 	<p>Involve</p>
Phone Survey*	<p>Purpose</p> <ul style="list-style-type: none"> • Determine the level of community support for key trade-offs • Identify preferred scenario option(s) <p>Approach</p> <ul style="list-style-type: none"> • Mustel Group Market Research will provide a statistically-valid survey 	<p>Round 2</p> <ul style="list-style-type: none"> • Municipality of North Cowichan residents 	<p>Consult</p>

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

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

Tactic	Details (i.e. purpose, approach)	Round and audience	Resource Needs
Pop-up Outreach	<ul style="list-style-type: none"> • Provide post cards or bookmarks with project webpage link • Raise awareness about the project webpage • Call to action to take the online survey • Call to action to attend an interactive webinar events • Promote the MFR website as a hub for information 	Round 1 <ul style="list-style-type: none"> • General public • Those who might otherwise not know about the project • Seniors, families, youth, hard to reach populations 	<ul style="list-style-type: none"> • Graphic design postcard or bookmark layout • Staffing for events • Online survey ready, if necessary
Posters	<ul style="list-style-type: none"> • Call to action to take the online survey • Call to action to attend an interactive webinar • Raise awareness about the project webpage for more information • Promote the MFR website as a hub for information 	Round 1, 2: <ul style="list-style-type: none"> • General public • Those who might otherwise not know about the project • Seniors, families, youth, seldom heard populations 	<ul style="list-style-type: none"> • Poster content • Graphic design • Distribution
Email project updates and invites to events and meetings	<ul style="list-style-type: none"> • To target specific stakeholders • To use community networks to encourage participation • To keep those who sign up for project updates informed • Frequency – every 2 weeks 	Round 1, 2: <ul style="list-style-type: none"> • Stakeholders and stakeholder groups • Those who sign up for project updates 	<ul style="list-style-type: none"> • Stakeholder email list • Public email list • Event details
Social Media Campaign	<ul style="list-style-type: none"> • Raise awareness about the project • Promote the MFR website as a hub for information • Send regular project updates 	Round 1, 2: <ul style="list-style-type: none"> • General public 	<ul style="list-style-type: none"> • Graphic design • Post content

	<ul style="list-style-type: none"> • Call to action to take the online survey • Phone survey • Details of events • Use social media tags on print/digital media 		
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2.5 EVALUATION

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

	Metric	Target	Notes
Process	# of people attending events	50 per event	
	# of completed surveys/feedback forms	1000 per online survey	
	# of people on email distribution list	500	
	Representativeness of participants surveyed	Participants generally represent the Municipality of North Cowichan's demographic make-up	
Results	Outputs and outcomes achieved from the engagement.	<ul style="list-style-type: none"> • Stakeholders and residents were aware of the process • Most participants felt that their input was considered and influenced the outcome • A well-supported Municipal Forest Reserve Management Plan 	
	Satisfaction of participants with their experiences	<ul style="list-style-type: none"> • Most participants felt that their time was well-spent attending events or providing input 	
	Lessons learned from the engagement	<ul style="list-style-type: none"> • To be completed following engagement process 	

2.6 ISSUES, CHALLENGES AND OPPORTUNITIES

Engaging during restrictions due to Covid-19:

- Greater emphasis on outreach is needed to get the word out because people have lower levels of communication and socializing.
- More people are likely to choose to participate through flexible engagement options and those that can be done quickly and when time allows. This includes online surveys, watching a recorded presentation online, reviewing summary information available online, participating in a discussion forum on PlaceSpeak, etc.
- Virtual workshops should be on a compressed timeline (2 hrs instead of 4 hrs) to reduce “zoom fatigue”, encourage participation (more likely to participate in a shorter session). There is less time devoted to informal chats with online workshops, which also reduces the time required.
- Participation can also be encouraged by maximizing flexibility by providing more time/day options for events.

Current challenges for the public engagement process include:

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

Scheduling considerations for the public engagement process include:

- Identify popular community locations and trailheads
- Avoid holidays and school breaks
- Avoid / coordinate with other engagement and outreach

Potential synergies for the public engagement process include:

- Wildfire Risk Mitigation engagement (fall 2021)
- OCP Review
- Master Transportation Plan

3 COMMUNICATIONS PLAN

3.1 COMMUNICATIONS OBJECTIVES

- Increase knowledge about the Municipal Forest Reserve.
- Communicate clearly how decisions will be made.
- Communicate how the public can influence the MFR Management Plan.
- Encourage North Cowichan residents to participate in the engagement process.
- Provide participants with the information they need to participate in a meaningful way.
- Communicate relevant information in an accessible, unbiased manner.
- Provide opportunities for participants to give feedback on the engagement process.

3.1.1 SPECIFIC COMMUNICATIONS OBJECTIVES BY PHASE

PHASE	TIMELINE	External Communication Objectives
Pre-Engagement: UBC Partnership Baseline Data Development	<ul style="list-style-type: none"> ▪ Winter 2019-Spring 2020, restart Fall 2021 	<ul style="list-style-type: none"> ▪ Keep public informed on upcoming engagement plan ▪ Maintain existing webpage ▪ Continue answering FAQ's
Phase 1 – Engagement Plan	<ul style="list-style-type: none"> ▪ Winter 2020 ▪ Updated Fall 2021 	<ul style="list-style-type: none"> ▪ Keep public informed on upcoming engagement plan ▪ Maintain existing webpage ▪ Continue answering FAQ's
Phase 2: Round 1 Engagement	<ul style="list-style-type: none"> ▪ Winter/Spring 2020 ▪ Pause ▪ Restart Sept 2021 – Jan 2022 	<ul style="list-style-type: none"> ▪ Introduce the project and opportunities for engagement ▪ Encourage participation in online survey and in-person engagement activities ▪ Reach as wide an audience as possible ▪ Provide a summary of the results of the engagement activities and next steps
Phase 3: Forest Management Scenario Options (no engagement)	<ul style="list-style-type: none"> ▪ Winter-Spring 2022 	<ul style="list-style-type: none"> ▪ Provide updates on the project or special topics ▪ Provide information on upcoming opportunities for engagement

PHASE	TIMELINE	External Communication Objectives
Phase 4: Round 2 Engagement	<ul style="list-style-type: none"> Late Spring 2022 	<ul style="list-style-type: none"> Provide summary information on forest management scenario options Encourage participation in online and in-person engagement activities Provide a summary of community feedback on the forest management scenario options
Phase 5: Final UBC Partnership Group Report and Engagement Results	<ul style="list-style-type: none"> Fall-Winter 2022 	<ul style="list-style-type: none"> Make available the Final Report from UBC Partnership Group and Final Engagement Summary

3.2 INTERNAL COMMUNICATIONS

3.2.1 OVERALL REVIEW PROCESS

Technical content from UBC Partnership > MNC for comments and LEES+Associates for review and development of engagement materials > UBC Partnership for comments/confirmation of accuracy > MNC for final approval and distribution.

This process may require more than one iteration.

3.2.2 CONTENT TO COUNCIL FOR INFORMATION

- Engagement and Communications Plan
- Updated Engagement and Communications Plan for Restart Sept 2021
- Round 1 Engagement Summary
- Engagement and Communications Plan Update (pre Round 2)
- Round 2 Engagement Summary
- Final Engagement Summary & Framework for Ongoing Engagement on MFR

3.3 EXTERNAL COMMUNICATIONS TECHNIQUES

3.3.1 EXTERNAL COMMUNICATION OUTLETS

MNC Outlets

- MNC Webpage
- MNC Social Media Outlets:
 - Facebook
 - Twitter
 - Instagram
- Stakeholder distribution list:
 - Emails to specific stakeholders and those who sign up for project updates
 - Sent by MNC staff

Key community locations to be considered for pop-ups and posters

- Cowichan Aquatic Centre
- Fuller Lake Arena
- Forest Discovery Centre
- Library
- Chemainus Library
- Mall
- Grocery Stores
- Farmers Market
- Sunfest
- Kaspa Road Parking Lot

Newspapers

- Cowichan Valley Citizen
- Times Colonist
- Chemainus Valley Courier
- Other?

Newsletters

- E-newsletters through MNC
- Neighbourhood Associations

Radio

- CBC
- Juice FM

Blogs

Television

- Chek
- CTV

3.3.2 COMMUNICATIONS APPROACH BY OUTLET

Outlet	Content	Publishing frequency/deadlines	Roles and Responsibilities
MNC Webpage	<ul style="list-style-type: none"> Updated and simplified content with all key information 	<ul style="list-style-type: none"> Ensure main webpage is up to date 	<ul style="list-style-type: none"> MNC LEES to provide guidance on content and updates
MNC Social Media	<ul style="list-style-type: none"> Project Updates 	<ul style="list-style-type: none"> Regular project updates to be posted 	<ul style="list-style-type: none"> MNC is the owner and publisher of posts MNC will create content, using other content developed by LEES and UBC Partnership Group LEES to provide guidance on post topics and timing
	<ul style="list-style-type: none"> Online survey promotion 	<ul style="list-style-type: none"> Post when online survey goes live and promote weekly until close 	<ul style="list-style-type: none"> LEES to develop online survey and promotional text Awarewolf to provide graphic templates where appropriate MNC to provide advertisement requirements and deadlines MNC to coordinate and execute promotion of the survey Support provided by LEES where needed
	<ul style="list-style-type: none"> In-person engagement event notices 	<ul style="list-style-type: none"> “Save the Dates” minimum 4 weeks prior Specific event details minimum of 2 weeks prior 	<ul style="list-style-type: none"> Awarewolf to provide ad templates MNC to develop in-person engagement

Outlet	Content	Publishing frequency/deadlines	Roles and Responsibilities
		<ul style="list-style-type: none"> Reminder 1 week prior 	<ul style="list-style-type: none"> event notices and ad copy Support provided by LEES where needed
	<ul style="list-style-type: none"> Track comments 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> MNC
Newspapers (print/online)	<ul style="list-style-type: none"> Engagement kick-off and promotion of webpage 	<ul style="list-style-type: none"> ASAP following webpage publishing 	<ul style="list-style-type: none"> MNC to provide details on ads and formats MNC to publish
	<ul style="list-style-type: none"> In-person engagement event notices 	<ul style="list-style-type: none"> Specific event details minimum of 2 weeks prior Submission dates TBD 	<ul style="list-style-type: none"> LEES to develop content MNC to publish
	<ul style="list-style-type: none"> Project update news releases 	<ul style="list-style-type: none"> Biweekly project updates News releases to coordinate with engagement and project milestones Submission dates TBD 	<ul style="list-style-type: none"> MNC to develop content MNC to publish Lees to support on content where needed
E-Newsletters (Campaigner)	<ul style="list-style-type: none"> Engagement kick-off and promotion of webpage 	<ul style="list-style-type: none"> Coordinate with webpage update 	<ul style="list-style-type: none">
	<ul style="list-style-type: none"> Engagement event notices 	<ul style="list-style-type: none"> Specific event details minimum of 2 weeks prior 	<ul style="list-style-type: none">
Radio	<ul style="list-style-type: none"> Engagement event notices 	<ul style="list-style-type: none"> Specific event details minimum of 2 weeks prior 	<ul style="list-style-type: none">
Television	<ul style="list-style-type: none"> tbd 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
Blogs	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Identify questions for FAQs and information gaps 	<ul style="list-style-type: none"> MNC and LEES
Stakeholders	<ul style="list-style-type: none"> Engagement kick-off 	<ul style="list-style-type: none"> TBD 	<ul style="list-style-type: none"> LEES to develop content MNC to send

Outlet	Content	Publishing frequency/deadlines	Roles and Responsibilities
	<ul style="list-style-type: none"> Invitations to existing WG members to restart the Working Group 	<ul style="list-style-type: none"> September 2021 	<ul style="list-style-type: none"> LEES to develop and lead
	<ul style="list-style-type: none"> Notice of engagement opportunities 	<ul style="list-style-type: none"> Notice of online survey posting At least 3 weeks prior notice for in-person events 	<ul style="list-style-type: none"> LEES to develop content MNC to send
	<ul style="list-style-type: none"> Notice of public release of deliverables 	<ul style="list-style-type: none"> Round 1 Engagement Summary Round 2 Engagement Summary UBC Partnership Group Reports 	<ul style="list-style-type: none"> MNC to post to webpage and send notices

3.4 COMMUNICATIONS RISKS

Risk	Description	Risk Management Approach
Complexity	Too much information is provided at once or it is provided in a way that is not appropriate for the intended audience	<ul style="list-style-type: none"> Collaboration between LEES, UBCPG, and MNC to identify essential information. Provide technical information in plain language Use graphics, infographics, and charts where possible Develop a glossary, if necessary
Conflicting Messages	Other parties are providing messaging that is contrary to those being provided by MNC.	<ul style="list-style-type: none"> We will work with stakeholders and the Engagement Working Group to identify what topics need clarification. FAQ's will be updated regularly.
Myths	People have common understandings that are strongly held but incorrect.	<ul style="list-style-type: none"> Use the Engagement Working Group and preliminary engagement activities to identify common myths.

Risk	Description	Risk Management Approach
		<ul style="list-style-type: none"> Develop key messages with supporting facts. FAQ's will be updated regularly.
Misunderstanding	People may not understand or may misinterpret the information they receive.	<ul style="list-style-type: none"> Public engagement materials will be tested with the Engagement Working Group. FAQ's will be updated regularly. Engagement materials will be reviewed and improved at each stage.
Capacity	Stakeholders and the public may not be able to participate consistently throughout the process.	<ul style="list-style-type: none"> The Engagement Working Group and stakeholders will help identify the best ways to communicate with the public. Public engagement materials will be tested with the Engagement Working Group. Multiple opportunities will be provided for participation during each round of engagement. All project documents will be posted online for those who want to participate in Round 2.

3.5 STRATEGIES FOR MANAGING MISINFORMATION

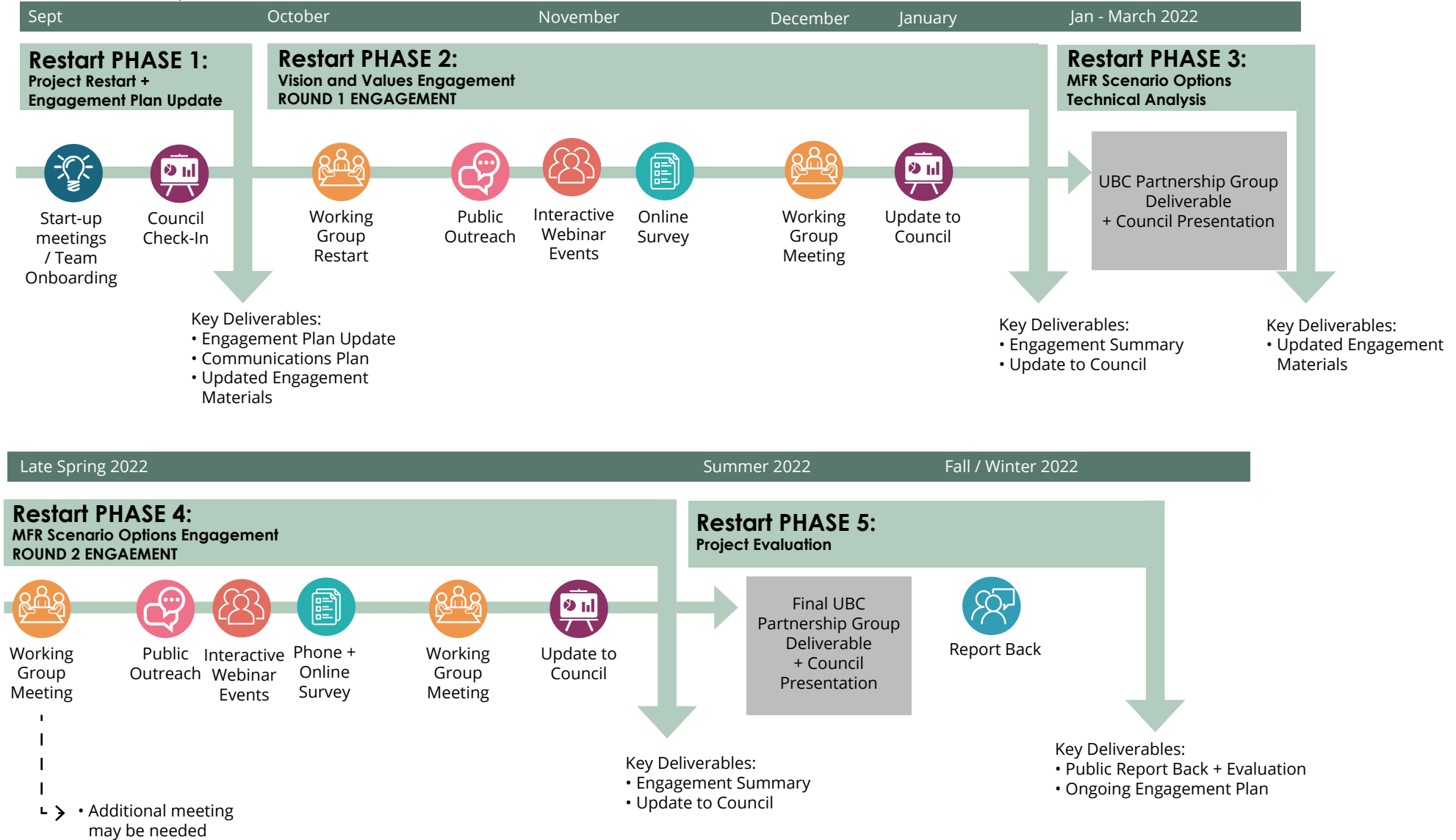
- Provide regular project updates
- Keep webpage current, especially FAQ's
- Ensure the Engagement Working Group membership represents a variety of perspectives and has the information needed to keep the community informed and engaged
- Maintain a positive and neutral voice in all communications materials
- Regularly assess the content review process to ensure accurate and timely outgoing information
- Monitor MNC social media outlet comments
- Regularly review blogs, social media pages and groups, and mainstream media outlets for points of view or misinformation
- Maintain digital copies of all news articles, press releases, and social media posts
- Conduct phone calls to stakeholders, if needed

ATTACHMENTS

Draft Engagement Schedule

SCHEDULE

SEPTEMBER 10, 2021



Report

Date	September 21, 2021	File:
To	Council	
From	Michelle Martineau, Manager, Legislative Services	Endorsed:
Subject	Consent Agenda Policy	

Purpose

To establish a formal process for adding and removing items in the Consent Agenda.

Background

On October 7, 2020, Council resolved to include a Consent Agenda in their regular meeting agenda to provide a mechanism for Council to consider requests submitted by the public in a meeting.

IT WAS MOVED AND SECONDED:

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

CARRIED

Consent Agendas are intended to provide an efficient process for approval of regular or routine issues while ensuring the efficiency and effectiveness of Council meetings. They group routine items under one umbrella that, unless a member of Council requests that the item be removed so that it can be discussed, can be approved without discussion. However, Consent Agendas can make or break a Council meeting. Therefore, establishing rules regarding what should or should not be included and how items can be removed for debate will help Council ensure that their meetings are efficient.

Prior to implementing the Consent Agenda, regular Council meetings lasted less than 4 hours on average. Typically those meetings that lasted longer, between 4.3 hours and 8.1 hours, were directly related to the number of items on the agenda. Table 1 reflects the length and number of agenda items for each of the regular meetings between January 29, 2020, and October 7, 2020. Agendas with more than 15 items have been highlighted in blue to demonstrate the connection between large agendas and meeting length.

Table 1

Pre-Consent Agenda Meeting Stats

Regular Council Meeting Date	Meeting Duration	Number of Agenda Items (excluding minutes and notices of motion)
January 29, 2020	4.3	21
February 19, 2020	3.1	11
March 4, 2020	1.6	13
March 18, 2020	1.2	6
April 15, 2020	3.5	10
April 29, 2020	1.3	7
May 6, 2020	4.9	16
May 20, 2020	2.5	7
June 3, 2020	5.3	15
June 17, 2020	7.3	16
July 15, 2020	8.1	22
August 19, 2020	2.7	14
September 2, 2020	5.4	9
September 16, 2020	3.0	8
October 7, 2020	5.0	16
Average	3.9	12.7

However, since Council has been using a Consent Agenda, the average meeting time has increased from 3.9 hours to 5.2 hours. Council has had to adopt a motion to extend every meeting (at some meetings Council has had to do that several times) since the implementation of the Consent Agenda. Although it may not be the leading cause, it is one of the factors attributing to the longer meetings. Table 2 reflects the number of initial items, which includes those items related to delegations, bylaws, reports, public hearings, unfinished and new business, and closed matters placed on regular meeting agendas between October 7, 2020, and September 1, 2021. Columns 4 and 5 in the table show the increase in overall agenda items when items are pulled from the Consent Agenda and added to New Business. Meetings that have lasted longer than 7 hours have been highlighted in green.

Table 2

Post-Consent Agenda Meeting Stats

Regular Council Meeting Date	Meeting Duration	Initial Agenda Items (excluding minutes and notices of motion)	Consent Agenda Items added to New Business	Total Agenda Items
October 21, 2020	4.1	11		11
November 4, 2020	3.6	13	1	14
November 18, 2020	6.5	17		17
December 2, 2020	5.5	18	1	19
December 16, 2020	4.5	18	2	20
January 20, 2021	7.1	20	4	24
February 2, 2021	8.3	20	6	26
February 17, 2021	3.2	14	3	17
March 3, 2021	5.8	14		14
March 17, 2021	8.0	15	4	19

Regular Council Meeting Date	Meeting Duration	Initial Agenda Items (excluding minutes and notices of motion)	Consent Agenda Items added to New Business	Total Agenda Items
April 7, 2021	7.7	17	5	22
April 21, 2021	4.2	16	1	17
May 5, 2021	8.6	17	3	20
May 19, 2021	7.1	21	6	27
June 2, 2021	6.1	14	6	20
June 16, 2021	7.7	18	6	24
July 21, 2021	9.6	28	6	34
August 18, 2021	3.7	16	8	24
September 1, 2021	6.3	16	6	22
Average	6.2	17.0	4.3	20.6

On average, Council pulls 25% of the Consent Agenda items and makes decisions on only a third of those items. Table 3 reflects the percentage of items pulled from a Consent Agenda and placed under New Business and how many results in a decision of Council.

Table 3

Consent Agenda Items Leading to a Decision of Council

Regular Meeting Date	Consent Agenda Items (CA)	CA Items pulled and added to New Business	% of CA Items pulled	CA items pulled that lead to a decision	% of CA Items pulled that resulted in a decision
October 21, 2020	2				
November 4, 2020	6	1	17%	0	0%
November 18, 2020	5		0%		
December 2, 2020	10	1	10%	0	0%
December 16, 2020	13	2	15%	1	50%
January 20, 2021	17	4	24%	2	50%
February 2, 2021	19	6	32%	2	33%
February 17, 2021	10	3	30%	1	33%
March 3, 2021	12		0%		
March 17, 2021	14	4	29%	1	25%
April 7, 2021	20	5	25%	3	60%
April 21, 2021	17	1	6%	1	100%
May 5, 2021	13	3	23%	1	33%
May 19, 2021	17	6	35%	1	17%
June 2, 2021	17	6	35%	1	17%
June 16, 2021	14	6	43%	3	50%
July 21, 2021	23	6	26%	1	17%
August 18, 2021	20	8	40%	1	13%
September 1, 2021	11	6	55%	2	33%
Average	13.7	4.3	25%	1.3	33%

Discussion

Duly-convened meetings are the primary mechanism through which Council makes organizational decisions and executes its governing responsibilities under the *Community Charter*. The correct use of a Consent Agenda would enable Council members to focus their meeting around matters that matter most to the municipality.

Currently, the Consent Agenda has been used to formally receive items of information in a meeting, with few of those items requiring any debate or decision by Council. However, the current process has led to motions made on the fly, which can lead to poorly thought-out decisions.

When we compare the results from Tables 1 and 2, we notice that on average, meetings have increased 2.3 hours in length, which is an increase of 58% (increase of 2.3 hours ÷ pre-consent agenda length of 3.9 hours = 57.5% increase). To determine if this increase in meeting length has occurred as a result of larger agendas, staff compared the number of items included on an agenda, excluding minutes, notices of motions and consent agenda items, from Tables 1 and 2 and found that on average agendas have increased by 34% (increase of 4.3 items ÷ pre-consent agenda items of 12.7 = 33.5% increase). From that, staff have concluded that the implementation of the Consent Agenda has increased Council meetings length on average by 24%.

One of the main purposes of a Consent Agenda is to reduce 'meeting time so, staff looked at ways to improve the Consent Agenda process to reverse or at least lessen its impact on regular meetings. Staff began looking at what was included and what could be moved from the regular agenda to the Consent Agenda, and how those changes would align with existing policies. Currently the Consent Agenda includes items for 'information only', such as committee minutes and correspondence. Adopting the Consent Agenda has no real decision-making impact. It simply enables a member of Council to pull an item of correspondence for discussion. As a rule, when an item is removed from a Consent Agenda, it is because a member feels the issues require discussion before they would be comfortable voting on the matter.

Table 3 reveals that 33% of the items pulled lead to a decision of Council. However, when members pull items and introduce a motion, they are not following their process for introducing resolutions at a meeting under section 34 of the Council Procedure Bylaw (Figure 1).

Copies of resolutions to Council members

- 34** A resolution may be introduced at a council meeting only if a copy of it has been delivered to each council member before the council meeting begins, unless Council agrees to waive this requirement.

(Source: Council Procedure Bylaw No. 3602)

Figure 1. Introducing a resolution at a Council meeting

The Consent Agenda Policy (Attachment 1) is intended to:

- Align the practices with the Council Procedure Bylaw and Notice of Motion Policy;
- Improve the efficiency of Council meetings by promoting good time management and leaving room for Council to focus on issues of fundamental importance to the community and its future; and,
- Provide an expeditious mechanism for dealing with routine non-controversial items.

The Policy proposes to:

- Divide the Consent Agenda into two sections, (1) items for decisions, and (2) items for information;
- Establish a process for
 - determining which items of correspondence from the public should be included in the Consent Agenda and which items should be excluded;
 - approval process for removing an item from the Consent Agenda and adding it to New Business; and,
 - recording the decisions from the Consent Agenda in the meeting minutes.

Even though not all of the items of correspondence received from members of the public that have been included previously would continue to be included in the Consent Agenda, Council still receives them via email to the Council@northcowichan.ca email address. Members of Council can bring forward any of the issues identified in those submissions through the notice of motion process. This ensures that decisions made by Council on these issues provide clear direction to staff as the motions are not being made on the fly.

If a member of Council wished to remove an item of correspondence requiring action or from another level of government, they should forward a copy of the motion that they wish to introduce to all members prior to the meeting, in accordance with section 34 of the Council Procedure Bylaw (Figure 1). An annotated version of the Policy (Attachment 2) provides additional notes on each of the sections to provide additional detailed information on the intent of the section and the administrative processes that will be undertaken.

Options

(1) **Recommended Option.** Adopt the policy as presented.

THAT Council adopt the Consent Agenda Policy as presented in Attachment 1 to the Manager of Legislative Services report dated September 21, 2021.

(2) Amend the policy.

THAT Council adopt the Consent Agenda Policy as presented in Attachment 1 to the Manager of Legislative Services report dated September 21, 2021, subject to the following amendments:

- That section [*Council to identify section number*] be amended by [*Council to identify what they wish to strike out or add*] and [*Council to identify what they would like to replace it with or which section they would like it added to*]

(3) Refer the policy to the Committee of the Whole for review and recommendation.

THAT Council refer the Consent Agenda Policy to the Committee of the Whole to provide recommendations to Council on whether the Policy requires any amendments prior to consideration of adoption.

Implications

This policy will provide clear direction to staff on which items should be included in a Consent Agenda and improve meeting efficiency. If the policy is adopted, an amendment to the Council Procedure Bylaw will be required to amend the order of proceedings and business to remove 'adoption of minutes' and add 'approval of consent agenda.'

Recommendation

THAT Council adopt the Consent Agenda Policy as presented in Attachment 1 to the Manager of Legislative Services report dated September 21, 2021.

Attachments:

- (1) Consent Agenda Policy
- (2) Consent Agenda Policy [Annotated Version]

COUNCIL POLICY

CONSENT AGENDA POLICY

1. PURPOSE

To improve the efficiency and effectiveness of Council meetings; provide an efficient process to acknowledge receipt of reports or correspondence where an action requiring Council approval has been requested; approve regular, non-controversial routine items that come before Council, or matters where no debate, discussion or explanation is expected or required; and help to manage time, as Council addresses all items listed within or under the Consent Agenda as a single item with one vote.

2. SCOPE

This policy applies to regular Council meetings where the Consent Agenda appears as a standing item. Although Council receives electronic copies of all correspondence addressed to them (via the Council@northcowichan.ca email address), not all correspondence received is included in the Consent Agenda. Sections 4 and 5 of this Policy specify which items are included and those that are expressly excluded from the Consent Agenda.

3. DEFINITIONS

"Consent Agenda" groups routine business items and reports which require no discussion or debate into one agenda item called the Consent Agenda. This practice allows Council to approve or acknowledge receipt with one vote instead of introducing multiple motions.

4. CONTENT OF CONSENT AGENDA

4.1. All materials and items proposed in the Consent Agenda shall be clearly identified as such in the meeting packages. All Council members must review the Consent Agenda items prior to the meeting, with the expectation that no discussion shall take place during the Council meeting.

4.2. Consent Agendas may include:

(a) Items for decision

- (i) approval of Council meeting minutes;
- (ii) endorsement of Committee of the Whole, Council committee and/or advisory body recommendations, subject to Section 4.5.;
- (iii) routine contract renewals.

(b) Items for information

- (i) correspondence requiring action that is not subject to exclusion under Section 5.1.;
- (ii) correspondence from the provincial or federal government, or other local government body;
- (iii) reports provided for information only;

- (iv) draft minutes from Committee of the Whole, Council committee and/or advisory bodies of Council for information only.; and
 - (v) other items that require no discussion or decision.
- 4.3. Subject to Section 5.1., correspondence requiring action received, at least one week before the meeting, from a member of the public will be placed under '*Items for Information*' with the subject description identifying what is being requested in general terms. If a member of Council wishes to consider the individual's request, the item must be removed from the Consent Agenda for consideration in accordance with Section 7.2., otherwise the item is received for information only. An acknowledgement email will be sent to the author, and copied to Council, advising that Mayor and Council has received their correspondence and that their correspondence will be placed in an upcoming Consent Agenda.
- 4.4. All personal information shall be redacted from correspondence received from members of the public prior to inclusion in the Consent Agenda in accordance with the *Freedom of Information and Protection of Privacy Act*.
- 4.5. Items where the recommendations from a committee or advisory body of Council are contained in a staff report, the minutes from that committee or advisory body will be placed under the '*Items for information*' section of the Consent Agenda.
- 4.6. Minutes from a Committee of the Whole, Council committee or advisory body meeting shall be placed under:
 - (a) *Items for Decision* if they include recommendations for Council's endorsement; or
 - (b) *Items for Information* if no action by Council is required or where recommendations are contained within a staff report as per Section 4.5.

5. EXCLUDED CORRESPONDENCE ITEMS

- 5.1. The following correspondence addressed to Council, which have been delivered electronically to Council, will not be included in the Consent Agenda. An acknowledgement email will be sent to the author advising that Mayor and Council has received their correspondence and will only be copied to Council where identified.
 - (a) Items that are of a **technical or operational in nature**, and where a response has been provided by municipal staff. The acknowledgement email and the staff response will be copied to Council.
 - (b) Items that are **informational in nature**, which includes personal opinions submitted by individual citizens or organizations, media releases, newsletters, and unsolicited mail;
 - (c) Correspondence which **relates to a person who is not the author** and which would be a breach of the *Freedom of Information and Protection of Privacy Act*;
 - (d) Correspondence which **relates to an in-camera decision or a confidential matter** that has not been released to the public;

- (e) Emails submitted as '**public input**' on an agenda item. The acknowledgement email will be copied to Council.
 - (f) Correspondence that includes **profane language** or is regarded as harassment or intimidation, or is abusive, defamatory or **disrespectful to Council or staff** or would constitute a breach of Respectful Spaces Bylaw No. 3796, 2020;
 - (g) Correspondence content that **endorses, promotes, or perpetuates discrimination** or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
 - (h) Correspondence where **Council is not the principal recipient**;
 - (i) **Anonymous** correspondence.
- 5.2. If the correspondence that has been excluded under Subsections 5.1. (c), (d) or (i) would have been included in the Consent Agenda in accordance with Section 4.3, the author may be provided with an opportunity to resubmit their correspondence.
- 5.3. A member of Council may bring forward an item that is excluded under Section 5.1 as a notice of motion. Such notices of motions are subject to the rules established under Council's the Notice of Motion Policy.

6. APPROVAL OF CONSENT AGENDA

- 6.1. The Consent Agenda shall be approved by Council at the beginning of each meeting.
- 6.2. Approval of the Consent Agenda by Council constitutes approval of each of the motions listed under the Consent Agenda portion of the meeting, subject to any items being removed from the Consent Agenda under Section 7.1.

7. REMOVAL OF AN ITEM

- 7.1. Any item may be moved out of the Consent Agenda at the request of any Council member, before approval of the Consent Agenda. A member may request to move an item to further discuss it, inquire about it, or vote against it after the Consent Agenda has been approved.
- 7.2. A motion or vote of Council is not required to request to move an item out of the Consent Agenda.
- (a) When a Council member requests that an item be moved out of the Consent Agenda, the Mayor or presiding member shall decide whether the item shall be placed under "New Business" in the regular agenda.
 - (b) If a Council member wishes to challenge a decision of the Mayor or presiding member under Section 7.2. (a), a resolution of Council must pass by a majority vote for the item to be removed from or remain in the Consent Agenda.
- 7.3. When an item is requested to be removed, that item shall be moved out of the Consent Agenda in accordance with Section 7.2., and the rest of the items shall remain on the Consent Agenda.

8. MOTION TO APPROVE CONSENT AGENDA

- 8.1. When the requested changes have been made to the Consent Agenda:
- (a) The Mayor or Corporate Officer shall read the items removed from the Consent Agenda.
 - (b) A motion must be made to approve or reject the Consent Agenda.
 - (c) The motion to approve the agenda must be worded "that Council approve the Consent Agenda."

9. MINUTES

- 9.1. Minutes of the meeting shall include the full text copy of approved resolutions, recommendations or correspondence and reports received under the Consent Agenda portion of the meeting to ensure a record is kept for future reference.

APPROVAL HISTORY

WRITTEN BY: Michelle Martineau, Manager, Legislative Services	APPROVED BY:	DATE: Click here to enter a date.
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Related Legislation:	Sections 22 and 30 of the <i>Freedom of Information and Protection of Privacy Act</i>	
	Section 123 of the <i>Community Charter</i>	
Related Bylaws, Policies, Procedures, Strategies, Agreements, etc.:	Conference Attendance Policy	Public Input and Meeting Conduct Policy
	Council Correspondence Procedure	Privacy Management Policy
	Council Procedure Bylaw No. 3602, 2015	Respectful Spaces Bylaw No. 3796, 2020
	Council Strategic Plan	Standards of Conduct Policy
	Notice of Motion Policy	

COUNCIL POLICY



CONSENT AGENDA POLICY [ANNOTATED VERSION]

The annotated notes are for information only and do not form part of the Policy.

1. PURPOSE

To improve the efficiency and effectiveness of Council meetings; provide an efficient process to acknowledge receipt of reports or correspondence where an action requiring Council approval has been requested; approve regular, non-controversial routine items that come before Council, or matters where no debate, discussion or explanation is expected or required; and help to manage time, as Council addresses all items listed within or under the Consent Agenda as a single item with one vote.

A Consent Agenda is a meeting practice which packages routine reports, meeting minutes, and other non-controversial items not requiring discussion or independent action as one agenda item. This can save precious meeting time by allowing Council to approve this 'package' of items in one motion.

The result of using a Consent Agenda will save time during Council meetings and avoid spending time on items that are either perfunctory or have already happened which Council can do nothing about. Council will then have time to discuss matters which they want to see occur for the community.

2. SCOPE

This policy applies to regular Council meetings where the Consent Agenda appears as a standing item. Although Council receives electronic copies of all correspondence addressed to them (via the Council@northcowichan.ca email address), not all correspondence received is included in the Consent Agenda. Sections 4 and 5 of this Policy specify which items are included and those that are expressly excluded from the Consent Agenda.

3. DEFINITIONS

"Consent Agenda" groups routine business items and reports which require no discussion or debate into one agenda item called the Consent Agenda. This practice allows Council to approve or acknowledge receipt with one vote instead of introducing multiple motions.

Robert's Rules of Order refers to a Consent Agenda as a 'Consent Calendar'.

4. CONTENT OF CONSENT AGENDA

- 4.1. All materials and items proposed in the Consent Agenda shall be clearly identified as such in the meeting packages. All Council members must review the Consent Agenda items prior to the meeting, with the expectation that no discussion shall take place during the Council meeting.

The motion to adopt the Consent Agenda requires a seconder, but cannot be amended or debated. The "consent" relates only to permitting the matter(s) in the Consent Agenda for consideration without conforming to the usual rules of decision-making.

The Mayor or Acting Mayor approves the items placed within the Consent Agenda during the

Agenda Review meeting which takes place prior to publishing the agenda. If the Mayor or Acting Mayor senses that an item may be controversial they may decide to move the item out of the Consent Agenda into the regular agenda before publishing.

4.2. Consent Agendas may include

(a) Items for decision:

- (i) approval of Council meeting minutes;
- (ii) endorsement of Committee of the Whole, Council committee and/or advisory body recommendations, subject to Section 4.5.;
- (iii) routine contract renewals.

A routine contract renewal would include a lease agreement containing options of renewal which Council has approved and where all parties have fully complied with the terms within the agreement.

For example, on June 21, 2021 Council approved a lease agreement with the Cowichan Green Community (CGC) for 2431 Beverley Street for a term of 20 years plus three options of renewal for five years each. In 2041 when the current term would expire, if the CGC wished to exercise the first option of renewal and extend their lease for an additional 5 years, that renewal would appear in the Consent Agenda with a recommendation that Council exercise the first option of renewal. If Council had some concerns with the renewal they could simply remove it from the Consent Agenda and place it under New Business and then debate whether to renew the lease or not when the matter came up in the order of the regular agenda.

(b) Items for information

- (i) correspondence requiring action that is not subject to exclusion under Section 5.1.;
- (ii) correspondence from the provincial or federal government, or other local government body;
- (iii) reports provided for information only;
- (iv) draft minutes from Committee of the Whole, Council committee and/or advisory bodies of Council for information only; and

Minutes under this section would not contain any recommendations for Council to consider. An example of this would be the minutes from the April 20, 2021 Environmental Advisory Committee meeting that were included in the May 5, 2021 regular meeting Consent Agenda.

- (v) other items that require no discussion or decision.

4.3. Subject to Section 5.1., correspondence requiring action received, at least one week before the meeting, from a member of the public will be placed under 'Items for Information' with the subject description identifying what is being requested in general terms. If a member of Council wishes to consider the individual's request, the item must be removed from the Consent Agenda for consideration in accordance with Section 7.2., otherwise the item is received for information only. An acknowledgement email will be sent to the author, and copied to Council, advising that Mayor and Council has received their correspondence and that their correspondence will be placed in an upcoming Consent Agenda.

The acknowledgement email would include something along the lines of, “this email confirms that Mayor and Council has received your correspondence and that it will be placed under the Consent Agenda in the [date] Council meeting agenda package. This matter will be received for information only unless removed from the Consent Agenda and placed under New Business by Council at the beginning of the meeting”.

Tip Box

To test whether an item should be included in the Consent Agenda, ask

- ☒ is this item self-explanatory and uncontroversial? Or, does it contain an issue that warrants Council discussion?
- ☒ is this item ‘for information only’? Or is it needed for another meeting agenda issue?

- 4.4. All personal information shall be redacted from correspondence received from members of the public prior to inclusion in the Consent Agenda in accordance with the *Freedom of Information and Protection of Privacy Act*.

Under section 30 of the Act, the municipality is required to protect the personal information in its custody or control. Therefore, any personal information contained in the correspondence, such as a name, residential address, home phone number, personal email address or other information that when used alone or with other information in the correspondence identify the individual, the information is redacted and staff note the section of FOIPPA under which it was redacted on the correspondence.

- 4.5. Items where the recommendations from a committee or advisory body of Council are contained in a staff report, the minutes from that committee or advisory body will be placed under the ‘*Items for information*’ section of the Consent Agenda.

The subject description for the minutes will note the report item number in the regular agenda where the committee’s or advisory body’s recommendations will be provided. This would typically occur when there are any financial, staff resource, statutory requirements, or policy implications that Council needs to be made aware of before making a decision to endorse the recommendation.

- 4.6. Minutes from a Committee of the Whole, Council committee or advisory body meeting shall be placed under:
- (a) *Items for Decision* if they include recommendations for Council’s endorsement; or
 - (b) *Items for Information* if no action by Council is required or where recommendations are contained within a staff report as per Section 4.5.

5. EXCLUDED CORRESPONDENCE ITEMS

- 5.1. The following correspondence addressed to Council, which have been delivered electronically to Council, will not be included in the Consent Agenda. An acknowledgement email will be sent to the author advising that Mayor and Council has received their correspondence and will only be copied to Council where identified.
- (a) Items that are of a **technical or operational in nature**, and where a response has been provided by municipal staff. The acknowledgement email and the staff response will be copied to Council.

The acknowledgement email shall identify the staff person who shall be providing them with a response to their inquiry and/or contain a brief technical or operational explanation in response to the author’s question or comments.

Operational items would also include complaints which would be referred to the appropriate individual. Examples include:

- A complaint about an employee would be referred to the CAO, about a Councillor to the Mayor, or if the complaint was in regards to noncompliance with a municipal bylaw, then to Bylaw and Business Licensing Services.
- Correspondence which relates to a proposed bylaw in respect to a public hearing that has been held or a development application where Council has delegated their authority to staff for issuance of a permit.

Tip Box

Just because an email submitted to Council@northcowichan.ca is not included in the Consent Agenda, doesn't mean that the author has not made any good suggestions for improving processes. It simply puts the onus on a member of Council to take the time to craft a motion, based upon the content of that email, in advance of a meeting and introduce it to Council through a notice of motion.

- (b) Items that are **informational in nature**, which includes personal opinions submitted by individual citizens or organizations, media releases, newsletters, and unsolicited mail;

Although these items will not be included in the Consent Agenda, a member of Council could bring forward a notice of motion [see section 5.3] to suggest a particular course of action in response to the correspondence. Legislative Services would ensure that the correspondence was properly redacted, if included with the member's background report, before including in the regular agenda under New Business. 'Informational petitions' submitted where a group of citizens are sharing their concerns collectively (i.e., where they are not a formal petition to establish a new local service) is an example of a personal opinion.

An example of unsolicited mail would be an announcement for an upcoming event, such as the emails from the Vancouver Island Economic Alliance (VIEA) announcing who will be the key note speaker at the next summit, inviting recipients to register for the summit. Because the Council Conference Attendance Policy authorizes members' attendance at the annual VIEA Summit and provides members with a discretionary budget, these types of learning opportunities would not require authorization from Council for a member's attendance, unless they had already spent their annual allocation.

- (c) Correspondence which **relates to a person who is not the author** and which would be a breach of the *Freedom of Information and Protection of Privacy Act*;

An acknowledgement email would be sent to the author confirming that Council had received their correspondence. Council would only be copied on the email if it were subject to Section 5.2.

- (d) Correspondence which **relates to an in-camera decision or a confidential matter** that has not been released to the public;

An acknowledgement email would be sent to the author confirming that Council had received their correspondence. Council would only be copied on the email if it were subject to Section 5.2.

- (e) Emails submitted as '**public input**' on an agenda item. The acknowledgement email will be copied to Council.

The acknowledgement email (if received prior to the meeting) shall inform the author that Council has received their correspondence and how they may attend the meeting either in person or electronically so that they may be heard by Council and other members of the public observing the meeting. The email could include something along the lines of "this email confirms that Mayor and Council has received your correspondence in relation to an item included on the [date] [meeting

type] meeting agenda. You can also share your comments with Council during the public input portion of the meeting. To learn how you can attend the meeting, either in person or virtually, please visit our 'Attending a Virtual Meeting' webpage".

Emails received following the meeting would be considered personal opinions and would be treated the same as those under Subsection 5.1(b).

- (f) Correspondence that includes **profane language** or is regarded as harassment or intimidation, or is abusive, defamatory or **disrespectful to Council or staff** or would constitute a breach of Respectful Spaces Bylaw No. 3796, 2020;

An acknowledgement email would be sent to the author confirming that Council had received their correspondence. Correspondence which contains defamatory or libellous statements may be sent to the municipal solicitor for advice on action if directed by the Mayor or CAO.

- (g) Correspondence content that **endorses, promotes, or perpetuates discrimination** or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;

An acknowledgement email would be sent to the author confirming that Council had received their correspondence.

- (h) Correspondence where **Council is not the principal recipient**;

If an email is addressed to another party but the content of the correspondence would be consistent with Section 4.3., then the item would be included under Information Items in the Consent Agenda and an acknowledgement under that section would be sent out. If the author is not making a request of Council, then it will be treated in the same manner as Subsection 5.1 (b).

- (i) **Anonymous** correspondence.

Paper correspondence will be filed and no action will be taken.

An acknowledgement email would be sent to the author (for email submissions) confirming that Council had received their correspondence. Council would only be copied on the email if it were subject to Section 5.2.

- 5.2. If the correspondence that has been excluded under Subsections 5.1. (c), (d), or (i) would have been included in the Consent Agenda in accordance with Section 4.3, the author may be provided with an opportunity to resubmit their correspondence.

The acknowledgement email would advise the author that their request will not be included in the Consent Agenda in accordance with section 5.1 and that they MAY be provided with an opportunity to resubmit their request as per section 5.2., and would be copied to Council. For example if their correspondence includes more than one issue and one matter is in relation to a confidential matter which could not be easily redacted, then the author may be asked to resubmit.

Tip Box

Because a municipality is prohibited from altering a public document (an email received from a member of the public is considered a public document even though it may or may not be released under FOIPPA) staff may not edit the email.

- 5.3. A member of Council may bring forward an item that is excluded under Section 5.1 as a notice of motion. Such notices of motions are subject to the rules established under

Council's the Notice of Motion Policy.

This will avoid the consequence of motions made on the fly that are incomplete or unclear.

6. APPROVAL OF CONSENT AGENDA

6.1. The Consent Agenda shall be approved by Council at the beginning of each meeting.

By placing the Consent Agenda prior to adoption of the regular agenda allows any item to be removed and placed in the regular agenda for discussion or debate.

The Mayor or Acting Mayor will ask members if there are any items that they wish to remove from the Consent Agenda at the beginning of the meeting. Members would seek the floor to put forth their request on items that they would like removed.

6.2. Approval of the Consent Agenda by Council constitutes approval of each of the motions listed under the Consent Agenda portion of the meeting, subject to any items being removed from the Consent Agenda under Section 7.1.

If a member wishes to discuss an item/request or debate a recommendation, the member must remove the item before the Consent Agenda is adopted. If a member wishes to remove an item added in accordance with Section 4.3., as an Information Item, and wishes to propose a motion in relation to that item, they must deliver a copy of that motion to each member prior to the meeting in accordance with section 34 of the Council Procedure Bylaw. Council may waive this requirement and allow the member to introduce the motion by adopting a motion to suspend the rules. If a motion to suspend the rules is not made and the motion is seconded and debated, then Council will be deemed to have given consent (i.e., unanimous consent).

7. REMOVAL OF AN ITEM

7.1. Any item may be moved out of the Consent Agenda at the request of any Council member, before approval of the Consent Agenda. A member may request to move an item to further discuss it, inquire about it, or vote against it after the Consent Agenda has been approved.

Members who have a question on an item before they vote or feel the issue still requires discussion before they would be comfortable voting are two distinct scenarios that are treated differently.

If the member is seeking clarification on an item, they should gather that information BEFORE the meeting to avoid pulling an item unnecessarily. That clarification would then be sent to all members. This saves time during and after the meeting (e.g., clarifying what is captured in the minutes)

If the member believes the item requires discussion, then a request to remove the item and add it under New Business would be appropriate.

Tip Box

'Just a quick question' is not an option when using a Consent Agenda. Either an item is removed or it stays put. This places the burden of facilitation on the presiding member to be disciplined about stopping discussion and removing items from the Consent Agenda.

7.2. A motion or vote of Council is not required to request to move an item out of the Consent Agenda.

- (a) When a Council member requests that an item be moved out of the Consent Agenda, the Mayor or presiding member shall decide whether the item shall be placed under "New Business" in the regular agenda.

When a member requests that an item be removed from the Consent Agenda, the Mayor or Acting Mayor shall decide whether to place that item under New Business.

- (b) If a Council member wishes to challenge a decision of the Mayor or presiding member under Section 7.2. (a), a resolution of Council must pass by a majority vote for the item to be removed from or remain in the Consent Agenda.

If the Mayor or Acting Mayor rules against the member, then Council as a collective may overrule that decision. A member would move a motion that states 'I appeal the decision of the Chair' and the presiding member would ask for a seconder. Following debate, the presiding member would ask 'shall the decision of the Chair be sustained?' If the majority votes in favour, the item would not be removed from the Consent Agenda.

- 7.3. When an item is requested to be removed, that item shall be moved out of the Consent Agenda in accordance with Section 7.2., and the rest of the items shall remain on the Consent Agenda.

Discussion or debate on this item would occur when the matter comes up under New Business, not at the time that the Consent Agenda is adopted.

8. MOTION TO APPROVE CONSENT AGENDA

- 8.1. When the requested changes have been made to the Consent Agenda:
 - (a) The Mayor or Corporate Officer shall read the items removed from the Consent Agenda.
 - (b) A motion must be made to approve or reject the Consent Agenda.

Approval of the Consent Agenda by Council constitutes approval of each of the items listed under it. No separate vote to approve a Consent Agenda item is required.

If the Consent Agenda is rejected, all items (or remaining items) are removed from the agenda. Items for decision will come to Council at a future meeting [those listed under Section 4.2(a)] under a different heading (e.g., Reports or Unfinished and Postponed Business).

- (c) The motion to approve the agenda must be worded "that Council approve the Consent Agenda."

As with all formal motions [resolution] of Council, a quorum must be present in order to have action on the Consent Agenda items that is legitimate and binding.

9. MINUTES

- 9.1. Minutes of the meeting shall include the full text copy of approved resolutions, recommendations or correspondence and reports received under the Consent Agenda portion of the meeting to ensure a record is kept for future reference.

All recommendations shall be considered moved, seconded and voted upon as worded and reflected as if they were dealt with individually in the minutes.

APPROVAL HISTORY

WRITTEN BY: Michelle Martineau, Manager, Legislative Services	APPROVED BY:	DATE: Click here to enter a date.
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Related Legislation:	Sections 22 and 30 of the <i>Freedom of Information and Protection of Privacy Act</i> Section 123 of the <i>Community Charter</i>	
Related Bylaws, Policies, Procedures, Strategies, Agreements, etc.:	Conference Attendance Policy	Public Input and Meeting Conduct Policy
	Council Correspondence Procedure	Privacy Management Policy
	Council Procedure Bylaw No. 3602, 2015	Respectful Spaces Bylaw No. 3796, 2020
	Council Strategic Plan	Standards of Conduct Policy
	Notice of Motion Policy	

Report

Date	September 21, 2021	File:
To	Council	
From	Ted Swabey, Chief Administrative Officer	Endorsed:
Subject	First Nations Relations Committee Meeting Update	

Purpose

To consider the First Nations Relations Committee's recommendations from their June 14, 2021 meeting.

Background

The June 14, 2021, First Nations Relations Committee meeting included;

1. Sharing of the April 21, 2021 government to government survey results;
2. A discussion on requesting the CVRD to consider renaming Hecate Park;
3. A discussion on the Truth and Reconciliation Calls to Action for local governments; and,
4. Consideration of expanding the Committee membership.

Based on these items, the following motions were recommended by the Committee:

1. *That results of the government to government (G2G) survey be forwarded to Council for information and further discussion on hosting another G2G session led by Councillor Toporowski. And that Council direct staff to send the survey results to all participants of the gathering.*
2. *That the Committee Chair will reach out to the CVRD and request that an update be provided at the next CVRD Board meeting.*
3. *That Council endorse the Principles of the Truth and Reconciliation "Calls to Action" as identified in the document presented at the June 14, 2021 meeting. And that staff be directed to report back to the Committee with suggested plans for local implementation of these Calls to Action.*
4. *That the structure of the First Nations Relations Committee membership be referred to Council for discussion.*

Discussion

1. Government to Government survey results

On April 21, 2021, North Cowichan hosted a Government to Government session with Cowichan Tribes, the City of Duncan, the Cowichan Valley Regional District (CVRD), and School District 79. This was an opportunity for Cowichan Tribes members to share their historical stories with other members of government. This was a well attended and very meaningful gathering, and based on the feedback provided, it was very well received by those in attendance. The Committee passed a

motion that aims to have Council review the survey results and determine if there is interest in hosting a similar event, outlining their desire on what that event would look like. A copy of the survey was provided previously to Council and is attached to this report (Attachment 1).

2. Renaming of Hecate Park

At a closed Council meeting in the fall of 2020, there was a request to have the discussion of renaming Hecate Park in the CVRD added to an upcoming First Nations Relations Committee meeting. Chair Toporowski reached out to the CVRD and requested that an update be provided at the next CVRD Board meeting. To date, there has been no action taken by the Board. Staff recommend Council endorse the request and direct the Mayor to send a formal request to the Board for its consideration.

3. Truth and Reconciliation Calls to Action for local governments

The Committee reviewed the document (Attachment 2) that listed the nine Calls to Action that the Federation of Canadian Municipalities identified. This is recognized as an important starting point to build our government-to-government relationships with Indigenous peoples that will take time and calls for innovative thinking and action. During the 2022 Budget and Departmental Business Planning process, staff will be bringing forward a supplemental funding request that is required to resource this important issue on a go-forward basis.

4. Committee membership structure

A few Council members have expressed their desire to be an active participant in the First Nations Relations Committee. The Committee believes that a fuller discussion needs to occur around the Terms of Reference and existing membership by Council as a whole.

As this Committee was established as a 'standing committee' of Council and not a 'select committee', as per the Committee's terms of reference (Attachment 3), appointments to the Committee, may only be made by the Mayor, see the excerpt from the *Community Charter* (Figure 1). Although Council may submit suggestions on whom they believe should participate on the Committee, the decision of whom to appoint ultimately lies with the Mayor.

Division 4 — Committees, Commissions and Other Bodies	
Standing committees of council	
141	(1) The mayor must establish standing committees for matters the mayor considers would be better dealt with by committee and must appoint persons to those committees.
	(2) At least half of the members of a standing committee must be council members.
	(3) Subject to subsection (2), persons who are not council members may be appointed to a standing committee.
Select committees of council	
142	(1) A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council.
	(2) At least one member of a select committee must be a council member.
	(3) Subject to subsection (2), persons who are not council members may be appointed to a select committee.

Source: *Community Charter*, Division 4, sections 141 and 142

Figure 1. Appointment of persons to a standing committee

Options

Option 1 (recommended): Host another Government to Government session, endorse all nine Calls to Action, and send a letter to CVRD Board regarding Hecate Park.

THAT Council:

- (1) Authorize staff to work with the First Nations Relations Committee Chair on hosting another Government to Government session, and send a copy of the survey results, included as Attachment 1 in the Chief Administrative Officer's September 21, 2021 report to all participants who attended the April 21, 2021 session, and provide any feedback and suggestions to improve the next session;
- (2) Endorse the Principles of the Truth and Reconciliation "Calls to Action" and instruct staff to work with the First Nations Relations Committee to develop a process, plan and budget for local implementation of the nine Calls to Action related to municipalities, as stated in Attachment 1 of the Chief Administrative Officer's September 21, 2021 report; and,
- (3) Authorize the Mayor to send a formal request to the Cowichan Valley Regional District Board for its consideration of renaming Hecate Park.

Implications

If additional Council membership are added to the First Nations Relations Committee, additional resources would be also be needed from Legislative Services, as well as senior leadership support to participate in and maintain the Committee. The administrative support is currently provided by the CAO'S administrative assistant in addition to other duties. It is worth noting that any member of Council can attend the Committee's meetings and may participate in the discussions with the approval of the Committee Chair. The only limitation is that non-members cannot vote on motions until they are brought forward to the Council table for consideration.

Additional administrative support in Legislative Services is the highest priority supplemental request in the upcoming Departmental Business Planning process for 2022. Staff recommend no changes be made at this time to increase work in Legislative Services until additional resources are approved.

Recommendation

THAT Council:

- (1) Authorize staff to work with the First Nations Relations Committee Chair on hosting another Government to Government session, and send a copy of the survey results, included as Attachment 1 in the Chief Administrative Officer's September 21, 2021 report to all participants who attended the April 21, 2021 session, and provide any feedback and suggestions to improve the next session;
- (2) Endorse the Principles of the Truth and Reconciliation "Calls to Action" and instruct staff to work with the First Nations Relations Committee to develop a process, plan and budget for local implementation of the nine Calls to Action related to municipalities, as stated in Attachment 1 of the Chief Administrative Officer's September 21, 2021 report; and,
- (3) Authorize the Mayor to send a formal request to the Cowichan Valley Regional District Board for its consideration of renaming Hecate Park.

Attachments:

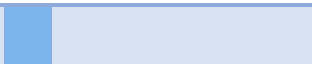

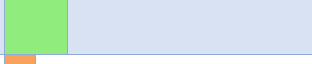


- (1) Government to Government Survey Results
- (2) Truth and Reconciliation Principles and Calls to Action
- (3) FNRC Terms of Reference

Government to Government Virtual Session

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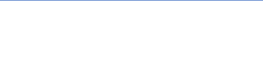


On a scale from 5 to 1, how satisfied were you with the session? (5=very satisfied and 1=not satisfied)

Respondents: 20

Choice	Percentage	Count	
5	15.00%	3	
4	55.00%	11	
3	20.00%	4	
2	10.00%	2	
1	0.00%	0	
Total	100%	20	

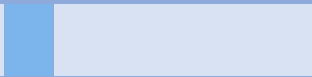

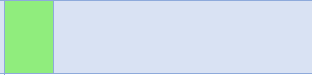
Was there enough time for discussion?

Respondents: 20

Choice	Percentage	Count		
Too little time	45.00%	9		
Too much time	15.00%	3		
Just enough time	40.00%	8		
Total	100%	20		

Did you have an opportunity to ask questions during the session?

Respondents: 19

Choice	Percentage	Count		
Yes, I participated in the Q and A session	15.79%	3		
Yes, the opportunity was provided, but I chose not to participate	73.68%	14		
No, I was uncomfortable and did not participate	15.79%	3		
Total	100%	19		

What did you like most about the event?

Respondents: 12

#	Respondent	What did you like most about the event?
1	13	Personal connection- very well dine
2	14	It was great to see so many in attendance although I think it would be more respectful to ask people to remain present with their cameras on
3	16	It's just nice to be together in COVID time. The solidarity among the participants.
4	17	Candid stories
5	21	I thought the stories of the young "non-elder" participants were a helpful glance into how the next generation is integrating traditional identities in a complex world
6	24	I like the guest speakers.
7	29	the personal stories told by the presenters
8	30	The fact that it happened.
9	31	Listening
10	34	Improving communication between jurisdictions. Learning more about indigenous culture.
11	35	How it enhanced cultural understanding and relationship The speakers were respectful and engaging
12	46	Reconnecting with other local government members and learning more about the Indigenous Culture

What did you like least about the event?

Respondents: 9

#	Respondent	What did you like least about the event?
1	13	Virtual
2	14	I would like to hear from the Elders next time. There was lots of messaging and comments during the session stating or implying this was the first of its kind when this is very much not the case. First for this particular committee to organize, yes, but it was building on years of work that was put in by NAIG, other events with the Elders including the workshops, Cowichan 101, Hul'q'umi'num classes, CVRD/First Nation tours, and leadership from former Mayor Lefebure at MNC and the CVRD. It's too bad that hasn't continued into this term.
3	24	I thought it was too much time spend on zoom. Maybe a little shorter until we can meet in person.
4	30	Zoom makes it hard to get to know someone. I would suggest next meeting, it could be improved if it started with a prompt, which would a question that everyone could answer and in a small way get to know something about all participant
5	31	Not enough time to get to reality of subject
6	34	Too general. It would have been more beneficial to discuss specific circumstances, situations, that were either beneficial or challenging. Too difficult to do in such a large group.
7	35	It didn't get into the difficult conversations that need to start
8	36	Too introductory-too basic
9	46	All good, zoom has natural barriers

What would have made the session better?

Respondents: 12

#	Respondent	What would have made the session better?
1	13	Access to more elders
2	14	More open time for questions and answers. Tough to really build relationships over zoom and especially when cameras are off, so maybe small group ice breakers with different rounds so we can mix it up and meet different people.
3	17	A bit too long for virtual - 2 hours is my limit
4	24	I think to have this in person would have made it better.
5	29	having the session in person/small group break outs
6	30	I think I covered that in my suggestion.
7	31	More about why we meet
8	34	Commitment to specific initiatives. Identified next steps to take advantage of mutually beneficial initiatives, or address mutual challenges.
9	35	Presentation from Municipal representatives - 2 way dialogue
10	36	More focus on how we can move forward together
11	40	This was a first, so I had little in the way of expectations.
12	46	Perhaps an introductory statement by government leaders

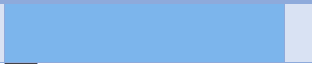

How likely are you to attend a similar event in the future?

Respondents: 20

	Yes	No	Maybe	Total
Virtual Session	70.00% (14)	10.00% (2)	20.00% (4)	100% (20)
In-person session	85.00% (17)	0.00% (0)	15.00% (3)	100% (20)


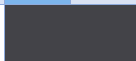


Would you like to see regular sessions like this one scheduled in the future?

Respondents: 19

Choice	Percentage	Count	
Yes	89.47%	17	
No	10.53%	2	
Total	100%	19	

If you answered yes to the previous question, how often would you like to see those sessions occur?

Respondents: 19

Choice	Percentage	Count	
Once per year	21.05%	4	
Twice per year	42.11%	8	
Quarterly (four times per year)	21.05%	4	
Other	21.05%	4	
Total	100%	19	

#	Respondent	Other
1	14	Bi-monthly would be great
2	22	once or twice a term
3	30	monthly or at most bi monthly
4	34	Twice per year, but in smaller groups, with specific focus areas

What topics would you like to see covered at a future session?

Respondents: 13

#	Respondent	What topics would you like to see covered at a future session?
1	13	More stories of the past but also dreams of the future
2	14	More meet and greet activities combined with a specific topic each time. Topic ideas could be understanding each government's current challenges, sharing what reconciliation looks like on a local level/how can we improve? learning about land code, housing challenges & explore opportunities to partner on that or at least giving updates on where we are all at and how to address housing gaps? Identify how we can better lobby for treatment centres, discuss expectations around gov to gov consultations, how to encourage community clean ups, discuss areas of interest when it comes to land use, trails, etc. How can we address climate change together? Poverty? Transportation? Public discourse/divide on social media? There are so many topic ideas really. I would love to hear what others suggest through a follow up survey so we can all select future topics. This may create more participation & commitment to pay attention at future meetings. Thank you ☺
3	16	A "high level" check in about major items on each group's radar: Immediately, In the next year or so, Long term. From there it would be easier to suggest topics. Before COVID, and probably after, Cowichan enjoyed increased prosperity. It feels like we've finally turned the corner on the discouraging economic times of the past decade. I'd like to know how each organization is visioning & preparing for the next 5 - 10 years. (Or another suitable time frame.)
4	21	how to better cooperate for the benefit of all people abd communities
5	22	Understanding how we can truly work together I had a CT member appointed by their council to take a seat on our APC for four years they never attended one session. I followed all protocols given to me by the Chief and no response was ever given. How can we gain trust with each other? Honesty and commitment I would like to have and understand that because as long as we are not honest and committed to a process of reconciliation and healing on both side I am always willing to work towards that but I am feeling very deflated after all the years I have been trying to work Government to Government. Sorry I am really feeling sad and would like a deeper dive into more issues. Unfortunately it is always too touchy to bring this up and I do hope this survey is confidential because we are not allowed to speak our feelings and I have worked for over 25 years with Cowichan Tribes. I have been blanketed twice I honor and respect their culture as I do all cultures but I am confused.
6	24	Historical stories about the Cowichan River.
7	29	more history of the valley/major topics that each organization is dealing with
8	30	How do we work on reconciliation? What could MNC do to make these session more productive? If you could settle all outstanding issues, what

		would our joint community look like? How can we truly build real relationships while using zoom? Should there be small break outs rooms and then reporting to main group? What is the hardest thing about reconciliation for you? (some trust will have to have been built up before this question can be asked in a large group, but could be done in a breakout group more likely. White boards could be used to capture the gist. What does walking in a good way together mean to you? How do we deal with the differing opinions in the MNC Community and the First Nations communities around reconciliation? The significance of elders and rituals to open and close meetings? What are the nations perspective on the natural world?
9	31	Culture to create better understanding to prevent. Racism
10	34	Local government's role in advancing mutually beneficial initiatives. Tourism, trails, events, transit, and emergency management could be some examples.
11	36	G2G cooperation at the organization and staff level
12	40	How do we move forward in partnership.
13	46	Building a Strong CV community together

Truth and Reconciliation Calls to Action

Related to municipalities

Nine Calls to Action were identified by the **Federation of Canadian Municipalities**, as containing the word 'Municipal' or 'all levels of government' in them:

#40 We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.

#43 We call upon federal, provincial, territorial and municipal governments to fully adopt and implement the [United Nations Declaration on the Rights of Indigenous Peoples](#) as the framework for reconciliation.

#47 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

#57 We call upon federal, provincial, territorial and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights and anti-racism.

#64 We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on Truth and Reconciliation Commission of Canada Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

#75 We call upon the federal government to work with provincial, territorial and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of appropriate memorial ceremonies and commemorative markers to honour the deceased children.

#77 We call upon provincial, territorial, municipal and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the NCTR.

#87 We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.

#88 We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.

DRAFT PRINCIPLES
that Guide the
PROVINCE OF BRITISH COLUMBIA'S
Relationship with
INDIGENOUS PEOPLES



DRAFT PRINCIPLES that Guide the PROVINCE OF BRITISH COLUMBIA'S Relationship with INDIGENOUS PEOPLES

The Province wants to renew its relationship with Indigenous peoples in B.C., and affirms its desire to achieve a government-to-government relationship based on respect, recognition and exercise of Aboriginal title and rights and to the reconciliation of Aboriginal and Crown titles and jurisdictions. We agree to work with Indigenous peoples to jointly design, construct and implement principled, pragmatic and organized approaches informed by the Supreme Court of Canada *Tsilhqot'in* decision and other established law, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission (TRC) Calls to Action.

Indigenous people have a special constitutional relationship with the Crown. This relationship, including existing Aboriginal and treaty rights, is recognized and affirmed in section 35 of the *Constitution Act*, 1982.

The Province's draft reconciliation principles are intended as bold statements to guide this new relationship and end the denial of Indigenous rights that have led to disempowerment and assimilationist policies and practices. The principles will assure the Province conducts itself in a way that reflects a clear shift in an often troubled relationship with Indigenous peoples to a modern government-to-government relationship that is strong, sophisticated and valued. These principles create the space needed to exercise our respective jurisdictions for the benefit of all British Columbians. We will recognize success when we know Indigenous peoples believe themselves to be self-determining, self-governing, self-sufficient and can practise their Indigenous cultural traditions and customs as an important and respected part of B.C. society.

B.C.'s principles are about renewing the Crown-Indigenous relationship. They are an important starting point to move away from the status quo and to empower the Province to fundamentally change its relationship with Indigenous peoples, a process that will take time and will call for innovative thinking and action. This is necessary to ensure a modernized Crown-Indigenous relationship in B.C.

1 The Province of British Columbia recognizes that all relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

This opening principle affirms the priority of recognition in renewed government-to-government relationships. As set out by the courts, an Indigenous nation or rights-holding group is a group of Indigenous people sharing critical features such as language, customs, traditions, and historical experience at key moments in time like first contact, assertion of Crown sovereignty, or effective control. The Royal Commission on Aboriginal Peoples estimated that there are between 60 and 80 historical nations in Canada.

The Province's recognition of the ongoing presence and inherent rights of Indigenous peoples as a defining feature of Canada is grounded in the promise of section 35 of the *Constitution Act*, 1982, in addition to reflecting articles 3 and 4 of UNDRIP. The promise mandates the reconciliation of the prior existence of Indigenous peoples and the assertion of Crown sovereignty, as well as the fulfilment of historic treaty relationships.

This principle reflects UNDRIP's call to respect and promote the inherent rights of Indigenous peoples. This includes the rights that derive from their political, economic, and social structures and from their cultures, spiritual traditions, histories, laws, and philosophies, especially their rights to their lands, territories and resources.

The constitutional and legal order in Canada recognizes the reality that Indigenous peoples' ancestors owned and governed the lands which now constitute Canada prior to the Crown's assertion of sovereignty. All of the Crown's relationships with Indigenous peoples are based on recognition of this fact and supported by the recognition of Indigenous title and rights, as well as the negotiation and implementation of pre-Confederation, historic, and modern treaties.

It is the mutual responsibility of all governments to shift their relationships and arrangements with Indigenous peoples so that they are based on recognition and respect for the right to self-determination, including the inherent right of self-government for Indigenous nations. This responsibility includes changes in the operating practices and processes of the provincial government. For Indigenous peoples, this responsibility includes how they define and govern themselves as nations and governments and the parameters of their relationships with other orders of government.

2 The Province of British Columbia recognizes that reconciliation is a fundamental purpose of section 35 of the *Constitution Act*, 1982.

Reconciliation is an ongoing process through which Indigenous peoples and the Crown work cooperatively to establish and maintain a mutually respectful framework for living together, with a view to fostering strong, healthy, and sustainable Indigenous nations within a strong Canada. As we build a new future, reconciliation requires recognition of rights and that we all acknowledge the wrongs of the past, know our true history, and work together to implement Indigenous rights.

This transformative process involves reconciling the pre-existence of Indigenous peoples and their rights and the assertion of sovereignty of the Crown, including inherent rights, title, and jurisdiction. Reconciliation, based on recognition, will require hard work, changes in perspectives and actions, and compromise and good faith, by all.

Reconciliation frames the Crown's actions in relation to Aboriginal and treaty rights and informs the Crown's broader relationship with Indigenous peoples. The Province's approach to reconciliation is guided by UNDRIP, the TRC Calls to Action, constitutional values, and collaboration with Indigenous peoples as well as the federal and other provincial and territorial governments.

3 The Province of British Columbia recognizes that the honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples.

The Province recognizes that it must uphold the honour of the Crown, which requires the provincial government and its departments, agencies, and officials to act with honour, integrity, good faith, and fairness in all of its dealings with Indigenous peoples. The honour of the Crown gives rise to different legal duties in different circumstances, including fiduciary obligations and diligence. The overarching aim is to ensure that Indigenous peoples are treated with respect and as full partners in Confederation.

4 The Province of British Columbia recognizes that Indigenous self-government is part of Canada's evolving system of cooperative federalism and distinct orders of government.

This principle affirms the inherent right of self-government as an existing Aboriginal right within section 35 of the *Constitution Act*, 1982. Recognition of the inherent jurisdiction and legal orders of Indigenous nations is therefore the starting point of discussions aimed at interactions between federal, provincial, territorial, and Indigenous jurisdictions and laws.

As informed by UNDRIP, Indigenous peoples have a unique connection to and constitutionally protected interest in their lands, including decision making, governance, jurisdiction, legal traditions, and fiscal relations associated with those lands.

Government-to-government relationships, including treaty relationships, therefore include:

1. developing mechanisms and designing processes which recognize that Indigenous peoples are foundational to Canada's constitutional framework;
2. involving Indigenous peoples in the effective decision making and governance of our shared home;
3. putting in place effective mechanisms to support the transition away from colonial systems of administration and governance; and
4. ensuring, based on recognition of rights, the space for the operation of Indigenous jurisdictions and laws.

5 The Province of British Columbia recognizes that treaties, agreements, and other constructive arrangements between Indigenous peoples and the Crown have been and are intended to be acts of reconciliation based on mutual recognition and respect.

This principle recognizes that Indigenous peoples have diverse interests and aspirations and that reconciliation can be achieved in different ways with different nations, groups, and communities.

This principle honours historic treaties as frameworks for living together, including the modern expression of these relationships. In accordance with the Royal Proclamation of 1763, many Indigenous nations and the Crown historically relied on treaties for mutual recognition and respect to frame their relationships. Across much of Canada, the treaty relationship between the Indigenous nations and Crown is a foundation for ongoing cooperation and partnership with Indigenous peoples.

The Province recognizes the role that treaty making has played in building Canada and the contemporary importance of treaties, both historic and those negotiated after 1973, as foundations for ongoing efforts at reconciliation. The spirit and intent of both Indigenous and Crown parties to treaties, as reflected in oral and written histories, must inform constructive partnerships, based on the recognition of rights, that support full and timely treaty implementation.

In accordance with section 35 of the *Constitution Act*, 1982, all Indigenous peoples in Canada should have the choice and opportunity to enter into treaties, agreements, and other constructive arrangements with the Crown as acts of reconciliation that form the foundation for ongoing relations. The Province prefers no one mechanism of reconciliation to another. It is prepared to enter into innovative and flexible arrangements with Indigenous peoples that will ensure that the relationship accords with the aspirations, needs, and circumstances of the Crown-Indigenous relationship.

The Province also acknowledges that the existence of Indigenous rights is not dependent on an agreement and, where agreements are formed, they should be based on the recognition and implementation of rights and not their extinguishment, modification, or surrender.

Accordingly, this principle recognizes and affirms the importance that Indigenous peoples determine and develop their own priorities and strategies for organization and advancement. The Province recognizes Indigenous peoples' right to self-determination, including the right to freely pursue their economic, political, social, and cultural development.

6 The Province of British Columbia recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior and informed consent when B.C. proposes to take actions which impact them and their rights, including their lands, territories and resources.

This principle acknowledges the Province's commitment to a new government-to-government relationship that builds on and goes beyond the legal duty to consult. In delivering on this commitment, the Province recognizes the right of Indigenous peoples to participate in decision making in matters that affect their rights through their own representative institutions and the need to consult and cooperate in good faith with the aim of securing their free, prior and informed consent.

The Supreme Court of Canada has clarified that the standard to secure consent of Indigenous peoples is strongest in the case of Aboriginal title lands. The Supreme Court of Canada has confirmed that Aboriginal title gives the holder the right to use, control, and manage the land and the right to the economic benefits of the land and its resources. The Indigenous nation, as proper title holder, decides how to use and manage its lands for both traditional activities and modern purposes, subject to the limit that the land cannot be developed in a way that would deprive future generations of the benefit of the land.

The importance of free, prior and informed consent, as identified in UNDRIP, extends beyond title lands. To this end, British Columbia will look for opportunities to build processes and approaches aimed at securing consent, as well as creative and innovative mechanisms that will help build deeper collaboration, consensus, and new ways of working together. It will ensure that Indigenous peoples and their governments have a role in public decision making as part of Canada's constitutional framework and ensure that Indigenous rights, interests, and aspirations are recognized in decision making.

7 The Province of British Columbia recognizes that respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown's fiduciary obligations.

This principle reaffirms the central importance of working in partnership to recognize and implement rights and, as such, that any infringement of Aboriginal or treaty rights requires justification in accordance with the highest standards established by Canada's courts and must be attained in a manner consistent with the honour of the Crown and the objective of reconciliation.

This requirement flows from the constitutional arrangements in Canada. Meaningful engagement with Indigenous peoples is therefore mandated whenever the Province may seek to infringe a section 35 right.

8 The Province of British Columbia recognizes that reconciliation and self-government require a renewed fiscal relationship, developed in collaboration with the federal government and Indigenous nations that promotes a mutually supportive climate for economic partnership and resource development.

The Province recognizes that the rights, interests, perspectives, and governance role of Indigenous peoples are central to securing a new fiscal relationship. It also recognizes the importance of strong Indigenous governments in achieving political, social, economic, and cultural development and improved quality of life. This principle recognizes that a renewed economic and fiscal relationship must ensure that Indigenous nations have the fiscal capacity, as well as access to land and resources, in order to govern effectively and to provide programs and services to those for whom they are responsible.

The renewed fiscal relationship will also enable Indigenous peoples to have fair and ongoing access to their lands, territories, and resources to support their traditional economies and to share in the wealth generated from those lands and resources as part of the broader provincial economy.

A fairer fiscal relationship with Indigenous nations can be achieved by the Province, in concert with the federal government, through a number of mechanisms such as new tax arrangements and the negotiation of revenue-sharing agreements.

9 The Province of British Columbia recognizes that reconciliation is an ongoing process that occurs in the context of evolving Crown-Indigenous relationships.

This principle recognizes that reconciliation processes, including processes for negotiation and implementation of treaties, agreements and other constructive arrangements, will need to be innovative and flexible and build over time in the context of evolving Crown-Indigenous relationships. These relationships are to be guided by the recognition and implementation of rights.

Treaties, agreements, and other constructive arrangements should be capable of evolution over time. Moreover, they should provide predictability for the future as to how provisions may be changed or implemented and in what circumstances. The Province is open to flexibility, innovation, and diversity in the nature, form, and content of agreements and arrangements.

The Province also recognizes that it has an active role and responsibility in ensuring the cultural survival of Indigenous peoples as well as in protecting Aboriginal and treaty rights.

The Province will collaborate with Indigenous peoples on changes to provincial laws, policies and practices.

10 The Province of British Columbia recognizes that a distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of Indigenous peoples in B.C. are acknowledged, affirmed, and implemented.

The Province recognizes First Nations, the Métis Nation, and Inuit as the Indigenous peoples of Canada, consisting of distinct, rights-bearing communities with their own histories, including with the Crown. The work of forming renewed relationships based on the recognition of rights, respect, co-operation, and partnership must reflect the unique interests, priorities and circumstances of each people.





**FIRST NATIONS RELATIONS COMMITTEE
TERMS OF REFERENCE**

PREAMBLE

The District of North Cowichan spans the traditional territories of 6 First Nations: The First Nations Relations Committee is a standing committee established by North Cowichan that supports Council in building strong government-to-government relationships with First Nations, providing advice and direction to Council on matters that directly or indirectly affect those relationships.

The Committee's official name is to be:

First Nations Relations Standing Committee

1.0 PURPOSE

- a) The mandate of the Committee includes providing advice and making recommendations to Council regarding the following functions relating to First Nation governments:
 - i. Seek means to improve communications and initiate and engage in programs and activities that foster, maintain and strengthen relationships with local First Nations;
 - ii. Understand and provide advice to Council on the implications of the BC Treaty process where it intersects with local government interests;
 - iii. Make recommendations to Council on participation of First Nation governments on matters of Council interest;
 - iv. Engage with senior levels of government and provide representation on an intergovernmental working group, as required;

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to Council; and,
- b) [Deleted Nov 4, 2020]

3.0 COMPOSITION

- a) Committee members will consist of Councillors and will be appointed by the Mayor.

4.0 PROCEDURES

- a) The Committee shall meet quarterly and hold special meetings as required;
- b) The agenda shall be finalized in consultation between staff and the Committee Chair and any Committee member may request that a matter be placed on the agenda;
- c) With the approval of the Committee Chair and Mayor committee matters of an urgent or time sensitive nature may be forwarded directly to Council for considerations;
- d) A quorum is a majority of the Committee members and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The Chief Administrative Officer will provide strategic support and serve as the principal point of contact for Committee members.
- b) Minutes and agendas are prepared and distributed by Legislative Services.

Adopted by Council:	January 29, 2020
Amended by Council:	November 4, 2020

Council Member Motion

Notice given on: Wednesday, September 1, 2021

Meeting Date Tuesday, September 21, 2021
From Councillor Sawrie
Subject **Policy on use of gender neutral language and pronouns**

Background

In 2008, the European Parliament was one of the first international organisations to adopt multilingual guidelines on gender-neutral language. In their guidelines report titled "Gender-Neutral Language in the European Parliament" they define gender neutral language as *"a generic term covering the use of non-sexist language, inclusive language or gender-fair language."*

It also states that the purpose of gender-neutral language is to avoid word choices which may be interpreted as biased, discriminatory or demeaning by implying that one sex or social gender is the norm. By using gender-fair and inclusive language it helps to reduce gender stereotyping, promotes social change and contributes to achieving gender equality. It is more than a matter of political correctness. Language powerfully reflects and influences attitudes, behaviour and perceptions.¹

To put it in basic terms, the language we use influences how we think.

Using gender neutral language is an important step to promoting inclusion and diversity by not implying biases with the way we describe positions within the municipality.

Everyone should be free to consider themselves in any role held by the municipality regardless of gender and that begins with how we represent these roles publicly. It will provide the opportunity for everyone to feel included in participating in municipal business, engagement and any other general interactions.

Recommendation

THAT Council direct staff to draft a policy regarding the use of gender neutral language and pronouns for all bylaws, policies, reports, website and social media content, and other written communications.

Attachments:

¹Gender-Neutral Language in the European Parliament report:

https://www.europarl.europa.eu/cmsdata/151780/GNL_Guidelines_EN.pdf

United Nations Gender-inclusive language – Background & Purpose webpage with links to guidelines and a toolbox for staff training:

<https://www.un.org/en/gender-inclusive-language/>

Article: How To Use Gender-Neutral Language, And Why It's Important To Try – by Kim Elsesser, Senior Contributor Careers, Forbes

<https://www.forbes.com/sites/kimelsesser/2020/07/08/how-to-use-gender-neutral-language-and-why-its-important-to-try/?sh=6105792f26ba>

PUBLIC HEARING INFORMATION PACKAGE

Digital Version

Zoning Amendment Bylaw

(text amendment – Area 3 of CD 18), 2021

Bylaw No. 3825

Public Hearing Notice & Draft Bylaw No. 3825

1. Notice of Public Hearing for **September 21, 2021** at **6:00 p.m.**
2. Public Hearing Ad – 1st Notification – September 9, 2021
3. Public Hearing Ad – 2nd Notification – September 16, 2021
4. Bylaw No. 3825 (1st and 2nd Reading)
5. Subject Property

Site Plans Provided by Applicant

1. Site Plan of Sub Areas
2. Site Plan of Community Amenity Contributions

Staff Reports

1. Staff Report to July 21, 2021 Regular Council
2. Presentation to July 21, 2021 Regular Council

Minutes

1. Excerpt from July 21, 2021 Regular Council Minutes (1st & 2nd Reading)

Correspondence

1. Email dated July 22, 2021 to Mayor and Council re: CD18 Area 3, single unit totals - information to question

Public Comments

1. Email dated September 4, 2021 from Curtis Stretch – In Support
2. Email dated September 8, 2021 from Andrew Bell – Opposed
3. Email dated September 9, 2021 from Shannon Etkin – Questions and Concerns
4. Emails dated September 16 and 17, 2021 from Mona Park_Concerns and Staff Response
5. Email dated September 16, 2021 from Jean McClennon-Leong – Questions

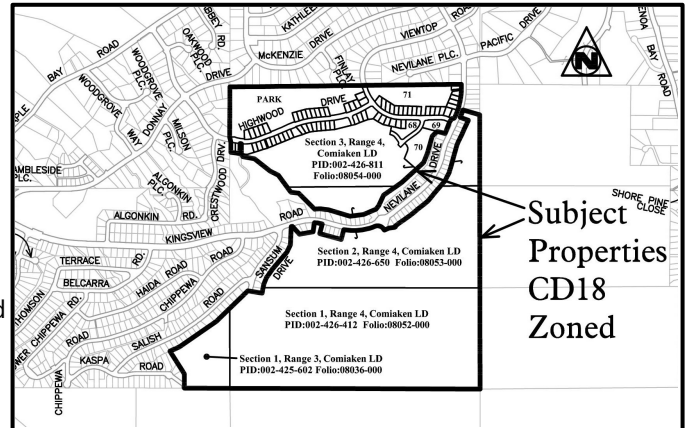
6. Emails dated September 16 and 17, 2021 from and to Nate and Robin Hudson – Public Hearing Notification
7. Email dated September 17, 2021 from Christopher Crowther – Opposed
8. Email dated September 17, 2021 from Beverley McKeen – Concerns and Questions
9. Email dated September 17, 2021 from Brent and Kris Bee – Concerns and Questions
10. Email dated September 17, 2021 from Linda Hicks – Questions
11. Email dated September 17, 2021 from Debbie MacDonald and Mike Hill – Concerns
12. Email and Letter dated September 17, 2021 from Tanis and Michael Bapty - Concerns

NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **6:00 p.m.** on **Tuesday, September 21, 2021** to allow Council to receive public input on proposed Bylaw 3825 which proposes to amend "Zoning Bylaw 1997," No. 2950. Due to the COVID-19 Pandemic, this hearing will be held electronically in accordance with Ministerial Order M192 and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. To view the hearing as it is streamed live go to www.northcowichan.ca/Agendas, and click on the 'Live Stream Viewer' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 proposes to amend Zoning Bylaw 1997, No. 2950, for the Kingsview Comprehensive Development Zone subject properties (PID: 002-425-602, PID: 002-426-412, PID: 002-426-650 and PID: 002-426-811) as shown outlined on the map, by:

- (1) Increasing the minimum lot area for Area 3 from 1100m² to 2200m²; and
- (2) Permitting single-family and two-family detached dwellings units in SUB-AREAS A and B that are currently designated as 'townhouse' use.
 - (a) in SUB-AREA A the total number of dwelling units in the form of single family dwelling and/or two-family dwelling shall not exceed 30% of the total number of dwelling units for each parcel for the whole development of that parcel, and
 - (b) in SUB-AREA B the total number of dwelling units in the form of single family dwelling and/or two-family dwellings may comprise up to and including 100% of the total number of dwelling units for each parcel for the whole development of that parcel.
- (3) Replacing "Schedule D-2" with a new "Schedule D-2" to identify SUB-AREAS A and B.



Public Input

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m. on Friday, September 17, 2021**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

1. In Writing:

Written submissions will be accepted by:

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

2. Verbally:

Details and instructions on how to participate verbally will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings and at our automated Public Hearing Info Line: 250-746-3264.

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

A copy of the bylaw and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing.

Rob Conway, Director of Planning and Building

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing.

Please direct any questions about personal information to North Cowichan's Privacy Officer by

Phone: 250-746-3116, Email: privacy@northcowichan.ca or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

7030 Trans-Canada Highway, Duncan BC V9L 6A1
T: 250-746-3100 F: 250-746-3133 www.northcowichan.ca

MUNICIPALITY OF
NORTH
Cowichan

NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **6:00 p.m.** on **Tuesday, September 21, 2021** to allow Council to receive public input on proposed Bylaws 3825 and 3847 which propose to amend "Zoning Bylaw 1997," No. 2950. Due to the COVID-19 Pandemic, this hearing will be held electronically in accordance with Ministerial Order M192 and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. To view the hearing as it is streamed live go to www.northcowichan.ca/Agendas, and click on the 'Live Stream Viewer' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

Bylaw 3825-"Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021" proposes to amend Zoning Bylaw 1997, No. 2950, for the Kingsview Comprehensive Development Zone subject properties (PID: 002-425-602, PID: 002-426-412, PID: 002-426-650 and PID: 002-426-811) as shown outlined on the adjacent map, by:

- (1) Increasing the minimum lot area for Area 3 from 1100m² to 2200m²; and
- (2) Permitting single-family and two-family detached dwelling units in SUB-AREAs A and B that are currently designated as 'townhouse' use.
 - (a) in SUB-AREA A the total number of dwelling units in the form of single family dwelling and/or two-family dwelling shall not exceed 30% of the total number of dwelling units for each parcel for the whole development of that parcel, and
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- (3) Replacing "Schedule D-2" with a new "Schedule D-2" to identify SUB-AREAs A and B.

Bylaw 3847-"Zoning Amendment Bylaw (6353 Genoa Bay Road), 2021" proposes to amend section 56 (4) [density in the Residential Rural Zone (R1)] of Zoning Bylaw 1997," No. 2950 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)."

The purpose of the proposed bylaw is to allow for a second detached residential dwelling on the subject property as outlined in bold on the adjacent map.

Public Input

If you believe your interests in land will be affected by the proposed bylaws, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m.** on **Friday, September 17, 2021**, using any of the writing methods identified below. Comments may also be shared verbally by following the instructions provided below.

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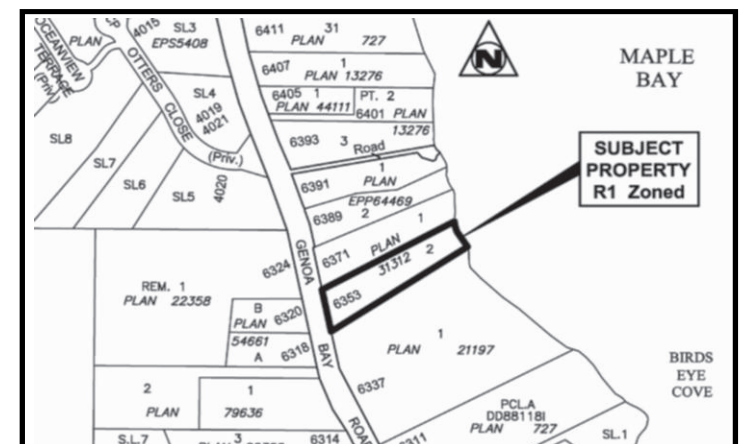
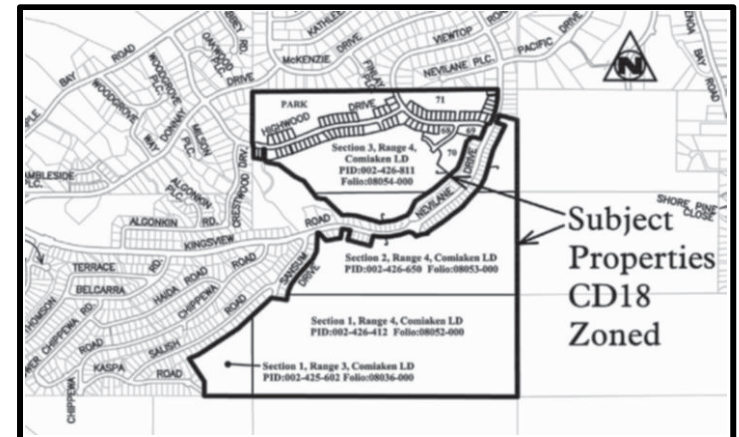
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Public Input

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Details and instructions on how to participate verbally will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings and at our automated Public Hearing Info Line: 250-746-3264.

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

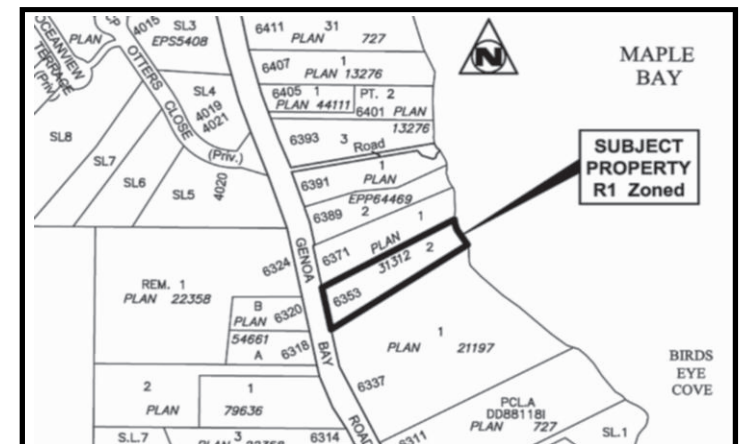
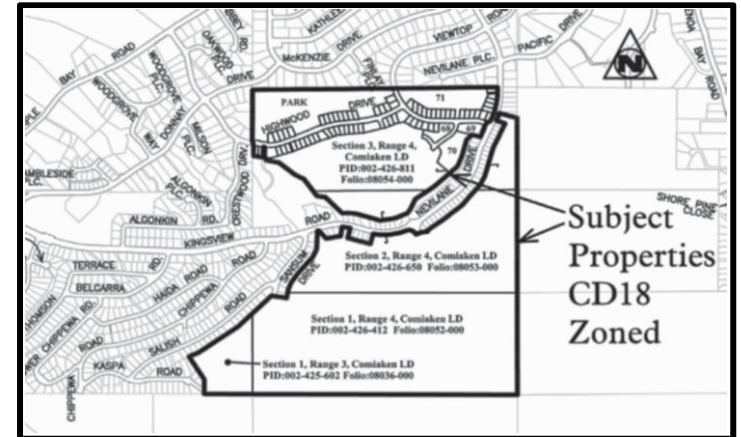
Copies of the bylaws and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing.

Rob Conway, Director of Planning and Building

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing.

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

7030 Trans-Canada Highway, Duncan BC V9L 6A1
T: 250-746-3100 F: 250-746-3133 www.northcowichan.ca





The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021

Bylaw No. 3825

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 "Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825".

Amendment

- 2 Zoning Bylaw 1997, No. 2950, Section 80.18 (2) [Regulatory Conditions] is amended by replacing the Value for Item 1 [Minimum lot area], Area 3, under Column 3 of "1 100m²" with "2 200 m²".
- 3 Zoning Bylaw 1997, No. 2950, Section 80.18 [Conditions of Use] is amended by adding the following new subsection:
"(7.1) Despite the definition of 'townhouse' under section 12, a 'townhouse' under 80.18 (1) (c) (i) in Area 3, may include 'single-family dwelling' and 'two-family dwelling' whereby:
 - i. in SUB-AREA A the total number of dwelling units in the form of single family dwelling and/or two-family dwelling shall not exceed 30% of the total number of dwelling units for each parcel for the whole development of that parcel
 - ii. in SUB-AREA B the total number of dwelling units in the form of single family dwelling and/or two-family dwellings may comprise up to and including 100% of the total number of dwelling units for each parcel for the whole development of that parcel."
- 4 Zoning Bylaw 1997, No. 2950 is amended by replacing "Schedule D-2" with the "Schedule D-2" attached to and forming part of this Bylaw.

READ a first time on July 21, 2021

READ a second time on July 21, 2021

This bylaw as advertised in the Cowichan Valley Citizen on the ____ day of _____ and the ____ day of _____, and the municipality's website and notice board on the ____ day of _____.

CONSIDERED at a Public Hearing on

READ a third time on

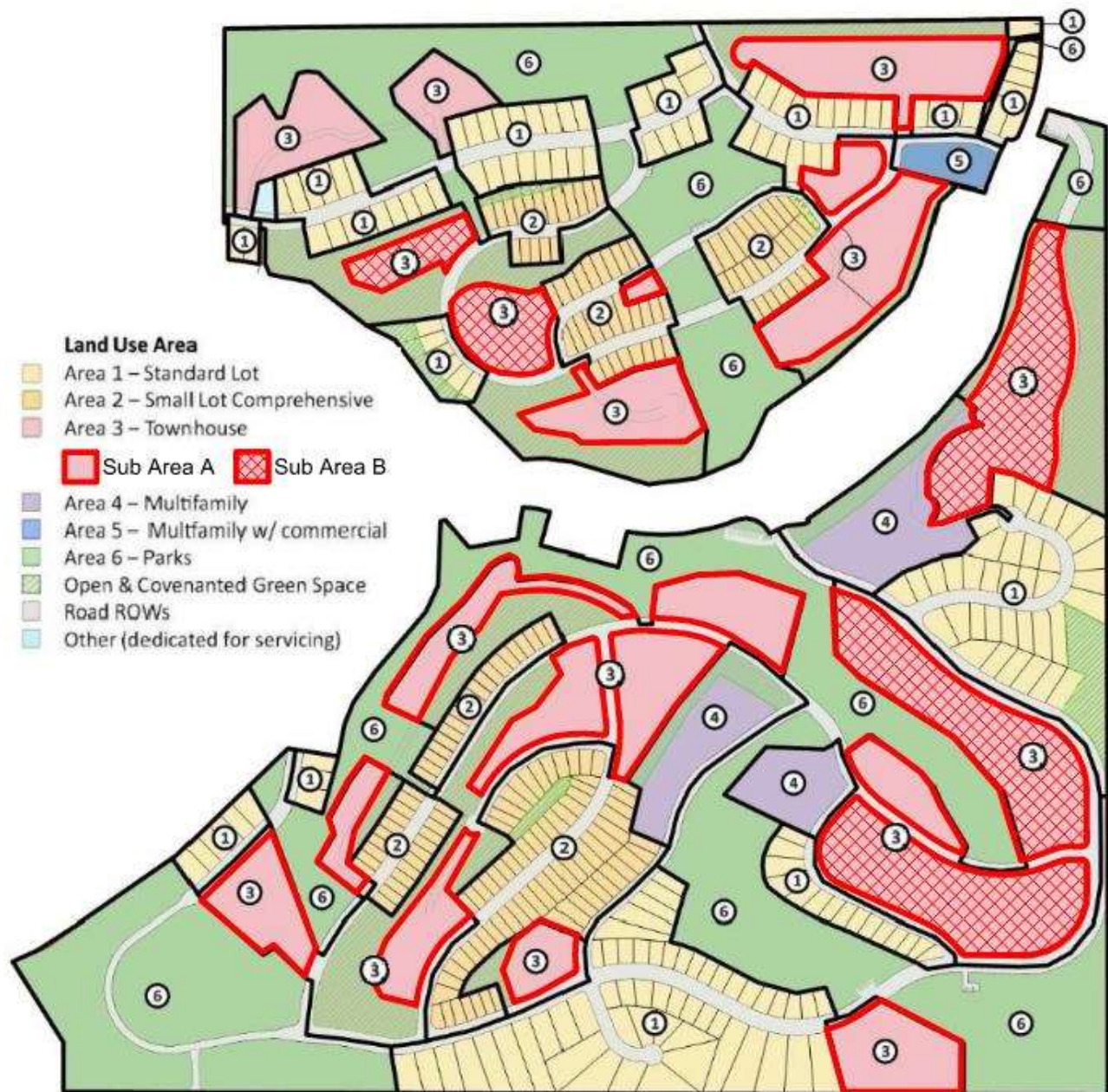
COVENANT registered on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Kingsview Comprehensive Development Zone Map



SITE PLANS

(Provided by Applicant)

Map 1

Schedule C Land Use Plan

KingsView

- Boundary of Site
- - - Proposed Trail Network
- ★ Trailhead
- ★ Viewpoint
- Stormwater System

Land Use Area	Total Area	Buildable Area
Area 1 – Standard Lot	16.7 ha	15.8 ha
Area 2 – Small Lot Comprehensive	8.0 ha	7.7 ha
Area 3 – Townhouse	35.9 ha	26.8 ha
Area 4 – Multifamily	4.5 ha	3.5 ha
Area 5 – Multifamily w/ commercial	0.5 ha	0.5 ha
Area 6 – Parks	28.1 ha	
Open & Covenanted Green Space	(11.8 ha)	
Road ROWs	12.9 ha	
Other (dedicated for servicing)	0.1 ha	
Area 3's allowed for detached homes		
Totals	106 hectares	54 hectares

Note: Secondary suites permitted in Area 1.

North Side

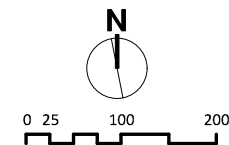
Detached	
TH/Multifamily	151 units
	230 units

South Side

Detached	
TH/Multifamily	230 units
	579 units

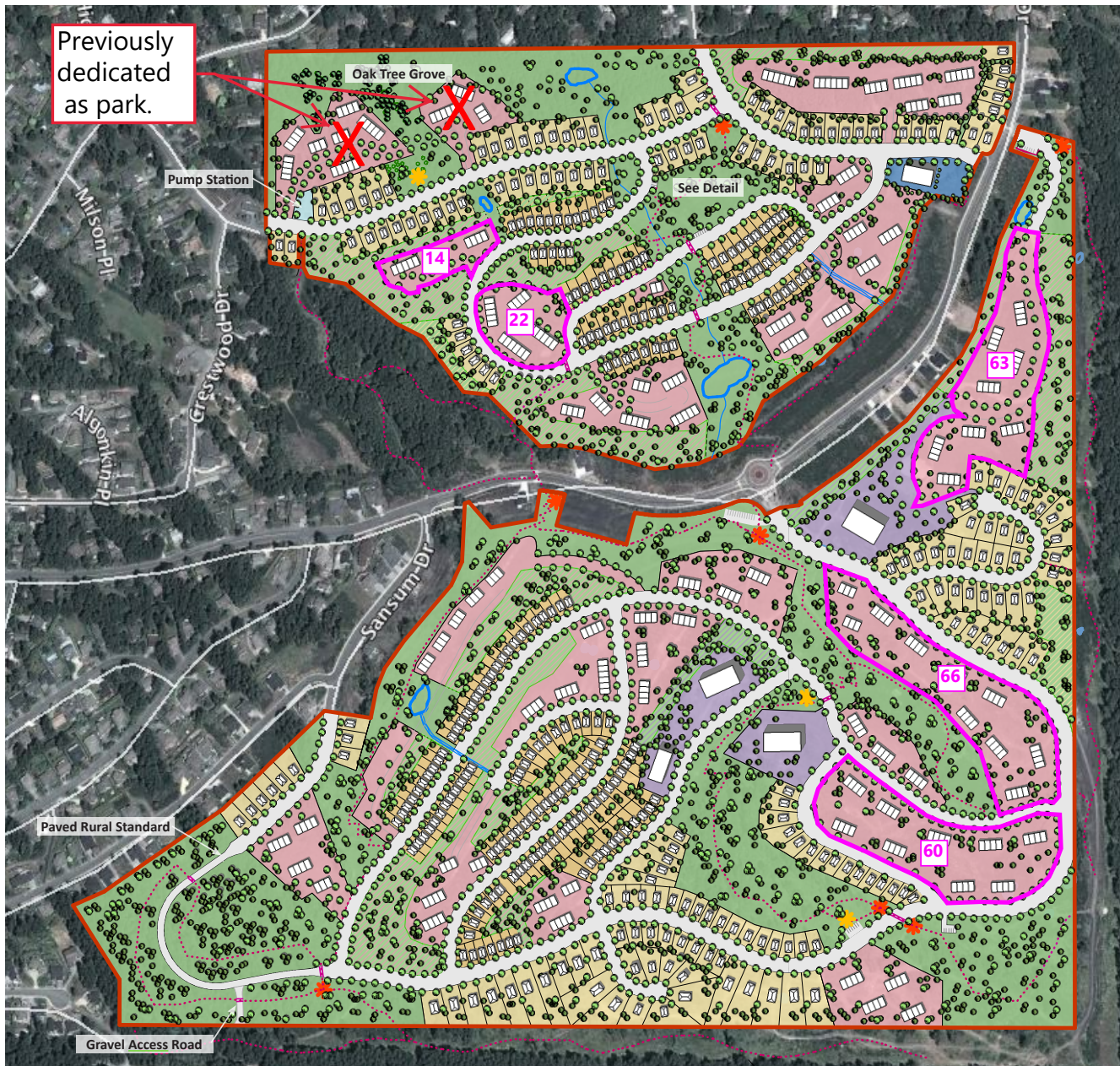
Total:
1,190 units*

*Based on 22 units/ha for THs and 54 units/ha for Multifamily.



Scale 1:5,000

May 21, 2021



Map 2

Schedule C Land Use Plan

KingsView

- Boundary of Site
- Proposed Trail Network
- Trailhead
- Viewpoint
- Stormwater System

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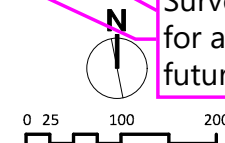
South Side

Detached	
TH/Multifamily	230 units
	579 units

Total:
1,190 units*

*Based on 22 units/ha for THs and 54 units/ha for Multifamily.

Survey and provide SRW for a public walkway over future road locations.




Scale 1:5,000

May 21, 2021



STAFF REPORT & COUNCIL PRESENTATION

Report

Date	July 21, 2021	File:	
To	Council		
From	Caroline von Schilling, Development Planner	Endorsed:	
Subject	Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 (CD18 Kingsview Comprehensive Development Zone – Area 3)		

Purpose

To introduce Zoning Amendment Bylaw No. 3825, which proposes to amend Area 3 of the Kingsview Comprehensive Development Zone to include single unit and two-unit building types within the definition of a townhouse.

Background

Property Details

Parcels PID 002-425-602, PID 002-426-412, PID 002-426-650, and PID 002-426-811 (the “subject properties”) comprise 87 ha (215 acres) area of the Kingsview Comprehensive Development Zone (CD18). The subject properties are located north and south of Kingsview Road & Nevilane Drive (Attachments 1 & 2) and are within the Urban Containment Boundary (Attachment 3). The location of the subject properties are identified in Attachment 4.

Land Use Context

Surrounding land uses are:

- North: Residential (single-family, two-family) dwellings, residentially-zoned properties under development, vacant lands
- East: Forested and recreation lands
- South: Undeveloped residentially-zoned, vacant lands; forested and recreation lands beyond
- West: Residential (single-family, two-family) dwellings

Proposal

The CD18 zone (Attachment 5) is divided into six areas, with different permitted uses and development regulations for each of the areas. Area 3 of the CD18 Zone permitted uses are: “townhouse” and “limited home-based business.”

The applicant is requesting that the ‘townhouse’ use for Area 3 be amended to include: single-family dwelling units and two-family dwelling units, in addition to a building with between three and six attached units as defined by ‘townhouse’ in the Zoning Bylaw:

“townhouse” means a building containing at least three, and not more than six dwelling units attached by a party wall, located on 1 lot, with all dwelling units having direct access to the outdoors at grade;
[BL3383]

The applicant has requested the amendment to the definition of townhouse and unit-type composition flexibility within subareas of Area 3 to achieve better site design and function, allow for a broader mix of housing types, and to meet market demand.

A letter summarizing the applicant’s rationale is provided in Attachment 6. The applicant’s Site Plan requesting subareas for flexible housing mix within Area 3 is provided in Attachment 7. The subareas are explained in the *Discussion* section.

Proposed Community Amenity Contributions

The applicant proposes the following community amenities in association with the requested zoning amendment:

1. The transfer of land for the purpose of constructing a parking lot at the intersection of Kingsview Road and Nevilane Drive (immediately southwest of the existing roundabout); with Statutory Rights of Way for public walkway (trail) access to the Municipal Forest from the parking lot.
2. The transfer of land in order to expand an existing parking lot at the Nevilane Trailhead.
3. Financial contribution toward parking lot construction.

A Site Plan of the locations of these parking lots and proposed trail Statutory Rights of Way is provided in Attachment 8.

The amenities itemized above are already required to be provided by the property owner as part of the amenity contribution package as secured by a Phased Development Agreement and registered on the title of the subject properties when the subject properties were rezoned to CD18 in 2017.

However, the applicant proposes to provide the itemized amenities *in advance* of future development, as a community amenity contribution for this zoning amendment application, to assist the Municipality in providing additional parking for public accessing the Municipal Forest.

Covenant Agreement

Should Council approve the proposed zoning amendment bylaw, the following community amenities offered by the developer would be secured:

- Fee simple transfer of parcels for parking lot locations;
- Financial contribution for parking lot construction (\$75, 000) and SRW registration; and,
- Statutory Right of Way for public walkway use over private property until such time as these lands are developed; and over parking lot parcels until the subdivision is completed.

The Agreement would be registered on the subject properties prior to final adoption.

Discussion

Official Community Plan

The subject properties are located within the Growth Centre designation of the Official Community Plan (OCP) and within the Urban Containment Boundary (Map 12, Managing Growth).

OCP policy requires a Comprehensive Development Plan be provided for developments over 4 hectares (Section 3.4.2 b)). In 2017, Council adopted the Kingsview Comprehensive Development Plan (Kingsview CDP) (Bylaw No. 3629) for an approximate 123 hectare area in the Kingsview/Nevilane area.

The Kingsview CDP supplemented Official Community Plan policies pertaining to the Environment, Growth Management, Housing, Parks, Climate Action Change, Local Commercial, Public Realm, and Transportation, including:

- **Ecosystem Health, biodiversity, critical habitats** (Section 2.2.1)
- **Adjusting to Climate Change** (Section 2.3.1)
- **Growth Management** (Section 2.5.1)
- **Housing** (Section 2.5.2)

Kingsview Comprehensive Development Plan (Kingsview CDP)

A Land Use Plan (Section 7, CDP) with core land use areas is outlined in the Kingsview Comprehensive Development Plan. The core land use areas include specifications for a mix of housing types and densities and for "... greater flexibility in housing layout and type ..." (p. 13).

'Townhouse development' is an identified core land use of the CDP:

*Comprising the same net unit density as small lot development standards, attached housing (townhouse) has been identified for areas where ground-oriented clustered housing would be a more efficient method of development. **Within the attached lot zoning, either attached or detached dwellings can be developed to provide flexibility.** [bolded by author] ... (CDP, p. 14).*

The Land Use Plan (Section 7, CDP) is provided in Attachment 9.

CD18 Zone

The core land uses of the Land Use Plan (Section 7, CDP) correspond with the Areas of the CD18 Zone (Kingsview Comprehensive Development Zone).

For example, the core land use of 'Townhouse development' corresponds with Area 3 of the CD18 Zone. However, despite the intent of the Kingsview CDP core 'Townhouse development' land use to allow **attached or detached** dwellings, only the 'townhouse' use is currently permitted in Area 3 of the CD18 Zone.

For this reason, the applicant requests Council's consideration to include in the 'townhouse' use definition for a wider variety of attached and detached housing types, i.e., single-family and two-family dwellings.

Density and Landscaped Open Space Targets

The CD18 Zone identifies the maximum density of Area 3 as 22/units per hectare. No change is proposed to the maximum allowable density of Area 3.

The 30% landscaped open space provision of the CD18 zone would remain unchanged.

AREA 3: PROPOSED SUB-AREAS A & B

While the introduction of detached housing to the townhouse use definition improves housing and site design flexibility, it is possible that a high market-demand for single-family dwellings could erode the intent of the Land Use Plan of Kingsview CDP to achieve a mix of housing types. To address this potential the following restrictions are proposed:

Subarea A

The applicant has agreed to apply a limit of 30% composition of single-family dwellings per Area 3 parcel as identified in Subarea A on Schedule D-2. The remaining 70% composition may be between two and six attached dwelling units.

Subarea B

The applicant has requested that up to a 100% composition of single-family dwellings per Area 3 parcel as identified in Subarea B on Schedule D-2 be possible to meet market demand. This request is supportable on the basis that the Kingsview CDP states:

Because it is expected that the upper side development is at least 10 years away, the final mix of housing could evolve from what is shown to meet changing market conditions, but will remain within the overall approved densities (CDP, p. 14; see Attachment 9).

The composition of units in Subarea B may also include up to 100% of between two and six attached dwelling units.

In summary, the proposal to include detached dwellings, i.e., single-family units, as well as two to six-unit townhouse use, to Area 3 of CD18, is aligned with the Kingsview Comprehensive Development Plan to achieve:

- A mix of housing type;
- Ground-oriented clustered housing options;
- Response to meet changing market conditions;
- Flexibility in housing type and layout to better respond to specific site conditions; and,
- The maximum allowable density targets of Area 3 (22 units/ha) to remain unchanged.

Additionally, the proposal resolves an inconsistency between the Kingsview CDP and Area 3 of the CD18 Zone, which currently limits residential building forms to townhouse use only.

Phased Development Agreement)

Council and the property owners entered into a Phased Development Agreement (PDA) to secure services, parklands, infrastructure, and amenities over planned phases of development of the Kingsview CPD over time (Bylaw No. 3691). The PDA was registered on all CD18 zoned properties at that time. The Kingsview CDP is currently in its second and third phases of subdivision development.

Amenities previously negotiated and documented in the PDA remain unchanged as a result of this zoning amendment application.

Referral and Jurisdictional Responses

North Cowichan's Engineering Department does not have concerns with this proposal as there has been no increased demand on infrastructure.

A request for comment was provided to Cowichan Tribes due to its involvement in the development of the Kingsview CDP. Cowichan Tribes did not provide comment on this proposal.

Applying Amendment to all of Area 3 (CD-18 Zone)

Staff request that Council consider applying the proposed zoning amendment bylaw for this application to all parcels of the CD18 Zone. The owners of Lots 68, 70 and 71, whose lands are not included in this application, would not be negatively impacted by this draft zoning amendment bylaw; these property owners could potentially benefit from the added townhouse unit type options.

Area 3 property owners of Lots 68, 70, and 71 have been notified by mail of the proposed change to Area 3 of the CD18 Zone. These property owners of Area 3 will be notified by mail of the Public Hearing should Council approve first and second reading.

The remainder of the Kingsview lands (i.e., those not under application or request to be included) are not located in Area 3 and are therefore unaffected by the text amendment request.

The draft Zoning Amendment Bylaw No. 3825 is provided in Attachment 10.

Summary & Conclusion

The applicant is requesting to amend the definition of 'townhouse use' in Area 3 of the CD18 zone to allow single unit and two unit building types to achieve better site design function, housing type diversity, and meet market demand.

The core land use of '*Attached (townhouse) lot development*' (CDP, p. 14) identifies that attached, or detached dwellings can be developed to provide flexibility. Townhouse development corresponds with Area 3 of the CD18 Zone, and in this respect the application is consistent with the CDP.

To meet changing market demand, two subareas are included in Area 3 to allocate up to 30% (Subarea A) and 100% composition (Subarea B) of single-family units, respectively, without excluding *attached* unit composition options.

Staff are in support of this zoning amendment application because it:

- Resolves an inconsistency between the Kingsview CDP and Area 3 of the CD18 Zone
- Maintains or improves the Kingsview CDPs intent to achieve:
 - A mix of housing types;
 - Options to include clustered housing;
 - Flexibility in housing layout to better respond to specific site conditions; and,
 - Maintains the maximum allowable density targets for Area 3 townhouse units (22 units/ha), and as such, does not require a change to the previously negotiated Phased Development Agreement (2017).

It is the opinion of staff that the community amenity provided by the applicant, in advance of phase 4 subdivision development, is an appropriate contribution to the Municipality on the primary basis that:

- There is no increase in residential density with this proposal; and,
- Public benefit of constructed public parking for recreation use of the Municipal Forest is significant.

The approval of the zoning bylaw amendment is recommended.

Options

Options available to Council include:

Option 1 (**Recommended**):

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*.

Option 2 (Alternate):

- 1) That Council deny zoning amendment application ZB000148 to include single unit and two unit building types as part of the CD-18-Area 3 townhouse use.

Implications

Should Council deny this application, residential development in Area 3 of the CD-18 zone would be limited to building types between 3 and 6 dwelling units. In addition, the parking areas on the south side of Kingsview Road would not be transferred and constructed until later phases of the development, as per the Phased Development Agreement.

Should Council approve the zoning amendment bylaw, the policy intent of the Kingsview Comprehensive Development Plan for mixed housing types, flexible site design, and responsiveness to market conditions would be maintained or improved. Further, the Municipality would benefit from receiving additional public parking for access to recreational uses over trails within a public walkway in advance of future development.

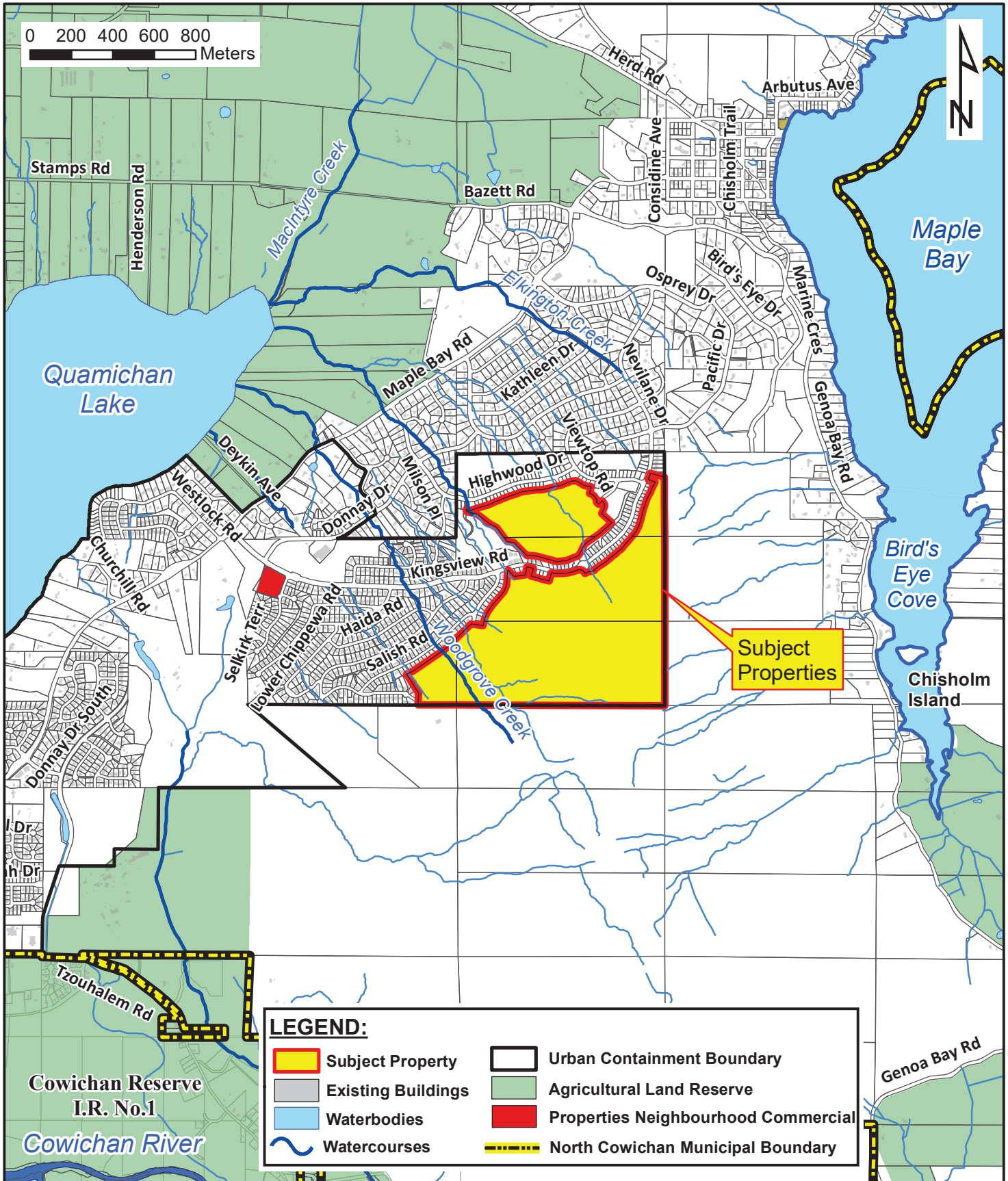
Recommendation

That Council:

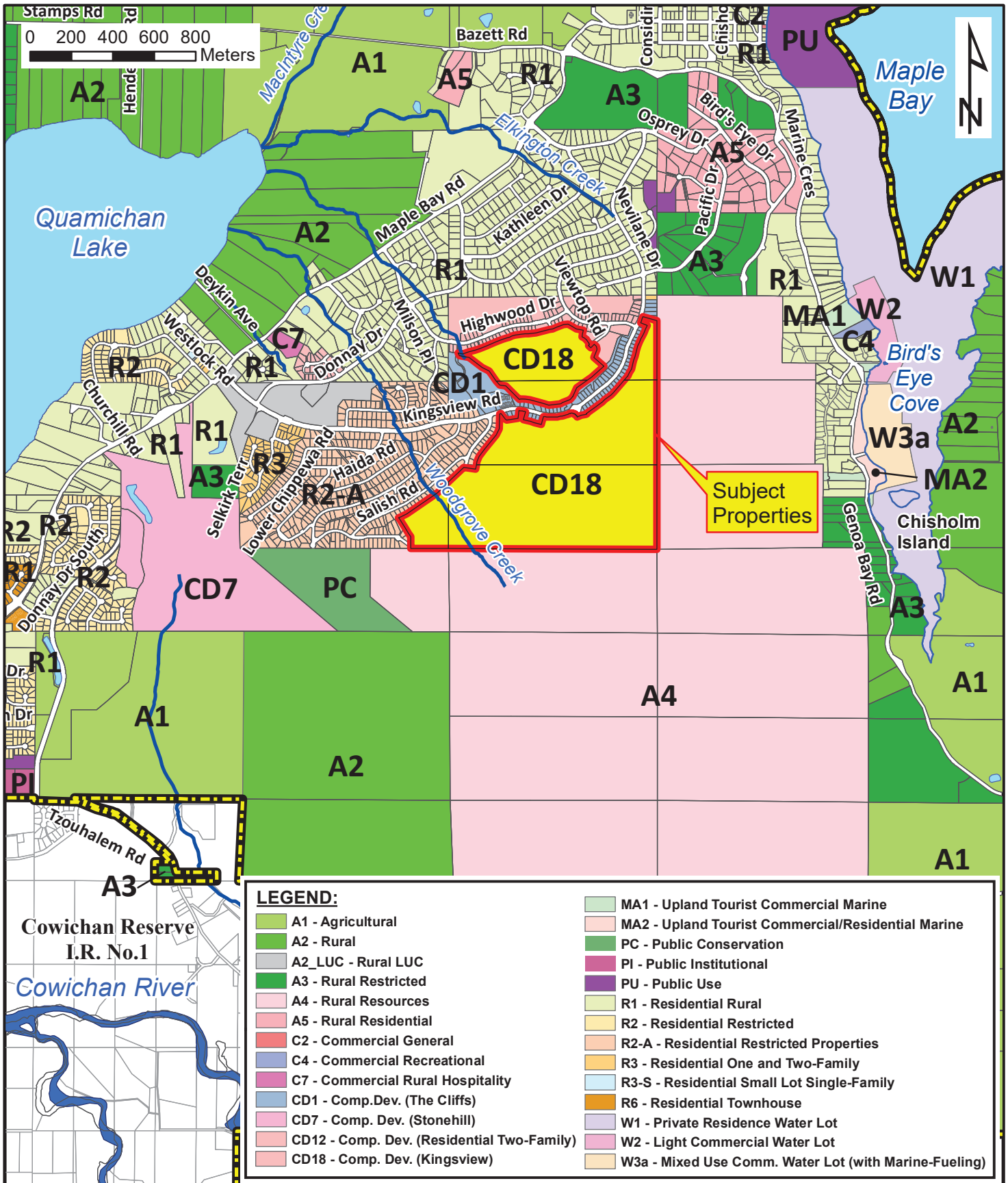
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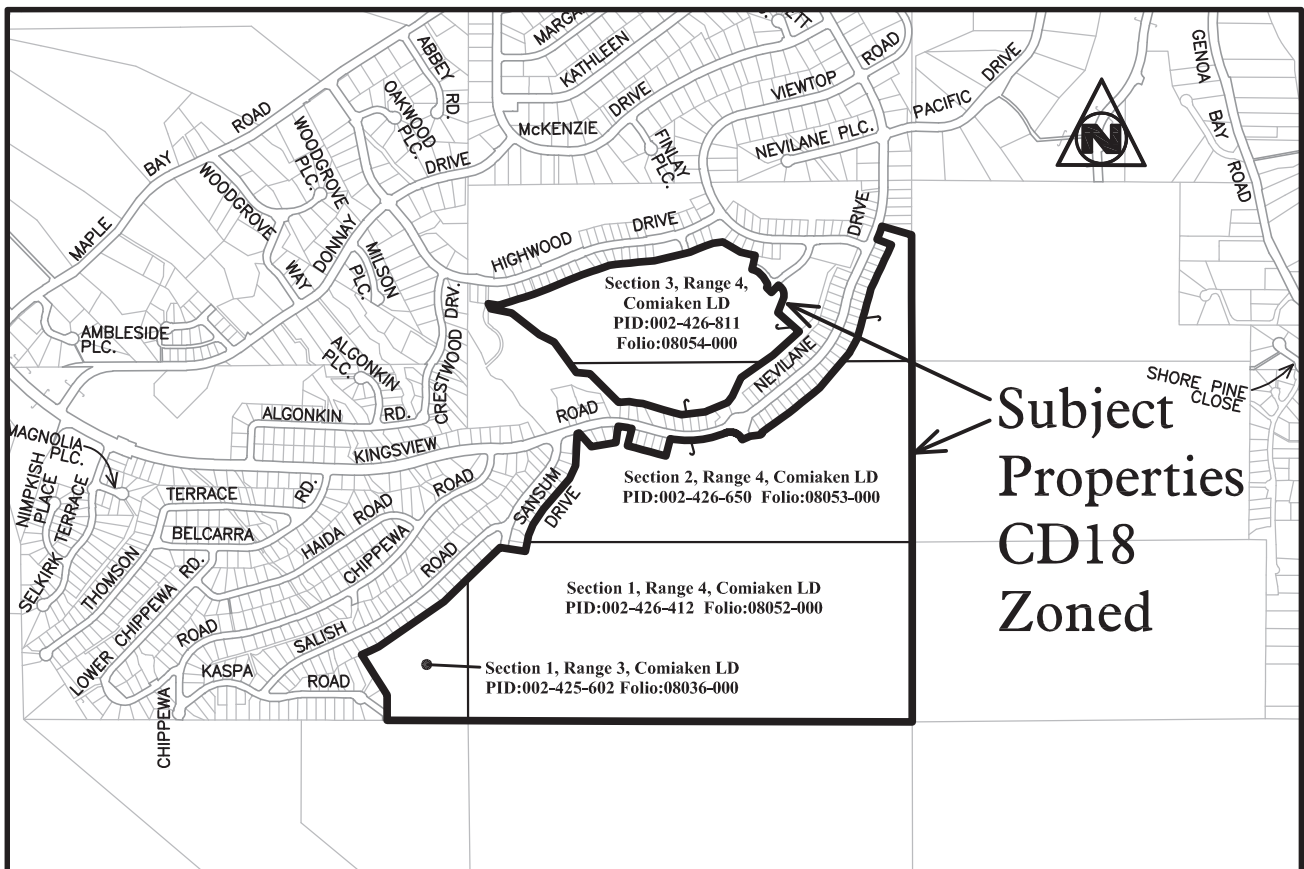
Attachments:

Attachment 1: Location Map
Attachment 2: Orthophoto
Attachment 3: Zoning Map
Attachment 4: Subject Properties
Attachment 5: CD18 Zone
Attachment 6: Rationale
Attachment 7: Site Plan, Subareas
Attachment 8: Site Plan, CACs
Attachment 9: Land Use Plan, Excerpt from CDP
Attachment 10: Draft Zoning Amendment Bylaw No 3825









Kingsview Comprehensive Development Zone (CD18) [BL3631]**Permitted Uses**

80.18 (1) The permitted uses for Areas 1 to 6 of the CD18 zone, as shown on Schedule "D-2", attached to and forming part of this bylaw, are as follows:

- (a) in Area 1
 - (i) single-family dwelling;
 - (ii) home-based business;
 - (iii) accessory dwelling unit, coach house or secondary suite;
- (b) in Area 2
 - (i) single-family dwelling;
 - (ii) home-based business;
- (a) in Area 3
 - (i) townhouse;
 - (ii) limited home-based business;
- (d) in Area 4
 - (i) multi-family dwellings;
 - (ii) limited home-based business;
- (e) in Area 5
 - (i) multi-family dwelling;
 - (ii) mixed used building;
 - (iii) limited home-based business;
- (f) in Area 6
 - (i) parks and open space;
 - (ii) playground and playground equipment;
 - (iii) parking for park users;
 - (iv) identity signs and trailhead shelter/gazebo;
 - (v) community gardens;
 - (vi) detention ponds and associated stormwater infrastructure;
 - (vii) trails;
 - (viii) miscellaneous outdoor recreation equipment.

Regulatory Conditions

(2) The regulatory conditions in the following table apply to the CD18 zone:

Item	Column 1 Description	Column 2 Area	Column 3 Value
1	Minimum lot area	1	650 m ²
		2	325 m ²
		3	1 100 m ²
		4	1 100 m ²
		5	1 100 m ²
2	Maximum lot coverage	1	35%
		2	50%
		3	40%
		4	40%
		5	50%

3	Maximum Density	1	0.5 Floor Area Ratio
		2	0.6 Floor Area Ratio (30 units/ha)
		3	0.75 Floor Area Ratio (22 units/ha)
		4	1.2 Floor Area Ratio (54 units/ha)
		5	1.2 Floor Area Ratio (54 units/ha and 500 m ² commercial)
4	Principal building minimum setbacks		
	Front yard	1	5 m
	Rear yard		7 m
	Side yard		1.5 m
	Side yard flanking street		3 m
5	Principal building minimum setbacks		
	Front yard	2	5 m
	Rear yard		6 m
	Side yard		1.25 m
	Side yard flanking street		3 m
6	Principal building minimum setbacks		
	Front yard	3 & 4	6 m
	Rear yard		8 m
	Side yard		5 m
	Side yard flanking street		5 m
7	Principal building minimum setbacks		
	Front yard	5	3 m
	Rear yard		5 m
	Side yard		3 m
	Side yard flanking street		5 m
8	Minimum lot frontage	1	15 m
		2	11 m
		3	30 m
		4	30 m
		5	30 m
9	Maximum building height	1	9 m
		2	9 m
		3	12 m
		4	15 m
		5	15 m

Accessory Buildings

- (3) The maximum height of an accessory building is 6 m.

Landscaped Areas and Impervious Spaces

- (4) Accessory buildings must be located behind the front lot line of the principal building and sited no less than 1 m from the side or rear property line.
- (5) In all areas, a minimum of 30% of the lot must be landscaped or covered with ground absorbing, pervious materials.

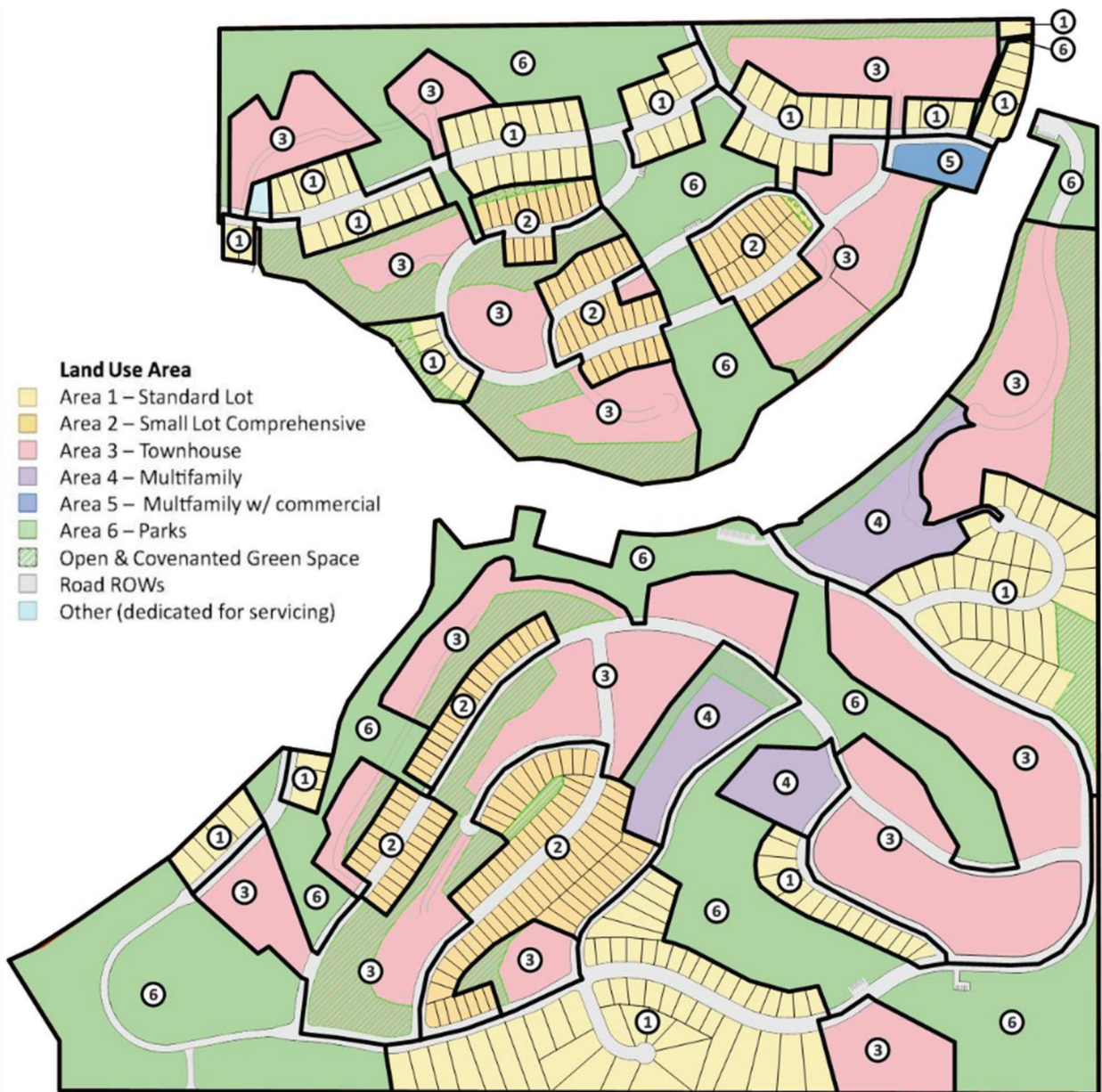
Conditions of Use

- (6) No fences over 1.2 m (4.00') in height are permitted in the required front yards.
- (7) No fences over 2.0 m (6.56') in height are permitted in the required side or rear yards.

General

- (8) In the event of conflict between the provisions of Part 1 to 5 of this Bylaw and the provisions of this zone, the provisions of the CD18 zone prevail.

Kingsview Comprehensive Development Zone Map



Kingsview Zoning Amendment (CD18) July 6, 2021

Transtide Kingsview Developments Ltd. is requesting a zoning amendment to the CD18 zoning bylaw. The purpose of this amendment is to change the language of the zoning bylaw to more accurately reflect the intended uses outlined in the Kingsview CDP (March 2016).

Specifically, we are requesting the following changes:

Area 3 – permit detached and attached townhomes as outlined in #3 of the CDP Land Use Plan
 - eg. Single family dwelling and two family dwelling

Area 4 – we confirm that the permitted use of multi-family dwellings allows townhouses and stacked townhouses by definition.

Rationale:

The existing CD18 zoning bylaw does not accurately reflect the language in the Kingsview CDP. As well, the Kingsview CDP acknowledges that *“the final mix of housing could evolve from what is shown to meet changing market conditions, but will remain within the overall approved densities.”*

These changes will provide another more affordable housing option for people looking for small, detached single family homes in a community setting. Many people in the area have expressed an interest in the options of a smaller home for when they wish to downsize. They are not comfortable with the concept of living in a “townhouse”.

Based on our market research, this segment of the market is underserved. The changes we are requesting, in the Area 3 permitted uses, will allow for a more diverse range of housing options and help to fill this market need.

Density:

This proposed change to allow detached and attached townhomes in Area 3 will not result in a change in density. The density will remain the same. The tenure of all housing units will be building strata, the same as a townhouse.

Community Amenity Contribution

We have been advised by North Cowichan Parks that there is a great and urgent need to create more off street parking for Mount Tzouhalem. The burgeoning number of hikers and mountain bikers using the trails on Mount Tzouhalem is pushing the existing parking lots to overcapacity and the overflow is causing conflict with the adjacent residents.

Transtide Kingsview Developments has discussed some options with North Cowichan Parks to create additional off street parking on land owned by Transtide Kingsview Developments.

Transtide Kingsview Developments is prepared to provide a letter of undertaking from our lawyer to register SRW's over the parking areas proposed for the Nevilane Trailhead expansion and the Nevilane roundabout parking lot. The letter of undertaking would confirm that the SRW's would be registered after the fourth and final reading for the zoning bylaw amendment. Transtide Kingsview Developments would bear the costs of the reference plans.

Transtide Kingsview Developments is prepared to provide a covenant in favour of North Cowichan stating that Transtide Kingsview Developments will sign a transfer of the parking areas (covered

under the SRW's) to North Cowichan within 6 months of final reading of the zoning bylaw amendment. North Cowichan will be responsible to provide and register the land transfer documents.

Additional parking could be constructed at the roundabout (Kingsview/Nevilane) as well as the area for parking expanded at the Nevilane Trailhead. All of this could help to relieve the traffic burden at Kaspas.

Transtide Kingsview Developments is prepared to provide a letter of undertaking from our lawyer to register SRW's (for a public walkway) over the proposed future road Rights of Way (as shown, Schedule C, on the attached plan) after the final reading of the zoning bylaw amendment. The SRW's would contain a clause stating that once construction of roads and services has commenced, no further public access is allowed.

The estimated cost to survey and create the SRW is \$25,000 (see attached estimate). Transtide Kingsview Developments will bear the costs of the reference plan and registration. In addition to this, Transtide Kingsview Developments will provide a cash contribution of \$75,000 to assist in the construction costs of the roundabout parking lot.

Schedule C Land Use Plan

KingsView

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- Trailhead
- Viewpoint
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Note: Secondary suites permitted in Area 1.

North Side

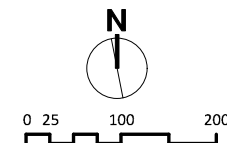
Detached	
TH/Multifamily	151 units
	230 units

South Side

Detached	
TH/Multifamily	230 units
	579 units

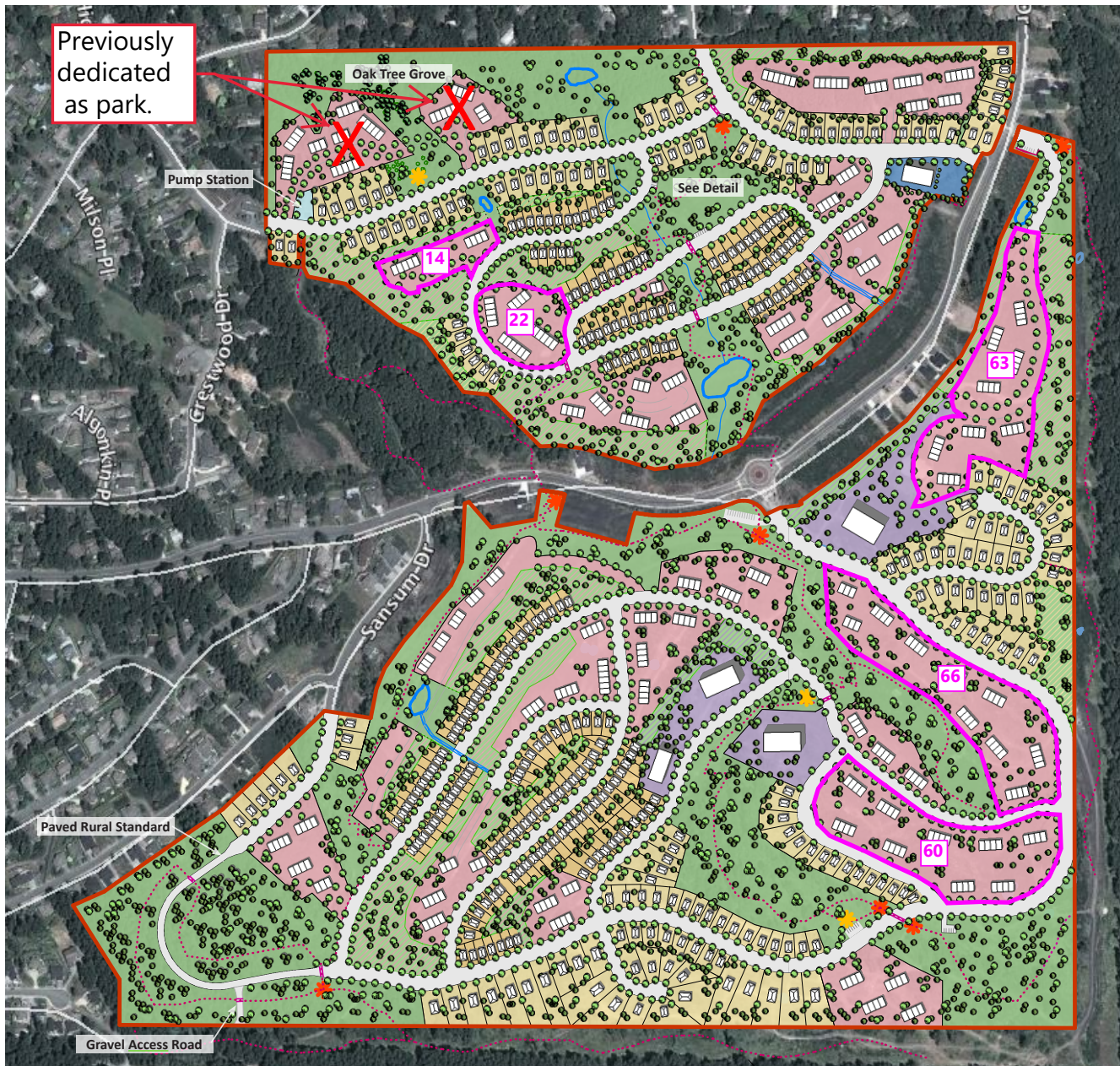
Total:
1,190 units*

*Based on 22 units/ha for THs and 54 units/ha for Multifamily.



Scale 1:5,000

May 21, 2021



Schedule C Land Use Plan

KingsView

- Boundary of Site
- Proposed Trail Network
- Trailhead
- Viewpoint
- Stormwater System

Land Use Area	Total Area	Buildable Area
Area 1 – Standard Lot	16.7 ha	15.8 ha
Area 2 – Small Lot Comprehensive	8.0 ha	7.7 ha
Area 3 – Townhouse	35.9 ha	26.8 ha
Area 4 – Multifamily	4.5 ha	3.5 ha
Area 5 – Multifamily w/ commercial	0.5 ha	0.5 ha
Area 6 – Parks	28.1 ha	
Open & Covenanted Green Space	(11.8 ha)	
Road ROWs	12.9 ha	
Other (dedicated for servicing)	0.1 ha	
Totals	106 hectares	54 hectares

Note: Secondary suites permitted in Area 1.

North Side

Detached	
TH/Multifamily	151 units
	230 units

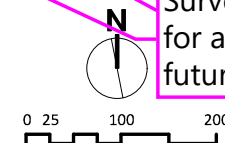
South Side

Detached	
TH/Multifamily	230 units
	579 units

Total:
1,190 units*

*Based on 22 units/ha for THs and 54 units/ha for Multifamily.

Survey and provide SRW for a public walkway over future road locations.



Scale 1:5,000

May 21, 2021





COPY

The Corporation of the District of North Cowichan
Kingsview Comprehensive Development Plan Bylaw, 2016
Bylaw 3629

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

- 1 This Bylaw establishes and authorizes the Kingsview at Maple Bay Comprehensive Development Plan set out in schedule attached to and forming part of this Bylaw.

READ a first time on July 20, 2016
READ a second time on September 7, 2016
CONSIDERED at a Public Hearing on November 23, 2016
READ a third time on November 23, 2016
RESCINDED third reading on December 21, 2016
READ a second time, as amended, on December 21, 2016
CONSIDERED at a second Public Hearing on June 29, 2017
READ a third time on June 29, 2017
ADOPTED on July 19, 2017

A blue ink signature of the Corporate Officer, appearing to read "M. Rutter".

CORPORATE OFFICER

A blue ink signature of the Presiding Member, appearing to read "J. L. Lefk".

PRESIDING MEMBER

7. LAND USE PLAN

The centrepiece of the former “Cliffs at Maple Bay” CD zoning was a golf course, with an allowance for 705 housing units, a hotel, and ancillary commercial activities associated with a golf resort facility. Approximately 72 lots were subdivided along Kingsview Road as part of the original plan, and detached residential units have slowly been built on those properties over the past five years.

Kingsview Road physically separates KingsView into two parts: the upper side located south of Kingsview Road, and the lower side located to the north. The lower side comprises approximately 35 ha of land, and the upper side is about 71 ha. The lower side will be developed first, as it has direct access to existing services and utilities – lots can more readily be brought “on-stream”. The upper side will be developed in the future, with timing dependent on market conditions and the absorption rate of the earlier development.

As golf course developments throughout North America have stalled and, in fact, the inventory has significantly declined, the revised plan focuses on providing park and open space, and trails and pathways available to the general public. It is planned that approximately 37% of the land base will be allocated to park and open space functions. The plan shows a series of connecting trailheads, and centrepiece park areas within each of the two main residential districts, north and south of Kingsview Road. To limit the amount of open space under MNC ownership, the revised plan accommodates more private land left in its natural state, and this will contribute to and form part of the overall parks and open space total. All lands incorporating public improvements, such as trails and playgrounds, will be dedicated to MNC, while other lands slated for conservation will be private, and covenanted against development.

An important consideration of the plan is the development of the housing mix and density. Consistent with OCP policies for affordable housing and climate action considerations, the revised plan calls for greater flexibility in housing layout and type with smaller lot development, opportunities for limited secondary suites, and higher densities over less land area.

The revised plan is characterized by more compact, higher density development that will improve the prospects for higher transit ridership. The plan also responds to the topography of the site. For example, individual lots on lesser-sloped lands, and clusters of attached housing located on lands with more complex topography, where placement of buildings closer together can better respond to specific site conditions. Higher density development is located near major roads and pathways, and small neighbourhood commercial focal points.

Targeting a total of 1,190 units, excluding secondary suites – an increase in density from the existing 2005 CD-1 plan, the revised plan limits secondary suites to lots larger than 600 m². Based on the updated plan, 189 secondary units could be developed.

It is important to point out that while the plan calls for a greater number of housing units, the design intention is affordability, and getting the project kick-started to generate development activity. Increased density does not directly translate into higher land lifts in terms of the amenities the project can sustain, in particular at the front end. It is more a matter of “relaunching” the new neighbourhood. A summary of the land uses is shown in the following table.

SUMMARY OF LAND USES BY NUMBER & TYPE				
Description	Lower- Side (North units)	Upper-Side (South units)	Total	Percentage %
Detached	151	230	381	32%
Multi-Family	230	579	809	68%
Subtotal	381	809	1,190	100%
Secondary Suites (potential)			189	
Neighbourhood Commercial	250 m ²	250 m ²	500 m ²	
Total KingsView Plan Area	35.2 ha	71.3 ha	106.5 ha	
Park/Open Space/Covenanted Area	13.2 ha	26.5 ha	39.9 ha	37%

Based on projected absorption rates, KingsView will be developed over a 20-year period. The complete land use plan, with the distribution of housing densities, and the housing mix can be found in Schedule C. Smaller versions of the plan have been inserted for guidance in this section of the report.

Development will start on the lower side of Kingsview Road, where infrastructure and services were previously installed, but not completed. The upper side will be developed as the build-out of the lower side is completed. Because it is expected that the upper side development is at least 10 years away, the final mix of housing could evolve from what is shown to meet changing market conditions, but will remain within the overall approved densities.

The seven core land uses are:

1. **Standard lot detached development:** The minimum lot size is 650 m². This lot size is consistent with the surrounding neighbourhoods primarily developed prior to 2006. Standard lots are found equally on the upper and lower sides.
2. **Small lot development:** Development of affordable housing units is proposed in both the lower and upper phases. The minimum lot size for small lot is 350 m².
3. **Attached (townhouse) lot development:** Comprising the same net unit density as small lot development standards, attached housing (townhouse) has been identified for areas where ground-oriented, clustered housing would be a more effective method of development. Within the attached lot zoning, either attached or detached dwellings can be developed to provide flexibility. The maximum net density under this category is 27 units/ha (11 units/acre)*.
4. **Apartment:** Limited apartment units have been identified potentially above and adjacent to the proposed neighbourhood commercial area at Kingsview and Viewtop Roads. The density proposed for this site is a 74 units/ha (30 units/acre)* and limited to three storeys.
5. **Commercial:** There is one small area identified for neighbourhood commercial. It is limited to a maximum of 500 m² of floor space on the ground floor, and is proposed to encourage a “third place” neighbourhood gathering place. Apartment residential would be permitted above the first floor.

6. **Secondary suites:** To encourage affordability, large lot and standard lot sizes consisting of single detached residential would permit secondary suites. The total estimated number of eligible suites is estimated at 189 units. Homes with secondary suites would have to adhere to all zoning regulations, including parking,
7. **Parks and Trails:** Parks, open space and pathways are fundamental and dominate features of the overall development plan. Separate sections on the *Parks & Open Space Design Strategy* (Section 8) and the *Vegetation Management Plan* (Section 9) are provided in this document.

** Densities are based on “net” land area, meaning the area within a site suitable for development. Areas within a development site that are steep, or have other topographical or environmental characteristics are NOT included in the density calculations.*

KINGSVIEW LOWER SIDE: PLAN HIGHLIGHTS

The lower side of KingsView will see the extension of Viewtop Road and Highwood Drive to connect to Nevilane Drive, similar to the original plan. Detached lots along these two roads will be developed first, anticipating that servicing costs will be lower and building sites can be brought on-stream less expensively. This can build momentum, and be the financial catalyst to carry out the rest of the project, allowing for the amenities to be completed.

The first phase calls for detached housing. A neighbourhood-friendly, internal road will circle this phase along Viewtop Road and Highwood Drive. The main feature of the revised plan is a central open space spine that integrates trails and stormwater management, as well as active and passive park areas. The plan also features conservation of the oak grove in the lower west area of the site.

In the longer term, it is envisaged that the attached units will be developed, as well as the small neighbourhood commercial area, which is envisaged near the intersection of Viewtop and Kingsview Roads, and provides an opportunity for a neighbourhood gathering place outside of home and work.



KingsView Conceptual Plaza, CitySpaces Consulting

About 37% of the lower side is designated for parks, pathways and open space. About 30% of the open space area will consist of private lots, covenanted against development or vegetation removal without a replacement vegetation plan. See Schedule E of this report for a more detailed description of the parks strategy. A central feature is the active natural play area space available for neighbours and the general public. The other key element is inclusion of mature trees and garry oak features at the most northern portion of the site in the *Parks & Open Space Design Strategy*.

KINGSVIEW UPPER SIDE: PLAN HIGHLIGHTS

KingsView's most southern portion is also its highest point, and offers views both north and east, with opportunities for very desirable residential building sites. Along the southern property line, adjoining the municipal lands, land uses are primarily large lot detached or attached housing, accounting for both the need for fire-zone interface measures and topography.

The upper side will be developed later, with timing dependent on market conditions and absorption. The land area is larger than the lower side, and the topography is generally steeper. Because of this, the proposed number of attached units is higher than the lower side in response to more complicated topography. The road network is, in many ways, also pre-determined by the topography.

Key features of the plan include retention the remaining two stands of primarily second growth fir trees found in the southeast and southwest quadrants of the property. Earlier versions of the plan included some development of these lands. The single road that curves through the southwest quadrant will be designed as a rural road – narrower in width, without curbs or gutters – to create a more “country” feel while still accommodating traffic needs. Trails and trail connections to the Municipal forest will be maintained, along with a prominent public lookout.



Land Use Plan KingsView

- Boundary of Site
- Proposed Trail Network
- Trailhead
- Viewpoint
- Stormwater System

Land Use Area	Total Area	Buildable Area
Area 1 – Standard Lot	16.7 ha	15.8 ha
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Totals	106 hectares	54 hectares

Note: Secondary suites permitted in Area 1.

North Side

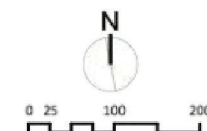
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TH/Multifamily	230 units

South Side

Detached	230 units
TH/Multifamily	579 units

Total:
1,190 units*

*Based on 22 units/ha for THs and 54 units/ha for Multifamily.



Scale 1:5,000

March 28, 2016



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021

Bylaw No. 3825

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 "Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825".

Amendment

- 2 Zoning Bylaw 1997, No. 2950, Section 80.18 (2) [Regulatory Conditions] is amended by replacing the Value for Item 1 [Minimum lot area], Area 3, under Column 3 of "1 100m²" with "2 200 m²".
- 3 Zoning Bylaw 1997, No. 2950, Section 80.18 [Conditions of Use] is amended by adding the following new subsection:

“(7.1) Despite the definition of ‘townhouse’ under section 12, a ‘townhouse’ under 80.18 (1) (c) (i) in Area 3, may include ‘single-family dwelling’ and ‘two-family dwelling’ whereby:

 - i. in SUB-AREA A the total number of dwelling units in the form of single family dwelling and/or two-family dwelling shall not exceed 30% of the total number of dwelling units for each parcel for the whole development of that parcel
 - ii. in SUB-AREA B the total number of dwelling units in the form of single family dwelling and/or two-family dwellings may comprise up to and including 100% of the total number of dwelling units for each parcel for the whole development of that parcel.”
- 4 Zoning Bylaw 1997, No. 2950 is amended by replacing "Schedule D-2" with the "Schedule D-2" attached to and forming part of this Bylaw.

READ a first time on _____

READ a second time on _____

This bylaw as advertised in the Cowichan Valley Citizen on the ____ day of _____ and the ____ day of _____, and the municipality's website and notice board on the ____ day of _____.

CONSIDERED at a Public Hearing on _____

READ a third time on _____

COVENANT registered on _____

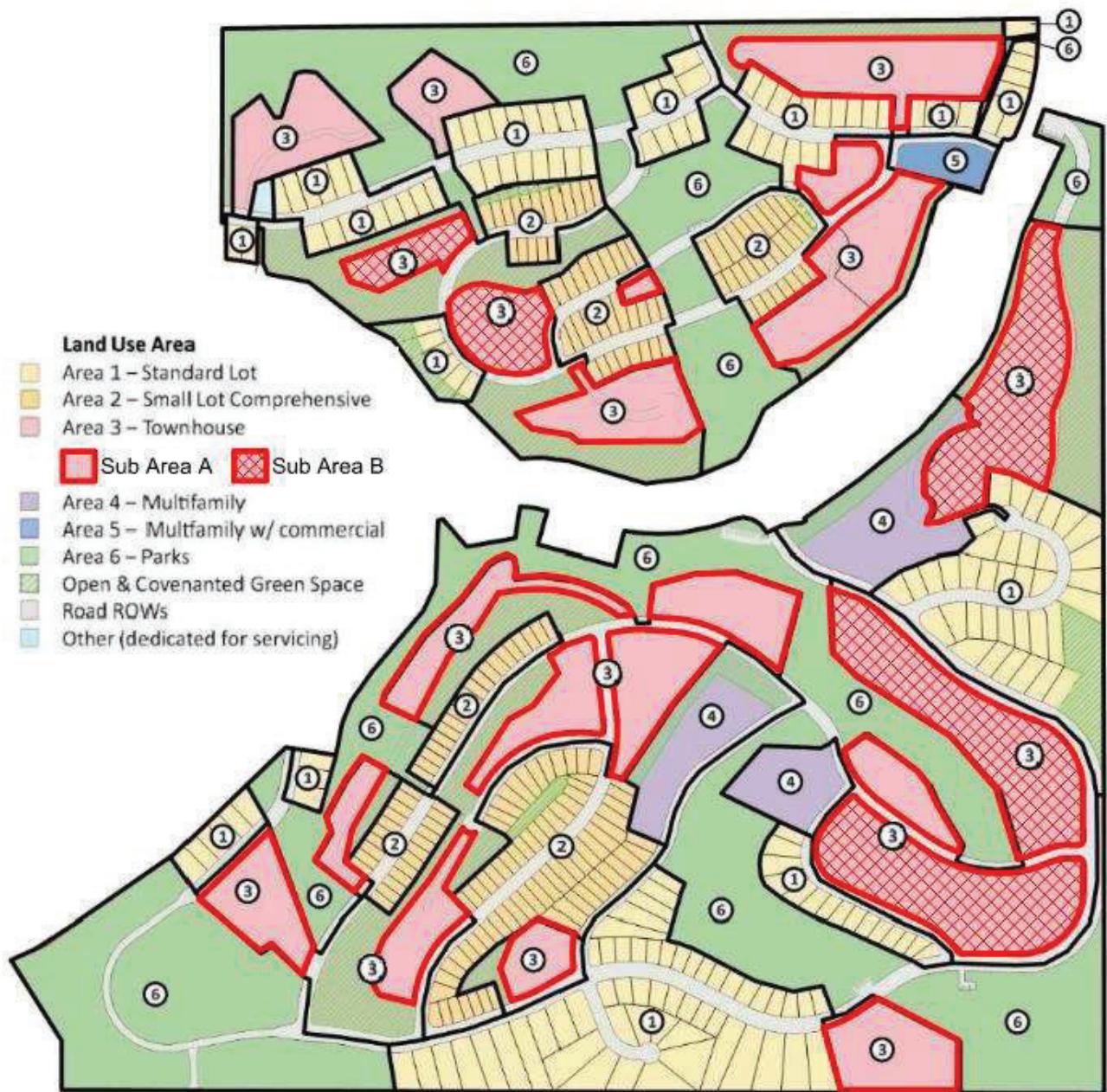
ADOPTED on _____

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "D-2" [BL3631]

Kingsview Comprehensive Development Zone Map

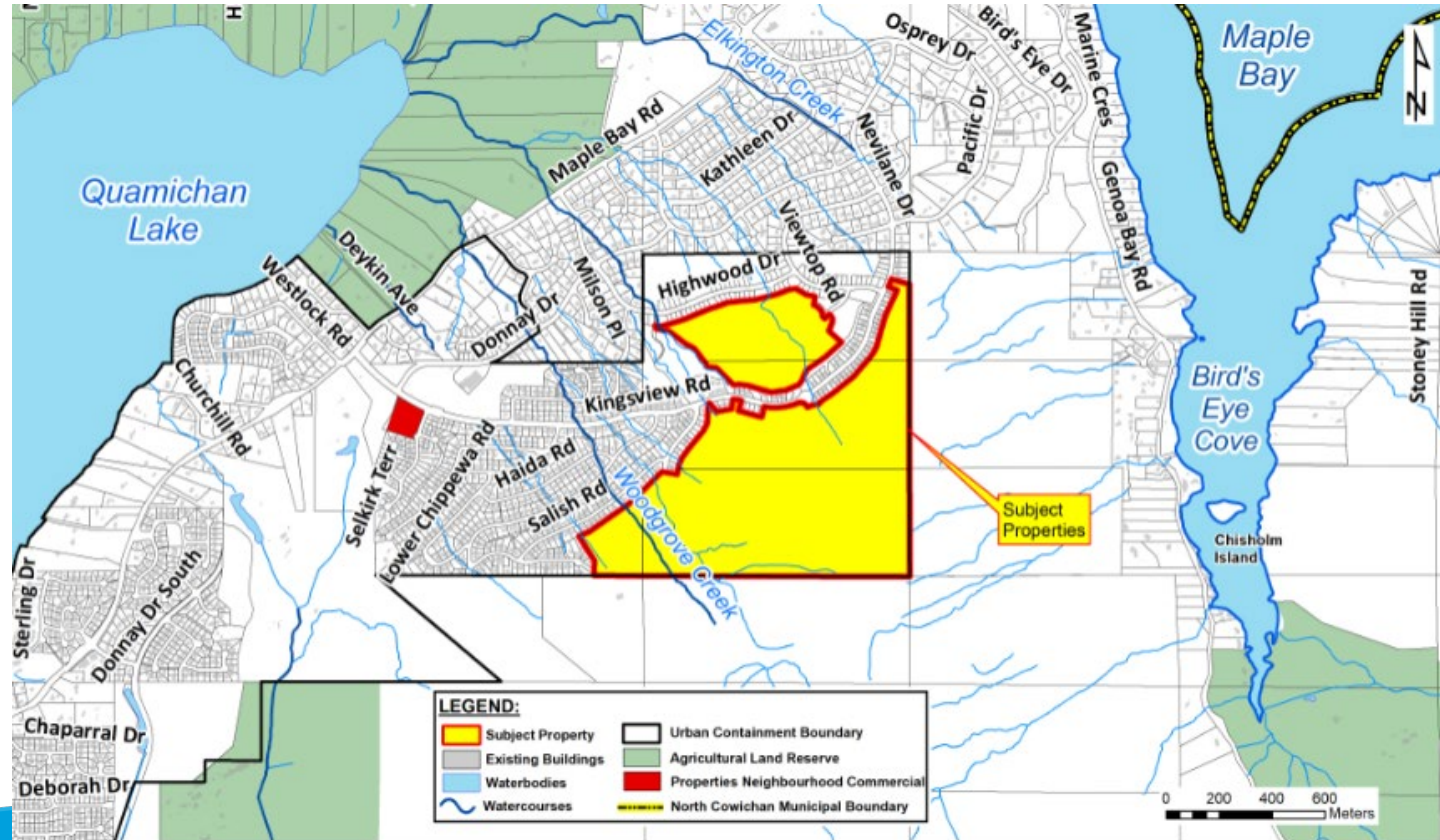


Zoning Bylaw Amendment Application No. ZB000148

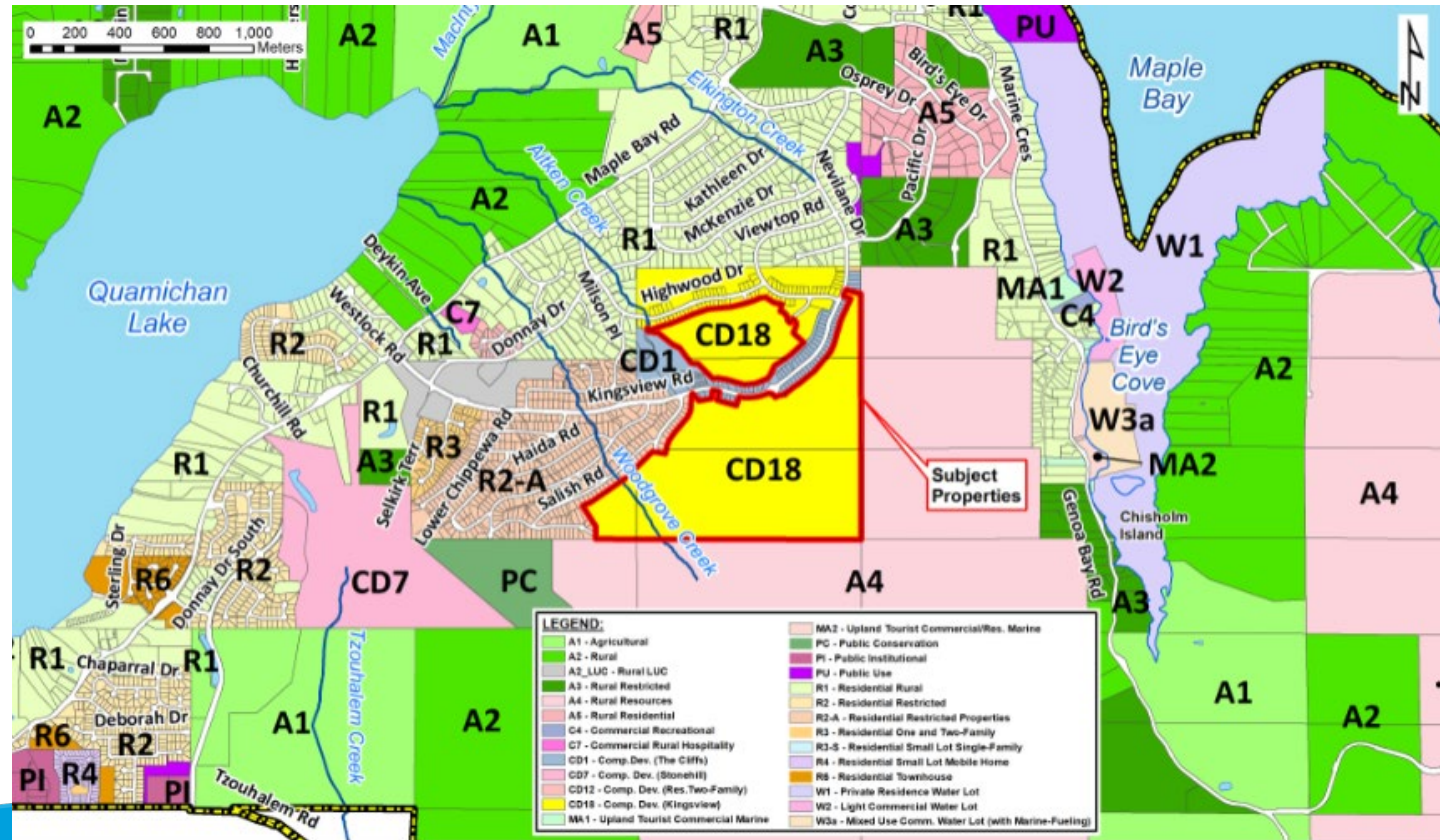
Text Amendment to Area 3 (Townhouse) of CD18 Zone to include single and two-family units to the townhouse definition

Address: CD18 Zone (PID 002-425-602/412/650/811)
Applicant: Transtide Kingsview Development Ltd.

Location Map



Zoning Map

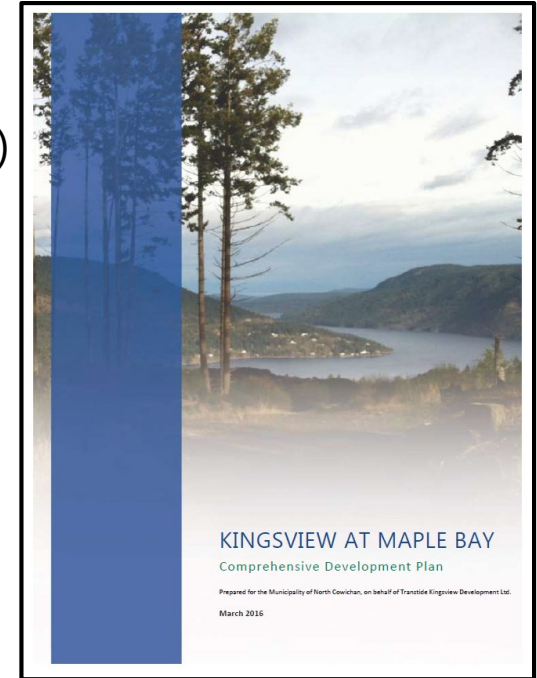


Orthophoto



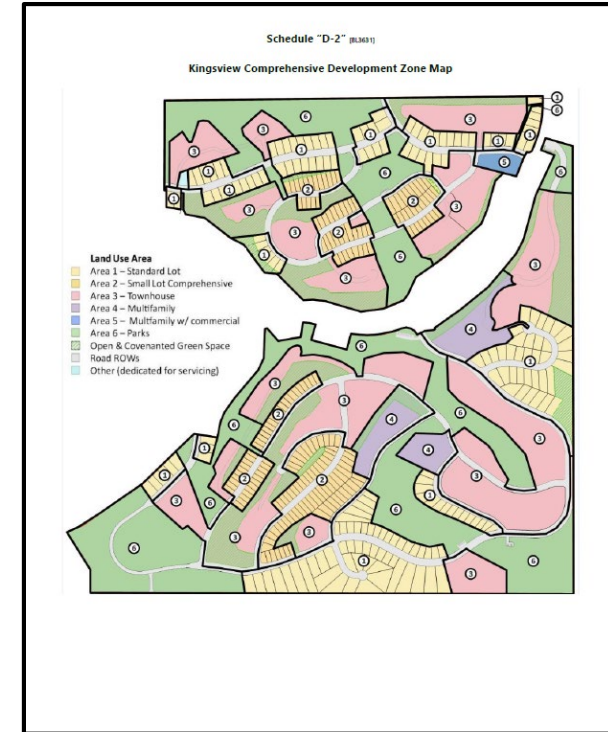
Background

- ❖ Kingsview Comprehensive Development Plan (CDP; 2016)
 - ❑ Core land uses (CDP) basis for CD18 Zone
- ❖ Core land use (CDP) *Attached (townhouse) lot development*:
 - ❑ "... identified for ground-oriented, clustered housing ... either attached or detached dwellings can be developed to provide flexibility ..."
- ❖ South side of Kingsview, 10-year window
 - ❑ Final housing mix "... could evolve from what is shown to meet changing market conditions ..."



Background

- ❖ Core land uses (CDP) basis for 6 Areas of the CD18 Zone
 - *Uses, setbacks, lot coverage, density maximums*
- ❖ Core land use *Attached (townhouse) lot development (CDP)* corresponds with Area 3 (PINK)
 - *Townhouse*
 - *Limited home-based business*



"townhouse" means a building containing at least three, and not more than six dwelling units attached by a party wall, located on 1 lot, with all dwelling units having direct access to the outdoors at grade;

[BL3383]

Proposal

❖ The applicant proposes:

- ☐ For Area 3 of CD18 only, to include in the townhouse definition:
 - single and two-family units
- ☐ Some parcels up to 100% composition of single-/two-family units
- ☐ Townhouse use including:
 - SUBAREA A: up to 30% composition single & two-family units
 - SUBAREA B: up to 100% composition single & two-family units

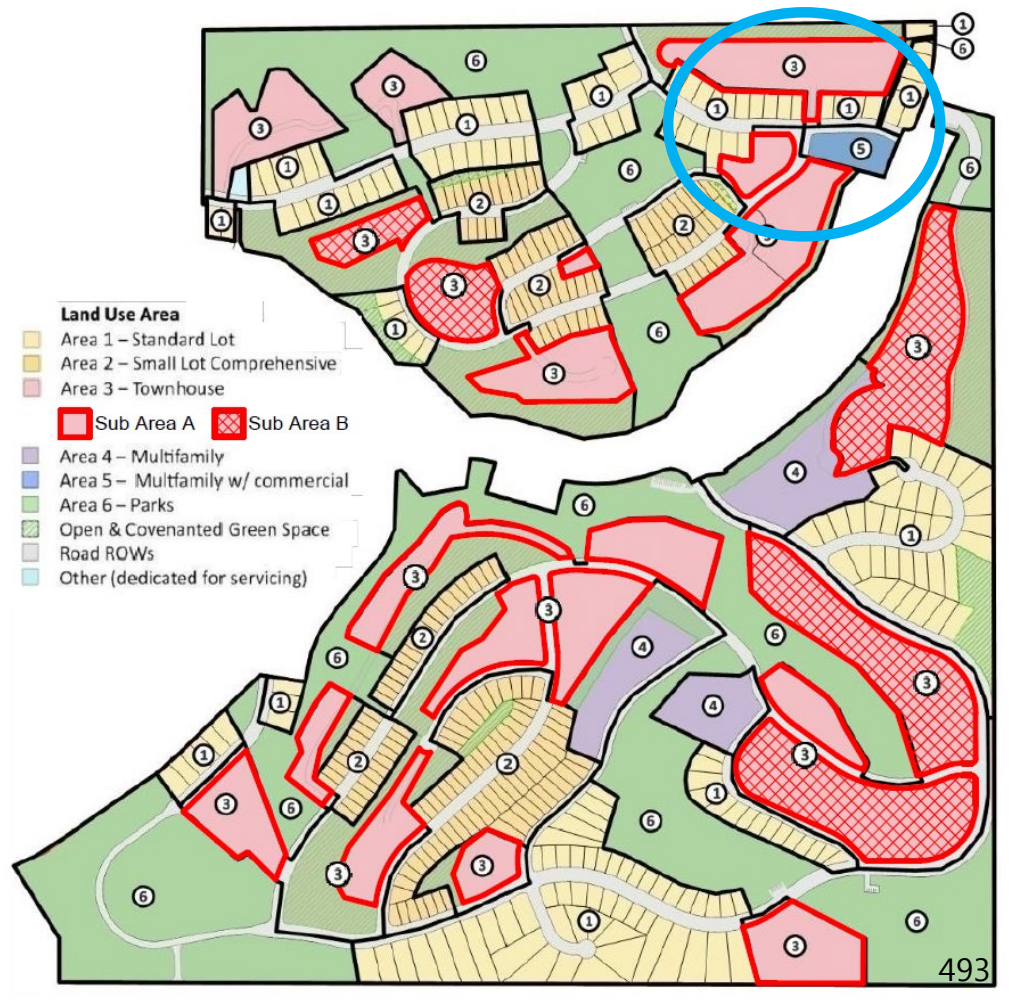
Proposed Bylaw

❖ Subarea A: townhouse use & up to 30% single- and two-family units

- *Consistent with CDP core uses*
- *Applied to all CD18 (Sub A)*
- *Comprises 60% of Area 3 (14.5 ha)*

❖ Subarea B: townhouse use & up to 100% single- and two-family units

- *Consistent with CDP intent of housing mix to evolve with market demand*
- *Comprises 40% of Area 3 (9.8 ha)*



Proposed Bylaw

❖ Subarea A: townhouse use & up to 30% single- and two-family units

- *Consistent with CDP core uses*
- *Applied to all CD18 (Sub A)*
- *Comprises 60% of Area 3 (14.5 ha)*

❖ Subarea B: townhouse use & up to 100% single- and two-family units

- *Consistent with CDP intent of housing mix to evolve with market demand*
- *Comprises 40% of Area 3 (9.8 ha)*

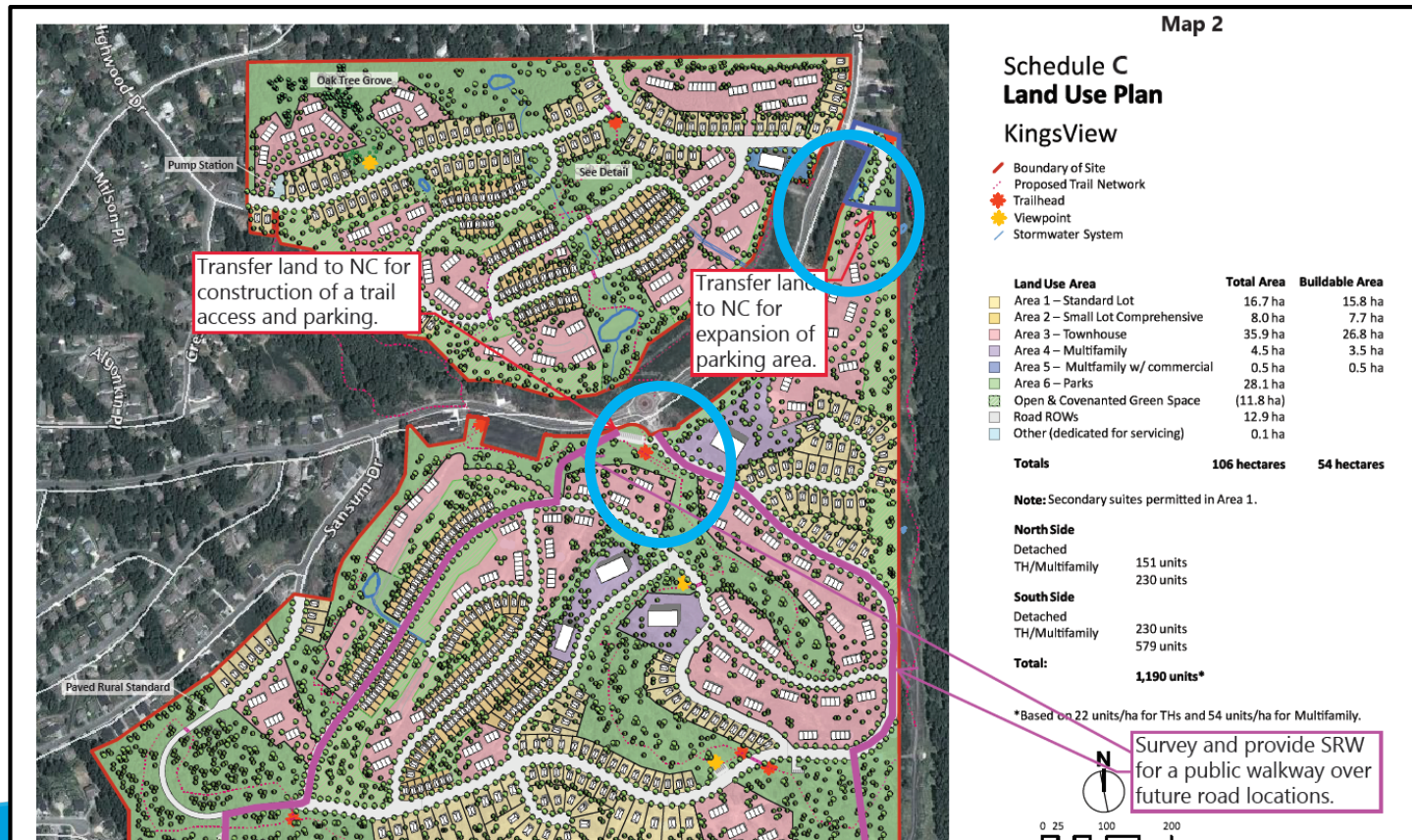
❖ To deter large lot development

- *Increase min. lot size in Area 3 from 1,100 m² to 2,200 m²*

Community Amenity Contributions

- ❖ The applicant proposes in advance of Phase 4:
 - ❑ Land transfer of 2 parcels for the Municipality's use for parking lot; access Municipal Forest
 - ❑ \$75, 000 toward parking lot construction
 - ❑ SRW registration over two trails from parking lots for public access until construction
 - Trails become roadway

Community Amenity Contributions



Conclusion

❖ Recommendation, that Area 3 of CD18 Zone be amended to:

- ☐ Include in the townhouse definition, single and two-family units
- ☐ Permit 30% composition of single and two family units in Subarea A
- ☐ Permit 100% composition of single and two-family units in Subarea B
- ☐ Increase the minimum lot area from 1100m² to 2200 m²

COUNCIL MINUTES

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.

CORRESPONDENCE

From: Caroline von Schilling
Sent: Thursday, July 22, 2021 10:02 AM
To: Al Siebring; Council
Cc: Ted Swabey; Rob Conway
Subject: FW: ZB000148 - CD18 Area 3, single unit totals (information to question)

Good morning Mayor and Council,

With permission, I have provided information for a question about max. potential single units on proposed subareas A & B within Area 3 of the CD18 Zone. Please scroll down to the email immediately below to Rob Conway.

Let us know if you have any questions,

Caroline

Caroline von Schilling, MSc, MCIP, RPP
Development Planner, Planning Department
DEVELOPMENT AND ENGINEERING SERVICES

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca
caroline.vonschilling@northcowichan.ca
T 250.746.3261
F 250.746.3154

From: Caroline von Schilling
Sent: Thursday, July 22, 2021 9:22 AM
To: Rob Conway <rob.conway@northcowichan.ca>
Subject: ZB000148 - CD18 Area 3, single unit totals (information to question)

Good morning Rob,

To answer a question from Councilor Justice for item 8.3 on July 21, 2021 Council Agenda:

- With the subarea A & B proposal, what is the potential estimated maximum number of single detached units in Area 3?

Information provided:

Proposed Subarea A = 60% of area of Area 3

Proposed Subarea B = 40% of area of Area 3

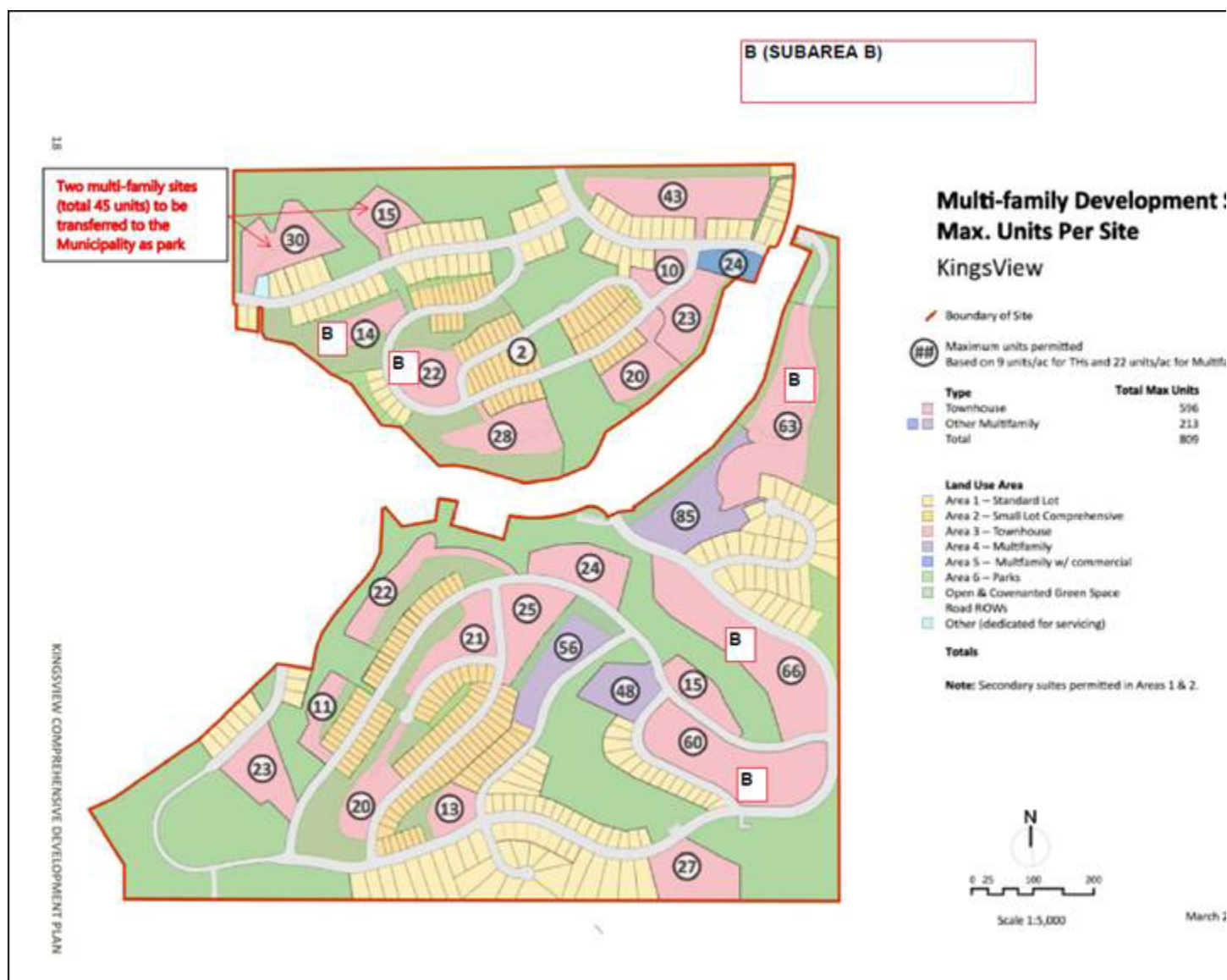
Information requested:

Using the estimated numbers of townhomes on each parcel from Section 7 of the Kingsview Comprehensive Development Plan (my copy indicates pg 18), the breakdown is:

Subarea A may include up to 30% composition of 325 units = max. potential of 97 single detached units

Subarea B may include up to 100% composition of 225 units = max. potential of 225 single detached units

For a total of 322 max. potential single detached units / 550 total townhouse units = 59% max. potential single detached units



Caroline von Schilling, MSc, MCIP, RPP
Development Planner, Planning Department
DEVELOPMENT AND ENGINEERING SERVICES

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T 250.746.3261
F 250.746.3154

PUBLIC COMMENTS

From: Curtis Stretch [REDACTED] **FIPPA s. 22(1)**
Sent: Saturday, September 4, 2021 12:00 PM
To: Public Meetings
Subject: Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825

To the Mayor and Council,

Re: Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825

I've lived in the Municipality of North Cowichan since 1986 and am a land owner in the KingsView development. I support this amendment for the good of the neighbourhood & community for the following reasons.

1. Contrary to the idea that this would dramatically increase housing costs versus the current zoning. A single townhouse unit similar to the proposed at 1-1295 Kingsview Rd. originally sold for about 10% more than the same sqft. adjacent triplex units. It's currently assessed at (9% greater) \$591,000 vs. 2-1295 Kingsview Rd. at \$541,000. For this reason, I feel that a townhouse single family value is far different than a fee simple unit and will fill a necessary economic & housing void.
2. Duplex and single family units would generally reduce the unit density/allowable unit floor area while increasing landscape areas as extra side yards would be required versus the higher density that's currently allowed.
3. A limited number of duplex and/or single family units within a townhouse development would allow buildings to 'sit more softly on the terrain', a Municipal Planning initiative and would also improve the overall function and appearance of a development on this sloped site.
4. Single family units were originally approved for construction in the Cliffs Area 2 townhouse CD-1 zone as constructed at 1295 Kingsview Rd. All other Municipality of North Cowichan townhouse zones allow a percentage of duplexes to be constructed within each development.
5. This amendment would allow the creation of single family & duplex housing without increasing ongoing Municipal servicing costs such as garbage/recycling/compost collection, street maintenance, lighting etc. as they're in a private strata development versus fee simple.
6. The proposed land, parking & developer contributions are much needed for this neighbourhood.

Sincerely,

Curtis Stretch

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

From: Andrew Bell [REDACTED] **FIPPA s. 22(1)**
Sent: Wednesday, September 8, 2021 9:29 PM
To: Public Meetings
Subject: To whom it may concern,

To whom it may concern,

I am writing you to raise concerns I have regarding the zoning amendment of area 3, CD18, of the Kingsview Development Zone.

I live at 1295 Kingsview Road and was attracted to the area by the views and the quiet lifestyle of the area. Duncan is a small town and did have a very relaxed feel about it. This is all changing due to the demand for “affordable” housing and being one of the last towns in the area to actually have land to build on. Cramming even more tiny little homes with tiny little yards into an area that was designed to be a golf course and not a residential area, is an incredibly bad idea. The infrastructure that is needed to support that many people is not in place, nor will it ever be. One road in and one road out. The increase in demand on the water supply is another issue. People consume far more water than a golf course and that development was rejected. There aren’t enough doctors and nurses now and the only people that will be able to “afford” this new housing, will be retired. Young families don’t live in tiny homes with tiny yards.

I’m all for progress and accept the fact that things change. We were aware that the new development was in the works, but it was very unclear as to the extent of new homes to be built. Now however it is there for everyone to see and it is obvious that the size of it is massive and now talking about whacking in even more building lots to generate even more profit for the developers and more tax dollars for the municipality, with very little thought given to the people that are trying to make a community out of it, is just wrong. In 20 years time the whole area is going to look like a massive “trailer park” and we all know how well those worked out.

I strongly object to this zoning proposal and I will be taking an interest in the next civic elections to be held as this out of control development must be voted out.

Yours sincerely,

Andrew Bell

Sent from my iPhone

From: S Etkin [REDACTED] **FIPPA s. 22(1)**
Sent: Thursday, September 9, 2021 5:50 PM
To: Public Meetings
Subject: Public Hearing Proposed Bylaw 3825

Hello,

My property on Salish Road will be affected by the proposed rezoning. I found the report regarding the rezoning to be somewhat obtuse for non-developers and planners to understand. The potential consequences of the suggested changes are also not evident. This makes it much more challenging for affected residents to appropriately respond.

I have the following specific questions and concerns:

- Reducing lot areas by over 5 times seems very significant. Why does this need to be done? What does this mean visually and for density?
- What is the likely impact of some single family and two-family dwelling units being allowed in the townhouse designated area both for affordability and more inclusive housing? What are the changing market conditions the developers are referring to?
- The report states there will be no change in density. But will there be an expected change in the total resident population in the development?
- Community amenities:
 - o Are any of the designated green spaces going to be developed parks and if so what type of facilities will be included?
 - o Receiving land for parking spaces may be a good benefit. However the report does not state how many additional parking spots will be provided?
 - o The developer providing \$75,000 towards road improvements around the parking spots seems quite insufficient. What will the value of the proposed zoning changes be to the developers, especially since the upper area is not due to be developed for a decade?
 - o Listing the provision of a public walkway as an amenity provided by the developer, seems somewhat misplaced. It should be a given that public walkways and trails must be included in developments to allow residents to access green spaces and encourage walking and cycling.

My sense is that the developers are getting a very good deal at the expense of the municipality.

I look forward to more information in response to my questions.

Thank you.

Shannon Etkin
5937 Salish Road

From: Caroline von Schilling
Sent: Friday, September 17, 2021 11:14 AM
To: 'Mona Park'
Cc: Rob Conway; Fiona Baker
Subject: RE: Kingsview Development Zone Public Hearing on September 21 6 pm

Hi Mona,

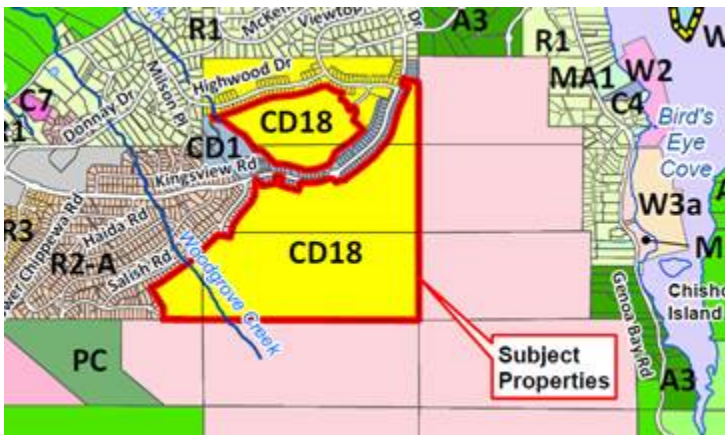
Thank you for your enquiry, and thank you for your patience with my late response.

The newspaper notifications follow a specific protocol which is legislated, which is why it isn't possible to add more information to the notifications.

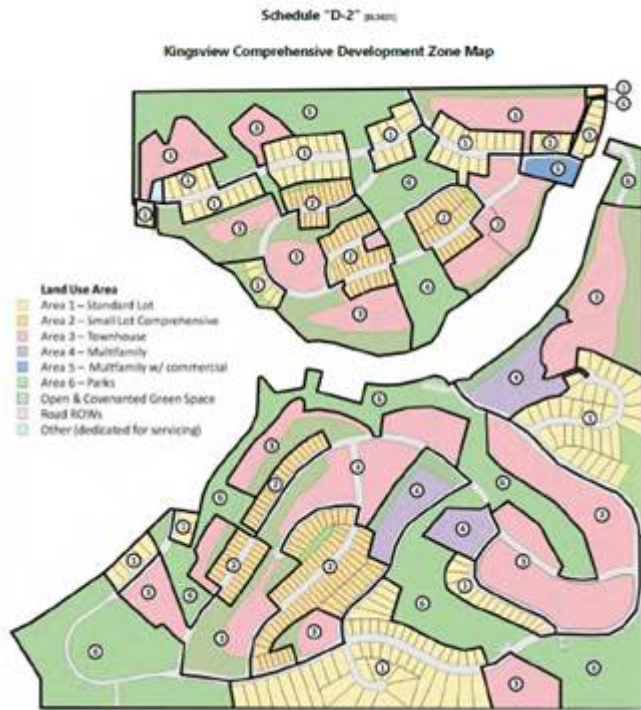
The Report to Council, which explains the application, is available in the Digital Information package (for proposed Bylaw 3825). It is located online [here](#).

I have summarized the main points here:

- The CD18 zone is shown here in yellow:



- Within the CD18 zone there are “Areas” corresponding to land uses such as parks and residential land uses. For example, Area 1 is for standard lots, Area 2 is for small lots, and Area 3 is for “townhouse” use, which means 1 building with between 3 and 6 units, etc.:



- Within Area 3, which is shown in pink above, the applicant is requesting to be able to ‘detach’ the townhomes into single detached units and duplex units to better achieve the density of the zone (i.e., 22 units per hectare) and to better meet market demand. The Kingsview Comprehensive Development Zone adopted by Council in 2017 supports both rationales.

In proposed Sub Area A, in addition to the townhouse use, the applicant requests to include up to a 30% composition of single detached units and/or duplex units.

In proposed Sub Area B, in addition to the townhouse use, the applicant requests to include up to a 100% composition of single detached units and/or duplex units. See the map for the proposed bylaw indicating the subareas below:



The intent of the zoning amendment is to affect diversity of building form (or residential building type) within Area 3 of the CD18 Zone. There is no proposed change to the maximum density of the Area 3, which is 22 units/hectare.

See my response to your question 3 below in **red**.

Please contact me at the phone number below if you have any other questions,

Caroline

Caroline von Schilling, MSc, MCIP, RPP
Development Planner, Planning Department
DEVELOPMENT AND ENGINEERING SERVICES

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca
caroline.vonschilling@northcowichan.ca
T 250.746.3261
F 250.746.3154

From: Mona Park [REDACTED] **FIPPA s. 22(1)**
Sent: Thursday, September 16, 2021 12:27 AM
To: Public Meetings <PublicMeetings@northcowichan.ca>
Subject: Fw: Kingsview Development Zone Public Hearing on September 21 6 pm

Hello,

We just received this notice in the mail. I wrote the questions below to Mr. Conway; however, I just read comments must be received by Friday, September 17 at 1 pm, tomorrow.

I am submitting these emails as concerns regarding the development.

Thank you

From:

Sent: September 16, 2021 3:20 AM

To: rob.conway@northcowichan.ca <rob.conway@northcowichan.ca>

Subject: Kingsview Development Zone Public Hearing on September 21 6 pm

Dear Rob Conway,

We have received your Notice of Public Hearing.

I have a few questions:

1. The Zoning Amendment Bylaws changes that are listed refer to SUB-AREAS A and B. The map refers to the areas as Section 1, Range 3; Section 1 Range 4; Section 2 Range 4; Section 3 Range 4. Clear as mud to me. Where are SUB-AREAS A and B are on the map?

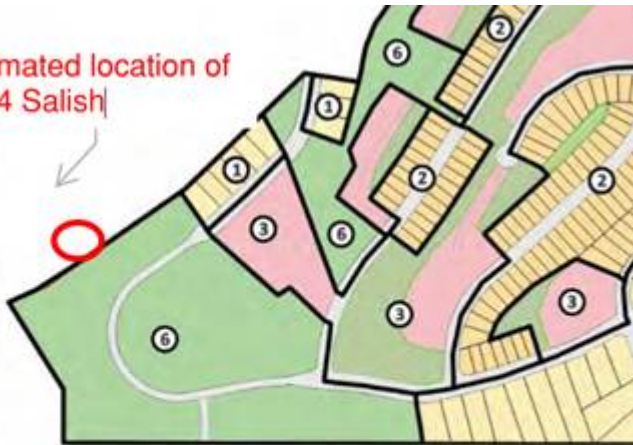
2. Can you explain the consequences of these changes and whether we should be concerned?

3. The last map I saw had the development stop at 5994 Salish Rad, the 11th house down from where Kaspas and Salish meet. It's now 8 houses down from where Salish meets Kaspas. The area behind was supposed to be a protected green space. The last map I saw had a road connecting Samsun to Kaspas parking lot, but it didn't have any houses west of 5994. Is this not a protected area? Was a change made? Was there a notice of an amendment that I missed?

Mona, I've located 5994 Salish Road on the current zoning map below, which shows the location of the CD18 Zone relative to 5994 Salish Rd. The boundary of the CD18 zone will not be changing. Below this, I have snipped the location relative to the actual CD18 zone. It shows an Area 6 designated as PARK immediately behind 5994 Salish. Note this application does not propose to change any allocation to the Areas themselves. The Area 6 (Park) 'behind' the address indicated is not proposed to change. Rather, the application is with regards to Area 3 only, and specifically with regards to the land use related to the townhouse use within that Area 3.



Estimated location of
5994 Salish



Thank you for your attention to this matter.

Kind Regards,
Mona

From: Jean McClennon-Leong [REDACTED] **FIPPA s. 22(1)**
Sent: Thursday, September 16, 2021 8:05 PM
To: Public Meetings
Subject: re: public hearing on zoning amendment: area 3 of CD18,2021,No.3825

To: Honorable Mayor and Councillors:

I am a Kasper Road resident and would like to submit a question related to the above zoning amendment.

On the planning amendment, Map 1, Attachment 7, page 159 "gravel access road" is used to describe access to the municipal forest. In previous iterations, I understood this to be described as a "gravel access path". Could you please clarify? I have concerns that this name change means that the "gravel access road" as described would enable vehicular traffic to enter the municipal forest and its adjacent parking lot, which in turn, would also provide direct access to the planned subdivision via the Kasper Rd laneway.

Is it possible that these roads could eventually become a major connector route? This would have a major impact on traffic in the Kasper roadway.

Could you please clarify for me?

In addition, I would like to make a comment on how difficult it is to understand the verbiage in both the first and amended notice of public hearing that I received. The inserted map is difficult to read and the descriptions of the various sub-areas for discussion are not visible on this map. Thank you to Mr. Stewart and Councillor Douglas for forwarding the link to the document; it helped in searching for the information.

Respectably submitted,
Jean McClennon-Leong

From: Rob Conway
Sent: Friday, September 17, 2021 9:51 AM
To: 'Nate&Robin Hudson'; Public Meetings
Cc: Michelle Martineau; Caroline von Schilling; Fiona Baker
Subject: RE: Proposed Changes to Kingsview Development
Attachments: Public Hearing Notice for Bylaw 3825.pdf

Good Morning Nate and Robin Hudson

Thank you for advising us that you did not receive direct notification of the public hearing for Zoning Amendment Bylaw No. 3825. A copy of the notice is attached, and additional information regarding the proposed amendment is available on North Cowichan's website at: <https://www.northcowichan.ca/EN/meta/news/news-archives/2021-archive/public-hearing-for-bylaw-3825-text-amendment-area-3-of-cd18-september-21-2021.html>

The public hearing is scheduled for 6pm on Tuesday, September 21st. Although the notice states that written submissions are to be provided by 1pm, Friday, September 17th, given the circumstance with your notification we will accept any written submission you wish to provide on the proposed amendment up to 9am on Tuesday, September 21st. In addition to sending your correspondence to publicmeetings@northcowichan.ca, please send it to me (rob.conway@northcowichan.ca) and Michelle Martineau (michelle.martineau@northcowichan.ca) so that we can ensure it get presented to Council. Please note that you are also able to attend the public hearing and present any comments you may have about the proposed amendment directly to Council, as per instructions on the notice.

If you have questions about the proposed amendment that are not answered by the information on the website, please contact Caroline von Schilling, Development Planner at caroline.vonschilling@northcowichan.ca or (250)-746-3261. I am also available to assist if Caroline is unavailable.

Thank you for bringing this this matter to our attention and please accept my apologies for any confusion and inconvenience it may have caused.

Rob

Rob Conway, MCIP, RPP
Director of Planning and Building
Planning and Building Department
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca
rob.conway@northcowichan.ca
T 250.746.3178

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From: Nate&Robin Hudson [REDACTED] **FIPPA s. 22(1)**
Sent: Thursday, September 16, 2021 11:46 AM
To: Public Meetings <PublicMeetings@northcowichan.ca>
Subject: Proposed Changes to Kingsview Development

Hello North Cowichan.

Please note that we would like a deferral of the meeting held for rezoning to take place tomorrow. We have many questions about how the change in housing density will impact us, as our home is located directly below the area for proposed changes (Lot 58, 6234 Highwood Dr.).

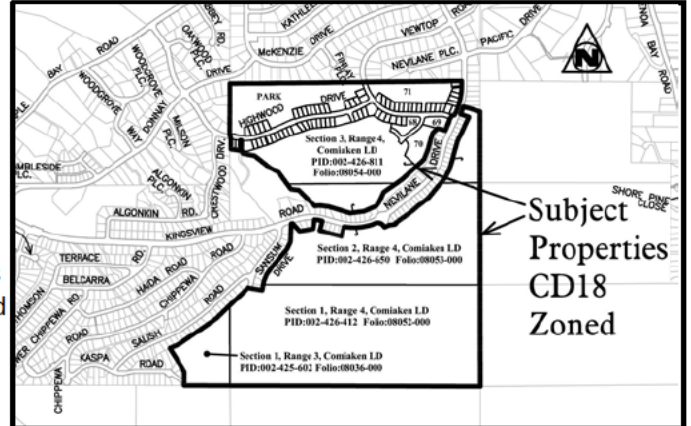
We were not made aware of this meeting and rezoning application and only heard about some details via the Maple Bay neighbour to neighbour Facebook page. Please consider deferring the meeting until a later date to give us time to get the information we need in order to fully understand any impact. Thank you, Nathan and Robin Hudson

NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **6:00 p.m.** on **Tuesday, September 21, 2021** to allow Council to receive public input on proposed Bylaw 3825 which proposes to amend "Zoning Bylaw 1997," No. 2950. Due to the COVID-19 Pandemic, this hearing will be held electronically in accordance with Ministerial Order M192 and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. To view the hearing as it is streamed live go to www.northcowichan.ca/Agendas, and click on the 'Live Stream Viewer' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825 proposes to amend Zoning Bylaw 1997, No. 2950, for the Kingsview Comprehensive Development Zone subject properties (PID: 002-425-602, PID: 002-426-412, PID: 002-426-650 and PID: 002-426-811) as shown outlined on the map, by:

- (1) Increasing the minimum lot area for Area 3 from 1100m² to 2200m²; and
- (2) Permitting single-family and two-family detached dwellings units in SUB-AREAS A and B that are currently designated as 'townhouse' use.
 - (a) in SUB-AREA A the total number of dwelling units in the form of single family dwelling and/or two-family dwelling shall not exceed 30% of the total number of dwelling units for each parcel for the whole development of that parcel, and
 - (b) in SUB-AREA B the total number of dwelling units in the form of single family dwelling and/or two-family dwellings may comprise up to and including 100% of the total number of dwelling units for each parcel for the whole development of that parcel.
- (3) Replacing "Schedule D-2" with a new "Schedule D-2" to identify SUB-AREAS A and B.



Public Input

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m. on Friday, September 17, 2021**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

1. In Writing:

Written submissions will be accepted by:

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

2. Verbally:

Details and instructions on how to participate verbally will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings and at our automated Public Hearing Info Line: 250-746-3264.

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

A copy of the bylaw and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing.

Rob Conway, Director of Planning and Building

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing.

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

7030 Trans-Canada Highway, Duncan BC V9L 6A1
T: 250-746-3100 F: 250-746-3133 www.northcowichan.ca

MUNICIPALITY OF
NORTH
Cowichan

From: Christopher Crowther [REDACTED] **FIPPA s. 22(1)**
Sent: Friday, September 17, 2021 5:11 AM
To: Public Meetings
Subject: Bylaw 3825-"Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021"

RE: Bylaw 3825-"Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021"

The proposed zoning amendment for the Kingsview CDP should be rejected because it will most likely lead to a large increase in short term rentals and exacerbate the housing shortage in North Cowichan.

Townhouse building types are most likely to ensure that the housing that is built leads to long term ownership or rental by residents of North Cowichan. Enabling detached homes in place of townhouses in that area will lead to more commercial short term rentals (ie AirBnb listngs) and fewer opportunities for home ownership or rental by long term residents. This will increase the asking price of homes in our region because of the profit potential for commercial short term rentals.

The phenomenon I am referring to can be seen at scale in Langford. Below are a sample of listings I have pulled from Airbnb in Langford. All of these listings are for suites in detached homes. No wonder we have a housing crisis! Secondary suites used to be a mortgage helpers - now they are being used en masse to house tourists. (search" <https://www.airbnb.ca/s/langford/homes>)

<https://www.airbnb.ca/rooms/43830132> -this one advertises "a purpose built, legal suite"

<https://www.airbnb.ca/rooms/37636892> - "a single home at the top of a private road"

<https://www.airbnb.ca/rooms/50638081> - "ground level studio in Langford in new home"

<https://www.airbnb.ca/rooms/25230774> - "...top of Bear Mountain. Entire guest suite with private entry..."

<https://www.airbnb.ca/rooms/46621243> "1 br suite in Brand New Westshore Home"

<https://www.airbnb.ca/rooms/46777623> "spacious 2br suite in family house"

<https://www.airbnb.ca/rooms/50524551> "beautiful bottom suite in home with garden and backyard"

<https://www.airbnb.ca/rooms/plus/17991358> "Catch the west coast vibe...at this snug, peaceful home"

<https://www.airbnb.ca/rooms/22908708> "cozy and private 2 br suite"

<https://www.airbnb.ca/rooms/36341250> "modern, private suite in new house"

<https://www.airbnb.ca/rooms/19636669> "like new private and spacious suite"

While on paper the density of the proposal is the same, the form of housing is very important in today's housing market. In 2019, CBC reported that *AirBnb's "biggest players in Canada are actually - and sometime secretly - multimillion dollar for profit corporations"*.

<https://www.cbc.ca/news/business/biggest-airbnb-hosts-canada-corporations-1.5116103>

Recently the Core Development Group announced plans to buy \$1B of single family homes in BC and other provinces. A prime mountain top location like Kingsview will surely fetch a premium in the corporate commercial short term rental detached homes market.

<https://globalnews.ca/news/7950579/developer-buy-1-billion-homes-canada-housing-market/>

The developer claims that this application is about affordability. I don't believe it for a second! By what local bylaw or covenant are these detached homes assured to be owned or occupied by long term residents of North Cowichan? The evidence indicates that it is most likely that these homes will end up in the commercial

short term rental market.

Additionally, I don't believe the developer's proposed CAC is adequate. Won't this transfer of land save the developer money, because it will not have to pay property tax on these parcels once they are transferred? Further, \$75K in cash is an inadequate amount of money considering the payoffs the developer can achieve by building detached dwellings.

Lastly, I believe the parking issue is a result of poor planning at the landscape level over the years by our municipality. We have thousands of acres of municipal forest lands on Mt Prevost and Mt Sicker with no formal recreation amenities, despite heavy impacts from industrial forestry. We should be building out our recreation infrastructure across our MFR, and partnering more with private forest land owners, to increase the options for recreation in our forests. Residents of North Cowichan are boxed in due to the lack of crown lands in our region. The access to private lands is heavily restricted throughout the CVRD. Staff time should be reallocated away from subsidizing developer profits, as we are in this case, and toward creating opportunities for all residents.

Sincerely,
Chris Crowther
5917 Highland Ave

From: Beverley McKeen [REDACTED]
Sent: Friday, September 17, 2021 9:49 AM
To: Public Meetings
Subject: Bylaws change

FIPPA s. 22(1)

Dear MNC,

Please ensure critical water shortages will not be exacerbated with the continued development on the Kingsview failed golf course and surrounding sites. How will these proposed bylaw changes affect our current severe drought Level 5 declaration and warnings? Where will sewage be treated prior to effluent releases, and into what bodies of water will these flow?

I await your timely responses.

Sincerely,

Beverley McKeen

Lakeview

Sent from my iPhone

From: Brent Bee [REDACTED] **FIPPA s. 22(1)**
Sent: Friday, September 17, 2021 10:32 AM
To: Public Meetings
Cc: [REDACTED] **FIPPA s. 22(1)**
Subject: ZONING AMENDMENT BYLAW 3825 - KINGSVIEW

HOMEOWNERS: BRENT B / KRIS N

ADDRESS: 6053 SANSUM DRIVE

We have lived at this address since April of 2020 after looking for a suitable home for a year when my wife and I both took jobs in Duncan. The Kingsview / Cliffs area was most attractive to us, but there was little inventory at the time, we felt lucky to get the home we wanted during uncertain Covid times.

When we drove the neighbourhood endlessly looking at vacant lots or potential homes, we were not oblivious to the fact there would be future development in the scarred mountaintop of Tzouhalem, or the Southside of Kingsview right above where our home sits. We also made the assumption that the end of Sansum Road where our house is the last one, would also be completed at some point to complete the development.

What we did not anticipate seeing is that the properties directly adjacent to our property would be part of a future development. The map shows three lots next to ours without any kind of buffer between our lots. This is not a situation where houses are built in an area and an empty lot sits vacant until it gets developed years later. We assumed our lot wouldn't be the last on the street, but we didn't assume development would begin directly beside us without any kind of buffer. We were very clear with our realtor and the selling realtor and asked questions about the development and looked online for details showing what the future may bring as far as development goes. We very well may have made a different purchase if we knew what we know today, so these are a few concerns we have:

- Can a buffer zone be created between our property and the next property developed along Sansum Road?
- Can the adjacent landowner have first option to buy the empty lot next to them (if a buffer is impossible) in order to get relief from the expected road construction, land development and home building?
- What will the traffic impact be as it looks like Sansum will be a main thoroughfare? Are there any traffic calming measures anticipated to reduce speeds on Sansum?
- Will there be a covenant to build in a certain timeframe once the development's utilities / amenities are in place?
- The increased tax revenue realized with the new homes should reduce overall taxes for the area while increasing opportunities like transit service. In some jurisdictions, the city passes on development costs to the taxpayers and not to the developer, can we assume/expect our individual property taxes will go down with the increased revenue when new homes come on line? In other words, are all development costs borne by the developer and not covered by current homeowners in the area in any way?
- There are few areas on the scarred landscape of Tzouhalem with trees, apart from the area where Sansum Road would continue its path, does NC know how many of these large trees would have to be removed?
- Development comes with noise, we are aware of loud pounding happening on the mountain at 7:45 AM, perhaps they are for foundations, but it isn't happening near our home, rather it's somewhere in the lower half of the development. Is there a noise limit developers must stay within? If there's ongoing

noise for several months, what remedies do taxpayers have when they don't get to enjoy their home? If taxpayers have a home-based business like massage therapy, a quiet and calm atmosphere is required, will home-based businesses be compensated if they must conduct their business off-site rather than their home? What about shift workers needing rest during regular daytime hours? Or the quiet needed for infants so both the parent and child can rest? Our homes are our sanctuaries, disturbances must be kept within noise limits, time of day limits, duration limits and so on.....and they must be acceptable to the surrounding community.

- The maps in the information package clearly indicate that there is a commercial development lot at the corner of Selkirk and Kingsview, but we've not seen any talk about developing the lot with amenities a neighbourhood this size needs, like groceries, petrol or a simple convenience store. Instead, all residents from Genoa Bay through Maple Bay and all the way to Lakes road must go to the 7-11 on Lakes to pick up a simple item. This is not a walkable distance and it's several minutes by automobile, hardly meets the idea of being "green" and does little to connect us to our neighbours. Why is this still undeveloped and when will this area be developed? Will it be before or after the commercial location at Nevilane and Viewtop? We think it's incredibly myopic to not realize tax revenue from businesses that directly serve the local community. If there isn't already a waiting list of anchor-sized businesses wanting to set up shop there, then the local government either doesn't have a plan for it or is sitting on it for some reason unbeknownst to us.
- Is there a desire to create a community similar to the one we can see along Westshore Parkway near Goldstream? This is a terrible looking neighbourhood with cookie cutter homes situated as closely as possible to each other. There's little parking and it looks like a developer's dream with lots of homes on small lots selling for large dollars. We would rather not see this happen in our community and by the look of the size of the small comprehensive lots relative to the regular sized lots, it's not hard to imagine tall, boxy homes maximizing inside space and raising rooflines. Where can we see what the developer is imagining? Are there any street-level renderings of the overall vision?
- We can't imagine long term residents of the Properties, especially along Kingsview Road would be happy with changes to the overall direction of the Kingsview development, especially if they chose to buy / build because of nearby golf course plans. Is it true the golf course and homes surrounding the course were unable to secure a supply of water for the proposed development? If so, what does the water usage profile look like with the increased density of homes and their landscapes and personal water needs? In other words, does the new proposal use less water than a golf course and homes surrounding them?
- Changing direction from a golf course to a high-density community is a 180 degree shift, what assurances do homeowners in this area have that future governments won't change direction again? If our current government does not consider "*location, location, location*" as a legitimate concern homebuyers have, we believe there will be considerable resistance from legacy homeowners and new homeowners in the area would likely side with them. If there is overwhelming opposition to this proposal, would that be enough to halt the proposal as it looks today and force the developer to rework the plans to better suit the vision of the local community and not just the larger NC jurisdiction? We did not live here at the time, but when the shift from golf course to full community development was made, it would seem to us that there would have been push-back at that time if the entire community knew about it, so what was the result of consultations with local homeowners? Is it possible to learn what people thought then and how the government / developer addressed their concerns? You could say we are trying to gauge the trust legacy homeowners have placed with current and past governments as it would shape our viewpoint on this proposal.

We are recent empty nesters with a retirement timeline that seems to be in line with the 10 year development timeline noted in the package. We look forward to learning more and hope we are further consulted about development plans in the area.

Kind regards,

Brent B and Kris B

From: Linda Hicks [REDACTED] **FIPPA s. 22(1)**
Sent: Friday, September 17, 2021 11:18 AM
To: Public Meetings
Subject: Re: Zoning Amendment Bylaw (text amendment - Area 3 of CD18), 2021, No 3825 (CD18 Kingsview Comprehensive Development Zone-Area 3)

Re: Zoning Amendment Bylaw (text amendment - Area 3 of CD18), No 3825 (CD 18 Kingsview Comprehensive Development Zone - Area 3)

Mayor and Council, Municipality of North Cowichan

Thank you for the opportunity to provide and have my concerns regarding the above zoning amendment heard and addressed.

1. Could I please have clarification and the rationale for the inclusion of the entire PID 002-425-602 block being swept into the rezoning application. Most of this area has been previously allocated as green space, has a ravine running through the middle and a second ravine on the eastern border. Will this green space and the ravines be protected? Both are important ecologically for wildlife, egress of water and an environmental buffer. I would wholeheartedly disagree with any possibility that the green space be in danger of sacrifice. It needs to be and should be protected.

2. Through the green space located within PID 002-425-602 and noted on Map 1 (page 159) and Map 2 (page 160) of Ms von Schilling's July 21/21 presentation to Council is what is referred to as a "paved rural standard" with a "gravel access road" exiting the green space and into Municipal Land just beyond the Kasper Road parking lot trailhead. Please provide an understanding of what this is and a commitment that the "path" will not become a "road" and then become a traffic loop. A green space needs to be just that. It does not have motorized traffic.

My final comment is with respect to the confusion leading up to this Public Hearing. The Hearing was to be included in the August 2021 Council meeting. At some point it was removed from the agenda and upon my inquiry I was told by a Municipal employee that it had been removed because there were going to be changes made to the application. As an impacted household I received notice of Public Hearing in the mail, which I have come to understand had a significant error and an omission. Prior to knowing this, considerable time and effort was spent trying to find and understand the information on the first notice and ascertain what the changes were that I was informed were going to be included.

On Monday, September 13/21, I received in the mail, a corrected Notice. As of the writing of this email I am still uncertain if the documents on the Municipal website are

up to date in terms of the re-zoning application. If new information is to come to light after 1 pm September 17/21 then there has been no opportunity for fulsome understanding and input from the public on September 21/21. This is not a method in which to instill trust and transparency in a development that has been surrounded by controversy since its early inception. Water, environmental impact, infrastructure, affordable housing and traffic volume have never and have still not been addressed.

Thank you for your time,
Linda Hicks
6027 Kaspas Road
Duncan, BC

From: Mike Hill [REDACTED] **FIPPA s. 22(1)**
Sent: Friday, September 17, 2021 11:42 AM
To: Public Meetings
Cc: Debbie Macdonald; Mike Hill
Subject: Response to Notice of Public Hearing (Amended) - Zoning Amendment Bylaw (text amendment Area 3 of CD18), 2021 No. 3825

In response to the Notice of Public Hearing (Amended) provided to homeowners adjacent to the affected property, we have the following comments and questions:

1. As residents who made a decision to purchase based on the original plan, why should I support this amendment? What is the benefit to me? How will this affect my property values? My investment? My quiet enjoyment?
2. Given the incomplete information provided to date, it would appear that the developer is seeking to further increase his profits on the development while potentially jeopardizing the character of the neighbourhood with little concern for those who have already purchased based on the original plan. Putting extra dollars in the developer's pocket is not my concern. Providing additional tax revenue to the municipality with a change that may negatively affect our interest is also not our concern.
3. Simply showing a block for the entire townhouse zoned area in the amendment application does not provide sufficient information for homeowners in the area to make an informed decision. Please provide a block schematic layout for the housing units as planned for these areas. Please also confirm the number of units of housing under the existing wording vs what the number of units will be under the amendment.
4. If this bylaw amendment is approved, what will be the height and setback requirements for the single and two-family dwellings? Since this property is still townhouse zoned, we are concerned that the individual houses may be higher than allowed for a typical single family dwelling, yards will be smaller and the density of houses will increase substantially. Will lake views from the Nevilane Drive west side homes be more obstructed with more houses closer together and potentially taller given townhouse zoning, causing property values to diminish?
5. Early provision of parking lots for trail users is hardly compensation for supporting something that you have not provided sufficient details to make an informed decision on. At best, the early provision of parking for others is not of comparable value to local homeowners.
6. Will there be a community consultation process to determine what the look and feel of these proposed structures will be? When and how will this take place? Are there Municipal protections in place to prevent a cookie-cutter approach to developing this property?

7. Will the single and two-family dwelling lots provide for on-site parking, or will residents share a designated parking lot?
8. How will vehicle access be arranged to meet the needs of these single family dwellings? Will there be more laneways and hardscape?
9. Does this amendment proportionately increase the park space allocated within the development?

Sincerely,

Debbie Macdonald and Mike Hill

6324 Nevilane Drive, Duncan V9L 0G1

FIPPA s. 22(1)

From: Tanis Bapty [REDACTED] **FIPPA s. 22(1)**
Sent: Friday, September 17, 2021 12:06 PM
To: Public Meetings
Subject: Bylaw 3825 Zoning Amendment Bylaw and Kingsview Comprehensive Development Zone
Attachments: Kingsviewcopy 2.rtf

September 17, 2021

To North Cowichan Mayor and Council

Re Bylaw 3825

My 'interests in land' are already being affected by bylaws enacted by North Cowichan. The increased traffic on Maple Bay Road is overwhelming. The last two months of impact compactor banging through the weekdays have ruined peaceful enjoyment of outdoors in summer. And now the plan is to increase housing on an already vulnerable slope.

Why AGAIN ask the public through a 'Notice of Public Hearing' at this stage? Are you listening?

Every tree and usable soil have been removed from the subject area in spite of requests to keep arbutus trees. No stability management there.

What have Mayor and Council and highly paid professional staff learned from other communities about ecological preservation and the creation of bare land for housing?

Is it enough that the small retention ponds will manage the predicted increased rainfall?

Is the additional tax revenue from extra dwellings and increased housing worth the potential risks associated with that hillside?

Has a risk assessment been done to assess a dip slope slide in the event of rain and an earthquake?

Responsible governance is expected.

Yours truly,

Tanis and Michael Bapty
1360 Maple Bay Road,
Duncan, B.C.
V9L 5R5

PUBLIC HEARING INFORMATION PACKAGE

Digital Version

Zoning Amendment Bylaw (6353 Genoa Bay Road), 2021 Bylaw No. 3847

Public Hearing Notice & Draft Bylaw No. 3847

1. Notice of Public Hearing for **September 21, 2021** at **6:00 p.m.**
2. Public Hearing Ad – 1st Notification – September 9, 2021
3. Public Hearing Ad – 2nd Notification – September 16, 2021
4. Bylaw No. 3847
5. Subject Property

Staff Reports

1. Staff Report to August 18, 2021 Regular Council
2. Presentation to August 18, 2021 Regular Council

Minutes

1. Excerpt from August 18, 2021 Regular Council Minutes (1st & 2nd Reading - Defeated)
2. Excerpt from September 1, 2021 Regular Council Minutes (1st & 2nd Reading - Carried)

Correspondence

1. Letter dated April 22, 2021 to Applicants re: Application Acknowledgement

Public Comments

1. Email dated September 11, 2021 from Sharon Berkey (Opposed)
2. Email dated September 15, 2021 from Tina Wood (Opposed)

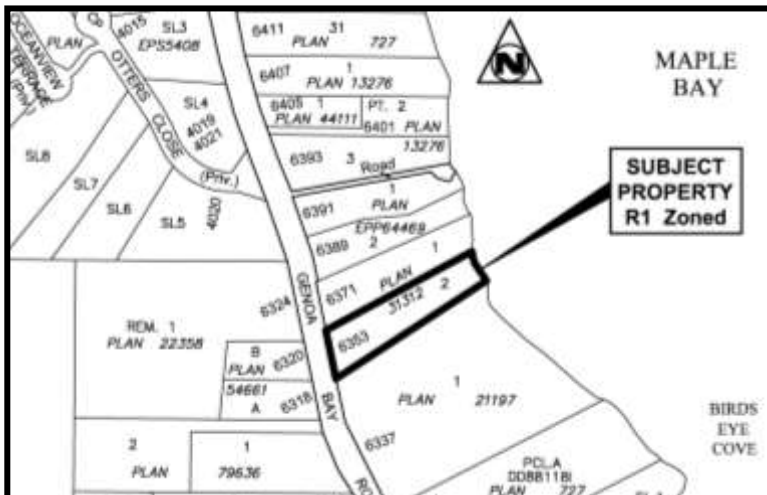
NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **6:00 p.m. on Tuesday, September 21, 2021** to allow Council to receive public input on proposed Bylaw 3847 which proposes to amend "Zoning Bylaw 1997," No. 2950. Due to the COVID-19 Pandemic, this hearing will be held electronically in accordance with Ministerial Order M192 and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. To view the hearing as it is streamed live go to www.northcowichan.ca/Agendas, and click on the 'Live Stream Viewer' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

Bylaw 3847 - "Zoning Amendment Bylaw (6353 Genoa Bay Road), 2021" proposes to amend section 56 (4) [density in the Residential Rural Zone (R1)] of Zoning Bylaw 1997," No. 2950 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)."

The purpose of the proposed bylaw is to allow for a second detached residential dwelling on the subject property as outlined in bold on the adjacent map.



Public Input

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m. on Friday, September 17, 2021**, using any of the writing methods identified below. Comments may also be shared verbally by following the instructions provided below.

1. In Writing:

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Rob Conway, Director of Planning and Building

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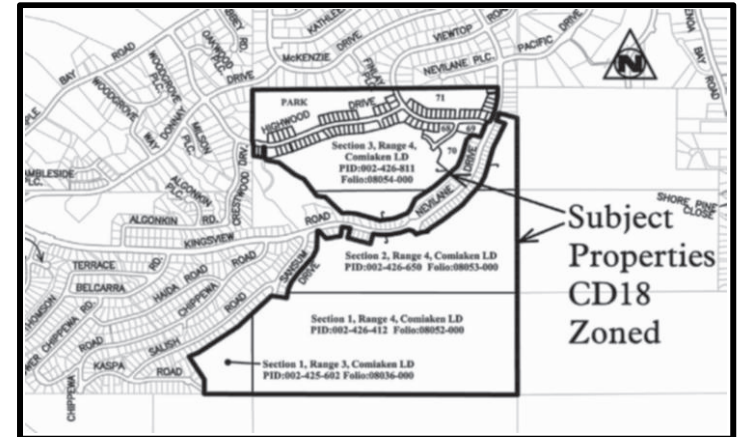
MUNICIPALITY OF
NORTH
Cowichan

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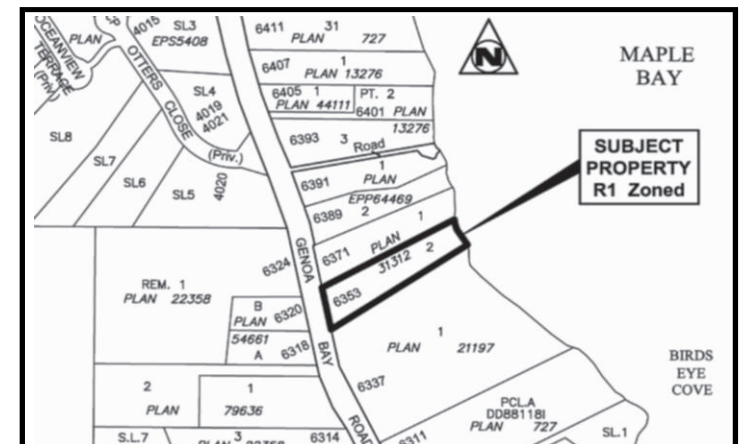
- (1) Increasing the minimum lot area for Area 3 from 1100m² to 2200m²; and
- (2) Permitting single-family and two-family detached dwelling units in SUB-AREAs A and B that are currently designated as 'townhouse' use.
 - (a) in SUB-AREA A the total number of dwelling units in the form of single family dwelling and/or two-family dwelling shall not exceed 30% of the total number of dwelling units for each parcel for the whole development of that parcel, and
 - (b) in SUB-AREA B the total number of dwelling units in the form of single family dwelling and/or two-family dwellings may comprise up to and including 100% of the total number of dwelling units for each parcel for the whole development of that parcel.
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Public Input

If you believe your interests in land will be affected by the proposed bylaws, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m.** on **Friday, September 17, 2021**, using any of the writing methods identified below. Comments may also be shared verbally by following the instructions provided below.

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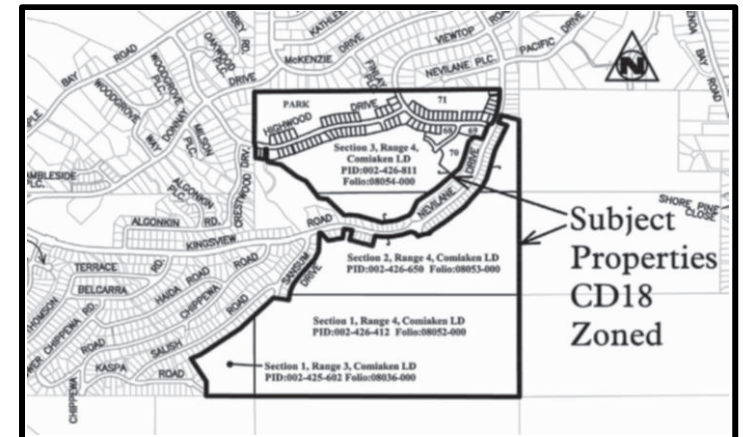


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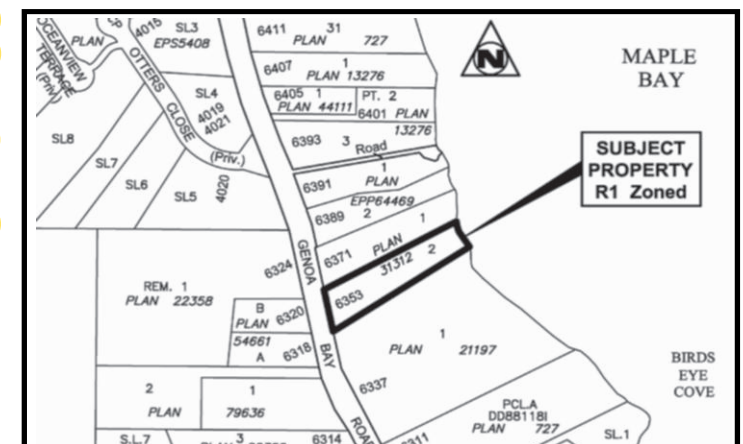
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The Corporation of the District of North Cowichan

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 September 1, 2021

READ a second time on September 1, 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

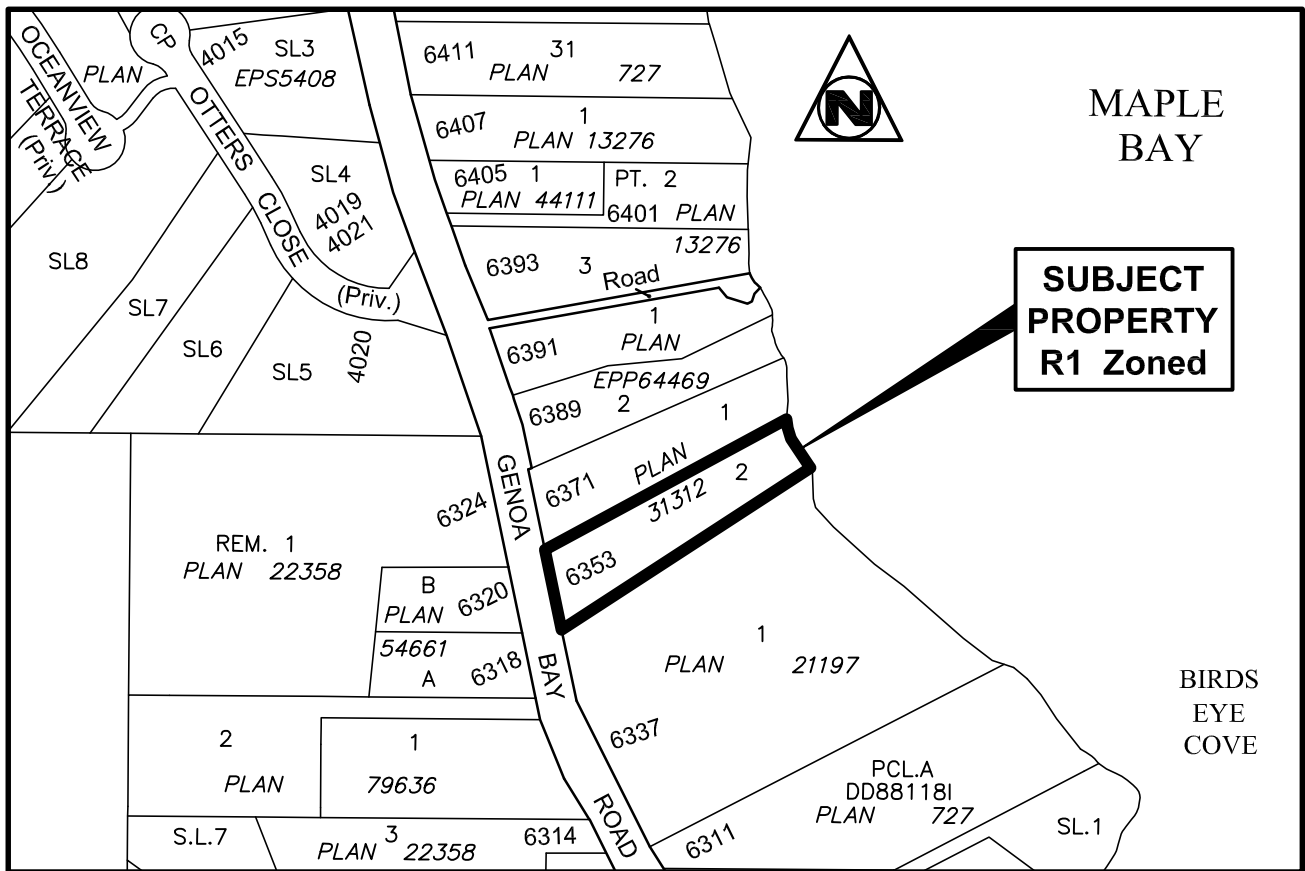
READ a third time on

COVENANT registered on

ADOPTED on


CORPORATE OFFICER

PRESIDING MEMBER



STAFF REPORT & COUNCIL PRESENTATION

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

Discussion

Site Context

The subject property (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 94.76m² (1020ft²) (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 94.76m². 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 2.76m² (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.

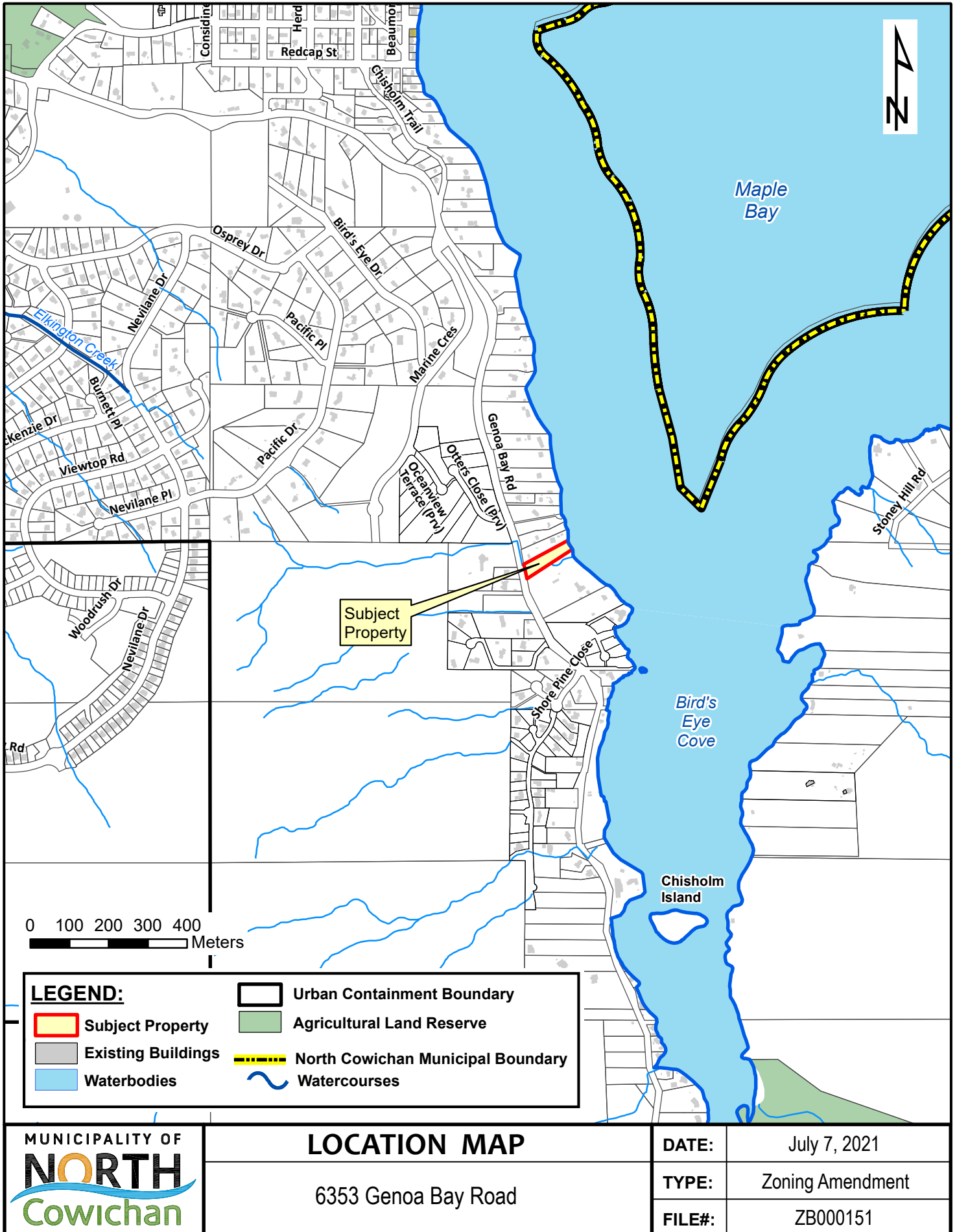
The social implication with this application is the potential for the provision of additional affordable rental housing and its consistency with Council's goal for '*providing housing choices for all*' as identified in the 2019-2022 Council Strategic Plan.

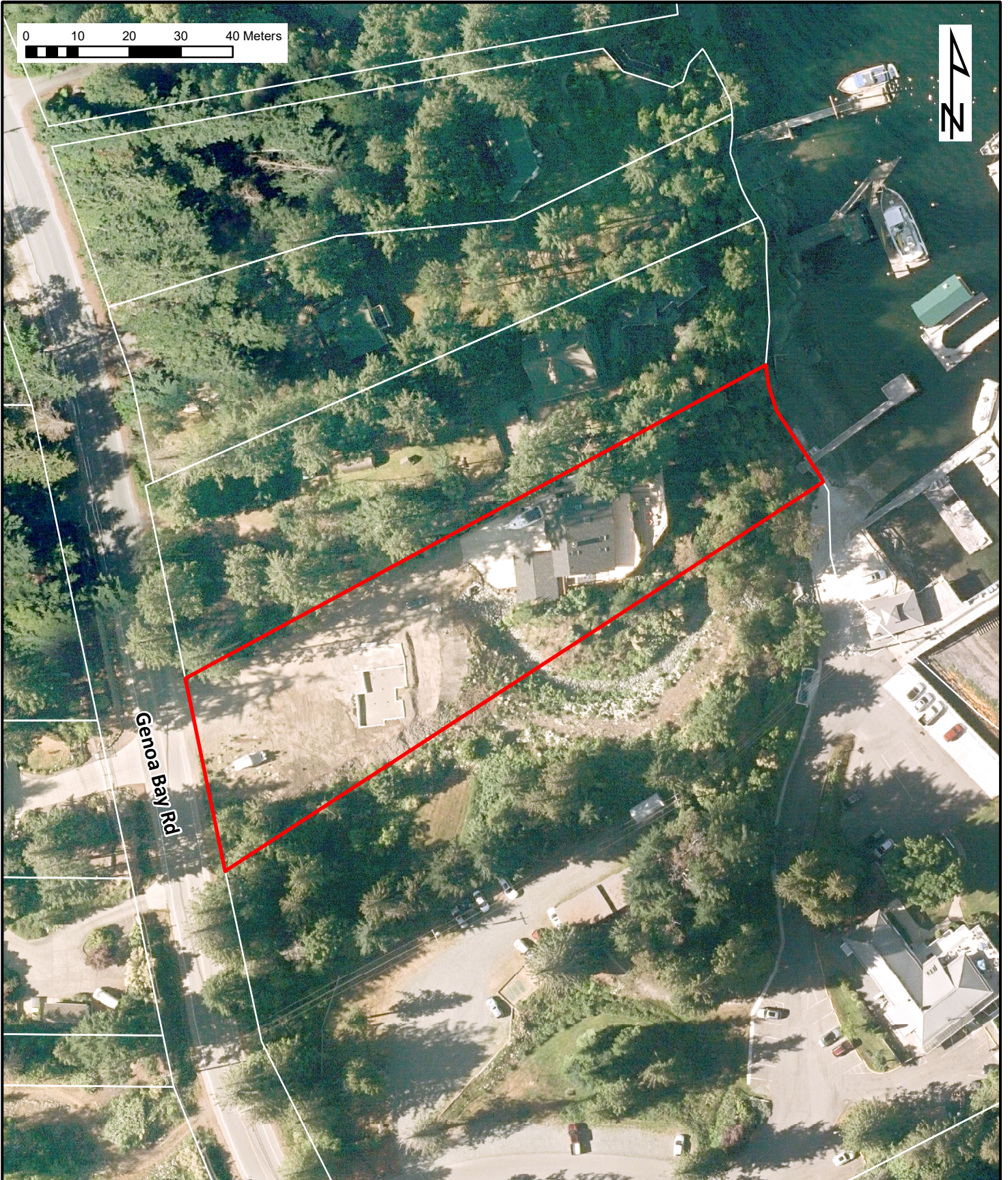
Recommendation

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*.

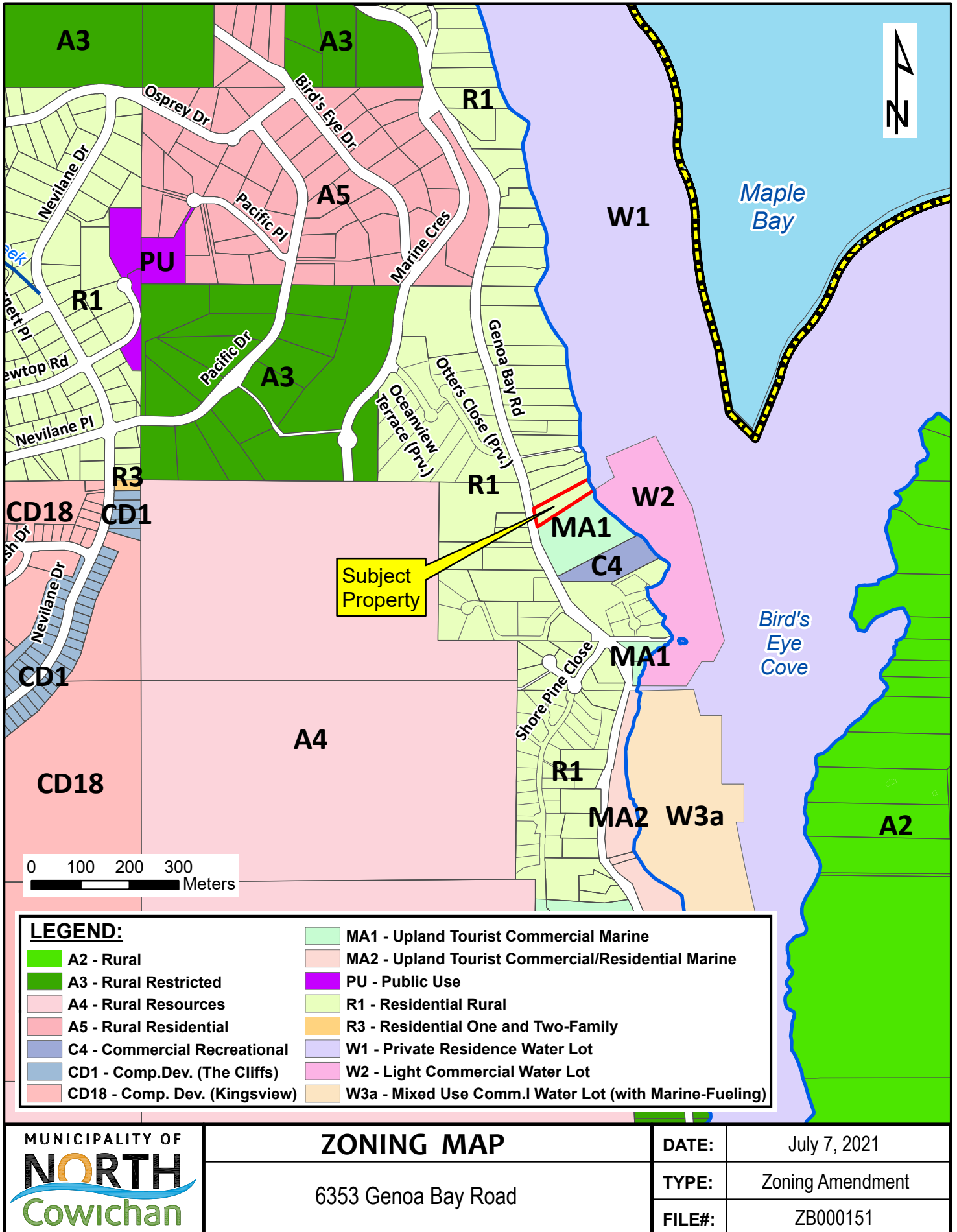
Attachments:

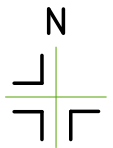
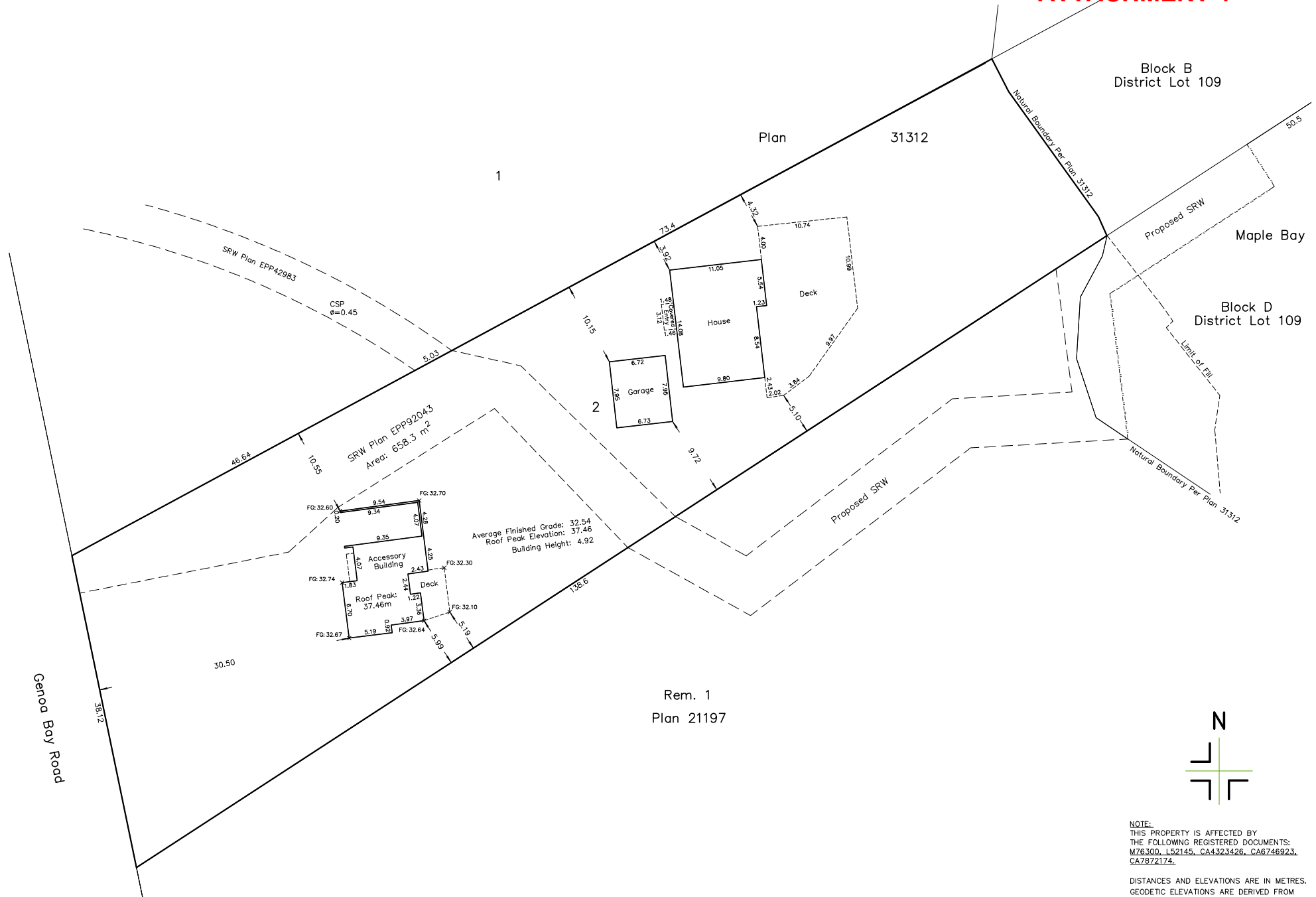
1. Location Map
2. Orthophoto
3. Zoning
4. Survey 2021-01-28
5. Residential Rural Zone (R1)
6. Letter of Rationale
7. Draft Second Dwelling Covenant
8. Draft Zoning Amendment Bylaw No. 3847





	ORTHOPHOTO MAP		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 m² (18,029 sq. ft.).

Minimum Frontage

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

Density

- (4) The maximum permitted density for the R1 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
 - (b) Despite the foregoing, the placement of a Temporary 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 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
 - (h) [Repealed. BL3367]

April 1st, 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 22nd, 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 types²⁹ (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)

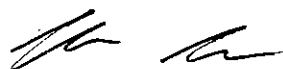
Water is provided by the District.

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 94.76m². 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

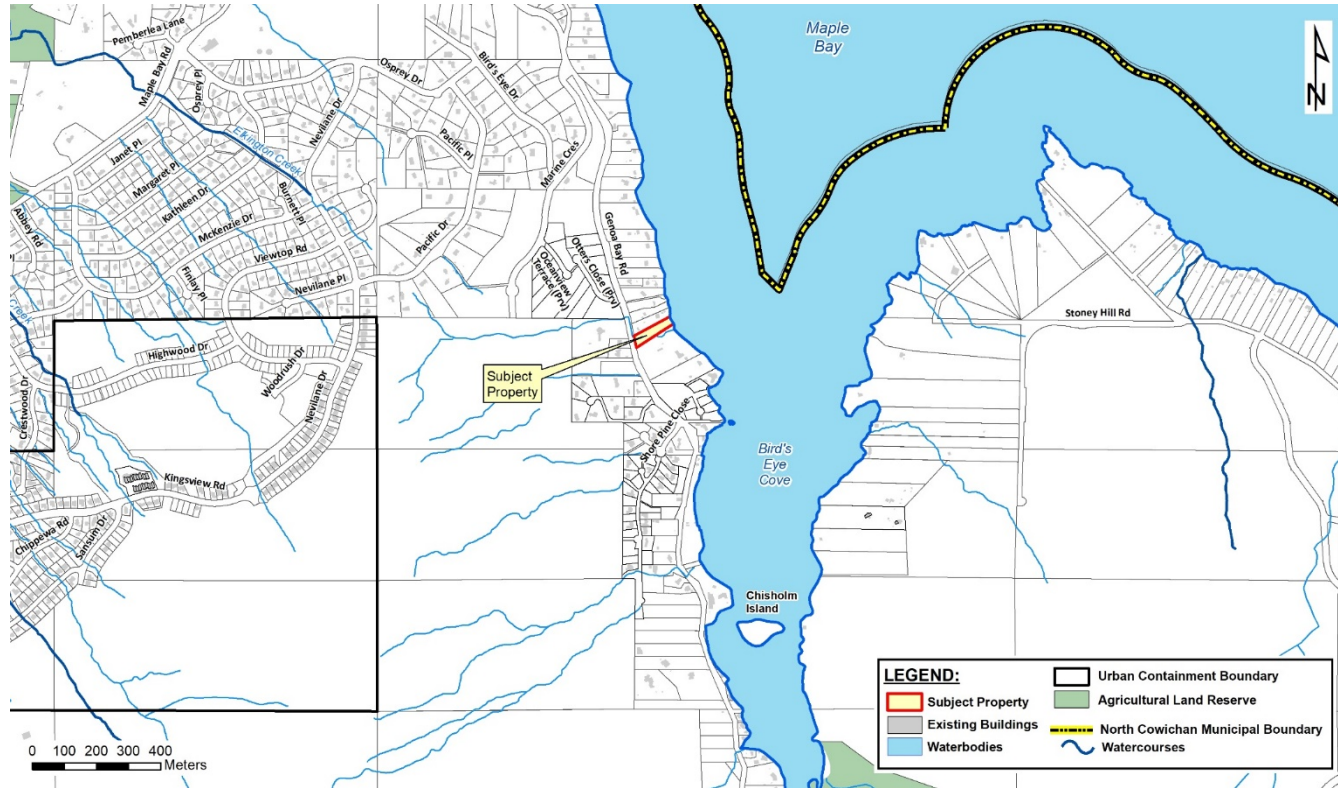
CORPORATE OFFICER

PRESIDING MEMBER

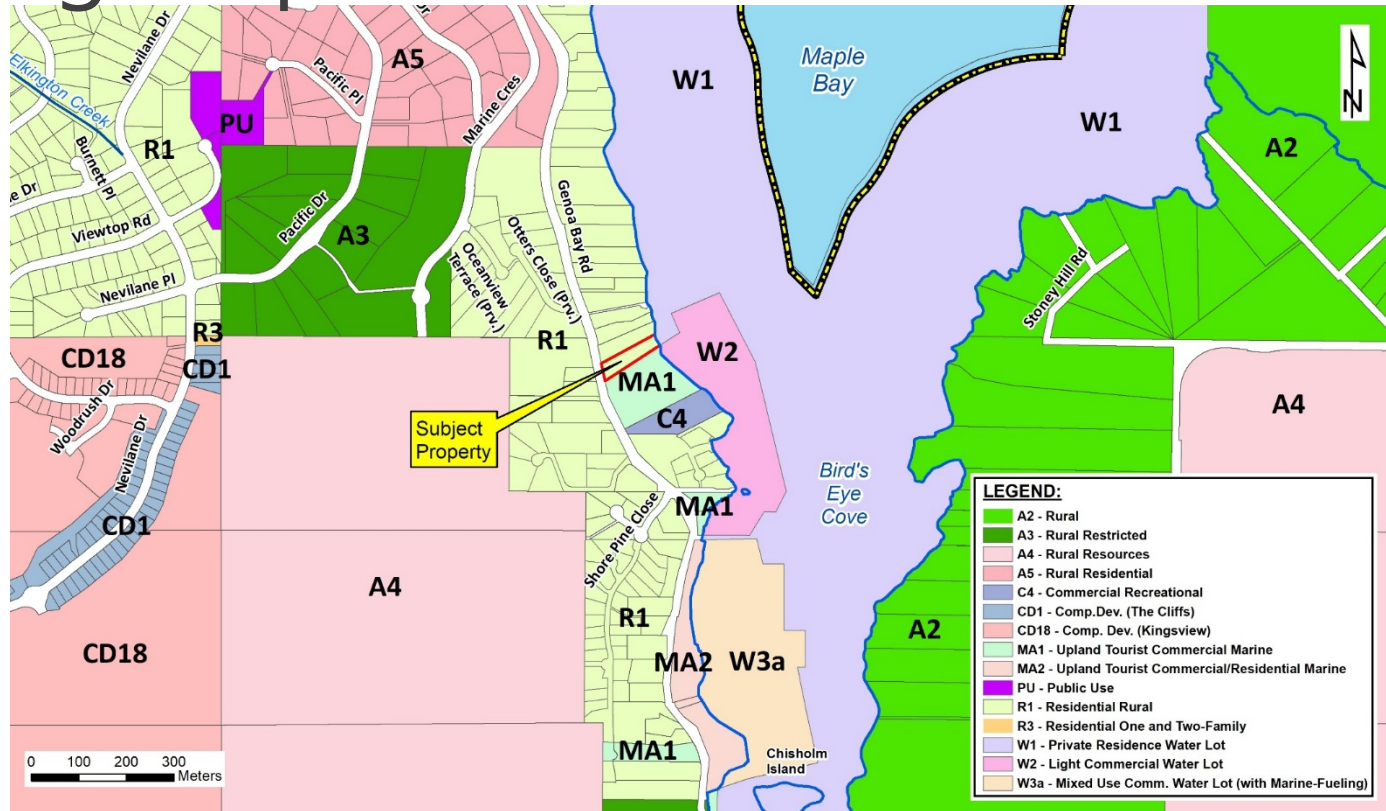
Zoning Bylaw Amendment Application No. ZB000151

Address: 6353 Genoa Bay Road
Applicant: Robyn Kelln

Location Map



Zoning Map



Orthophoto



Zoning Amendment Proposal

- Site-specific zoning amendment to permit a second detached dwelling in addition to a principal single family dwelling at this address

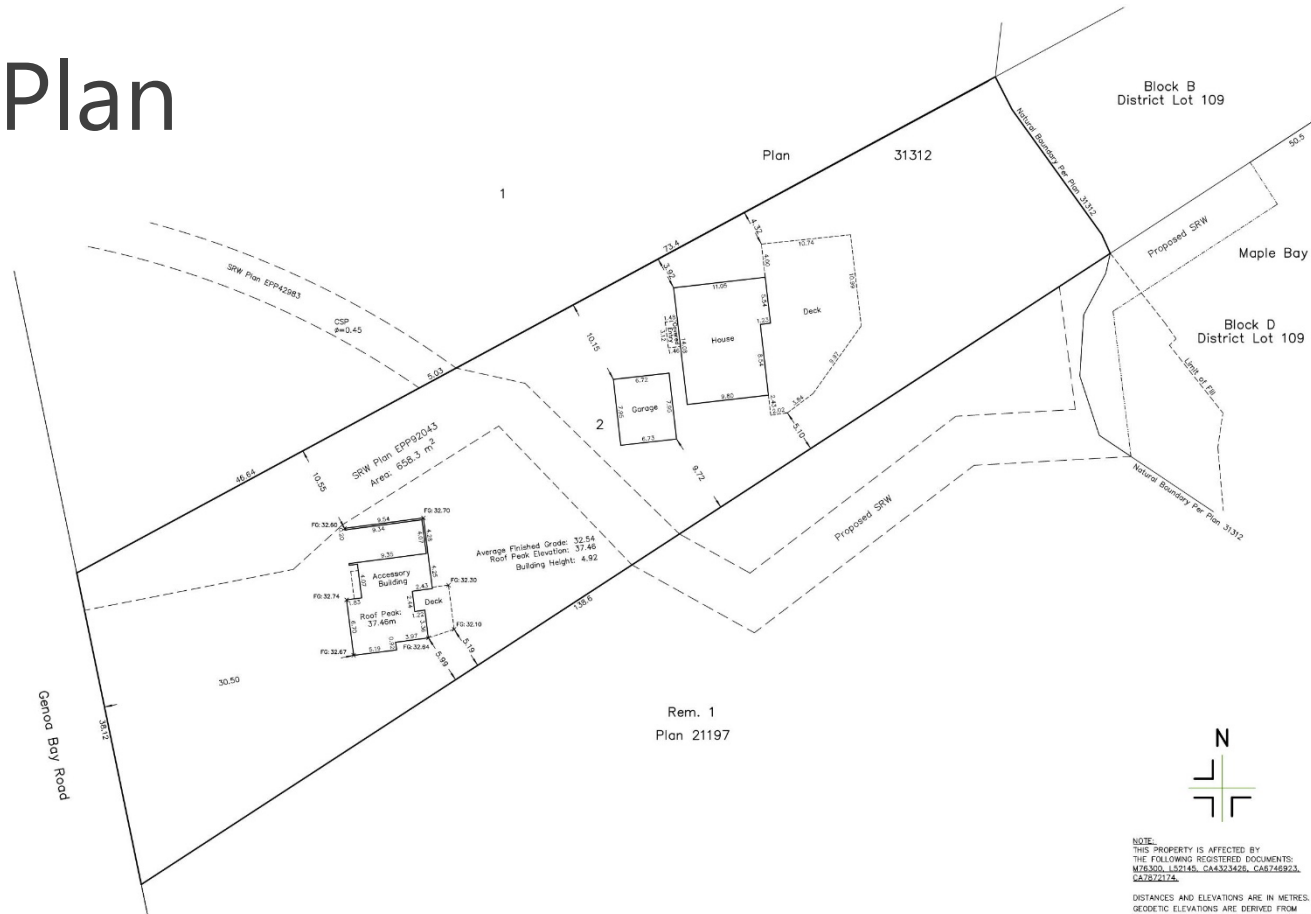
Bylaw and Policy Considerations

- 'Two-family dwelling' is permitted under the R1 zone
 - *The request is to re-allocate the same density to two detached residential buildings*
 - *The applicant has agreed to enter into a restrictive covenant to limit the use of the property and size of the second dwelling*
- The application is generally compliant to the OCP and fulfills the intentions of the Second Dwelling Rural Lands Policy
 - *Property size is 0.405 ha (1 acre); Serviced by municipal water*

Covenant Restrictions

- Prohibits future subdivision and stratification
- The second dwelling will be limited to 94.76m^2 (1020ft²), the size of the existing accessory building

Site Plan



NOTE:
THIS PROPERTY IS AFFECTED BY:
THE FOLLOWING REGISTERED DOCUMENTS:
M16350, L32146, C448234926, C487468923,
C478272174.
DISTANCES AND ELEVATIONS ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM
CONTROL MONUMENT 4549 (CV2286C DATUM).

Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



COUNCIL MINUTES

and forest management in British Columbia.

7. PUBLIC INPUT

Council received public input from one member of the public regarding consent agenda item 2.2.13.

8. BYLAWS

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

IT WAS MOVED AND SECONDED:

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

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

IT WAS MOVED AND SECONDED:

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. CARRIED

8.3 Fireworks Regulation Bylaw No. 3810, 2021 for adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt Fireworks Regulation Bylaw No. 3810, 2021. CARRIED

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

IT WAS MOVED AND SECONDED:

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

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

IT WAS MOVED AND SECONDED:

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*.

(OPPOSED: Douglas, Justice, Marsh)
DEFEATED

9. REPORTS

9.1 REPORTS FOR DECISION

6.3 Regional Emergency Program with Cowichan Valley Regional District

April Diver, Emergency Program Coordinator, from the Cowichan Valley Regional District (CVRD) presented the Regional Emergency Response Program and answered questions from Council. Brian Carruthers, Chief Administrative Officer, and John Elzinga, GM Community Services, from the CVRD were also present and answered questions from Council. A copy of the presentation materials is appended to the agenda.

7. PUBLIC INPUT

Council received no public input regarding agenda items.

9.1.2 Regional Emergency Program

IT WAS MOVED AND SECONDED:

THAT Council approve

- (1) North Cowichan's participation in a single regional Emergency Management Organization established by the Cowichan Valley Regional District Board.
- (2) That through the newly established Cowichan Emergency Management Organization, implementation of the report's recommendations be carried out in a phased approach.

CARRIED

Council recessed, by unanimous consent, at 3:13 p.m. and reconvened at 3:25 p.m.

8. BYLAWS

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

IT WAS MOVED AND SECONDED:

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*.

(Opposed: Douglas, Justice, Marsh)

CARRIED

IT WAS MOVED AND SECONDED:

THAT the meeting be extended to 9:00 p.m.

CARRIED

8.2 Fire Protection Bylaw No. 3841, 2021 for first three readings

IT WAS MOVED AND SECONDED:

THAT Council give first and second readings to Fire Protection Bylaw No. 3841, 2021.

Council, through unanimous consent, postponed consideration of the above motion when moving the following motion:

IT WAS MOVED AND SECONDED:

THAT Council refer Fire Protection Services Bylaw No. 3841, 2021 back to staff to amend the bylaw based upon Council's discussions.

(Opposed: Marsh, Sawrie)

CARRIED

CORRESPONDENCE

April 22, 2021

Prospero No: ZB000151
Folio No: 09570-000
File No: 3360-20 20.24

Adam Kelln
Robyn Kelln
2188 Northend Road
SALTSPRING ISLAND BC V8K 1E1

Dear Sirs

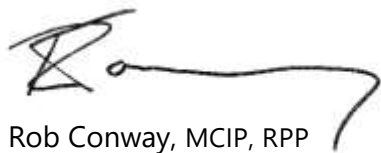
Re: Zoning Bylaw Amendment Application for 6353 Genoa Bay Road¹

We are in receipt of your Zoning Bylaw Amendment application for the above-noted property. The application fee in the amount of \$2500.00 is also acknowledged.

Anthony Price, Planning Technician will be your key contact and may be reached by phone at 250-746-3260 or by email to anthony.price@northcowichan.ca. Please contact him directly should you have any questions.

Please reference our file number ZB000151 on all future correspondence pertaining to this application.

Sincerely



Rob Conway, MCIP, RPP
Director of Planning and Building
PLANNING DEPARTMENT

/fb

¹ LOT 2 SECTION 3 RANGE 5 COMIAKEN PLAN VIP31312 & SEC 4. - PID: 001-165-283

PUBLIC COMMENTS

From: Sharon Berkey [REDACTED] **FIPPA s. 22(1)**
Sent: Saturday, September 11, 2021 12:58 PM
To: Public Meetings
Subject: Bylaw 3847 - 6353 Genoa Bay Rd

Hello,

I'm a bit confused regarding this re-zoning issue on Genoa Bay rd. Since I already see a second house built on this property it kind of looks to me, that you have already agreed to the rezoning permitting a second home. Perhaps you can explain to me why this was permitted prior to the re-zoning application. I'm not versed on how building permits are issued etc, but isn't putting the 2nd house on the property prior to rezoning being approved, being a bit presumptuous by the builder/owner?

Is this setting up future 2nd houses on all properties in Maple Bay, where the road infrastructure can hardly handle what is already here? How is North Cowichan proposing to handle extra cars on these roads? If this is North Cowichans attempt to provide more affordable housing units, I hardly think that any starter homes in Maple Bay would be feasible for people looking for affordable housing.

I do not agree that a second home should be permitted on this property as you will now be setting a precedent.

Regards,
Sharon Berkey
6490 Birdseye Dr
Duncan BC, V9L 5Y2
[REDACTED] **FIPPA s. 22(1)**

From: tina wood [REDACTED] **FIPPA s. 22(1)**
Sent: Wednesday, September 15, 2021 1:42 PM
To: Public Meetings
Subject: Zoning amendment 6353 Genoa Bay Road

Dear Sir/council,

I am a resident and property owner in Maple Bay and oppose the amendment to allow a secondary dwelling at the aforementioned property.

The impact arising of approval of this zoning amendment is such that it opens the door for other properties of a similar size to also receive a permit for an added workshop which then changes to a second house.

While I realize that rental property is at a premium given the present escalation in real estate prices this should not influence council to allow a secondary dwelling to be added in such a covert manner.

I stand opposed.

Tina Wood.

1060 Shore Pine Close
Maple Bay.

Sent from my iPad



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021

Bylaw No. 3825

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 "Zoning Amendment Bylaw (text amendment – Area 3 of CD18), 2021, No. 3825".

Amendment

- 2 Zoning Bylaw 1997, No. 2950, Section 80.18 (2) [Regulatory Conditions] is amended by replacing the Value for Item 1 [Minimum lot area], Area 3, under Column 3 of "1 100m²" with "2 200 m²".
- 3 Zoning Bylaw 1997, No. 2950, Section 80.18 [Conditions of Use] is amended by adding the following new subsection:

"(7.1) Despite the definition of 'townhouse' under section 12, a 'townhouse' under 80.18 (1) (c) (i) in Area 3, may include 'single-family dwelling' and 'two-family dwelling' whereby:

 - i. in SUB-AREA A the total number of dwelling units in the form of single family dwelling and/or two-family dwelling shall not exceed 30% of the total number of dwelling units for each parcel for the whole development of that parcel
 - ii. in SUB-AREA B the total number of dwelling units in the form of single family dwelling and/or two-family dwellings may comprise up to and including 100% of the total number of dwelling units for each parcel for the whole development of that parcel."
- 4 Zoning Bylaw 1997, No. 2950 is amended by replacing "Schedule D-2" with the "Schedule D-2" attached to and forming part of this Bylaw.

READ a first time on July 21, 2021

READ a second time on July 21, 2021

This bylaw as advertised in the Cowichan Valley Citizen on September 9, 2021 and September 16, 2021, and the municipality's website and notice board on August 30, 2021.

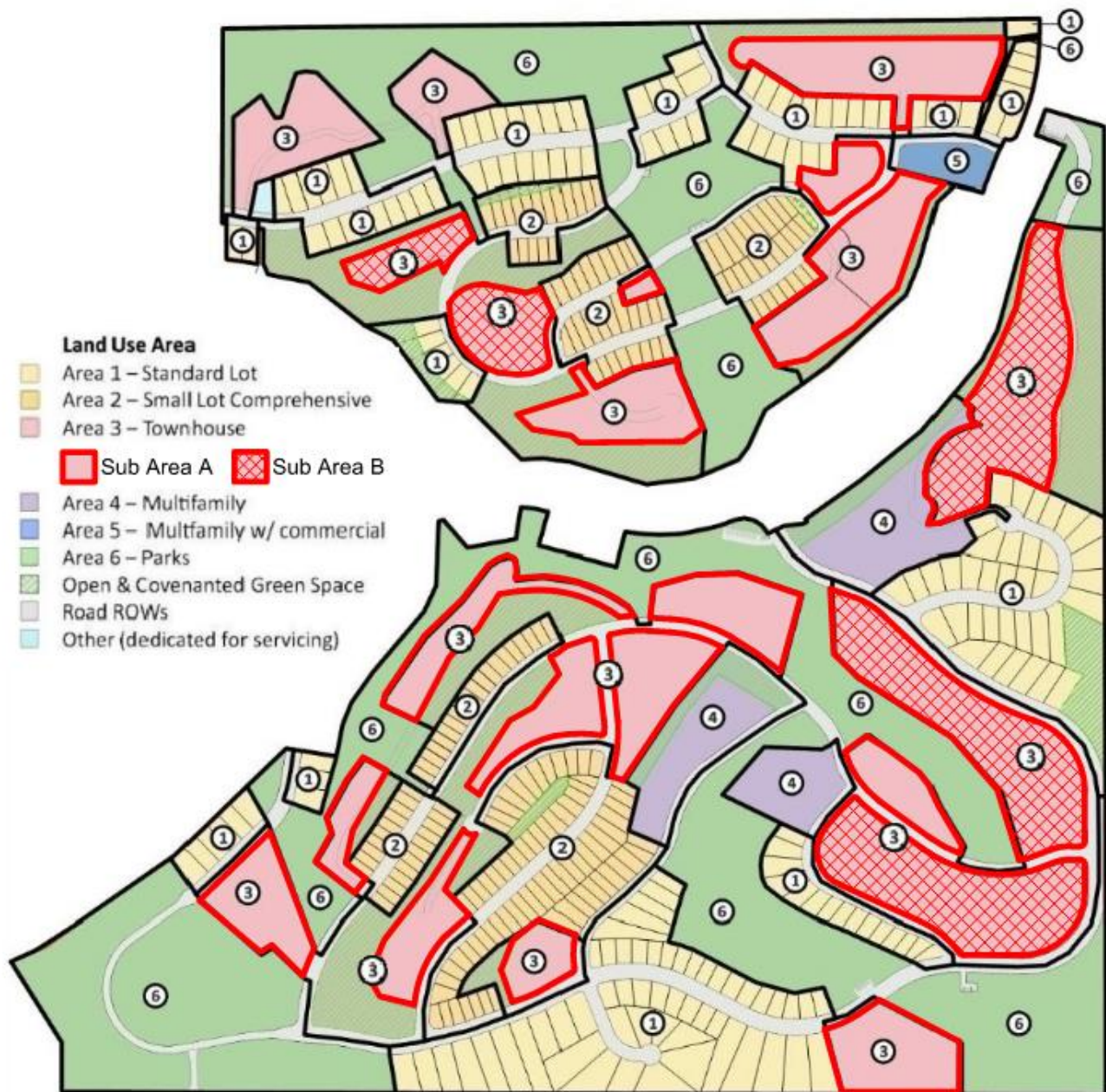
CONSIDERED at a Public Hearing on

READ a third time on

COVENANT registered on

ADOPTED on

Kingsview Comprehensive Development Zone Map





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 September 1, 2021

READ a second time on September 1, 2021

This bylaw as advertised in the Cowichan Valley Citizen on September 9, 2021 and September 16, 2021 and posted on the municipality's website and notice board on August 30, 2021

CONSIDERED at a Public Hearing on

READ a third time on

COVENANT registered on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER